

# Public Document Pack

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Lichfield, Staffordshire WS13 6YU

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24 February 2023

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 6TH MARCH, 2023 at 6.00 PM IN THE COMMITTEE ROOM**, District Council House, Lichfield to consider the following business.

Access to the Committee Room 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 that reads 'Kerry Dove'.

Kerry Dove  
Chief Operating Officer

## To: Members of Planning Committee

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Birch, Checkland, Cross, Evans, Gwilt, 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** To Follow
4. **Tree Preservation Order no. 2022/00472/TPO Vine Cottage,  
Church Road, Shenstone, Lichfield, WS14 0NG** 3 - 12
5. **Planning Applications** 13 - 254



TPO 2022/00472/TPO Vine Cottage, Church Road, Shenstone, Lichfield, WS14 0NG

Cabinet Member Cllr Iain Eadie Cabinet Member for Economic Growth and Development



Date: 6<sup>th</sup> March 2023

Agenda Item: 4

Contact Officer: Andrew Watkins

Tel Number: 01543 308185

Email: Andrew.watkins@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members Councillor David Salter Shenstone Ward

**PLANNING  
COMMITTEE**

## 1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order no 2022/00472/TPO

## 2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation Order without modification.

## 3. Background

- 3.1 A tree preservation order was made on 30<sup>th</sup> of September 2022 in respect of trees within the boundary of both Vine Cottage, Church Road, Shenstone and the grounds of Fox and Hounds Public House, Main Street, Shenstone. The grounds for the order are as follows:

A recent Section 211 Notice notified the Authority that works to the trees upon both addresses was to be undertaken. It was considered that the works would be detrimental to the health of the trees and greatly reduce the amenity value of the specimens, and therefore could not be supported.

The TPO documents are located at Appendix A at the end of the report and can also be found via <https://lichfielddc.ezyportal.com/>

- 3.2 One objection to the order was received and raised a number of points. Correspondence was entered into regarding the objection, but the objection has not been negotiated away.

- 3.3 The objections are detailed below (essentially in the form of previous communication with the objector) and are dealt with in context, for ease of reference:

### Objection Point A

Following advice from a tree surgeon (Middleton Trees) I submitted an application to carry out work (trees in a conservation area) to trees T2 & T3. Your tree officer (Andrew Watson) subsequently visited the site and we discussed the options. We agreed & were happy to re-submit alternative proposals to those of the initial application:-

1. Omit pollarding but carry out crown reduction (approx. 2m ) to T2 to prevent interference with crown of T1.

2. Carry out further investigation of tree T3 to ascertain whether twin stem had 'included' ? bark at fork. To achieve this examination, it would require removal of ivy, discussions/approval with tree owners i.e. Fox & Hounds PH, plus a revisit to be arranged with Middleton Trees to look, discuss and contact LDC with new proposals.

## **Objection Point A Response**

A site visit was undertaken on 20<sup>th</sup> of September 2022, to assess the trees from various vantage points to see what the visual impact would be should the works within the S211 Notice be undertaken.

The works to T2 (Beech) would reduce the height of this tree to around three metres from ground level, in effect leaving a stem devoid of branches.

The removal of T3 (Sycamore) did not seem warranted, given the condition of the tree and level of vigour at the time of the site visit.

During the site visit, the potential works formed part of discussions to see if these works could be changed in such a way lessen effect upon the trees. The objector mentioned that the large mature Sycamore (T1 of the new TPO) to the rear of the garden, was a prized specimen, and that the pollard to T2 was to remove the conflict between T1 and T2. It was suggested that minimal lateral reductions could be performed to the canopy of T2 to reduce the impact of greater works.

The pollard to the Beech (T2) would effectively remove all live canopy of the tree and the tree would not re-generate from this new form and would eventually fail and require removal.

With regards to T3 and whether the condition of the tree had been assessed: it was reported that other than a visual assessment by the agent, no further investigation had been performed. It was suggested that, with the agreement of the neighbouring tree owner, careful removal of the ivy would allow clearer assessment of the point of bifurcation, thus confirming the presence of included bark and therefore a potential inherent weakness.

It was agreed that the agent would be in contact to arrange for the ivy removal, investigation and communicate findings to LDC in due course.

## **Objection Point B**

The very next we heard from LDC was the formal TPO notice Ref; 2022/00472/TPO which arrived before any of the above had being carried out.

We also had a phone call on 1st.Oct. from Middleton Trees (Will) to say he'd received an email from LDC advising a TPO had been made on all 3No.trees. (T1, T2 & T3). He also mentioned a previous and recent email from LDC, that I understand was advising if action wasn't taken a TPO would be forthcoming. I did not receive any such email, hence the TPO coming completely out of the blue. As the applicant I would have thought I would have received any correspondence NOT the tree surgeon.

## **Objection Point B Response**

The Section 211 Notice or Notification of works within Conservation Area was Validated on 25<sup>th</sup> August (2022) by LDC with a Target Date of 6<sup>th</sup> October (2022) at which time the LPA had to either serve a TPO upon the trees within the notification or send a decision notice allowing for the works to continue as per the supplied specification.

It has been confirmed that a standard letter was sent to the objector detailing the process above on the 25<sup>th</sup> of August 2022 and that the objector was the sole party to receive communication in regard to the S211 Notice. The email sent to the tree surgeon was sent to inform them, in their capacity as a contractor, that the trees were now protected by a TPO.

The TPO was hand served on the 30<sup>th</sup> of September to Vine Cottage, the neighbouring Public House and other neighbouring interested parties.

### **Objection Point C**

I think Andrew Watson's (LDC) initial visit was on or around the 27th Sept. 2022. My application 22/01252/TRCA was registered on the 23rd. Aug. 2022, This visit therefore was on, or around, week 5, of the 6 weeks determination period. This left no realistic time to carry out the investigations & consultations, as outlined above, to resubmit proposals and having not received any subsequent warning or advisory email/letter from LDC with regard to withdrawing the initial application I feel it is rather unfair to formally enforce a TPO on trees T1,T2 & T3.

I am not a professional tree surgeon or Council tree officer and do not normally make applications of this nature. I endeavoured to carry out the required procedure in the correct way and I consider I was courteous and pleasant to all parties, with a view to achieving the best result for all to be comfortable with.

If the TPO remains perhaps you may be able to advise if the tree work can still be achieved through an application for works to trees with TPO's?

### **Objection Point C Response**

The site visit was around three weeks after the date of Validation, allowing a further two and a half weeks before a decision was required to TPO the trees or not. Given the previously mentioned amenity value of the trees and the fact that no amended specifications were presented, a decision was made to protect the three trees by way of a TPO.

Should the TPO be confirmed (made permanent) then applications can be submitted for works to the trees.

- 3.4 Applications can be made and determined under the TPO (if confirmed) and if those applications are refused by Lichfield District Council then the applicant has recourse to appeal to the Planning Inspectorate (PINS).
- 3.5 As per 2.1 As per 2.1 and taking the above into account it is recommended that Committee confirm the order without modification.

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order.
Consultation	1. There is a duty to consult the owner of the affected property and all neighbouring properties (who may have common law rights to works on trees protected by the TPO) when the TPO is made. A copy of the order is served on all affected properties and owners/occupiers are invited to comment or object within 28 days of the date of the order.
Financial Implications	1. Tree Preservation Orders make provision for the payment by the local Planning Authority, of compensation for loss or damage caused or incurred, within a twelve-month period from the date of their decision, as a result of their refusal of any consent under the Tree Preservation Order or their grant of consent subject to conditions. There are no financial implications in the confirmation of a Preservation Order.
Approved by Section 151 Officer	Yes/no*
Legal Implications	1. There is a potential for High Court challenge (after confirmation), however this is mitigated by ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.
Approved by Monitoring Officer	Yes/no*
Contribution to the Delivery of the Strategic Plan	1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.
Equality, Diversity and Human Rights Implications	<p>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 of 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 and on balance is justified and proportionate in relation to the administration of the tree preservation order.</p> <p>2. There are not considered to be any specific implications in relation to the Public Sector Equality Duty.</p>
EIA logged by Equalities Officer	Yes/no*
Crime & Safety Issues	1. There are no specific crime and safety issues associated with 2022/00472/TPO
Environmental Impact (including Climate Change and Biodiversity).	1. If a tree preservation order is not confirmed then trees may be lost. This may negatively impact on the potential within the District for carbon capture and delay progress towards net zero.

<b>GDPR / Privacy Impact Assessment</b>	1. The requirements of GDPR are considered to be met both in the service and administration of the TPO and the presentation of the information in the report.
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	<b>Risk Description &amp; Risk Owner</b>	<b>Original Score (RYG)</b>	<b>How We Manage It</b>	<b>Current Score (RYG)</b>
A	High Court Challenge (after confirmation) LDC	Green	Ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.	Green

	<b>Background documents</b> See end of report
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	<b>Relevant web links</b> <a href="https://lichfielddc.ezyportal.com/">https://lichfielddc.ezyportal.com/</a>
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Appendix A

2022/00472/TPO AS SERVED 30/09/2022

SCHEDULE

SPECIFICATION OF TREES

Land at Vine Cottage, Church Road, Shenstone

Tree Preservation Order No 2022/00472/TPO

**Trees Specified Individually  
(encircled in black on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
T1	Sycamore,	Grid Ref: SK-10917-04527
T2	Beech spp,	Grid Ref: SK-10922-04522
T3	Sycamore,	Tree within rear car park of Fox and Hounds Public House, adjacent to Church Road, Shenstone Grid Ref: SK-10923-04517

**Groups of Trees  
(within a broken black line on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		

**Woodlands  
(within a continuous black line on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		

**Trees specified by reference to an Area  
(within a dotted black line on the map)**

<b>Reference on Map</b>	<b>Description</b>	<b>Situation</b>
NONE		



**TOWN AND COUNTRY PLANNING ACT 1990**

**The Lichfield District (Shenstone) Tree Preservation Order 2022/00472/TPO**

**Land at Vine Cottage, Church Road, Shenstone**

The Lichfield District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the Lichfield District (Shenstone) Tree Preservation Order (2022/00472/TPO)

**Interpretation**

2.— (1) In this Order “the authority” means the Lichfield District Council  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—  
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,  
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

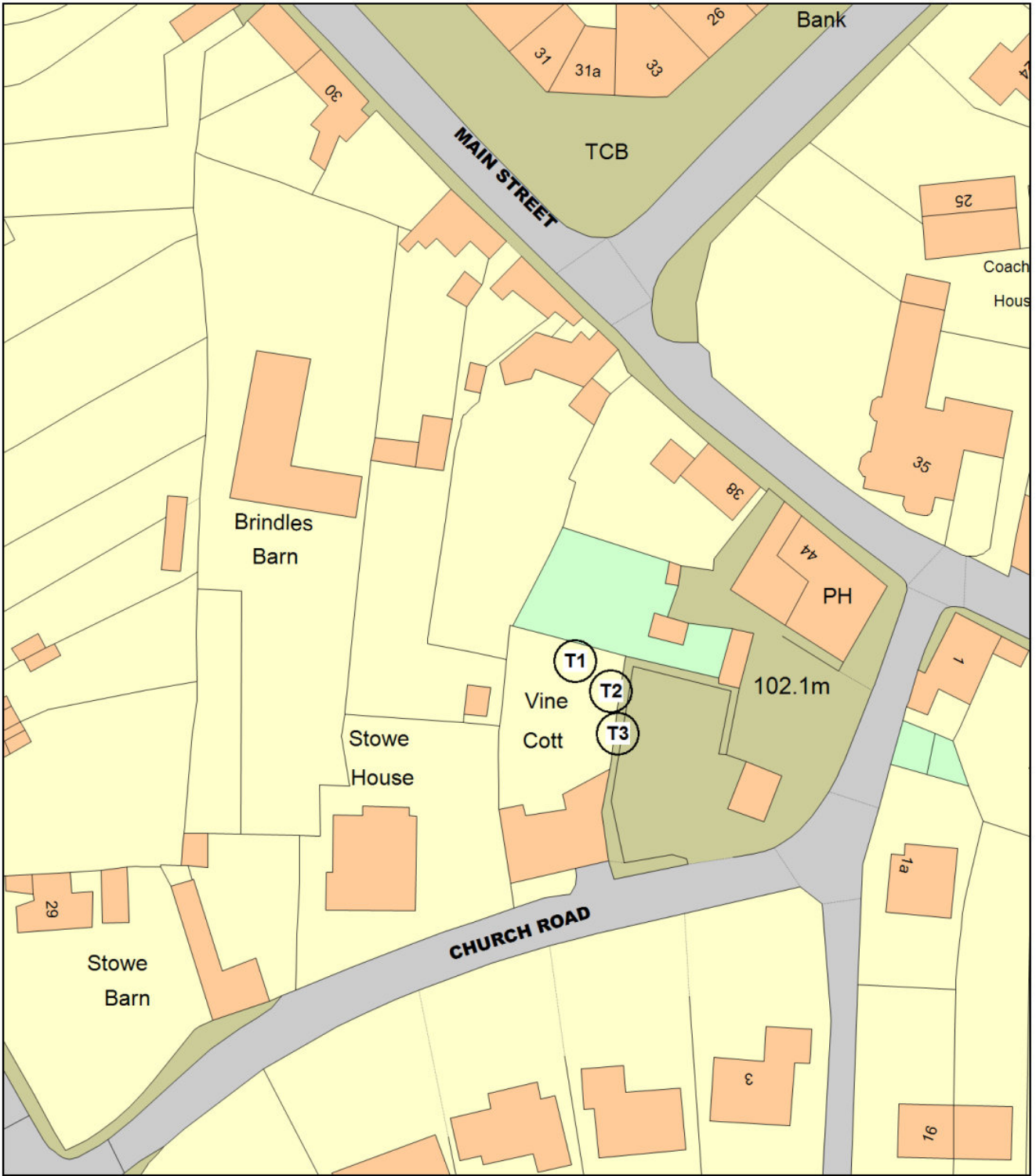
4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

30th September 2022.....

Signed on behalf of the Lichfield District Council



Authorised by the Council to sign in that behalf



**TPO Ref: 2022/00472/TPO**  
**Land at Vine Cottage, Church Road, Shenstone**

**Lichfield District Council**

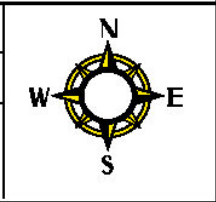


*The scale shown is approximate and should not be used for accurate measurement.*

**Scale** 1:750

**Date** 29/09/2022

*Reproduced from the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office*



This Order was confirmed by Lichfield District Council without modification

on the .....

Signed on behalf of the Lichfield District Council

.....  
Authorised by the Council to sign in that behalf

---

This Order was confirmed by Lichfield District Council subject to the modifications indicated in red ink,

on the .....

Signed on behalf of the Lichfield District Council

.....  
Authorised by the Council to sign in that behalf

---

A decision not to confirm this Order was taken by Lichfield District Council

on the .....

Signed on behalf of the Lichfield District Council

.....  
Authorised by the Council to sign in that behalf

---

This Order was varied by Lichfield District Council

on the .....

by a variation order under reference number ....., a copy of which is attached.

Signed on behalf of the Lichfield District Council

.....  
Authorised by the Council to sign in that behalf

---

This Order was revoked by Lichfield District Council

on the .....

Signed on behalf of the Lichfield District Council

.....  
Authorised by the Council to sign in that behalf

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# Agenda Item 5

## Planning Committee

6 March 2023

Agenda Item 5

Contact Officer: Artemis Christophi

Telephone: 01543 308010

### Report of Chief Executive

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

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

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

#### FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

## **AGENDA ITEM NO. 4**

### **ITEM A**

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

**6 March 2023**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
21/01956/OUTFLM	Land South Of Shortbutts Lane Lichfield	Lichfield
22/00072/COU	The Greyhound Inn 121 Upper St John Street Lichfield	Lichfield
22/01282/FUL	The Greyhound Inn 121 Upper St John Street Lichfield	Lichfield
19/01015/OUTM	Land At Streethay Burton Road Streethay	Fradley And Streethay
22/01680/FUL	15 Beecroft Avenue Lichfield	Lichfield

# LOCATION PLAN

21/01956/OUTFLM

Land South Of Shortbutts Lane  
Lichfield

Scale: 1:5,000

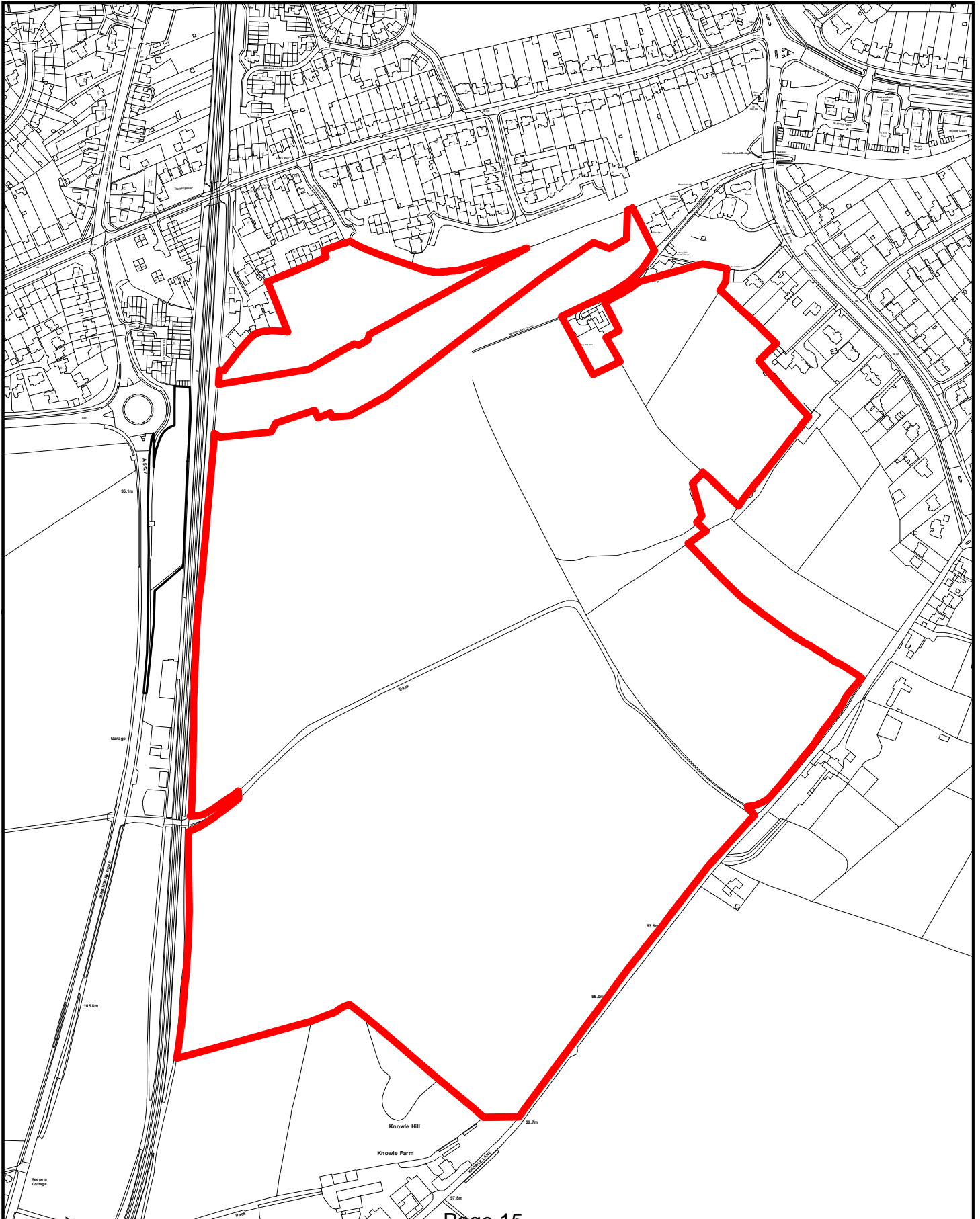
Dated: February 2023

Drawn By:

Drawing No:



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## 21/01956/OUTFLM

Full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating 169 dwellings (phase 2A) approved and built under 19/00478/REMM).

Land South Of, Shortbutts Lane, Lichfield, Staffordshire  
FOR Persimmon Homes West Midlands

Registered **03/12/2021**

**Parish:** Lichfield City

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections raised by the Parish Council and that there are more than 2 planning obligations.

Lichfield City Council Parish objections are summarised as follows: Density of the development and design and character of the location; The significance of this major allocated Strategic housing site and the number of S106 obligations required to make this development acceptable.

### Background and Update

This application was presented to Planning Committee on 6th February. At that meeting a motion to refuse the Application on the grounds i) -iv) below was lost

- i) The overall number of dwellings proposed
- ii) The density/design and layout of the development,
- iii) Overall parking provision for the residential development especially where internal garages are provided in phase 2 C,
- iv) The level of parking provision for the Sports Pitches

The discussions at Planning Committee with respect to the report lead to the application being deferred at Planning Committee on 6<sup>th</sup> February 2023. Members raised several concerns in respect to the scheme as outlined below regarding the following:

- The overall number of dwellings proposed
- The density/design and layout of the development,
- Overall parking provision/layout especially where internal garages are provided,

Members also sought clarifications on other issues including:

- i) The impact on 'Berry Hill House'
- ii) Impact of potential flooding in respect to Marsh Lane
- iii) Adequate space for school drop off
- iv) Trigger Point for school handover
- v) Biodiversity and Ecology
- vi) Management of Landscape

It was resolved that the application be deferred and a report be brought back for officers to respond to the concerns and issues raised by Members'

Planning Officers have prepared this update to the main report in response to Members' concerns. It provides additional information where indicated and should be read in conjunction with the original



report (which follows this Background and Update), as presented at committee on 6<sup>th</sup> February 2023 and the Supplemental Report (attached at the end of this report).

**RECOMMENDATION: The Planning Officer recommendation remains approval subject to conditions and subject to the prior completion of s106 Obligations.**

**Officers' responses and updates are provided below.**

### **Policy - Overall Number of Dwellings Provided**

The site provides for 500 dwellings within the confines of the developable area. This represents a reduction in the proposed overall original figure of 529. Members raised concerns regarding the provision of this number of dwellings, given the original Outline Planning Permission (ref 12/00182/OUTMEI), granted in 2018, permitted up to 450, which included land access from London Road which this proposal now excludes.

Furthermore, Core Policy 6 allocates the site as the South Lichfield SDA with detail provided in Appendix C 'Concept Statement' that refers to a sustainable well-designed mixed-use development to provide up to 450 homes. Concerns have been raised that this could be read as to imply the Local Plan policies cap housing numbers on the site, this issue was addressed in the original report at paragraphs 1.12- 1.17.

Officers previously requested the applicant justify the extra houses, and the applicant subsequently reduced the number of dwellings to 500 to improve the overall layout. Furthermore, to respond to the Local Planning Authority concerns that the additional 50 houses are not policy compliant, the applicant provided Counsel Legal Opinion ( " The Applicants 1<sup>st</sup> Counsel Opinion" ) as to the interpretation of the development plan in this regard.

This advice confirmed the courts have held Development Plan policies should be given their plain and ordinary meaning but should be read in their proper context. The context includes the objectives to which the policies are directed, other relevant policies in the plan, and the relevant supporting text.

*"The Court will always keep in mind that the creation of development plan policy by a local planning authority is not an end in itself, but a means to the end of coherent and reasonably predictable decision making, in the public interest ..."* Canterbury City Council V Secretary of State for Communities and Local Government (2019). However, the interpretation of development plan policy is ultimately a matter of law.

Applying these principles to this application, the Applicants 1<sup>st</sup> Counsel Opinion concludes as follows:

- a) The policies which govern the development of the South of Lichfield SDA, when read sensibly and as whole, do not impose a 'cap' of 450 homes;
- b) The reference in the Concept Statement to 'up to 450 homes' does not trump the main policies (Core Policy 6 and Lichfield Policy 6), neither of which refer to any upper limit;
- c) All things being equal, the local planning authority will be able to conclude that there is compliance with the development plan as a whole notwithstanding the fact planning permission will be granted for in excess of the indicative number set out in the LPS and Concept Statement; and
- d) It is impossible to see what planning harm would arise if permission for 500 homes were granted unless the Council had compelling evidence that the Site does not have capacity for in excess of 450 dwellings. However, it is important to underline the fact that the additional houses cannot of themselves give rise to harm in circumstances where both local and national policy seek to boost housing supply and express requirements as minimal

As this issue was a matter of such concern for members your Officers have obtained independent Counsel Opinion for this Council. This LDC Counsel Opinion broadly concurs with the points a) to d) as above and in summary concludes that the housing numbers referenced in CP6 are not sensibly to be treated as a maximum or a cap but are approximate only.

The LDC Opinion also concludes separately that compliance with the development plan is premised on the fact that no planning harms arise as a result of the additional 50 dwellings; and that without the clear identification of the planning harm that would arise if 500 as opposed to 450 dwellings were granted Planning Permission the provision of the additional 50 houses would not in themselves give rise to harm in the context of national and local planning policy.

The LDC Counsel opinion confirms that the assessment of harm is a matter of planning judgement, and notes that as your Officers have concluded no unacceptable planning harm arises as a result of the additional 50 houses so as to justify refusal based on non-compliance with the development plan as a whole.

**Planning Officers conclude that a refusal on the grounds that the additional 50 homes would not be in accordance with CP6 and Lichfield Policy 6 would not be reasonably defensible on appeal, as the original report noted in paragraphs 1.12 - 1.17 respectively.**

### **Design, Density Form and Layout**

During Member discussions several comments were raised with regard to the overall design and density of the scheme and the impact this density would have on the perception of the quality of the layout and the design. Comments on the density and design and layout of the development were contained within section 3 of the original report.

Density standards should be applied flexibly as there is not a set standard for development as a whole, whether it be of a higher or lower density. Higher density is not necessarily commensurate with harm, high population or a perception of reduced quality of environment. For example: when considering traditional terraced streets, with uniformity and common features and building lines. Consideration should however be given to making it easier to walk and cycle (along with accessibility), key distances and travel times. The development has been designed to reduce traffic speed to 20mph, with footpaths provided along the roadways for pedestrian permeability.

Core Policy 3 encourages sustainable development in the most sustainable locations. The NPPF (Paragraph 60) states that the Government objective is to significantly boost the supply of homes. The scheme proposes to make effective and efficient use of this land which has been identified as part of the adopted plan as a sustainable location that effectively provides positive links to the city and beyond with choices open to travel by car, cycle and foot which the site achieves.

The historic planning formulation of the site since its original inception had been to develop a strong characterisation context and density for the phases considering urban form of neighbouring sites and building types.

Policy BE1 reinforces the overall principles of this sustainable location and requires new development to respect surrounding areas in terms of layout scale, design and views. It is acknowledged that high density has to be appropriate, and that when considering density, context to neighbouring sites should also be taken into account.

The 'concept rationale' outlines the main form of the built development in Appendix C of the Lichfield Local Plan Strategy, while the "Original Masterplan" from the 2018 outline consent envisaged three main 'character areas' with different character type, density standards set across the development, with the lowest density being the areas in Phase 2C which reflects the neighbouring, large more traditional plots along London Road. It is also clear that the development as proposed across all of the phases remains wholly consistent with this original approach and in fact stays well within the upper limits of the original densities proposed.

Below is a table outlining the proposed and original approved density standards. The two densities relate to a mix of dwellings proposed in the phases. The proposed density standards are based on the developable area excluding the area of the district park.

<b>Proposed Phases</b>	<b>Proposed DPH in this Application</b>	<b>'Character area' from Original Masterplan</b>	<b>Approved Masterplan DPH</b>
PHASE 2A (COMPLETED)	41.0	<i>Wharf Area/ Traditional</i>	<i>40-50 dph 35-45 dph</i>
PHASE 2B	35.22	<i>Traditional/Arts and Crafts</i>	<i>35-45 dph &amp; 30-40 dph</i>
PHASE 2C	24.97	<i>Arts and Crafts</i>	<i>30-40 dph</i>
PHASE 2D	39.65	<i>Traditional/Arts and Crafts</i>	<i>35-45 dph &amp; 30-40 dph</i>
PHASE 2E	36.55	<i>Traditional</i>	<i>35-45 dph</i>

The supplementary report provided at the previous committee shows how the applicant has demonstrated that a lower density has been achieved around the areas facing space, especially with context to the more sensitive interface between the developable area and the open nature of the District Park (Green Belt) as shown below.

Plan: EAAH5738-RPS-XX-O-DR-A-8113



The proposed housing layout follows the approved masterplan, with the emphasis on the strong focal point of the green link through the development from the District Park.

The development scheme proposes a portfolio of styles and house types, with features which continue to compliment the surrounding area and the original phase with the use of traditional materials, which reflect local construction with a range of red brick and dark roof tiles and render elements, with an emphasis placed on traditional features, with window design porches and brick lintel features. These design features remain consistent with the originally approved Phase 2A and to depart from this form

original approved form would lose continuity of the approved design theme and sense of place achieved. Since the reserved matters application was granted for Phase 2A. it is important to note that there have been no changes to the adopted policies in the Local Plan Strategy or Sustainable Development SPD which would find the development unacceptable in this case.

Members raised concerns with regards to the perception of layout and parking dominated frontages. The house types are drive by the Councils required housing mix and the dropped kerb frontages had already been reduced in order to avoid long dropped kerbs. Parking provision is split is either provided to the front or to the side, so there is no one feature dominating along with the provision of landscaped front gardens.

The development continues to follow the hierarchy of roads, with primary, secondary, and private drives with individual plots defined by frontages broken up with planting and with hedging to provide definition. There are corner plots with feature windows (helping to turn corners) and use of a mix of boundary styles, including walls, along with the use of brick details and render on prominent frontages for wayfinding and to increase permeability. The positive recommendation on design grounds is made given the development remains wholly policy consistent in all other respects as outlined in the original and updated report.

**Planning Officers conclude that the development is broadly consistent with the 2018 consent and on balance the development is acceptable in the wider planning balance as it continues to comply with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy. For this reason officers consider that a refusal on these grounds would not be reasonable or defensible.**

#### **Parking Provision and Layout**

Parking Provision was a concern regarding the development and this was in particular reference to the sports pitch parking and on plot parking where there were instances of internal garages not being counted as part of the overall provision per plot as identified in Section 6 of the original report. This was with particular reference to house types in Phase 2C.

Staffordshire County Council (SCC Highways) have considered this issue in detail and had noted that there was no adopted parking standards for playing pitches and had considered the use and type of facilities offered and had concluded a pragmatic approach to the quantum of parking for this sustainable site ( closely related to a neighbouring Authority standard ) was sufficient for the pitches given that there are alternative choices to travel by foot and bicycle. It is noted that Sport England have offered no objection to the sports pitch parking provision . This would ensure that the impact on the local highway networks would not be severe and would continue to comply with Core Policy 5 and Policies ST1 and ST2 of the Lichfield District Local Plans Strategy.

Some of the integral garages across Phase 2C were found to have garages which deficient in size to be automatically counted as a 'parking space' and were discounted from the overall parking provision by highways officers . Three house types were affected by this garage provision. These include the 'Albermarle', 'Fenchurch' and 'Compton'. The original 'Albermarle' House type had a double style garage frontage. The following shows the plans and elevation for this *original* house type



122) Albermarle Type

Plans

Part Elevation

Staffordshire County Council (SCC Highways) had previously discounted these garage spaces from the overall parking provision, as the garage doors were 2.73 m in width and 5.6 in length. This is not to say the garages cannot be used for parking or, are not available for parking, but purely that it would not meet the adopted standards to park two cars (i.e. a double garage), due to the location of the brick pillar in centre, which in turn affects the overall width when entering and parking and opening car doors inside the garage. SCC (Highways) had taken this into account, given that adequate parking provision is also made within the plot to meet standards. This will ensure that parked vehicles are not displaced into the highway. The advice from the SCC Highways Officer is that parking provision is met across the development and that the development complies with parking standards and Policy ST1 of the Lichfield District Local Plan Strategy.

The applicant has since amended the garages on the plots affected with house types to ensure adequate parking provision is secured within the garages and has retained sufficient on plot parking within each of the house types affected.

Comments had been raised with respect to the width of road within the development. These remain wholly consistent with Phase 2A (as completed). The internal road widths meet highway standards have been assessed for both access and tracking for large emergency and refuse vehicles and SCC Highways have no objections in this regard as outlined in the main report in Section 6.

**In light of the above Planning Officers conclude that without the support of the Highway Authority, on appeal a refusal on these grounds would not be reasonable or defensible. The parking provision is still considered acceptable and meets Policy ST1 of the Lichfield District Strategic Plan.**

### Impact on the Historic Environment/Cultural Heritage

Comments were noted regarding the impact of the development on Berry Hill House. Core Policy 14 and Policies NR5 and BE1 require the Local Planning Authority to make reference to and consider the significance of heritage assets within the district and making specific reference to the importance of the Cathedral Spires emerging above the roof lines and tree canopies.

Section 12 of the original report had in error omitted reference to Berry Hill House amongst the others noted within the main report. This property is located off Marsh Lane to the northeast of the site. Berry Hill House is a building erected around 1830 with later 19<sup>th</sup> century additions and is recorded on the Historic England register as Grade II. The house does not form part of the development site, but its location is within the influence of the overall scheme via its setting.

This property was qualified in the previously approved outline application and the original Environmental Statement in 2012 (approved in 2018), and the following reserved matters consent especially when this was considered as an allocated housing site. It is also important to note that the Historic England and the Conservation Officer raises no objections to the proposal which ensures the development has been considered in this context.

It is understood that since 6<sup>th</sup> February an additional Addendum to the heritage statement has been submitted by the Applicant which had originally omitted reference to this house. The report submits that negligible harm is caused to Berry Hill House. The degree of harm caused is a matter of planning judgement. It is important to consider the impact of the development on the significance of this heritage asset amongst the others in the location. Given its location, distance, orientation and the substantive mature landscape and trees surrounding it is considered that the house retains its landscape setting, and this would lead to 'less than substantial harm' on the setting of this heritage asset (Berry Hill House).

Paragraph 202 of the NPPF indicates that where a proposal causes less than substantial harm to the significance of the asset. This harm should be weighed against any public benefit of the proposal which is outlined in main topics and body of the report and given these the development is considered acceptable and policy compliant.

**Planning Officers conclude the application remains acceptable in terms of Heritage and Cultural impact and ensures it continues to comply with Core Policy 14 and Policy NR5 and BE1 of the Lichfield District Local Plan Strategy.**

#### **Impact of Flooding with specific Reference to Marsh Lane**

Comments in regard to the impact of the development with particular reference to Marsh Lane. Marsh Lane lies northeast of the site. Core Policy 3 and Policy BE1 seek to provide sustainable development. Section 7 of the original report identifies that the site is within Flood Zone 1 and is therefore at low risk of river/sea flooding (Fluvial). The corner of the site located towards and including Marsh Lane (outside of the site) is in an area at high risk of surface water flooding (Pluvial).

The original site prior to any development formed part of farmland with land levels falling and towards the northeast. The baseline is agricultural and run off was unrestrained/uncontrolled. There have been recorded instances of surface water flooding in the area.

A special study in 2022 lead by 'Amey' for Staffordshire County Council Lead Local Flood Authority (LLFA) was undertaken to assess any risk of flooding from the development proposed at St Johns on Marsh Lane. It is clear completely stopping flooding events cannot ever be guaranteed. However, as part of the original pre-reserved matters submissions, a strategic sustainable drainage scheme was agreed. Following discussions between the applicant, and Staffordshire County Council flood team the applicant proposed a flood attenuation pond which fills at times of high rainfall in the northeast corner of the site. As a result, the majority of surface water flows that were entering the ditch alongside the properties on Marsh Lane will be picked up by the new developments drainage system, cutting off its supply and mitigating any present flood risk. This will provide a considerable 'betterment' post-development rather than the previous arrangement. This Sustainable Drainage scheme was approved in original outline consent and had in part been implemented in Phase 2A. Severn Tret have not objected to the scheme and the LLFA are full satisfied with the proposed scheme which is based on the original approval and reserved matters and the scheme is secured by conditions

**Planning Officers conclude that the proposal is in compliance with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and that without the support of the Lead Local Flood Authority or Severn Trent Water a refusal on this ground would not be reasonable or defensible on appeal.**

### **School Site**

The site is to provide land for facilities for a primary school and community and commercial/retail element for a local centre to serve the local community. Comments were raised at the meeting regarding the school site in respect to its handover and its size to provide for adequate drop-off facilities.

The site is shown in outline form and the detailed arrangements are reserved for future consideration. Staffordshire Country Council Education has indicated that the quantum of land is satisfactory and will be able to accommodate a primary school and the drop-off points will be detailed as part of any reserved matter schemes along with any travel plans etc. The timing of this handover to the County is to be secured through the final details S106 along with the remaining contributions as outlined in the S106 Heads of Terms in this report and as subsequently included in the Heads of Terms delegated to officers.

### **Biodiversity and Ecology/Management of Landscape**

Core Policy and Policies 3, 4 and 5 seek to deliver a positive relationship between the countryside and settlements with the creation of green linkages and green corridors to protect and improve biodiversity through planting of native species trees and hedgerows, this will in turn improve biodiversity across the site. Comments were and concerns were raised at the meeting in respect to the development on this element.

The green site provides a large District Park and green local space, thus linking the countryside towards the edge of the city. These green linkages provide for extensive planting for trees and shrubs and 'wilding' of the landscape and help create effective green linkages across the site. It is not a formal green avenue like that of 'Darwin Park' but the informal green corridor draws the countryside in towards the city, thus encouraging increased biodiversity for flora and fauna and wildlife. Garden spaces are planted with hedging to the front and gardens provide stepping-stones for smaller mammals. The applicant has also agreed to provide for hedgehog friendly fencing of boundary treatments between gardens to help provide routes to ensure compliance with the adopted policies and the provisions of the original masterplan. Members are referred to section 9 the paragraphs in the main report/ schemes and conditions including commentary on Biodiversity net gain 9.1- 9-14.

A large part of the Public Open Space is within the district park located in Greenbelt. Here there is a strong presumption to retain openness. Land in Greenbelt is provided with a strong policy base against future change as outline in the NPPF paragraph 149. As part of the S106 the applicant has also agreed to provide for effective management of the landscape via a landscape management company which will be secured via appropriate controls in the S106 obligation. This has already been set up in Phase 2A. It is the intention to retain this company. This will help to ensure the green spaces provide for the necessary habitats created and a programme of replacement should any fail within the first 5 years which accords with Core Policy 3, Policies NR4 and BE1 of the Lichfield District Local Plan Strategy and Trees Landscaping and Development SPD.

### **Other Issues**

Other Concerns raised by Members included the potential impact on local GP practice (i.e. local infrastructure and services). This is recognised and it is proposed to be mitigated by a financial contribution to support this Primary Healthcare Provision as outlined in the S106 heads of terms.

For clarification the on the commercial elements of the scheme the scheme seeks to provide for retail and community functions. Under the most recent Use Class Order 2022. These are split as E(a) retail shop (not for food takeaway), E(b) café - for food provided on the premises and E(c) financial and professional type services. Class F2(b) is community hall and meeting place.

Following the deferral from the 6th February meeting the Applicants have submitted a 2nd Counsel Opinion ( " the 2nd Applicants Counsel Opinion ) to respond to Members concerns and in general support of the Application.

In terms of the planning issues Officers consider that the Officer response in this update report and in the original report and update broadly cover the issues. The Opinion also refers members to the National Planning Practice Guidance on costs, and the risk of costs award being made on Appeal if members refuse based on the areas of concerns raised at the meeting and such reasons for refusal cannot be supported by evidence or otherwise reasonably substantiated on appeal. Members are advised that the Courts have confirmed that whilst the risk of an adverse costs award on Appeal is not a material planning consideration when determining an Application and so this should not influence them in their planning judgement; however it is not wrong of Officers to draw the risk of a costs award to members attention. Officers can provide advice to members on the risk of a costs award if this becomes necessary at the meeting.

This ends the update.

The following text is the report that was presented to Planning Committee on 6<sup>th</sup> February with the recommendation amended to include the delegation to officers for the S106 and the conditions. This delegation is necessary as although some proposed conditions and the basis of the s106 Heads of Terms are set out in the report, Officer delegation in consultation with the Chair and the Vice Chair is requested. This is necessary as the site is complex in planning terms; parts of the site have been built out and provided in accordance with a previous permission, the current application overlaps most of the site covered by the previous permission, and so the s106 and the conditions for the current proposal need to be considered in the light of the previous conditions and s106. Notwithstanding the contents of the 6th February 2023 report, it has not been possible to finalise some of the conditions and the s106 Heads of Terms.

**RECOMMENDATION: Approve subject to conditions and the prior completion of s106 Obligations as outlined in this report and delegated authority is given to the Planning Case Officer/Head of Planning in consultation with the Chair and Vice Chair of Planning Committee to finalise and agree the final conditions and the heads of terms for the s106 Obligations**

**(1) S106 Indicative heads of terms**

- i. **38% Affordable Housing Provision - split as 65% Shared ownership, 35% Intermediate applicable across all phases A, B, C, D and E (Note Phase A is already constructed) in connection with an approved provider.**
- ii. **A total financial contribution towards primary/secondary education of £4,500,000 less previous contributions paid under the previous outline permission.**
- iii. **Bus service contribution – total of £750,000 (split into 3 equal parts of £250,000, plus indexation) with 1<sup>st</sup> payment due pre-occupation of 200<sup>th</sup> Dwelling, the 2<sup>nd</sup> payment due pre -occupation of 300<sup>th</sup> Dwelling and the final payment due pre-occupation of the 400<sup>th</sup> dwelling.**
- iv. **A financial contribution of total £8,800.00 towards a Framework Travel Plan (which reflects the changes in costs since the original permission £15,000 less the previous payment made of £6200.00**
- v. **Community Building provision.**
- vi. **Commercial provision.**
- vii. **Public Art provision.**
- viii. **Provision for laying out public open space, allotments, LEAP, trim trails.**
- ix. **Management of the public open space, playing pitches and changing facility.**
- x. **Management and maintenance of landscape and trees (management company to be set up).**
- xi. **Primary Care Health Infrastructure provision of £324,996.00 - to support Primary Healthcare infrastructure across the Lichfield PCN.**
- xii. **A financial contribution towards the Cannock Chase Special Area of Conservation (separate Unilateral Undertaking)**



**xiii. The Payment appropriate management and monitoring fees of S106 for District & County Councils.**

- (2) If the S106 legal Obligation (s) are not completed by the 31<sup>st</sup> July 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings**

#### **CONDITIONS**

1. The detailed development (including the residential phases, open space, play areas, allotments and sports provision) hereby approved and granted full planning permission 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 Core Policies 3 and 6 and Policies H2, BE1 and Lichfield 6 (South of Lichfield) of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

3. Application(s) for the approval of any reserved matter(s) in relation to the outline elements in any phase; including for the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis, hot food takeaways and drinking establishments with expanded food provision) and the community building (F2b), must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

4. No phase of development included within the outline elements hereby approved (including the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and community building (F2b), shall be commenced until details of the access; appearance; landscaping; layout and scale of these elements, (hereinafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be therefore carried out as approved.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

5. Before the submission of the first Reserved Matters application relating to commercial uses (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and community building (F2b), pursuant to Conditions 1 and 4, a detailed Masterplan and a Design Code, for these elements of the development shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out strictly in accordance with these details.

The masterplan for the commercial and community areas, shall include the following, where relevant:

1. Land use including - (quantum of development uses)
2. A Movement framework, including street types/layout and how large/wide vehicles can be accommodated
3. Green infrastructure, including (location function and character)
4. Pedestrian and cycle networks
5. Connection to the surrounding area for all transport nodes
6. Views towards the City and Cathedral

The Design Code of the Commercial area shall include

1. Energy efficiency including principles, with details on how the commercial buildings will achieve 'BREEAM excellent'
2. Building heights
3. Layout
4. Principle of design and materials palette
5. Principle of entrances and service arrangements
6. Parking strategies including covered/secure cycle provision and Electric Vehicle charging points

Reason: In order to secure the satisfactory development of the application site, in the interests of good design and highway safety in accordance with Core Policies 3, 4 and 5 and Policies BE1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

6. No development or any other works shall take place (excluding demolition) on any phase (excluding Phase 2A) or reserved matters submitted, until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.

Reason: This is required as a pre-commencement condition, in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing, in order to secure the satisfactory development of the application site in accordance with Core Policies 3 and 4 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

7. Before the development of any phase hereby approved (excluding Phase 2A), including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
  - (i) Measures (including wheel wash facilities) to control the deposit of mud and similar debris on adjoining highways.
  - (ii) Details of parking of vehicles of site personnel, operative and visitors.
  - (iii) Details of working hours.
  - (iv) A programme of works (including traffic management measures.
  - (v) Routes for HGV construction traffic.
  - (vi) Pedestrian and cyclist protection.
  - (vii) Arrangements for turning vehicles in that they may leave in a forward gear.
  - (viii) Details of loading and unloading of plant and materials.
  - (x) Details of storage of plant and materials used in constructing any part of the development.

All development and all operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: To Ensure the safe operation of the highway network and ensure highway safety is maintained for all users, in accordance with Core Policies 3, 4 and 5 and Development Management Policies IP1, SC1, ST1 and BE1 of the Lichfield Local Plan Strategy and the NPPF

8. Before the development hereby approved is commenced (excluding demolition works) in any phase (outline or detailed applications, except in respect of phase A) details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall thereafter be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing, in order to secure the satisfactory development of the application site in accordance with Policy BE1 of the Lichfield Plan Strategy and the National Planning Policy Framework.

9. Before the development of any reserved matter/s relating to the primary school is commenced, the applicant shall provide details of the earth modelling works to achieve access of 1:25 and level area from south to north at 1:100. These details shall be submitted to and approved, in consultation with Staffordshire County Council Education and the agreed details shall be implemented on site prior to any land/transfer handover the school site to the County.

Reason: In order to secure a satisfactory form of development and access arrangement to the development, in the interests of pedestrian highway safety, in accordance with Core Policies 3, 4 and 5 and Policies BE1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework

10. Before the development of any of the reserved matters (in any phase), a drainage scheme to address the following requirements shall be submitted to and approved in writing by the Local Planning Authority.

(i) Managed surface water drainage, incorporating the following information:

The development should limit surface water discharge to the equivalent site-specific greenfield run off rate for all return periods up to the 1 in 100 year plus climate change event (a climate change allowance of 30% is to be provided and 10 allowance for development creep).

Include the implementation of SuDS within the development to achieve the three key principles of SuDS; Quantity Control, quality Control and Biodiversity and Amenity Value. Priority must be given to the above ground attenuation wherever feasible.

Include detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 30% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged, depth flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results. Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.

(ii) - Ensure the development is flood resilient by submitting an assessment of exceedance flows (i.e. intense summer storms); submitting levels plans and flow paths to demonstrate that the surface water flood risk associated with exceedance event has been mitigated on and off site.

Proposed finished floor levels should be designed to mitigate risk of flooding to people and property. All property levels should be set to a minimum of 150mm above surrounding ground levels and attention should be given to the surface water flood risk within the adjacent highways.

The scheme shall be fully implemented and maintained in accordance with the schemes' timing and phasing arrangement or within any other period as may be subsequently agreed in writing by the local Planning Authority.

Reason: To ensure suitable conditions are made in terms of flood and drainage across the site and amenities are protected in accordance with Core Policies 2 and 3 and Policies SC1 and BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

11. Before the first submission of reserved matters for each phase (including for the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision and community building (F2b), the applicant shall submit to the Local Planning Authority for prior written approval, a full up to date tree survey and Arboricultural Implications Assessment (AIA) taking account of all the trees on the site and on adjoining land, including on the public highway. This shall be undertaken in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction recommendations (BS5837:2012 and any subsequent edition). The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site, in accordance with Core Policy CP3 and Policy BE1 of the Lichfield District Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

12. Before the development of the detailed residential phases and open space elements hereby approved are commenced (excluding Phase 2A), full details of tree protection measures for all trees and hedges to be retained, including trees adjacent to the site with root protection areas which may be impacted upon by the development, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure protection in accordance with BS 5837:2012, with details to be first submitted to and approved in writing by the Local Planning Authority to demonstrate this. The approved tree protection measures shall be implemented prior to commencement of any works, including any demolition works and shall be retained for the duration of the construction (including any demolition and/or site clearance works). No fires, excavation, changes in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians shall occur within the protected areas. The approved scheme shall be kept in place until all part of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

Reason: In order to secure the satisfactory development of the application site, in accordance with Core Policy CP3 and Policy BE1 of the Lichfield District Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

13. Before the development in any phase of the detailed application (residential phases, excluding Phase 2A) hereby approved are commence, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved drainage details, before the development in the relevant phase is first brought into use or first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as

well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, in accordance with Core Policy 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

14. Before the development of any works connected to the playing pitch provision on site is commenced, full details of the sports pavilion/changing room facilities to be provided on site shall be submitted to the local planning authority for prior written approval. This sport pavilion/changing room facility building shall thereafter be constructed in accordance with the approved details and brought into use prior to the completion of laying out of the sports pitches on site.

Reason: To secure adequate provision of facilities to support the outdoor playing pitches, in accordance with Core Policy 11, Policies Lichfield 6: South Lichfield, HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

15. Before the development on site in respect to Phase 2D and/or prior to the approval of reserved matters in connection with the commercial land is commenced, details of the land levels earthworks and the landscape buffer adjacent to Network Rail Land (NRL) on the western boundary shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The details shall include plans and specification of a steel palisade trespass proof fence of a minimum height of 1.8m adjacent to the boundary with the railway land and set off 1m from NRL boundary. The landscape buffer shall be installed as approved, prior to construction works on Phase 2D or the any development within the commercial land.

Reason: In order to ensure protect national infrastructure and Network Rail's liability, or and ground instability or soil slippage, in accordance with Core Policy 3 and Policy SC1 and the National Planning Policy Framework.

16. Before the development of any part of the residential Phase 2D is commenced and before the approval of reserved matters in connection with the commercial land area hereby approved, a detailed drainage scheme, which includes the following, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail:

- (i) How all the surface water and foul waters drain away from the direction of the railway boundary and the locations of the soakaways placed at least 30m from the railway boundary. (Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems).
- (ii) Details of the management and maintenance of these systems shall be provided to ensure no run-off to NR land/property.

The development shall be implemented in accordance with the approved details and maintained as such in perpetuity.

Reason: In order to ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage in accordance with Core Policy 3 and Policy SC1 and paragraphs 167 and 183 of the National Planning Policy Framework.

17. Before the development of any phase of the detailed residential or open space development (excluding Phase 2A) is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. This plan shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The construction of the phases of development shall thereafter be undertaken strictly in accordance with the approved details.

Reason: In order to ensure that the amenities of nearby/neighbouring premises and existing properties are adequately maintained, in accordance with Core Policy 3 and Policy SC1 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

18. Before the development of the phase involved in laying out the southern area of Public Open Space (POS) the following details shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of the ground conditions (including drainage and topography) of the land proposed for the playing field which identified constraint which could adversely affect playing field quality, and;
- (ii) Where the results of the assessment to be carried out pursuant to requirement (i). A detailed scheme to address such constraints. The scheme shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The development shall be carried out in full and in accordance with the approved details and programme of implementation. The scheme shall thereafter be maintained in accordance with the approved details and made available for playing field use in perpetuity.

Reason: To ensure that the playing fields are prepared to an adequate standard and is fit for purpose and, to accord with Development Plan Policies HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

19. Before the development of the phase involved in laying out the southern area of POS (or at a timescale otherwise agreed in writing with the Local Planning Authority) is commenced, a schedule of playing field maintenance, including a programme for implementation for a minimum period of five years starting from the commencement of use of the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Sport England. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the playing field is established and functions as playing fields to an adequate standard and is fit for purpose, in accordance with Policy HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

20. a) The archaeological site works shall be implemented in full accordance with the approved scheme of archaeological investigation submitted in support of the application.

b) Before the development of the part of the any detailed development phases is commenced (except Phase 2A) a further site investigation and post fieldwork assessment (within the southern area of POS) shall be completed in accordance with the approved written scheme of archaeological investigation and provision is made for analysis, publication and dissemination of the results and archive deposition has been secured by agreement in writing of the Local Planning Authority, in consultation with Staffordshire Archaeological Services and the results carried out in strict accordance of the details submitted and approved.

Reason: To ensure that any archaeological remains are duly recorded and protected, in accordance with Core Policy 14 and Policies BE and BE2 of the Lichfield District Local Plan Strategy, Historic Environment SPD and the National Planning Policy Framework.

21. Before the development of any phase of the detailed residential/open space development (except for Phase 2A), the applicant shall submit in writing to the Local Planning Authority an Updated Badger Survey. The details of which shall be approved in writing by the Local Planning Authority. Works and mitigation as required, shall be carried out strictly in accordance with the approved scheme and timescales.

Reason: To ensure that statutory provisions are undertaken and species are protected, if found to be on any part of the development site, in accordance with Core Policy 13 and Policy NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the guidance in the National Planning Policy Framework.

22. Before the development of any phase of the detailed development, including the residential and open space phases (excluding Phase 2A), a Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP), detailing in full the future habitat creation works and sustained good management thereof to a value of no less than 20 BU as outlined in the Biodiversity Metric provided for the site, shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP and HMP shall include details as follows:

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

The development and works shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure habitat creation work are successful in achieving habitat and condition in accordance with Core Policy 13 and Policies 3, 4 and 5 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

23. Before the first occupation of any part of the development (excluding Phase 2A) details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be installed in accordance with the approved details and thereafter maintained as such for the life of the development.

Reason: This is required to enhance the nature conservation interest of the site in accordance with Policy NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD

and the National Planning Policy Framework.

24. Before the development of any part of the residential phases (excluding phase 2A) details of suitable controls for surface water management as part of any temporary works associated with the permanent development and, to provide the finished floor levels, (showing 150mm above the back of the footpath level, to ensure that with driveways drain away from homes either to a channel or collection drain) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure the impact of flooding is reduced to the development and to any future occupiers, in accordance with Core Policies 2 and 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

25. No dwelling, building or use hereby approved (excluding Phase 2A) shall be occupied or the use commenced, until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and, the sustainable drainage for the development has been completed, in accordance with the approved sustainable drainage scheme. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.

Reason: To ensure suitable management is made in terms of flood and drainage across the site and amenities are protected, in accordance with Core Policy 2 and 3 and Policies SC1 and BE1 of the Lichfield District Local Plan Strategy and paragraph 169 of the National Planning Policy Framework.

26. No part of the residential phases of the development (excluding phase 2A) shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reasons: To ensure a satisfactory development, in accordance to ensure there is no risk to human health of contaminated land and in accordance with the principles of Core Policy 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

27. Before the first occupation of any of the dwellings in any phase hereby approved (excluding phase 2A), the parking and turning areas associated with each respective property shall be provided in a bound material and sustainably drained and thereafter retained for their designated purpose for the life of the development.

Reason: In order to secure the satisfactory development of the application site, in the interests of highway safety, in accordance with Core Policies 3 and 5 and Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.



28. Before the first occupation of any of the dwellings in any of the residential Phases (excluding phase 2A) hereby approved, the road connecting the dwellings to the public highway shall be constructed and surfaced to a minimum of base course level.
- Reason: In order to secure the satisfactory development of the application site, in the interest of highway safety, in accordance with Core Policies 3 and 5 and Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.
29. Before the occupation of the 250th dwelling anywhere within the residential development hereby approved, the southern improvement works to the Bowling Green Roundabout shall be fully implemented and completed, in accordance with Drawing No D0198G-S1-R01-01 Rev RO.
- Reason: In order to secure the satisfactory development of the application site in the interests of highway safety, in accordance with Core Policy 3 and 5 and Policies BE1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
30. Before the occupation of the 250th dwelling hereby approved anywhere within the residential development, the footway/cycle works along Upper St John Street and Birmingham Road shall be fully implemented and completed with Drawing No's D0198G-S3-P-02 Rev PO and D0198G-S3-P-01 Rev PO.
- Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3 and 5 and Policy BE1, Policy ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework
31. Before the occupation of the 250<sup>th</sup> dwelling full details, including timescales, of the improvements to Sainte Foy Avenue as broadly indicated on Drawing Number 778/35, shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall thereafter be constructed in accordance with the approved details and timescales.
- Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
32. Before the 190<sup>th</sup> occupation of any dwelling on the development hereby approved or use of any non-residential buildings within any phase of the development, or other trigger as may be agreed in writing by the Local Planning Authority (in consultation with National Highways and the Local Highways Authority), a scheme of highway improvement works referred to as 'Phase B' on drawing Tr-0001 Rev P3 "Swinfen Island Proposed Design Scheme" shall be implemented in full and open to traffic. The detailed design of the scheme of highway improvement works shall first be submitted to and agreed in writing by the Local Planning Authority, in consultation with National Highways and the Local Highway Authority.
- Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 2, 3, 4 and 5 and Policy SC1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
33. Secured, covered and safe cycle parking facilities shall be provided within all residential plots that do not benefit from a garage, prior to the occupation of any dwelling it is to serve, in accordance with a scheme that has first been submitted to and approved in writing by the Local planning Authority. The approved facilities shall be retained in perpetuity.
- Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Polies 3 and 5 and Policy ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

34. Secured, covered and safe cycle parking facilities shall be provided adjacent to the sports changing facility, pitches and allotments, in accordance with a scheme that has first been submitted to and approved in writing by the Local planning Authority and installed and fully operational prior to first use of the approved facilities and shall be retained as such in perpetuity.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Policies 2, 3, 4 and 5 and Policy SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

35. Before any of the sports pitches, changing facilities or allotments are brought into first use, the car parking provision, as shown on the approved drawing shall be provided and thereafter retained for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Policies 2, 3, 4, 5 and 10 and Policies SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

36. Before the first use of any building within the commercial land, the car parking, servicing and circulation areas for each respective building shall be provided. The car parking spaces, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter shall be retained in accordance with the approved plans for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

37. Any cycle parking associated with commercial premises (including showers and locker facilities) within the commercial land shall be implemented, in accordance with the approved details prior to first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

38. The Framework Travel Plan (Dated November 2021) hereby approved, shall be implemented and monitored accordingly to the target contained therein, for a minimum period of 5 years post completion of the development hereby permitted.

Reason: In order to secure the satisfactory development of the application site, in the interests of highway safety and sustainability in accordance with Core Policies 2, 3, 4 and 5 and Policies SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

39. Details of the proposed boundary treatments of any phase of the reserved matters shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use hereby permitted and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site, in accordance with Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

40. Notwithstanding the landscaping implemented on site, all works shall be carried out in accordance with the details as provided and approved and, a landscape management and maintenance plan, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure landscaping is completed and to protect the landscape character and amenity of the development site over the long term in accordance with Policies Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

41. No phase of the development hereby approved (except phase 2A) shall be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority for the respective phase. The detailed lighting scheme/s shall include site annotated plans showing lighting positions for the public open space, external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including, colour, wattage and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of each phase of the development and thereafter maintained as approved.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and ensure minimal disturbance of protected species in accordance with Policy BE1 and Policy NR3 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

42. No, prior to the occupation of any dwelling in Phase 2E, details to be submitted to and approved by the Local Planning Authority in respect to the location/design of a '1m stand-off' northern boundary to be achieved in association with this phase and existing properties. The respective stand-off boundary treatment element shall be implemented prior to occupation of the dwelling(s) hereby permitted in Phase 2E and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

43. Before the first occupation of any dwelling hereby approved (except those within phase 2A), details including samples of the materials to be used in the construction of the external surfaces of the dwelling(s)/development hereby approved shall be submitted for prior written approval by the Local Planning Authority for each phase of development. The development shall thereafter be carried out in accordance with the submitted and approved details prior to the occupation or use of the dwelling or building it relates to.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

44. Before the public open space is first brought into use, full details of the 'trim trail' and associated

equipment to be provided, these details shall be submitted to and approved in writing by the Local Planning Authority, and thereafter installed on site, in accordance with the details provided and retained as such in perpetuity.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policies HSC1 and BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

45. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) any residential garage (within Phases B, C, D and E) shall not be converted or used for any business or any residential living purposes and shall be kept available for the parking of vehicles in connection with the residential use only.

Reason: In order to ensure a satisfactory and adequate parking provision is provided in accordance with Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

46. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no development granted under Part 3 Schedule 2 in Classes A – F shall be undertaken for Plots 171, 172, 179-187 (inclusive) and plots 192 and 193 unless otherwise approved on application to the Local Planning Authority

Reason: In order to ensure a satisfactory appearance to the development and secure adequate amenity levels for neighbouring properties are maintained, in accordance with Policy BE1 the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

47. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone will be set up to avoid disturbance until the young have fledged.

Reason: To ensure breeding birds are protected in accordance with Core Policy 13 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

48. The applicant shall implement the landscaping and planting in accordance with the approved details and provide details of the biodiversity net gain established on the site. Once complete on site these details shall be submitted to and approved by the Local Planning Authority that the 20.14% biodiversity metric (supplied in Spreadsheet 11989 and Report 11989 R09JD CW Dated 5.1.23) has been achieved.

Reason: To ensure biodiversity net has been achieved through landscape and planting in accordance with Core Policy 13 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

49. The gross retail floorspace shall not exceed 100m<sup>2</sup>, unless prior to the submission of any reserved matters for the purposes of the community hub/neighbourhood centre, a retail impact assessment has been submitted to and agreed in writing by the Local Planning Authority, demonstrating that more than more than 100sqm can be accommodated within the development, without causing harm to the vitality and viability of the Lichfield City centre and other local neighbourhood centres. The development shall thereafter be carried out in accordance with the approved details.

Reason: No retail impact assessment has been submitted with the application and therefore condition required to ensure the retail elements remain small scale and do not unduly impact on retail facilities in the city, in accordance with Core Policy 7, Policy E1 and Lichfield 6: South of Lichfield in the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

#### NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) 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. 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.
3. 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.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. This Consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advise to contact Staffordshire County Council to ensure that approval and agreement are secured before commencement of the off site highways works which will require Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. [Highways.agreement@staffordshire.gov.uk](mailto:Highways.agreement@staffordshire.gov.uk)

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

6. The developer is requested to covenant properties with a shared soakaway to take extra precautions in respect to building works and the increase of risk for flooding

7. The developer is encouraged to contact Staffordshire County Archaeology Team to discuss potential works in respect to the Public Open Space and archaeological work/dig with respect to Knowle hill
8. Developer is advised to consult with the Biodiversity and Development SPD and be aware of their provisions and obligations under the Wildlife and Countryside Act
9. Care should be given to open trenches during construction period and wildlife and routes for escape should be provided as required.

In addition to the above the applicant must interface with NR and undertake works as follows:

10. The developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.
11. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations.

*Please see separate letter outlining all requirements*

12. This application/development is granted subject of a S106 legal agreement.

## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
 National Planning Practice Guidance  
 National Design Guide  
 DCLG Technical Standards  
 National Model Design Code  
 Manual for Streets

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy  
 Core Policy 2 - Presumption in Favour of Sustainable Development  
 Core Policy 3 - Delivering Sustainable Development  
 Core policy 4 - Delivering our Infrastructure  
 Core Policy 5 - Sustainable Transport  
 Core Policy 6 – Housing Delivery  
 Core Policy 7 - Employment and Economic Development  
 Core Policy 8 - Our centres  
 Core Policy 10 - Healthy and Safe Lifestyles  
 Core Policy 11- Participation in Sport and Physical Activity  
 Core Policy 13 - Our Natural Resources  
 Core Policy 14- Our Built and Historic Environment  
 Policy SC1- Sustainability Standards for Development  
 Policy IP1 - Supporting and providing our Infrastructure  
 Policy IP2 - Lichfield Canal

Policy ST1- Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1- A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy E1 – Retail Assessments  
Policy HSC1 - Open Space Standards  
Policy HSC2 - Playing Pitch and Sport Facility Standards  
Policy NR1 - Countryside Management  
Policy NR3 – Biodiversity, Protected Species and their habitats  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR5 – Natural and Historic Landscapes  
Policy NR6 – Linked Habitat Corridors and Multi-Functional Green Spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy BE2 – Heritage Assets  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 2- Lichfield Services and Facilities  
Policy Lichfield 4- Lichfield Housing  
Policy Lichfield 6 – South of Lichfield

#### **Local Plan Allocations**

Policy IP2- Lichfield Canal  
Policy NR10- Cannock Chase Areas of Outstanding Natural Beauty  
Policy BE2- Heritage Assets

#### **Supplementary Planning Document**

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

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

Policy 3 Primary Movement Routes  
Policy 9 Views of Lichfield Cathedral

#### **Lichfield District Local Plan 2040 (emerging)**

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 objective and priority 3: Climate Change  
Strategic objective and priority 4: Our Infrastructure  
Strategic objective and priority 5: Sustainable transport  
Strategic objective and priority 6: Meeting housing need  
Strategic objective and priority 7: Economic Prosperity  
Strategic objective and priority 8: Employment opportunities  
Strategic objective and priority 11: Healthy and safe lifestyles  
Strategic objective and priority 12: Countryside character  
Strategic objective and priority 13: Natural resources  
Strategic objective and priority 14: Built environment  
Strategic objective and priority 15: High quality development

Strategic Policy OSS1: Presumption in favour of sustainable development  
 Strategic Policy OSS2: Our spatial strategy  
 Strategic Policy OSC1: Securing sustainable development  
 Strategic Policy OSC2: Renewables and low carbon energy  
 Strategic Policy OSC3: Sustainable building standards for non-domestic buildings  
 Strategic Policy OSC4: High quality design  
 Strategic Policy OSC5: Flood risk, sustainable drainage & water quality  
 Strategic Policy INF1: Delivering our infrastructure  
 Strategic Policy OST1: Our sustainable transport  
 Strategic Policy OST2: Sustainable travel  
 Local Policy LP1OST: Parking provision  
 Strategic Policy OHF1: Housing provision  
 Strategic Policy OHF2: Providing a balanced housing market and optimising housing density  
 Strategic Policy OHF4: Affordable housing  
 Strategic Policy OEET1: Our employment and economic development  
 Strategic Policy OEET2: Our centres  
 Strategic Policy OHSC1: Healthy & safe communities  
 Preferred Policy OSR2: Open space and recreation  
 Strategic Policy OHSC2: Arts and culture  
 Strategic Policy ONR2: Habitats and biodiversity  
 Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation  
 Strategic Policy ONR4: Green infrastructure and connectivity  
 Strategic Policy ONR5: Natural and historic landscapes  
 Strategic Policy OBHE1: Historic environment  
 Strategic Policy OBHE2: Loss of heritage assets  
 Strategic Policy OBHE4: Evidence to support heritage proposals  
 Local Policy LC1: Lichfield economy  
 Local Policy LC2: Lichfield environment  
 Local Policy LC3: Lichfield services and facilities

*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**

12/00182/OUTMEI	Construction of a sustainable mixed use urban extension, comprising of up to 450 dwellings; a primary school, mixed use community hub to include retail development (A1/A2/A3/A4/A5) and community buildings (D1); comprehensive green infrastructure including footpaths, cycleways, multi-functional open space including childrens' play areas, open space for sport and sustainable urban drainage systems; foul and surface water drainage infrastructure including balancing ponds; safeguarded route of Lichfield Canal; link road to form part of Lichfield Southern Bypass; site vehicular access point opposite Shell Garage, London Road; demolition of no 22 London Road to allow provision of second vehicular access from London Road and other associated ancillary infrastructure and ground re-modelling.	Approved	10.08.2018
19/00053/FULM	Construction of link road to form part of Lichfield Southern Bypass on Land between Birmingham Road and London Road, Lichfield.	Approved	04.09.2019
19/00478/REMM	Application of approval of reserved matters (layout, landscaping, scale and appearance) for the erection of	Approved	16.10.2019



	169 dwellings and associated works (Phase 2A) in accordance with application 12/00182/OUTMEI.		
12/00182/AMD	Non-Material Amendment to vary the wording of condition 16 relating to highways construction on the future former 22 London Road, Lichfield site & condition 23 relating to the submission of an ecology license following demolition of 22 London Road, Lichfield to amend the trigger points for the submission of information	Approved	31.10.2019
20/00478/REM	Application of Reserved Matters application relating to application 12/00182/OUTMEI for the installation of 1no electricity sub-station including details of appearance, scale, layout and landscaping (Access reserved)	Approved	28.05.2020
19/00053/AMD	Non Material Amendment : Alteration of line of Bypass to enable the retention of Lock 23		22.10.2020
21/00235/REMM	Application for approval of reserved matters following outline permission 12/00182/OUTMEI for the erection of 281 no. dwellings and associated infrastructure including appearance, landscaping, layout and scale (Phases 2B, 2C, 2D and 2E)	Withdrawn	20.12.2021
19/00478/AMD	Non-Material Amendment: Amend wording of condition 11 relating to materials plan to P18-0382 Rev N instead of P18-0382 Rev K	Approved	11.12.2020
12/00182/AMD1	Non-Material Amendment: Amend the wording of Condition 19 (Off-Site Cycleway Improvements)	Withdrawn	06.09.2021
19/00478/AMD1	Non-Material Amendment: Amend wording of condition 11 relating to materials plan to 19253-0382_08S-Materials Plan Exp_2021-02-03 instead of P18-0382_08N-Materials Plan	Approved	27.05.2021
12/00182/AMD2	Non-Material Amendment: Amend the wording of Condition 8 (Phasing of Development) relating to provision of Green Open and Space and occupation of residential units from 200 to 400	Withdrawn	12.05.2021
19/00478/AMD2	Non-Material Amendment: Changes to condition 2 of planning permission 19/00478/REMM as a result of changes to the planning layout, enclosures plan, and landscaping for St John's Phase 2A	Approved	06.09.2021
21/01358/SCREE	EIA Screening Opinion: Proposed mixed use development	Issued	2.08.2021
19/00478/AMD3	Non-Material Amendment: Changes to condition 11 of planning permission 19/00478/REMM as a result of changes to the materials for plots 1, 2, 5, 6, 7, 8 and 32 for St John's Phase 2A	Approved	02.11.2021
19/00053/AMD1	Non-Material Amendment: Relocation of noise barrier.	Undetermined	30.11.2021
19/00053/AMD2	Non-Material Amendment: Extension of noise barrier behind the Shortbutts Lane gardens to the boundary of 21 Wordsworth Close, and provision of additional noise barrier on the northern side of the bypass to give acoustic protection to the residences on Wordsworth Close	Approved	14.03.2022

19/00478/AMD4 Non Material Amendment: changes to condition 11 of reserved matters planning permission 19/00478/REMM as a result of material changes onsite Approved 11.04.2022

## **CONSULTATION**

**Lichfield City PC** – Final Comments – Concerns about quality of the resulting development given the numbers and density of the scheme along with the impact of the development and the impact on access to infrastructure re doctors surgery/facilities. Further comments re walking routes and pedestrian links. (22.12.22)

Early Comments - No Objections, provided there is sufficient storage for bins within unadopted road. Disappointing there is no mention of a doctors surgery. (16.12.2021)

**Environment Agency**- Final Comments - No comments to make further to previous. (6.7.22)

Initial Comments - No comments to make as constraints fall outside statutory remit. (15.12.2021).

**National Highways**- Final Comments– Recommend Conditions – Satisfied that the further data and evidence provided by agents Transport consultants regarding the trip generation against the development quantum is acceptable and the impacts would not be considered significant. Given the adjacent site on Cricket Lane NH recommend a condition for road improvements for ‘Swinfen Junction’ and London Road and CEMP to be approved by NH and the LPA. (22.9.22)

Initial Comments – Objection - recommend non-approval of this application. Discussions with the transport consultant has been ongoing and clarifications have been requested on the data provided in terms of existing and proposed vehicle numbers to ensure that there is no negative impact on the A38 Strategic Route. (14.4.22)

**Historic England**- Final comments - Have no further comments on the scheme. (9.12.21)

Initial comments – No comments to make (22.9.22)

**Ramblers Association**- No comments to make. (22.9.22)

**Network Rail**- Initial Comments – Holding Objection – Landscape buffer will require a trespass proof fence on applicants’ land at their expense of height of 1.8m. Fence should be set back at least 1m from NR Land. NR – need to understand the drainage and the excavation and earthworks in the location of the railway. Development distances are taken from NR boundary rather than the railway track. Details of RAMS assessment to be provided to NR for consideration. Notes and informative re RAMS. 22.9.22

**Western Power Distribution** - No objections – informative re: existence of any power assets in area of works. (22.9.22)

**Cadent Gas Limited** -No comments received.

**Sport England**- Final Comments – Open space and playing pitch provision per standards as required request conditions. (29.11.22)

Initial Comments - Objection - Note that the new Playing Pitch Strategy is now newer than the existing Local plan Strategy so may be more appropriate to consider of site contribution rather than on site provision Note 1 adult pitch, 1 x 9/10 and u7/8 football pitch and parking is provided however no changing or pavilion. Pitches should be in accordance with SE Natural Turf for Sport Design Guidance Notes and orientation of u7/8 pitch is altered. Provision of a pavilion is required in line with policy HSC2. (27.9.22)

**Severn Trent**- No objection, subject to condition re details for water flows etc. (20.12.21)

**Canals and Rivers Trust (CART) -Final Comments**- no further to make. (6.10.22)

Initial Comments - Development would not directly affect the trusts waterways and therefore we would not be a statutory consultee. Note the route of the Lichfield Canal is safeguarded in the local Plan and the restoration is promoted through local plan policies. CART are supportive of restoration initiatives of the Lichfield and Hatherton Canal Restoration Trust (LHCRT) and support consultation with the trust and their restoration objectives. (17.12.21)

**Inland Waterways Association** - No objections. Note the changes to the land and proposal re access and number of dwellings. Note red line is outside the Southern Bypass. IWA is content that the route has been safeguarded and the land is to conveyance of the canal land is underway to the Lichfield and Hatherton Canal Restoration Trust. (20.12.21)

**Lichfield and Hatherton Canals Restoration Trust Ltd**- No objection to the granting of planning consent for the application and is in fact supportive. There has been collaboration with the applicant to demonstrate that at this stage is compatible with the restoration of the Lichfield Canal. Calverts have already been installed and any run-off has to be agree with Severn Trent and given the design of the canal in a cutting any run off is unlikely to create any flooding. The LHCRT supports approval of this application. (24.12.21).

**South Lichfield Alliance (SLA)- Further Comments** – Increase in house numbers from outline to 529. This increase has an impact on

1. Dwelling provision increased represents at 17.5% increase. Affordable housing increased to 39%
2. Traffic by vehicle cycle and foot, increased pressure for
3. Parking pressures with increased numbers
3. Increased impact on utilities and constraints on open space provision and moreover impact on density of the development along with increased pressure on
4. Local services like doctors and schools.
5. Affordable housing leads to increased density without provision of any viability.

There is a need to provide for EV charging points for households. Energy efficiency of the houses including solar panels and ground source heat pumps. If so, what visual impact will these have.

The need for affordable housing is not disputed however increase of affordable housing is not justified by any mechanism.

7. Employment more housing puts pressure on new jobs and a good proportion should be provide locally. Cricket Lane provides very little and how does this development impact on this?

8. Education there is a need to provide for a school site which delivers both primary and secondary provision and SCC had indicated that there is insufficient supply and concerns that this will lead to capacity issues.

9. Cycle routes – despite acknowledging a pinch point the SLA does not agree that this route should be dispensed with.

Overall, a lower quality development without the necessary evidence to back it up.

Evidence base for smaller units is considered outdated and given changes since COVID there is a demand for spaces around dwellings to increase and large housing types are in short supply with families looking to upscale.

SUSTRANS involvement when cycle routes query this involvement rather than SLA. Cycle route should be provided from the development to the city and should include Cricket Lane. Of the two options of Upper John Street and Birmingham Road only Upper St John Street should be considered. (6.1.22)

Initial Comments - Number of issues that had been previously raised regarding the Boundaries to the properties in the original application 21/000235/REMM. It has been agreed with the developer to convey a 1.0m offset given there are restrictive covenants on the properties. Suggest condition for 6ft timber fence and no built offset to ensure nothing closer is provided.

Layout and design of houses has been altered to move away from a pattern of house garage where heights vary. This has been removed leaving some properties with limited space between each plot.

given land given floor levels have been increased which can cause an issue of overshadowing. There is a possibility to move the plots and access to reduce impact on the existing properties. Would like to comment further on the scheme when amended. (29.12.21)

**Lichfield Civic Society**- The outline application was for the construction of 450 dwellings and the current application treats the Local Plan as irrelevant with an increase in number of 17.5% with no justification. There is a pattern with Cricket Lane which is now 520 dwellings. There is no GP practice and inadequate education provision for this and both are exacerbated by new builds. New development is crammed and the density will not afford good amenity levels. (7.1.22)

**Stoke and Staffordshire Clinical Commissioning Group - Final Response** - Further comments made funding should be secured for primary care infrastructure in S106. (5.12.22)

Initial Response - No initial objections, note the impact the increase of households will have on the local infrastructure and as such consider a e agreement of suitable provisions within a Section 106 Agreement to secure the funding and enable the funds to be drawn down at an appropriate time.

Based on average household size of 2.4, the likely impact of the development on primary care health services within Burton is an additional 1269.6 patients.

The development site sits in the South East Staffordshire and Seisdon Peninsula CCG locality within Lichfield PCN area. The site falls within the catchment area boundary of three practices, which are Darwin Medical Practice, Langton Medical Group and Westgate Surgery. The CCG has commissioned an independent study of the capacity of practices across PCN areas. This study has identified that there is a significant shortfall of space to deal with future capacity across the whole of the PCN. 16.12.21

**Staffordshire Police Architectural Liaison Officer** –Design – It is important that a high level of security is incorporated in the proposal. Support layout as it mainly is outward looking aspect and back to back for security. Side boundaries to footpath or car parking should have defensive planting or trellis. Meters should be to side of dwelling. Footpaths should be open to provide natural surveillance and lit where possible with care towards planting of heavy standard trees to avoid conflict with pedestrian use. Refer to Secure by Design standards Homes 2019. (12.2.22)

**Staffordshire Fire and Rescue Service- Final comments** - no further comments to make - 15.9.22

Initial Comments - Appropriate supplies of water should be available to fire fighting and distance should no more than 45 metres from the property. Consideration should be given to access to the appliance and weight of vehicle on unadopted road. Furthermore, consideration given to fire suppression systems. (09.12.2021)

**Staffordshire County Council Historic Environment Officer (Archaeology) - Final Comments** - The proposals have been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and the Heritage Statement (HS). Archaeology Team are satisfied that the archaeological potential of the two separate phases are accepted and are happy to recommend that Condition 10 of the original outline application (12/00182/OUTMEI) could be discharged based on this. However, given the alterations in this application to what was proposed in 12/00182/OUTMEI, particularly in relation to the proposed allotments and playing fields (and associated infrastructure) in an area of the site not previously subjected to archaeological trial trenching, there is potential for groundworks associated with these impacting on previously unknown archaeological features (and indeed the remains post medieval farmstead). This potential is particularly more pronounced in the southern part of the site due to the presence of the Roman road and a possible Bronze Age barrow at Knowle Hill.

Further archaeological evaluation is required suggest condition and note all archaeological works must be undertaken by an appropriately experienced archaeological organisation. (5.10.22)

Initial Comments - Note archaeological report and accept contents note impact on Knowle Hill further survey required. (22.2.22)

**Staffordshire County Council (School Organisation) - Final Comments** -Further submission amending the details of Planning Application REF 21/01956/OUTFLM at Shortbutts Lane (Land South of) ' reducing the housing delivery to 500 Dwellings.

Having considered the impact of this amendment on education provision and the latest costs to deliver the necessary places, the required education contribution remains at £4,500,000 for primary and secondary education. This figure will reduce to reflect contribution already made in terms of the outline application and is required as part of the s106. (22.12.22)

Further comments - 2.3 hectares will be transferred to County Council for delivery of school Our response of the 29 September 2022 provides further detail in respect of the requirements from the developer to ensure that the development can mitigate its impact on education. This information should continue to be used as part of our response. Need to provide for suitable access to school and levels within the site should be provided south to north due to embankment. (5.12.22)

Initial Comments - Planning Application REF 21/01956/OUTFLM at Shortbutts Lane (Land South of) for the proposed delivery of 529 Dwellings. This response is based on the information contained within the planning application. However, we have taken into account that the developer already has full planning approval for 169 of the 529 dwellings within this application and as an education contribution has been previously secured we will honour the original agreement for those 169 dwellings. Therefore, 169 dwellings have been deducted from our calculations and our response is based on the potential delivery of a further 360 dwellings.

Based on an agreed set of standard triggers the size of this development will necessitate payment of this education contribution at the following point(s):

30% on commencement of the development

30% on commencement 30% of dwellings

40% on commencement of 60% of dwellings (29.9.22)

**Staffordshire County Council (Highways) - Final comments** – No objections subject to conditions and provision of works. Details commentary relating to the history of the site and road improvement works as required. Parking provision is met across the site. Small number of plots have isolated parking which may lead to vehicles being parked in front of property which is noted. Some plots have garages and not all are sized to count as a parking space and have been discounted. Parking at these plots meet guidance in terms of house type/size. (18.12.22)

Initial Response - Relates to Phase 2C (4.10.22)

Initial Responses - Relates to phase B, E and D only. Parking spaces would be required to be labelled and to understand why some plots have different parking levels to others. Amendments to pavement widths and whether elements can be adopted should be changed accordingly. Areas not maintained by the Council should be part of a management company.

Some of the vehicle tracking shown refuse vehicles overrunning the kerb with rear wheels. Visibility spaces show 25m when 20m splays are required. (4.10.22 and 11.10.22)

**Staffordshire County Council (Minerals and Waste)**- No comments to made and the site does not fall inside the parameters for involvement. (22.9.22)

**Staffordshire County Council (Rights of Way Officer) - Final Comments** - Confirm that no public rights of way cross the site and no application has been received to modify. This does not preclude the possibility of a right of way at common law under Section 31 of the Highways Act therefore suggest that local enquiries are made to ensure that there is no route. (8.12.21)

**Staffordshire County Council (Flood Risk Officer) Final Comments** – No objections to granting planning permission subject to conditions and informatives. (4.11.22)

Further Comments – Still insufficient information to demonstrate that an acceptable drainage strategy is proposed. Outstanding issues are the 1. discharge method and to confirm that the soakaways are placed at least 30m from the railways boundary and 2. The contact name address and details of the parties responsible for maintenance. (22.9.22)

Initial Comments - There is insufficient details to fully demonstrate that an acceptable drainage strategy is proposed. Recommend that the application be held until these matters are concluded satisfactorily. Calculations of the flood period and minimum of return periods. 2. A Maintenance of the party responsible for the drainage and 3. Exceedance levels with plans showing flooded area and flow paths in any exceedance event. (21.12.21)

**Economic Development Officer LDC-** Commercial facilities will be welcomed and should support population and be complementary to the existing commercial offer in the location. Employment can be generated from the commercial opportunities and from the construction phase of the development. (9.12.21)

**Ecology Team - LDC - Final Comments** - Amended Biodiversity metric to reflect changes to layout etc is accepted. (15.12.22)

Further comments-The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Biodiversity Metric 3.0 and the Ecological Assessment Report. (19.3.22 & 23.9.22)

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 131.93 Biodiversity Units (BU).

Recommend conditions in respect to a CEMP Construction Ecological Management Plan and HMP/ Habitat Management Plan to demonstrate habitat creation and good management The below information should become a prior to submission of reserved matters condition of any future planning approval. The applicant will need to submit to the LPA a Construction Ecological Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) to a value of no less than 158.93 BU. This should be supported by an updated biodiversity metric for the site.

Initial comments: Within the CEMP and HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition. This should be supported by an updated biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements.

The ecological assessment report cross references to ecological reports and planning conditions from previous permissions. These surveys, planning conditions and recommendations are still relevant to the application that has been submitted. They will need to be adhered to in any planning permission granted going forward.

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

All recommendations and methods of working detailed within the Ecological Assessment must be made condition of any future planning approval. See section 5 which include the following:

1. Implementation of site-wide sensitive working techniques in relation to small mammals and amphibians, to be adopted with a Construction and Environmental Management Plan (CEMP) for each phase which should be submitted prior to commencement of each phase
2. Installation of bird and bat boxes in each phase
3. Sensitive timing of vegetation clearance in relation to nesting birds
4. Update site-wide badger survey before groundworks commence.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (28.01.2022)

**Environmental Health Team - LDC – Final Comments** –considered the site investigation reference ST15715 and am satisfied with its conclusions, the remedial work proposed will be required by condition. (21.12.22)

**Further Comments**- In regards noise impacts, advise that the submitted noise assessment considers the impacts of noise arising from the school and the commercial areas of the development. Whilst the application in regards these elements is only outline, the implications of these proposed uses are such that they are likely to have a significant impact upon the residential dwellings, and so mitigation may have a bearing on the final layout and design of the dwellings. (21.9.22)

Also, advise that further consideration is given to the noise from the existing commercial units to the west of the site, and the railway line, to be sure that the previous assessment remains relevant.

Further comments will follow in regards air quality. (20.8.22)

Further Comments – await update from AECOM in respect to comments. (20.8.22)

**Initial Comments** - Satisfied that the site investigation and or any remedial works will require conditions. In respect to noise, report indicated consideration of noise from the school and commercial area however these are in outline however noise would need to be considered from the west of the site and the railways line. (21.12.21)

**Conservation and Urban Design Team – LDC- Final Comments** - Appreciate a number of changes have been made in respect to layout and reduction in numbers. Original outline was large site and less houses. Ongoing concerns over parking dominance and frontages. House types: This needs to be broken up. Detailed elements in respect to compliance with the masterplan and the layout with runs of parking et. Need to bring landscape into the development. Scale and heights are accepted variation of house types would improve overall scheme. Conditions to ensure materials detailing roof and RWG. (14.1.2022)

**Health And Wellbeing Development Manager - LDC** – No comments received.

**Spatial Policy and Delivery Team - LDC** - The site is within the South of Lichfield Strategic Development Allocation (SDA)

Outline planning consent was granted for a sustainable mixed use urban extension including up to 450 dwellings (Application Reference: 12/00182/OUTMEI) on 10 August 2018. 169 of these dwellings are already under construction at Phase 2A, as approved by 19/00478/REMM on 16th October 2019.

Lichfield Local Plan Strategy and Allocations Document - Lichfield District Council adopted its Local Plan Strategy in 2015 and the Local Plan Allocations was adopted on 19th July 2019. The proposed development forms part of the Strategic Development Allocations South of Lichfield allocated for development as part of Policy Lichfield 6: South of Lichfield, as such the principle of the development of the site is clearly established within the adopted Local Plan.

Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. The application site falls within one

of these areas; South of Lichfield Strategic Development Allocation (SDA). Core Policy 6 Housing Delivery details that this is to provide for up to 450 homes.

Core Policy 6: Housing Delivery provides further detail as to where housing will be delivered across the District and identifies 450 homes to the South of Lichfield). Whilst this is increase in the overall number of dwellings requirement, the figures set out within the Local Plan are considered to be minimums and therefore there is no objection in principle from a policy perspective to the increase in dwellings where this accords with other policies within the local plan.

Policy Lichfield 6: South of Lichfield outlines key development criteria for the development of approximately 1,350 dwellings within the allocations identified south of Lichfield City which includes land south of Shortbutts Lane. The criteria includes integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network and improve access through the completion of the Lichfield Southern Bypass.

Further the development of this site would need to comply with the guidance given in the South of Lichfield SDA Concept Statement at Appendix C, together with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

Affordable housing and dwelling mix - Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the current level of required affordable housing. At the time of validation the latest viable target was set out within AMR 2020, this target was 38%. The AMR 2021 has since been published (17 December 2021) and sets the current target at 40%. However, given the application was validated prior to the publication of the AMR 2021 the target within the AMR 2020 should be used in this instance.

Note that the application proposes a provision of 38% affordable housing within the areas outside of Phase 2A land. When taking into account Phase 2A, the overall provision across the whole site is 36.5%.The requirement for affordable housing within the s106 agreement attached to the outline approval 12/00182/OUTMEI was 31%.

Nonetheless, there remains a shortfall between the application, which covers the whole site including Phase 2A, and the requirement set out in the AMR 2020 (1.5%) which will need to be addressed.

With regards to housing mix, the Local Plan Strategy outlines the need in the District to create a balanced housing market and Policy H1 sets out the need for 2 and 3 bedroom properties within the District. For guidance, the policy identifies a preferred dwelling mix of 5% one bed dwellings, 42% two bed dwellings, 41% three bed dwellings and 12% four plus dwellings. Therefore, the scheme of 2 and 3 bed dwellings would be sought and supported by the adopted Local Plan.

The mix of homes proposed within this application is broadly consistent with the dwelling mix identified within the adopted Local Plan and is supported.

Open space, sport and recreation- The indicative masterplan indicates areas of accessible open space incorporating a large district park, children's equipped play, amenity greenspace and playing pitches. The incorporation of these open space facilities are welcomed.

Policy HSC1: Open Space Standards sets out the open space provision required for all Strategic Development Allocations The policy requires new allotment space at a minimum of 1 plot per 32 households within the South Lichfield SDA.

Lichfield Canal restoration - The site lies adjacent to the route of the Lichfield Canal. Whilst the canal route is outside of the application red line boundary, it is noted that the route has already been safeguarded as part of the work already undertaken and permitted by the outline and reserved matters consents.



Education and Highways It is noted that the development proposals include the provision of a primary school, in line with Local Plan Strategy Policy Lichfield 6: South of Lichfield which requires the provision of a community hub to include a one form entry primary school.

As SCC is responsible for the provision of education within the District they should be consulted regarding the details of the amount of land required to accommodate expansion of the existing school or with regard to any contributions required for both primary and secondary school places arising from proposals.

Public artwork- The application does not make any reference to public art provision.

Neighbourhood Plan - The Lichfield City Neighbourhood Plan was made on 17 April 2018 and as such now forms part of the development plan for this area. Of consideration for this application due to its close proximity to the site is Policy 3: Primary Movement Routes which seeks to identify Primary Movement Routes from development and supports proposals to enhance these routes.

Five Year Housing Land Supply - The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper 2021. The District Council can currently demonstrate a 13.4 years supply of housing land against the housing requirement within the adopted Local Plan Strategy.

Community Infrastructure Levy - The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date.

Conclusion - In conclusion, there are no policy objections to the residential development of this site as the site already benefits from outline permission and is identified within the Policy Lichfield 6: South of Lichfield in the Local Plan Strategy as a Strategic Development Allocation for up to 450 dwellings. (29.12.21)

**Directorate of Leisure And Parks – LDC-** The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all POS areas are covered by a suitable management organisation and Plan. Items which need consideration, include; Boundary treatments street furniture. Sufficient play facilities are provided to accommodate the number of homes, range of age groups and abilities, in line with the Fields of Trust 'Guidance for Outdoor sport and Play'. Creating places of shade on open spaces, which are located in an accessible location of the development for as many householders as possible. Sufficient Dog and general litter bins are provided and located in convenient positions near entrances/exits for users and maintenance. Accessibility for all users. Consider carbon impact improvements from reducing hard landscaping, tree planting and maintenance requirements. (10.12.2021)

**Waste Management LDC -** Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days a suitable bin collection point (BCP) may be required with due consideration to the distance from the residents properties (maximum of 30m) and the main highway. (22.4.22)

**Tree Officer – LDC- Final Comments** - The amendments to the proposed landscaping scheme are relatively minor to accommodate changes to the plot layout and these are accepted. The EON drawings (showing proposed street lighting) show potential conflict with street trees. In addition, the lighting column locations may also conflict with tree pit design/provision. (21.12.22)

Further comments - Substantial amendments have been made to address previous comments of the 12th of July 2022. Most comments have been largely addressed. A question remains regarding the use of management company strips as highlighted within the previous comments. It is assumed that the previous submission (17th Nov 2022) including maintenance plans/details, tree pit details and planting

schedules remains relevant except for the specific amended drawings submitted for assessment. (11.12.22)

Early Initial comments - Note substantive works to provide for open space. Number of plans to reflect planting and concerns over the details of tree roots in ball and tree pit details and how trees will be managed within each plot. (12.9.22, 14.4.22 & 22.2.22)

**Housing Manager – LDC**- Final comments noted that this site will now deliver a reduced number of 500 homes and that while the number of affordable homes is also reduced, provision as a percentage the total new housing has been maintained at previously accepted values. Have no specific objection to the affordable housing proposed in this application, though confirmation that this revised scheme is acceptable to the Registered Provider acquiring the units is requested to offer full support. (1.12.22)

Initial comments - Scheme has been revised to deliver 521 homes and that while the number of affordable homes is also reduced, provision as a percentage the total new housing has been maintained at previously accepted values. Have no specific objection to the affordable housing proposed in this application, though confirmation that this revised scheme is acceptable to the Registered Provider acquiring the units. (12.9.22)

### **LETTERS OF REPRESENTATION**

41 letters of representation have been received in respect of this application. The comments made are summarised as follows:

Initial comments received between 08.12.2021- 08.02.2022 are summarised as follows:

- Knowle Hill, which the site is based on and around is a site of archaeological importance. The development will have a significant impact on this.
- Significant concerns raised about the increase in the amount of traffic on the roads and the pressure that the added housing increase will put on local services such as hospitals, GP Surgeries and Water supply.
- Residents of Shortbutts Lane and Sanders Way raise significant objections about the development being very close to the rear of their properties. Residents would like to see hedges retained and note that the development would cause a loss of valuable greenspace and biodiversity.
- Objections raised on the grounds of a loss of amenity space, a feeling of enclosure and a loss of privacy due to the skyline being highly dominated by brick buildings.
- The concentration of homes is too high and would be out of character with the area.
- For the residents of Sanders Way specifically, concerns raised that the building works could damage the foundations of their properties.
- A significant lack of communication with the local community and there is already considerable noise disturbance from works and construction traffic so controls over these factors would be welcomed.
- A serious threat to highways safety through the way the access has been designed and the parking arrangements for the proposed homes.
- Several additional engineering works will need to be carried out to facilitate this development. These may have an adverse effect on the Grade II Listed Berry Hill. Concerns were raised about the flooding that can occur on Marsh Lane and whether this may be made worse by the development. In addition, the level of pollution caused by the development was also raised as a concern.

Neighbour responses received (objections) between 22.04.2022- 13.09.2022 are summarised as follows:

- The density and type of homes is out of character with Lichfield as a whole, the preference would be for larger plot sizes and 4-5-bedroom houses.
- Comment from the Westgate GP Surgery stating concerns about the already immense pressure on their staff and being unable to meet the demands of an increased patient list. This concern was echoed by other neighbour objectors.
- Significant overshadowing and a loss of privacy.
- The removal of the hedgerows on Sanders Way and the lack of soft landscaping plans.
- None of the new associated infrastructure has appeared.
- Concerns about the increased traffic in the area and how this will impact services.
- Questioning whether this is a sustainable development.

Neighbour responses received (objections) between 27.09.2022- 09.01.2023 are summarised as follows:

- Density of homes is too high for the site, would prefer to see 4-5-bedroom houses.
- Pressure on local services particularly the GP surgery and an increased amount of traffic in the area.
- Question whether there is a need for a fast-food takeaway in the area.
- Concerns were once again raised about the effect the development will have on the archaeological history of the site and the Grade II Listed, Berry Hill.
- Concerns about the boundary treatments and what will be removed. There is a lack of provision for greenspaces.
- Overshadowing and Loss of Light.
- A specific comment was made about the design of plot 172 and the side elevation windows looking into an already existing bungalow.

#### **OTHER BACKGROUND DOCUMENTS**

Acoustic Assessment Update AECOM (60666052) 14.04.22

Acoustic MEMO - AECOM (60598001\_1) 27.01.22

Air Quality Assessment - AECOM (60666052\_AQ) October 2021

Affordable Housing Statement- Persimmon (November 2022)

Site Waste Management Plan- Persimmon - 01.10.21

Framework Travel Plan PJA (05835) November 2021

Transport Assessment - PJA (05835) November 2021

Arboricultural Impact Assessment – RPS (JSL4182) 15.11.22

High Level Overview Of Landscape And Visual Considerations- RPS (JSL 4197-RPS-XX-EX-RP-L-9030-

P01RPS - Cannock Chase SAC Impact Assessment (JBB8917.C7819) 26.08.21

RPS - Daylight and Sunlight Assessment (AAH5738) November 2021

RPS - Daylight and Sunlight Assessment Addendum (AAH5738) September 2022

RPS - Design and Access Statement (AAH5738\_RPS-21-ZZ-PL-A\_Rev P03) November 2021

RPS - Flood Risk Assessment (HLEF81248) 01.11.21

RPS - Planning Statement (JBB8917) 24.11.2021

Tyler Grange - Ecological Assessment Report (11989\_R08a\_EA\_JD\_CW) 19.11.21

Tyler Grange – Biodiversity Net Gain Note (11989\_R09\_JD\_CW) 05.01.23

Cannock Chase SAC Partnership - HRA 04.07.22

Wardell Armstrong - Coal Mining Risk Assessment (ST15751) August 2021

Wardell Armstrong - Site Investigation and Ground Conditions Assessment (ST15751) May 2018

Worcestershire Archaeology - Heritage Statement V2 (P6178) November 2021

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

AMEY - Off-Site Cycle Works Birmingham Road (I-D0198G-S3-P-01 P0) 13.10.21

AMEY - Off-Site Cycle Works Upper St John Street (CD0198G-S3-P-02 P0) 13.10.21  
AMEY - Off-Site Works Bowling Green Roundabout Southern Arm (D0198G-S1-R01-01-R0) 13.10.21  
PJA - The Friary Roadworks - Sainte Foy (778-35) Rev  
PJA 03847-Tr-0001-P3 Swinfen Island - Proposed Design Scheme  
Proludic - St Johns Phase 2A LEAP (1904.22170)  
Proludic - St Johns Phase 2B-2D LEAP (2010.27459)  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-02-P04 Flood Route Plan Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-03-P04 Flood Route Plan Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-04-P04 Flood Route Plan Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-01-P01-Storm Drainage Area Plan Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-02-P01-Storm Drainage Area Plan Phase 2B  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-03-P01-Storm Drainage Area Plan Phase 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-04-P01-Storm Drainage Area Plan Phase 2E  
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EON - Preliminary Street Lighting (01950-02 Rev B) Phase 2C  
EON - Preliminary Street Lighting (01950-03 Rev B) Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-01-P10 Refuse Vehicle Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-02-P10 Refuse Vehicle Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-03-P10 Refuse Vehicle Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-01-P08 Fire Tender Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-02-P08 Fire Tender Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-03-P09 Fire Tender Tracking Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-01-P06 Private Drive Fire Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-02-P06 Private Drive Fire Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-03-P06 Private Drive Fire Tracking Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-01-P06 Private Drive Fire Tracking Phase 2B  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-02-P06 Private Drive Fire Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-03-P06 Private Drive Fire Tracking Phase  
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RPS - AAC5375\_RPS-xx-xx-DR-C-600-17-P08 Proposed Slab Levels Phase 2E  
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RPS - Chimney Plan (AAH5738-RPS-GR-01-DR-S-8112) Rev E  
RPS - Education Provision Plan (AAH5738-RPS-GR-01-DR-S-8115)  
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RPS - JSL4197-RPS-XX-XX-DR-L-9011\_Detailed Soft Landscape Proposals\_11\_  
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RPS - JSL4197-RPS-XX-XX-DR-L-9020\_Detailed Soft Landscape Proposals\_20\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9021\_Detailed Soft Landscape Proposals\_21\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9022\_Detailed Soft Landscape Proposals\_22\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9023\_Detailed Soft Landscape Proposals\_23\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9024\_Detailed Soft Landscape Proposals\_24\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9025\_Detailed Soft Landscape Proposals\_25\_P05  
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RPS - Phase 2B 1 in 1 Year Critical Storm.  
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RPS - Phase 2B 1 in 100 Year Plus 30% Critical Storm.  
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RPS - Phase 2C 1 in 2 Year Critical Storm.  
RPS - Phase 2C 1 in 30 Year Critical Storm.  
RPS - Phase 2C 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2D 1 in 1 Year Critical Storm.  
RPS - Phase 2D 1 in 2 Year Critical Storm.  
RPS - Phase 2D 1 in 30 Year Critical Storm.  
RPS - Phase 2D 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2E 1 in 1 Year Critical Storm.  
RPS - Phase 2E 1 in 2 Year Critical Storm.  
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RPS - Phase 2E 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase Plan (AAH5738-RPS-GR-01-DR-S-8111) Rev C  
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Canal Wharf - Greyfriars (GF-1068-02) Rev C  
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Traditional - Affordable 83 (83-896-05) Rev  
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Traditional - Chedworth (CD-1222-02) Rev A  
Traditional - Foxford (FX-1445-02) Rev C  
Traditional - Hatfield (HT-969-01) Rev C  
Traditional - Hatfield Corner (HTC-969-02) Rev C  
Traditional - Hatfield Corner (HTC-969-03) Rev C  
Traditional - Trafalgar (TG-699-02) Rev C  
Traditional - Wareham (WH-863-01) Rev C  
Traditional - Whinfell (WH-1151-01) Rev C

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## **OBSERVATIONS**

### **Site and Location**

The application site is located on the southern edge of Lichfield City approximately 1.5km from the City Centre. The site is approx. 38 hectares, consisting mainly of agricultural land (predominantly arable). Its western boundary is formed by the Lichfield to Birmingham Cross City railway line, which sits on an embankment at this point, with a row of commercial units facing the A5127 Birmingham Road beyond.

To the east the site adjoins the rear of residential dwellings fronting London Road. To the south and south-eastern boundary of the site is Knowle Lane, with the western part of the southern boundary lying adjacent to Knowle Hill (a significant land form). Here the land is rural in nature. Beyond Knowle Lane is the London Road/A38 ('Ryknild Street')/A5148 roundabout and its associated highway infrastructure to the wider highway network).

As part of the site but in a discrete separate parcel on the northern boundary with the By-Pass and with parts of an eastern boundary the land abuts established residential properties on Shortbutts Lane / Wordsworth Close / Sanders Way and London Road / Marsh Lane respectively.

The majority of the site is therefore enclosed by existing infrastructure, including residential development. Also, to the north is a linear park running from London Road to Wordsworth Close which was the former route of the Lichfield Canal.

The first phase of the original site area has been developed with residential units, with the rest is partially cleared and then the land extends beyond this, in part, made up of a number of arable fields separated by boundary hedges. Apart from those trees within the existing hedgerows there is little in the way of individual trees within the site except an area of woodland in the north-eastern corner. The site therefore has a relatively open character.

The levels of the site are lowest at the north-east end of the site. It then rises gradually to the south, towards Knowle Hill, and to the north-east with the landform creating a small ridge across the site on a south-east to north-west axis, before falling away to the south, towards Knowle Lane on the site boundary.

There are no public footpaths crossing the site. The southern parcel of the application site remains opens and lies within the confirmed West Midlands Green Belt.

## **Background**

A proposal for outline consent was originally submitted in May 2012 under reference 12/000182/OUTMEI for up to 450 dwellings and approved in 2018, subject to conditions and S106 agreement.

Since the original outline permission was granted the Southern Bypass route (link road) was submitted under reference 19/00053/FULM and approved on 11<sup>th</sup> April 2019 and has since been constructed under this consent

A further reserved matters has been considered and approved under application 19/00478/REMM for 169 dwellings as part of the original outline consent (12/000182/OUTMEI) and is identified as 'Phase 2A'. Much of this phase has now been built out and is occupied and this element also includes the 'wharf area' around the protected route of the Lichfield Canal fronting the Bypass.

Since the original application and the early reserved matters being approved, the site boundary has had to be revised, as access is no longer proposed via 22 London Road along with the additional land to the rear. This has resulted in a reduction in the site area, which is inconsistent with the red line approved under the original outline consent. As a result of this the remaining phases of the development under the original outline application cannot be implemented, hence the hybrid application now under consideration.

The current proposal includes a full, detailed application for the residential land elements and outline provision for an area for a primary school and one for a community hub /local centre. Importantly this current application now excludes land belonging to No. 22 London Road and the field to its rear (within the eastern corner of the site).

This current application also includes, the 'as built out' Phase 2, in order to provide context to the revised proposals. Access to the development is from the Bypass (Phase 2e) to the north via one access point and to the south, via two access points off the Bypass via phase 2a into (Phases b, c and d). The proposals still also include the 'outline elements' for the community hub and retail units along with the primary school site.

The site also provides for a 2 x Local Equipped Areas of Play (LEAPs), one is phase 2a, a large area of open space/parkland (Knowle Hill), 3 x playing fields, trim trial, changing facilities and allotments towards the southern end of the site.

### Environmental Assessment Regulations

The development of this site has been screened under the provision of the Environmental Impact Assessment Regulations prior to the application being submitted (2.8.21), as evidenced in the planning history.

The site does not fall within Schedule 1 but does fall with Schedule 2 Part 10 (b) of the regulation as it is an urban development project where the area exceeds 5 hectares and is also for more than 150 dwellings. It does not exceed the sensitivity area test or threshold test and therefore an EIA application is deemed not required.

### Proposals

The amended application description is as follows:

This application seeks permission of a full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating the 169 dwellings (phase 2A) approved and built under 19/00478/REMM).

### Access

Access to the 500 units (169 dwellings in Phase 2a; as built) and remaining 331 proposed dwellings is made from part of the link road that forms the Lichfield Southern Bypass. Three separate access points are proposed in this case. A single access point to the north from the Bypass directly into Phase 2e. To the south are two separate access from the bypass which serves the completed Phase 2a and links up the proposed development through to phases 2b, c and d.

Pedestrian and cycle access is made from the Southern Bypass via a 3m wide shared footway and cycle way which runs the full length of the bypass. The Bypass also has pedestrian crossing points.

It is noted that no formal public rights of way run through the site.

Phase 2b is accessed from the consented 2a development and is located between south of Phase 2a with phase 2d to the west and the boundary of the school and public open space to the east. Phase 2b is separated from phase 2d by a linear form of open space. Pedestrian and cycle routes (only) link the two phases across the open space. This phase has linked internal roads which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and a number of garages have been provided for a number of the house types.

Phase 2c – This phase is also accessed through from the consented Phase 2a and is located to the eastern boundary of phase 2a and the rear gardens of London Road. This phase has been designed to accommodate internal roads, which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and garages have been provided for a number of the house types.

Phase 2d - This phase is also accessed through from the consented Phase 2a. It is located to the west for the development, adjacent to the cross-city line and the linear open space across from phase 2b to the east. This phase has suitable internal roads/private drives which allow emergency vehicles to access



all areas and to leave in a forward gear. Parking is provided off road within plots and garages have been provided for a number of the house types.

Phase 2e - This phase is separate to the other phases being located to the north of the Bypass. It has a single access point with roads and pavements which have suitable internal road widths for vehicles and large refuse and emergency vehicles to enter and leave in a forward gear. Parking provision in this phase 2e is fully met. All the plots have off street parking and, some have garages which are suitable to meet national standards for parking of a vehicle.

To the south of the proposed dwellings are three playing pitches, changing facilities and allotments. 36 dedicated car parking spaces are proposed to serve these facilities.

Two local equipped areas of play are provided within the development. One within phase 2A and the other within the open space to the south. This area also benefits from a trim trail and cycle and pedestrian looped pathways.

### **Number of dwellings**

The detailed residential development of the proposal is for total of 500 dwellings. 169 of these dwellings have already been completed in Phase 2a.

The development as outlined provides for the dwellings already constructed and for the remaining 331 dwellings in a mix of property size and tenure. Phase 2a (as built) provides for 33% affordable provision and Phases 2b, c and d propose a 38% provision split, including 65% socially rented and 35% intermediate affordable tenures.

The housing areas are split into 4 remaining phases since the construction of phase 2a. The density of these phases vary and are outlined as follows:

Phase 2a – 41.01 dph (completed)  
Phase 2b – 35.22dph  
Phase 2c – 24.97 dph  
Phase 2d – 39.65 dph  
Phase 2e – 36.55 dph

The densities of the proposals remain wholly consistent with each other. Phase 2c is lower given it reflects the area of woodland retained along with open space provided within this phase. The residential layout has a traditional perimeter block layout with the majority of gardens having back-to-back arrangement to provide privacy levels. The design of the dwellings is a mixture of traditional styles set over 1, 2 and 2.5/3 storeys, with larger and the majority of taller properties facing the Bypass. The properties have a consistency in materials between phases with brick detailing variances/cladding, following a similar theme to that of phase 2a.

### **Green and blue infrastructure**

Phase 2e is bordered by the tree lined Bypass to the south and a balancing 'SuDs' feature to the north east. Established hedgerows run along the northern boundary of this site

The border of the developed area and the parkland is demarked by an extensive linear SUD's feature which is proposed along the majority of the edge of the open space/parkland.

The southern element of the site mainly provides for open space/parkland mainly to the south of the site. This space also benefits from 3 different sized playing pitches, changing facilities, allotment garden areas and landscaped/contoured public open space which is laid out to provide pedestrian walkways along with an outdoor fitness area (trim trail), in combination with a Locally Equipped Play Area (LEAP) alongside the Locally Equipped Play Area LEAP outlined in Phase 2a.

A narrow 'finger' of linear open space extends up from the southern area to the north through the development defining the green space between Phase 2d and 2b. This green corridor also provides for a positive visual link to the north out towards the city and the landmarks of the cathedral spires.

### **Commercial and school land (outline)**

This is a hybrid application and the details of both the commercial retail/community hub and the school site have been identified in outline only, with no details provided at this stage and so all matters are reserved for later consideration in respect of these elements of the development.

These two sites extend to 2.3 hectares for the primary school and 1.5 hectares for the commercial/community hub respectively and are located to the east for the commercial element and south-west for the school. Details of the quantum of the floor space provision is not fixed but envisages uses including a pub and takeaway is identified along with a community hub building. This is to provide a local community centre to serve the local population

### **Determining Issues**

- 1) Policy & Principle of Development
- 2) Housing Mix and Affordable Housing
- 3) Design, Density, Siting and Relationship to the Built Form /Character
- 4) Landscape and Visual Impact
- 5) Arboricultural Impacts (Trees and Hedgerows)
- 6) Impact on Highway Network, Sustainable Transport and Other Transport Implications
- 7) Flood Risk and Drainage Issues
- 8) Public open Space, Sports Facilities, Green Infrastructure,
- 9) Impact on Ecological Interests, including Cannock Chase Special Area of Conservation
- 10) Impact on Residential Amenity
- 11) Sustainability and Energy Issues
- 12) Impact on Archaeology and Cultural Heritage
- 13) Planning Obligations (including Community Infrastructure Levy)
- 14) Other Issues
- 15) Human Rights

#### **1.0 Policy & Principle of Development**

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield Neighbourhood Plan was also made on 17<sup>th</sup> April 2018 and as such, also carries full material weight.

1.2 The emerging Local Plan (2040) was subject to Regulation 19 pre-submission public consultation, completing this stage in August 2021 It was submitted to the Secretary of State in autumn 2021 and 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. Therefore, at this stage of the adoption process, the emerging plan policies carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

1.3 Paragraph 8 of the NPPF considers how sustainable development can be achieved. The planning systems have three overarching objective which interrelate to each other and these are as follows:

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

- 1.4 There is a presumption in favour of sustainable development where development accords with the development plan. The scheme having both a school, residential and commercial elements to support a local community. The local centre is to come forward at a later reserved matters stage with retail and community use building. To ensure these remain suitable for the location, conditions are recommended so the facilities remain suitable in type and size and has a design code/standard.

#### Land Supply

- 1.5 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.6 Lichfield’s latest 5 year land supply position as at 1st April 2021 indicates that the District maintains a 5 year supply of 13.4 years. (Source: LDC 5 years Housing Land Supply 2021 (August 2021). In this case the application proposal should be assessed against the NPPF and policies of the Development Plan, Allocations Document and Lichfield City Neighbourhood Plan.
- 1.7 The Local Plan Strategy sets a strategic requirement to deliver a *minimum of 10,030 dwellings* during the plan period. Core Policy 1 of the Local Plan Strategy establishes the Council’s Spatial Strategy, which seeks to direct growth to the identified sustainable settlements.
- 1.8 Lichfield is identified as a Key Urban Settlement, whilst the South of Lichfield Strategic Development Allocations (SDAs); of which this application site forms part; will be a location where future development will be directed. Core Policy 6 and Policy Lichfield 4: Housing, states that Lichfield will play a significant role in meeting housing need by providing growth of around 3,900 new dwellings within the community, with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period.
- 1.9 Specific details of the sites allocated to deliver part of this housing provision, *approximately 1,350 dwellings across the South of Lichfield*, are identified under Policy Lichfield 6: South of Lichfield. This specific site, which forms part of this wider allocation, and is outlined in Appendix C (South of Lichfield – South of Shortbutts Lane).
- 1.10 Appendix C of the Local Plan Strategy sets out the ‘Concept Rationale Objectives’ for the site, which includes development of up to 450 dwellings, drawing upon the qualities and topography of the landscape to achieve a well-designed, sustainable urban extension, providing strong sustainable travel mode provision, through the development and access to local facilities and

ensuring a good degree of physical and social integration with the existing settlement. It specifically considers the topography of the land rising to Knowle Hill and the management of the transition between that of town and country.

1.11 The Design Principles are outlined in 15 points covering main elements of the site development. These include briefly:

- A strong emphasis to the provision of a range of housing in accordance with Development Management Policies H1 and H2.
- The provision of open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2, incorporating playing pitches, amenity green space, equipped play and allotments.
- Also, a landscape framework and strategy and way of detailing the urban edge where it meets open countryside.
- Routes through the development for both vehicles and pedestrians with an emphasis of choice for public transport.
- The provision of a strong link to views to a from the city and how it might be achieved.

#### Quantum of Development

1.12 It is important to note the other strategic sites in South Lichfield that form part of the overall quantity of development provided. To the east of this site is the Land at Cricket Lane SDA residential development site (application ref. 18/01217OUTFLM). This recently granted permission for up to 520 dwellings, with the Concept Statement at Appendix I of the Local Plan setting out that the development would integrate approx. 450 homes.

1.13 The Dean Slade Farm SDA gained full planning permission (for the housing element of the proposal) under application ref. 17/01191/OUFMEI on 25th March 2019, for the erection of 475 dwellings. (Concept Statement Appendix H of the Local Plan)

1.14 Couple these two figures along with the 500 units proposed by this development and this represents a total housing over provision 145 across the three South Lichfield sites contained within the wider Strategic Development Allocations.

1.15 The proposal could potentially therefore, in isolation and in combination with the abovementioned neighbouring sites, result in a minor over delivery of housing for the South of Lichfield area. However, the figure of 1,350 dwellings, identified within the Development Plan is a minimum figure and establishes an appropriate parameter of housing delivery. A potential over delivery on this site of approximately of 50 dwelling or collectively of 145 dwellings from the 3 Concept Statements does not over-ride the main policies of the Local Plan as set out in Core Policy 6 and Lichfield Policy 6, as neither refers to upper housing delivery limits.

1.16 Comments and objections have been received in respect to this oversupply status. However, LDC planning policy team have raised no objections to numbers on this nor on any of the other allocated housing sites and, it is noted that both national and local policies seek to boost housing supply, as given requirement figures are generally indicated as a minimum and, subject to no significant infrastructure or design issues and the wider context. Therefore, it is considered that in exceeding this minimal number of dwellings, does not make the proposals contrary to the provisions of the Development Plan as a whole.

1.17 Overall, it is considered that, subject to the development complying with the wider requirement, as detailed within the Local Plan, including that set out in Appendix C of the Local Plan Strategy, the residential element of this development, will comply, in principle, with the requirements of the Development Plan and NPPF in this regard.

1.18 The Lichfield City Neighbourhood Plan was made on the 17th April 2018. The document focuses primarily on employment and tourism considerations and as such raises no specific policies or matters for consideration specific to the residential phase of this development.

- 1.19 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. 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”*.
- 1.20 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. 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”*.
- 1.21 The site forms part of the South of Lichfield Strategic Development Area Policy 6 which is outlined in Core Policy 6 of the Local Plan Strategy. The elements of the Policy 6 seek to provide a sustainable, well-designed development with a range of housing, open space and infrastructure to support this allocated. The South Lichfield Development Area and this proposed site is considered a good location for development, hence the allocation given its relationship to the City and ease of access to facilities and sustainable modes of transport.
- 1.22 Paragraph 182 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development is likely to have a significant effect on a habitats site unless appropriate assessment has concluded that the project will not have any adverse effect on the integrity of the habitats site. The site does fall within the area of Cannock Chase SAC and suitable mitigation would be required in this case.
- 1.23 Appropriate Assessment has been undertaken at strategic level by the Cannock Chase Partnership to inform the preparation of local authority core strategies, but concludes that no appropriate assessment is needed in relation to this particular proposal because, subject to the mitigation measures put forward by the applicants and agreed by Natural England, that the proposal is not likely to have a significant impact on the Cannock Chase SAC.
- 1.24 The site as part of the South Lichfield SDA is in a suitable and sustainable location, there are no insurmountable technical barriers to its development, it is deliverable in the sense that it is in the control of a developer with a confirmed intention to develop it.

#### Use of land within the Green Belt

- 1.25 The southern element of the application site lies within the West Midlands Green Belt, wherein there is a general presumption against inappropriate development. Inappropriate development is, by definition, considered harmful to the Green Belt. Although most new buildings will be considered inappropriate, other forms of development can be considered appropriate within the Green Belts providing they preserve its openness and do not conflict with the purposes of including land within it.
- 1.26 It is proposed to use the Green Belt area as a landscaped public open space and 1 adult and 2 x junior sports pitches, a trim trail, LEAP, allotments and paths/routes around the open space of Knowle Hill for walkers, dog walkers and cyclists. A changing facility and small parking area are also proposed for use in association with the sports pitches and open space. Due to the unique alignment of the Green Belt at the southern part of this area and these proposed ‘open’ uses, it is not considered that elements of this part of the proposed development would be inappropriate within the Green Belt and as such would comply with the provisions of paragraphs 149 and 150

of the NPPF and policy NR2 of the Lichfield Local Plan Strategy. Therefore, these development elements would constitute an appropriate form of development in the Green Belt, in so far as it would provide appropriate facilities for outdoor sport and would not conflict with the purposes of including land within it.

- 1.27 It is therefore considered that the proposal accords with the core planning principles contained within the NPPF and that the proposal is of a scale and in a location that accords with the spatial strategy for the District.

#### Policy Conclusion

- 1.28 The development site is identified as a sustainable site for residential development as defined within the adopted Local Plan. Therefore, it is considered that the principle of the development, including the local centre and school is considered acceptable and therefore there are no objections raised that would justify reasons for refusal that can be legitimately substantiated on policy grounds.

#### 2.0 Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures, based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high-quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District, with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The dwelling mix identified under the requirements of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District’s housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above.

Appendix C of the Local Plan Strategy advises that this *development with emphasis on “integrate with existing neighbourhood and encourage sustainable travel modes to access local facilities complement existing settlement in terms of housing mix, scale and mass” and deliver a range of facilities including open space and amenities”*.

#### Assessment

- 2.3 It is noted that under the original outline approval ref. 12/00182OUTMEI, 56 affordable homes were to be provided on Phase 2a land as follows:

#### 2A Land Affordable Homes – 56 Homes

Housetype	Beds	Type	Social Rent	Shared Ownership
Type 45	1 Bed	House	2	
Type 50	1 Bed	Apartment	6	
Type 65	2 Bed	House	2	8
Type 73	2 Bed	House	21	
Type 79	2 Bed	House		6
Type 83	3 Bed	House	5	6
			36	20

- 2.4 Of these 56 homes, it includes a breakdown of 36 social rented and 20 shared-ownership, which is considered broadly in line with the Councils requirements of 65% social rent and 35% Intermediate.
- 2.5 This hybrid application proposes a further 331 homes and of this a total of 126 homes are to be provided as affordable. 82 (65%) will be socially rented and the remaining 44 (35%) shared ownership this is in line with the target identified within the Lichfield District Council Local Plan Strategy Policy H2.

The number of bedrooms for the units across all the phases are shown in the table below:

Phases B, C, D AND E			Complete Dev Including Phase 2a	
No of Bedrooms	Social rent	Intermediate	Social Rent	Intermediate
1 bed	18 (22.9%)	0 (0.0%)	26	0 (0.0%)
2 bed	29 (35.49%)	22 (50.0%)	52	30 (46.9%)
3 bed	31(37.8%)	22 (50.0%)	36	34 (53.1%)
4 bed	4 (0.0%)	0 (0.0%)	4	0 (0.0%)
TOTAL	82	44	118	64

- 2.6 The site is over the threshold for the provision of affordable housing, as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report issued in 2020 is for 38% of the units proposed.
- 2.7 The reserved matters application for Phase 2a under reference 19/00478/REMM identified a requirement for 31% affordable housing, as the dynamic model required at the time when the original outline application 12/00182/OUTMEI was approved. Of these 56 units in Phase 2a. The quantum represented an overprovision of 4 affordable units.
- 2.8 The remainder of the phases are to be provided in line with the more recent dynamic model of 38% with a tenure split of 65% social rented and 35% intermediate. Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social rented and managed by a registered provider, with the remaining 35% intermediate. It is understood a local registered provider is interested in Phase 2a.
- 2.9 There have been numerous comments in respect to the number affordable units and house types offered within the development, however when assessing this in line with the Councils' own provision the applicant has proposed a wholly policy compliant affordable housing scheme, which will deliver 182 affordable dwellings.
- 2.10 This hybrid application considers both the combination of the earlier phase and the later ones which equate to a total of 182 affordable units with 118 social rent and 64 shared ownership, in line with the policy recommendation and is higher than what would have been previously provided under the original outline permission, this in fact represents an additional 42 affordable homes. This provision is recommended to be secured via the s106 legal agreement.
- 2.11 It is noted that within the Housing Manager's response to this application, the current demand for affordable housing in this area is for 2 bed houses, 1 bed flats and 1 bed bungalows. Delivery of the latter would evidently help to meet the aspirations of the Council in this respect.

## Housing Conclusion

- 2.12 Given the above the development will provide a range of blind tenure housing meeting the tenure split and the mix of properties offered, represents a well-balanced range of property types in line with 'Registered Providers' feedback that homes are located in clusters and spread throughout the development in line with the Lichfield District Council Developers Contributions SPD 2016. The provisions indicate that affordable housing should be integrated across the general development to deliver a sustainable community. The development complies with the requirements of the Development Plan and NPPF in this regard.
- 3.0 Design, Density, Siting and Relationship to the Built Form /Character
- 3.1 The site presently has a greenfield character (except phase 2a built out), given its current/former agricultural use. It is important to acknowledge that the land has been specifically identified as a sustainable urban extension to the city in the adopted Local Plan.
- 3.2 Local Plan Strategy Core Policy 14 states that *"the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment"*.
- 3.3 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"*. 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"*.
- 3.4 The NPPF (Section 12) advises that, *"good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*. The document continues to state 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"*.
- 3.5 The recently released 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"*. It is important to note that 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.
- 3.6 The Planning Statement/design statement summarises the applicant's main ambitions for the development of the site to be as follows:
- Function and quality – providing a distinctive identity which, whilst having its own character, integrates with the surrounding built form and landscape context, providing a well-connected permeable structure that supports social cohesion between existing and new communities.
  - Sense of place – allowing key design characteristics of surrounding settlements to influence the character of the development, providing a hierarchy of connected spaces and places, integrating existing and proposed landscape features to soften the built form, utilising green infrastructure to structure and define the layout, creating a clearly defined public realm and providing outward facing development to the majority of the site's edges.
  - Access to services and facilities – integration of the development into the existing movement network, including new including bus stops located within easy walking distance of all new dwellings and employment buildings. Maximisation of the



opportunities for sustainable modes of transport, including the enhancement and extension of the existing pedestrian network, facilitating convenient, safe and direct access to existing and proposed local services and facilities.

- Response to context – reflecting the pattern of streets and blocks found locally within the scheme’s layout, integrating development into the existing built fabric of south Lichfield, responding to existing topography, providing outward facing development, retaining key landscape features and habitats and protecting the amenity of existing and proposed residents.
- Safe and accessible environments – creation of a clearly defined public realm and hierarchy of connected spaces and places, allowing ease of movement for all users and control of access to private areas.
- Sustainability – provision of a mix of uses and links to surrounding areas to ensure everyday needs are catered for. Making efficient use of land and ensuring individual buildings can adapt to changes over time.
- Promote good design – providing development that responds to local character and identity to create architectural and landscape designs that are visually attractive environments where people will want to live, work, socialise and relax.

#### Assessment

- 3.7 It is clear that the layout and design of the proposed scheme in each of the phases has drawn a number of criticisms. This has been mainly due to the layout and density of the development phases, the use of materials and the perceived ‘lack of architectural merit’ and character that has been applied across the development.
- 3.8 During the course of the consideration of the application, a number of iterations to the design/layout of the scheme have been considered, with ongoing themes and comments and amongst other comments have resulted in an overall reduction in the number of dwellings to 500 from 529; this was to overcome initial comments regarding the density of the Phases when considering good quality design.
- 3.9 It is acknowledged by the Councils’ Urban Design officer that this site is a modern urban extension to the city and the latest reduced version does represent an improvement over the original versions. It is also accepted that the development will clearly be seen on arrival to the city by train and from some other vantage points and this, in itself is not necessarily harmful as the site clearly is outlined for development as part of a wider strategic site.
- 3.10 The developer has provided a design and access statement and visual analysis to justify the overall design approach to the layout in this case and, also a building height plan/house type plan and a density plan which ranges between 24 and 39 dph. However, the Urban Design officer has continued to raise inconsistencies between the provisions of the ‘masterplan’ and the layouts for the various phases. It should be noted, the masterplan provides broad parameters of layout forms and does not provide detailed layouts /parking layouts. It is however accepted that, matters of detail have to be interpreted and applied throughout each phase. It is important to note that with respect to the individual density across all of the phases they all remain fully consistent with the built out phase 2a and this is accepted.
- 3.11 Lichfield is a beautiful and characterful City and with its cathedral and associated spires as part of its historic core. House types in and across the city widely vary, with not just one age, housing type and one material used, but a wide range and varied mix. The strong historic core with its number of significant and noteworthy buildings and beyond other developments constructed in different periods reflecting differing architecture taste and design and materials at the time. (i.e. non consistent use of stone, brick and render).
- 3.12 In the case of this development, the developer has chosen to provide more of a ‘stock book’ approach to house types, rather than provide perhaps a more varied and bespoke approach to house types within the site. This has also led to a number of criticisms of the overall scheme,

in terms of design and approach to the layout and how this relates to surrounding development and whether the development represents good design.

- 3.13 Revisions have included breaking up parking frontages, with more landscape within the layout which has been assisted with the reduced number of dwellings. It is noted that throughout the phases there is range of house types, within this is a palette of variances and approaches including a mix of roof types, brickwork detailing, window and door alignment, chimney features and window sizing, (to name some) that have formed the overall benchmark for the house types proposed on this site, which is an appropriate approach.
- 3.14 Moreover, it is important to note that the new phases continue to follow the main principles of the development built out so far and the original masterplan for the previous outline consent, in terms perimeter blocks and frontage development with a strong definition of public and private space advocated by 'Secure by Design'. It is also to be acknowledged that part of the scheme (Phase 2a); which is part of this proposed application, is already consented and is nearing completion. As such, a number of design parameters have already been established on part of this development. In order to draw a design consistency across the remaining phases the developer has included similarities to the general approach adopted in respect to layout for the wider site. It is not to say that the developer has not applied variations to house typology to increase design improvements, but has still managed to maintain but an overall consistency between each phase to a degree, that would result in the built out phase not appearing incongruous when considered as part of any of the proposed phases.
- 3.15 The main frontage in Phase E follows the canal side wharf in phase A, creating a strong emphasis along the Bypass directly opposite the 'Wharf phase to the opposing side. Taller house types are also dotted along the major routes in each phase with two-storey being the predominating house type. Streets are broken up with house types providing both parking at the front or to the side, some with garages provided within a number of plots. In recognition of the 'masterplan', there is an application of the use of similar materials, such as a 'red brick' palette and plain red /grey roof tiles with elements of neutral render and cladding as feature materials. This approach is recognised and accepted by the Urban Design officer.
- 3.16 Concerns have been raised in respect to the density of the scheme and coupled with that, the larger runs of frontage parking which may detract from the quality of the design of the street. It is a 'fine balance' to provide adequate parking levels that meet standards and provide this in a useable and legible form when considering layout and design especially for incoming residents. It is acknowledged that in any design 'over provision' of frontage parking can lead to a reduction in the quality of a 'sense of place'. Space between development can just be as important as the development itself. The approach to the overall design, layout and to a mix of parking provision, especially some larger areas of frontage parking within the phases, whilst not ideal, is 'on balance' accepted. Each phase follows a similar density and layout and ensures the character of the development would be positively reinforced (as noted above). This has to be balanced with the provision of the majority of open space to the south where no building will occur, as the land remains designated as Green Belt.
- 3.17 The density of the scheme is fairly consistent (as outlined previously) with the greatest density around the community/commercial areas, with lower density elsewhere. The edges facing the green space is made from private drives which help soften this interface between the built areas and open space and the wider countryside edge.
- 3.18 Boundary treatments have remained consistent throughout the development, with a majority of close boarded fences to provide rear garden security. Exposed side plots to highways have wall feature boundaries. Frontages that are set back from the bypass and well-defined edges to the open space are defined by 1.1m rails. Knee rails to the wooded area around Phase 2C and a feature entrance is also proposed with a dwarf wall and brick piers. These all help in providing definition of public and private spaces and, continue to provide a degree of design continuity between each phase of the built form and open space.

- 3.19 The provision of the parkland open space and linear park form part of the masterplan principles and, the open space to the south is fully supported by urban design and the landscape and tree office and the layout of the space helps provide meaningful links through and across the linear open space with footpaths and links in the wider open space, allowing access into the district park and the open countryside around Knowle Hill. The planting of these areas is discussed in more detail later in the report, however it is important to note that a maturing landscape and appropriate management and maintenance and accessibility of these spaces, is an important part of the design of this part of site, as it will become part of the character of this location. The appropriate legal agreement/mechanism will ensure this is managed and maintained for future generations.

#### Design/Character: Conclusion

- 3.20 The overall layout and approach continues to echo the masterplan and, whilst significant concerns have continued to be raised in respect to the design of the remaining phases, it is noted that the development has evolved more positively during the course of the consideration of the application and it is important to note that part of the development has already been constructed, with the remaining phases continuing this consistent theme and approach. Therefore, 'on balance' it is considered that the form, layout and design is acceptable and continues to positively reinforce the first phase built out and elements of the previously approved masterplan and so, it accords with the broad principles of policy BE1 of the Lichfield Local Plan Strategy and the guidance in the NPPF.

#### 4.0 Landscape and Visual Impact

- 4.1 The site forms part of the Strategic Development Allocation of the southern edge of Lichfield and the policy base for this within Core Policies 1, 4 and 6 and Policies Lichfield 4, 5 and 6. Core policy 1 states that natural environment and landscape around the City will be protected and enhanced and, development should be carefully designed and located so not as to detract from key views into the City.
- 4.2 Policy Lichfield 6 states allocations should provide a sustainable safe and well-designed mixed use of approximately 1350 dwellings delivered by 2029. The policy also states the allocations will provide open space for sport and recreation facilities in line with the development management policies. Here development management policies HSC1 and HSC2 apply for the provision of playing pitches.
- 4.3 The policy also states retention of landscape and green infrastructure should be retained including trees and hedgerows, where possible. Appendix C of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of "a landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed".
- 4.4 The document continues to advise that the proposal should include, "A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, courtyard and garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive, but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City".
- 4.5 Policy NR2 of the Lichfield District Local Plan Strategy identifies constraints of land within the Green Belt and the southern portion of this site is located within the area. The main characteristic of Green Belt is its 'openness'.

- 4.6 The Landscape and Visual Impact Assessment (LVIA) document has been provided by the applicant. This assessment considers the wider landscape and the nearest environs impact of the development, in the context of National Landscape Character Areas and more localised townscape vantage points.
- 4.7 The quality and interest associated with the landscape is defined as the Sandstone Estatelands Landscape Character Type (LCT) which covers the large area to the south and west of Lichfield. This land is open and gently rolling with arable farmland of large regular fields. The sensitivity of the landscape is considered low to moderate given the rolling nature of the land and containment of tree cover.
- 4.8 The assessment carried out utilised fourteen points, 1 at the centre and 13 towards the edge of the site to inform the study called the Zone of Theoretical Visibility. (ZTV). Evidence by way of photographs were taken from public viewpoints. Views were limited from the south due to the boundary with Knowle Farm. The view from Birmingham Road is limited given the trade units and hedgerows. The main view is from The Spires on the opposite side to the development.
- 4.9 With regard to the quality of the landscape, the site is not subject to any national or regional landscape designations. The LVIA states that “The assessment of impacts on landscape character has determined that the significance of effect on the ‘Sandstone Estatelands’ LCT will be ‘minor adverse’. In order to consider impacts at a more detailed level, the assessment has also considered the site and its local landscape context; at this level the assessment concludes that the proposed development will result in a ‘minor to moderate adverse’ effect.
- 4.10 There is currently no public access to the site and its recreational value is low. From the wider landscape, the site is generally screened by the influence of rolling landform and vegetation, and where visible, it is seen in the existing context of the settlement edge, characterised by the residential areas rising across Knowle Hill.
- 4.11 There will be some views to the northern edge of the proposed development. Given the nature and scale of visual effects, when considered overall, these highly localised effects are not considered significant. Overall, it is concluded that the proposed development will result in limited impact at a localised level, to a landscape considered of low value.
- 4.12 The application submission has been subject to a series of landscape plans, which outline the main green areas. These details proposed planting plans and species and how these may be and managed for future generations. The Arboriculture Officer has commented on these plans and has secured amendments to ensure that the correct species are planted there is a provision of native species, which are suitable for their locations and to break up road frontages. Planting will both help retain the benefit of the open areas, park and park/woodland areas, to ensure that they also assists towards increased biodiversity of the wider site. For these reasons, the application is recommended with conditions and link to the wider management of the open space, to be set out within the S106 heads of terms.

#### Landscape Conclusion

- 4.13 It is considered, based upon the information contained within the LVIA and the comprehensive landscape proposals/plans that, the development will have an acceptable effect upon the landscape area and that the landscaped can be appropriately conditioned and managed and maintained as such, and will comply with the requirements of Policy NR4 and BE1 the Development Plan and NPPF.
- 5.0 Arborocultural Impacts (Trees and Hedgerows)
- 5.1 Paragraphs 131 of the NPPF advises that trees make an important contribution to the character and quality of urban environment and help to mitigate for climate change. It is also important

the parks have appropriate measures to secure retention of trees and secure long term maintenance of newly planted trees.

- 5.2 Core Policy 13 of the Local Plan Strategy seeks to protect veteran trees, whilst. Policy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed in line with the guidance of the NPPF.
- 5.3 The applicant has provided a full ‘arboricultural impact assessment’ in support of this application, along with planting and tree pits as and where required. The main trees are to be located within the district park and this is subject to conditions, to ensure the correct woodland species are secured, planted and maintained. This would also form part of the wider element of a management scheme to be secured through the S106. Trees would also be located around the periphery of the site and through the linear POS facing north. Street trees area also proposed through the development.
- 5.4 Appendix C of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of *“A landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed”*.
- 5.5 The document continues to advise that the proposal should include *“A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, and garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City”*.
- 5.6 The Arboricultural Impact Assessment, identifies that there are individual trees and groups of trees to be retained or removed as part of the development.
- 5.7 The Council’s Arboriculture Team advise that the impacts on existing trees of the development have been properly assessed and quantified.
- 5.8 In order to mitigate for the loss of any of the trees and also deliver the abovementioned SPD requirement, specific to tree canopy cover, significant, sustainable and well-designed landscaping will need to be designed and thereafter planted. Such expectations, along with details for measures to protect retained trees during the course of development, will be confirmed within the Design Code and Landscape Management Plan, which are both recommended to be secured via condition. On this basis, no objections are raised to the above identified tree works. A Landscape Management Plan, which is recommended to be secured, via condition should also identify how the development will achieve a 20% tree canopy cover by mid-century, supply suitable levels of tree planting within the car parking areas associated with the residential units and deliver suitable street trees.

#### Tree Conclusion

- 5.9 Given the above considerations with regard to tree and landscaping provision and , with reference to green infrastructure this development is considered to comply with the requirements of the Policy N4 and BE1 of Development Plan and NPPF.
- 6.0 Impact on Highway Network, Sustainable Transport and Other Transport Implications

- 6.1 The NPPF indicates in Paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.
- 6.2 The NPPF advocates the need to provide a mix of transport opportunities, including priority to the pedestrian and cycle user. It also requires safe access to emergency and service vehicles along with electric plug-in facilities being part of the development.
- 6.3 This is echoed in the Lichfield District Strategy Core Policies 2 and 3, which advocate sustainable development and, to ensure that development consider means to reduce the overall need to travel and optimising other forms such as cycling walking and use of public-transport.
- 6.4 Policy ST1 that requires development to secure more sustainable travel patterns considering impacts on the local and wider highway network and to provide good standards of layout and an adequate parking provision to meet demand as part of policy ST1.
- 6.5 The proposed development has been supported by a full and comprehensive suite of drawings as well as a Transport Assessment and Technical Notes. The site proposes three entrances for the development area all from the new link road of 7.3m width from the Lichfield Southern Bypass. The residential development proposed in Phase 2E is accessed via a single access to the bypass while Phases 2B, 2C and 2D are accessed from two access points to the south.
- 6.6 This link bypass road was opened in October 2021, linking Birmingham Road to London Road. A four-armed roundabout links the Birmingham Road and signalised three-armed junction links London Road. This approved bypass was designed to accommodate a bus service to link to the City, Tamworth and to Birmingham.
- 6.7 This application differs from the previously consented scheme as there is no longer a direct road access to the site from London Road.
- 6.8 The site is approximately a 20-minute walk to the nearest train station that connects the City to Birmingham and Bromsgrove via the cross-city line. A number of bus services runs from Birmingham to Lichfield via Sutton Coldfield and there are also buses running to Walsall and Tamworth, close to the site. Staffordshire County Council (SCC) have indicated that a legal agreement towards a bus contribution for the provision of a service to link the city centre and railway station would be required and, this is accepted and should link to the wider adjacent site at 'Cricket Lane' site, so both communities could make use of these facilities.
- 6.9 The application is supported by a full Transport Assessment and addendums. The Transport Assessment (TA) provides details of the existing highway network situation, in order to highlight the likely impact of the development upon the local and wider highway network through analysis of impacted junctions.
- 6.10 Significant comments and concerns have continued to be raised in respect to this development and the impact of traffic on the highway network. Following initial consultation, a number of concerns were raised within the application process by both the National Highways and Staffordshire County Council (SCC), regarding the extent and method of modelling and assessment work undertaken. To this end, the National Highways issued a holding objection.
- 6.11 Further, details were then duly submitted by the applicants transport consultants and this data has satisfied National Highways in respect to the impact on the wider strategic network, namely the A38 that the impact would not be severe and for these reasons National Highways have recommended conditions.
- 6.12 Staffordshire County Council (SCC) highways have considered the road networks and the internal road hierarchy (larger feeder road to main route and smaller estate road /private drive) within the development linking to the bypass and integrated wider pedestrian and cycle route.

The site is designed with all access onto large roads which create access connections to the smaller estate roads and private drives. Staffordshire County Council (SCC) has commented on the total quantum of parking provision meets LDC parking standards. Appropriate access and turning facilities have also been provided for emergency and refuse vehicles across the proposed development this is by way of tracking plans and, this has also been accepted.

- 6.13 Comments/concerns have been received in respect to the level and amount of parking provision for plots within each phase and the implications of the displacement of vehicles parking in the highway around the development and adjacent to it. Staffordshire County Council (SCC) recognise these concerns and have fully considered the implications of vehicle displacement should inadequate parking provision be provided. Importance should be given to dedicated on plot provision and the majority of the development is acceptable.
- 6.14 Staffordshire County Council (SCC) note that a few plots have provided isolated parking (in front of hose adjacent to POS), a proportion of plots have garage spaces, some do not meet internal size standards, whilst this is not ideal, but they raise no objections as there is sufficient parking provision made across the whole of the development and in few instances where garages have been discounted, due to their size there is sufficient off road parking provision provided per plot.
- 6.15 Staffordshire County Council (SCC) raises no objection to the provision of the footpath network within the development and the links to the bypass and towards the city. A number of conditions and a legal mechanism to secure works have been recommended and these are considered both reasonable and appropriate.

#### Transport Conclusion

- 6.16 New development must be supported by appropriate and required infrastructure in a timely and safe manner. The proposed development secures a continuous network of pedestrian, cycle and vehicular routes which connect the green spaces within the development and integrate successfully to the and safe access into and around the development, along with the provision for service and emergency vehicles across all phases.
- 6.17 Parking provision is considered acceptable and this integrates successfully into the development in line with policy ST1 of the Lichfield Local Plan Strategy and the guidance contained within the NPPF The development does provide a continuous networks of pedestrian and vehicular which connect the green spaces within the development and, integrate successfully to the wider area and the impact of the development on the local and wider highway networks would not be severe as to find the development unacceptable.

#### 7.0 Flood Risk and Drainage Issues

- 7.1 The application site is located within Flood Zone 1 which is defined as having little or no risk of flooding from rivers or streams. The Environment Agency have indicated that they have no comments to make in terms of the risk from main river flooding.
- 7.2 Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk Assessment (FRA) is required and such a FRA has been submitted with the application.
- 7.3 In terms of pluvial flooding, the Lichfield Strategic Flood Risk Assessment (SFRA) does not identify any occurrences of surface water flooding within the vicinity of the site, and as such there is low flood risk from this source.
- 7.4 The applicant has proposed a detailed drainage strategy incorporating three options which will see surface water drained into linked attenuation basins and swales and into either the

culverted watercourse along the line of the former Lichfield canal route to the north, or into the new Lichfield Canal. These would provide water quality treatment and attenuate flows up to a 1 in 100 year storm plus 30% for climate change.

7.5 The submitted FRA also recommends that all dwellings have a finished floor level 150mm above adjacent ground levels, where practicable, which will mitigate flood risks associated with surface water run-off.

7.6 Concerns have been raised in respect to Marsh Lane however, the acceptability of the drainage proposals have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development. Subject to the application of conditions, the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.

#### 8.0 Public Open Space, Sports Facilities, Green Infrastructure

8.1 The submitted Green Infrastructure Parameter Plan indicatively shows the main area of green infrastructure within the development itself to be the district park sports facility and SUDs area proposed to the southern end of the site; along with the peripheral green space and vertical green POS green space extending between phase D and B.

8.2 There are a total of 2 Local Equipped Areas of Play (LEAP) proposed across the site, with details of the equipment to be installed within these play areas.

8.3 Details of facilities within the Open Space/park such as changing facilities, benches or bins, have not yet been provided and will be secured under the provisions of the S106 agreement.

8.4 The requirements for open space are set out in Policy HSC1 of the Local Plan Strategy and the Council's Open Space Assessment Document (2016), further details of which are provided within the below table. For information, it should be noted that given the proposal is for 500 dwellings, an estimated population, utilising data of average household estimates, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015)), results in 1,120 residents.

8.5 Policy HSC1 of the Local Plan Strategy states that, "All new Strategic Development Allocations to provide equipped play to ensure all parts of the development are within 480m / 10 minutes walk time of a safe and over-looked equipped play facility".

8.6 The furthest distance likely from a dwelling within the site to a LEAP, as shown on the masterplan, is approximately 250m, whilst each location is capable of accommodating a scale of LEAP as laid out and is therefore compliant with the abovementioned guidance.

8.7 There is a need to ensure the appropriate provision of ancillary facilities and equipment, suitable footpath access, designed to be free from harm or crime and containing equipment of a requisite standard. No objection from the LDC Leisure team has been raised in respect to the LEAP provision, trim trail sports pitches as proposed.

#### Public Art

8.8 Core Policy 12 of the Local Plan Strategy advises that "new strategic housing... development will incorporate public art". Appendix C of the Local Plan Strategy identifies that development within the application site will need to deliver "Opportunities for public art to be integrated within the design of the development".

8.9 The provision of public art within the site is proposed to be secured through the s106 agreement, although exact details of such, will not be provided until an appropriate phase of



development. This will ensure compliance with the requirements of the Development Plan in this regard.

#### Allotments

- 8.10 Local Plan Policy HSC1 details the extent of allotment provision required within the SDAs (as detailed within the above table) and continues to state that, "allotments will be well maintained and well managed and will be designed so as not to have a detrimental visual impact upon the wider landscape. Depending upon the location, in some circumstances this may require restrictions upon the number and type of buildings which can be erected to serve the site such as individual sheds".
- 8.11 The layout submitted with this application shows such allotments to be provided within the southern part of the site. The indicative location, served off a secondary road, with its own share 36 spaces off-street car parking area is considered to be broadly acceptable. The creation of this area and its maintenance and management thereafter, is recommended to be secured by means of the S106 agreement.

#### Sports Facilities

- 8.12 Policy HSC2 of the Local Plan Strategy requires all SDA to "provide playing field facilities at a minimum level of 1.23ha per 1,000 population, including around 200m<sup>2</sup> for changing and pavilion space and 0.025ha for parking".
- 8.13 Facilities for sport and recreation will be focussed within the green space, located to the south the site. Indicatively three different sized football pitches are presently shown within this area. The type of pitches provide both adult and junior pitch provision. Also, a changing facility and associated off street car park is to be provided. Additionally, there will be a series of on-site gravel bound recreational trails for walking, cycling and running and the trim trail.
- 8.14 Sport England have been consulted on this application, along with the Council's Health and Well Being Development Manager. The advice received by the Council is that the provision to be supplied within the development is acceptable (as demonstrated above), subject to the application of conditions to secure a suitable design and layout of the playing pitches, pavilion and car park, prior to the occupation of any dwellings within the relevant phase of development and S106 to deliver and maintain such.
- 8.15 Such conditions are considered reasonable and necessary and will enable the delivery of the sports facilities within and appropriate time frame to meet policy advice and guidance

#### Public open Space, Sports Facilities, Green Infrastructure Conclusion

- 8.16 Given the above assessment, the recreational and public open space provision proposed within the development, as submitted, is considered to be compliant with the requirements of Core Policy CP3, CP11, Policy and Policy HSC1 and HSC2 the Development Plan and NPPF, in this regard.

#### 9.0 Impact on Ecological Interests, including Cannock Chase Special Area of Conservation

##### Protected Species

- 9.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts.

The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The Act protects both individual badgers and their setts.

- 9.2 A detailed desk study of known ecological records within the site has been undertaken, as well as field surveys covering an array of species. Specific habitat assessments relating to bats, badgers, breeding birds and reptiles have been undertaken. The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecology Manager has considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable, subject to the application of conditions, which detail the need to submit a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and Construction Environmental Management Plan (CEMP).
- 9.3 Reasonable Avoidance Measures (RAMS), including further surveys, as required, throughout the phasing of the development. In addition, any development works undertaken during bird nesting season will need to be suitably supervised.
- 9.4 The Ecology Manager is satisfied with the assessments and, subject to conditions relating to carrying out works in accordance with the details as provided, the development is considered acceptable and will continue to comply with the principles of Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan.

#### Biodiversity Net Gain

- 9.5 To comply with the guidance contained within the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 9.6 Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant EU obligations and statutory requirements" stated in the NPPF.
- 9.7 Under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity. This can include establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020.
- 9.8 A measurable 20% net-gain to biodiversity value, is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy, which feeds into the Council's Biodiversity and Development SPD.
- 9.9 The submitted biodiversity metric has been updated and revised and assessed due to the reduction of the development area and number of dwellings. In this case habitat created is mainly confined to the south of the site (open space) and garden areas and taking into account both outline areas will be fully developed.
- 9.10 The Ecology Manager considers that the quantitative data within this revised document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as Biodiversity Units (BU). In addition, it is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development.

- 9.11 The baseline value of the site remains unchanged at 131.93 units. Taking into account the changes to the scheme, the post development value has been calculated at 158.49 units which results in an overall uplift of 26.56 units or a 20.14% increase.
- 9.12 The applicant's intention is therefore to deliver net gains of BU (20.14%) as part of the proposed development scheme. The Ecology Manager approves of the new habitats and their management proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping.

#### Biodiversity Conclusion

- 9.13 As such, the development scheme is viewed as likely to be able to achieve in excess of 20% net-gain to Biodiversity Value and so complies with the requirements of the Development Plan and Biodiversity SPD and NPPF in this regard.
- 9.14 The applicant will still need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof), demonstrating a net gain to a value of no less than BU as indicated. It is recommended that these requirements be secured via appropriately worded conditions.

#### 10.0 Impact on Residential Amenity

- 10.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Appendix C of the Local Plan Strategy advises of the need for "Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis".
- 10.2 The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.
- 10.3 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 10.4 Finally, the SPD aspiration identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup>. Gardens should have a minimum length of 10m. It states that where there is a deficit, flexibility should be applied especially given distance from open space.
- 10.5 The applicant has provided a full amenity plan as part of the revised package. This plan extends across all phases B, C D and E which deliver the remaining 331 dwellings. The majority of houses meet and exceed distance separation and where they are do not fully meet intervening boundaries, properties are offset or angled to each other. Across the whole of this development 17 plots (5%) do not fully meet the required garden sizes. This deficit ranges from around 2-5sqm max. In consideration of this deficit, a much larger proportion (314 plots) or 95% meet or exceed the minimum. Of the plots identified only 4 fall short of a minimum 10m rear garden depth (compromised by rear bin access) these range from 8.5m to 9.5m in depth. The plots which been identified as constrained should, as the guidance suggests, be interpreted flexibly, and all are still located within easy walking distance from large areas of public open space, therefore this can be accepted.

## Daylight and Sun Light

- 10.6 There have been objections to the scheme in respect to amenity to existing properties and the proximity to the boundary. This is with particular regard to Phase 2e (north of the bypass) There is a existing boundary treatment and naturalised around the Northern Boundary with properties located to the north of Phase 2e. It is reasonable to require the retention of this hedgerow and ensure its protection to secure amenity is retained in this case
- 10.7 The applicant has provided a detailed daylight and sunlight impact assessment which covers impacts during morning midday and afternoon timings. This assessment has highlighted that there is a marginal impact during morning (around 9am) and this impact reduces to negligible with respect to timings later during the day given the orientation of the existing and proposed dwellings for this reason, it is considered unreasonable to justify a refusal of the application on this element. Particular concern relates to plot 172 which is a bungalow. The amended plans have no window facing the adjacent exiting plot and the intervening boundary and orientation of this plot secures the amenity for both parties. The relationship is therefore considered to be acceptable.

## Noise and Air Quality

- 10.8 Paragraph 185 of the NPPF advises that, “the planning system should ensure that new development is appropriate for its location and should take into account the impact on pollution on human health. It goes onto define air quality and noise as significant factors affecting amenity.
- 10.9 Appendix C of the Local Plan Strategy advises of the need for “Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis”.
- 10.10 Core Policy 10 considers the impacts of health and wellbeing on existing and future residents of the District.
- 10.11 Concerns have been raised with respect to the construction period and the potential for harm to the nearest neighbouring properties to the development this is with particular regard to vehicular activity and construction works.
- 10.12 The application has provided both an Air Quality and Noise assessment and addendums to the original report. The site and location is not within an Air Quality Management Area as the nearest location is based around ‘Streethay’.
- 10.13 Air quality can be recorded by way of air particulates (PM10) which is normally due to traffic conditions. The assessment considers existing conditions, construction periods and post construction impacts and the results provide no significant impacts to the levels of particulates in the air.
- 10.14 It is true that dust may arise from the construction phase of the development, however a Construction Environment Management Plan, as recommended by condition, would secure suitable controls/mitigation over dust emissions should they be necessary.
- 10.15 A noise assessment has been provided as part of the proposal and this considers the impacton both the existing and proposed households. This is within particular emphasis to the railway line and to the commercial/community area. The houses have been located at an adequate distance from the railway, to ensure that no additional mitigation is required and, this has been confirmed by Environmental Health Officers. The impact of the commercial and community centre is yet to be established as this area is in outline form.

- 10.16 Concerns have been raised in terms of both noise and dust. Existing residents are entitled to enjoy their properties without additional concerns and, this would be particularly relevant during the construction period with potentially additional traffic movements and deliveries. These concerns are noted and the applicants reports conclude that no additional mitigation is required in this case.
- 10.17 Environmental Health accept these findings and a CEMP or Construction Management Plan is proposed by way of condition to ensure residential amenity is maintained.

#### Amenity Conclusion

- 10.18 Given the above assessments, it is concluded that the development will not, subject to the above identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of Policy BE1 the Development Plan, Sustainable Development SPD and NPPF in this regard.

#### 11.0 Sustainability and Energy Issues

- 11.1 The NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development.
- 11.2 Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy however, the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built form.
- 11.3 Therefore, no conditions are required under the requirements of this policy, to secure sustainable built technologies within the residential phases of this development.
- 11.4 Local Plan Strategy Policy SC1 continues to set out requirements that major non-residential development, with a floor area in excess of 1,000 square metres, should achieve the BREEAM excellent standard from 2016.
- 11.5 It is considered reasonable to require that any building achieves BREEAM Excellent requirement it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM very good would effectively deliver the level of sustainable built form that the policy seeks to capture.
- 11.6 The wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition as part of the code for the reserved matters to secure the provision of these matters for the community commercial, the development is considered to be compliant with national policy in terms of sustainable building techniques.
- 11.7 The applicant has provided a plan providing the location of the Electric Vehicle Charging points across the site. These points are provided in at least one space per plot within the dedicated off-site provision and within the garages as proposed. This will ensure choice to future households in the development and is acceptable and may be suitably controlled by conditions. The properties will be constructed to meet the higher standards required under Building Regulations.
- 11.8 The applicant has also provided a waste strategy to ensure sustainable construction methods and recycling of materials is undertaken which is accepted. In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies

and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.

## 12.0 Impact on Archaeology, Historic Environment and Cultural Heritage

- 12.1 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular, S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 12.2 Paragraph 194 of the NPPF requires that through the application process the applicant should identify and describe the significance of heritage assets which may be affected by the development.
- 12.3 Policy NR5 considers the importance of any historic landscapes and how they should be considered as part of any development proposal. Policy BE1 details how consideration has to be given to the significance of any historic or archaeological landscape.
- 12.4 It is noted that there are no designated heritage assets within the application site area. There are however a number of assets within the 1km study area surrounding the site, including listed buildings, with the following located within close proximity to the site:
- Knowle Lodge – Grade II Listed
  - Knowle Farmhouse – Grade II Listed
- 12.5 Ryknield (Icknield) Street, forms the site's south-eastern boundary, Berry Hill Farm associated with the field identified in 1947 suggesting a local brick working site.
- 12.6 Below ground elements of the Lichfield Canal which was filled in the mid-20<sup>th</sup> century and likely to survive in the north eastern corner of the site where evidence was found and recorded during a watching brief on the construction of the southern link road.
- 12.7 Knowle Hill - Detailed public comments have raised the sensitivity of Knowle Hill and the potential for archaeological interest from the Bronze Age rather than being a natural landform.

### Archaeology

- 12.8 Staffordshire County Council Archaeology (SCC Arch) have also commented on this aspect and had found the original archaeological report satisfactory. Given the more recent revisions and the development moving into the southern area i.e. for the provision of pitches/allotments, Staffordshire County Council Archaeology (SCC Arch) have recommended a further survey prior to works commencing to ensure any historic artefacts or archaeology is formally recorded to ensure the areas correctly recorded, in accordance with policy and guidance.

### Listed Buildings/Historic Assets

- 12.9 The effects of the development on the above identified heritage assets are assessed in the applicant's Heritage Statement, in terms of construction impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases, the submitted Heritage Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. This includes impact upon the Grade I Listed Cathedral Church of the Blessed Virgin Mary and St Chad, where it is considered that there are no perceivable historic associations between the site and the Cathedral, whilst the development of the site will not result in any adverse effects on the setting of this building. No harm to the

setting of Lichfield Cathedral and the building is presently identified, it should be acknowledged, that one of the key design principles for this site, as defined within Appendix C of the Local Plan Strategy, is for the scheme to take into account “views out of the city and across the site, as well as views into Lichfield, towards the Cathedral and church spires, which will be used to generate the planned layout.

12.10 Paragraph 134, the NPPG advises that public benefits can be “anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7)... benefits do not always have to be visible or accessible to the public in order to be genuine public benefits”. Evidently, this development will secure a large number of dwellings and employment floor space, on an allocated site and as such, offers significant wider economic and social benefits, which includes amongst other matters, the provision of public open space and sports facilities to the wider community, which when weighed against the identified low level of conservation harm, leads to the conclusion that the proposal in principle, is acceptable and compliant with the requirements of the Development Plan and NPPF, in this regard.

### 13.0 Planning Obligations (including Community Infrastructure Levy)

13.1 Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.

13.2 The provisions required are as follows:

- Education Contribution to provide for financial mitigation funding for the provision of Primary and secondary school provision in the area from this total contribution amounts should be deducted to reflect the total contribution less amounts already received via the outline consent.
- Affordable Housing – 38% provided across the whole of the site in 65% and 35% split tenure split, as set out in the housing section of the report.
- Provision of community building within the site
- Provision of commercial retail buildings/community hub
- Healthcare - Primary healthcare provision contribution
- Management and maintenance of open space, SUDs and trees
- Laying out of open space management and maintenance thereof
- Changing facilities building provision and its management and maintenance
- Provision of allotments, trim trail, LEAP provision and management and maintenance thereof.
- Public Art - Strategy for Public art within the site and provision prior occupation of any part of phases B, C, D or E
- Bus service contribution – Total of £750,000 (split into 3 equal parts of £250,000 (plus indexation) with 1<sup>st</sup> payment due pre-occupation of 200<sup>th</sup> Dwelling, the 2<sup>nd</sup> payment due pre- occupation of 300<sup>th</sup> Dwelling and the final payment due pre-occupation of the 400<sup>th</sup> dwelling).
- Travel Plan – Difference between current Travel Plan fee of £15,000 and the £6,200 already paid equates to £8,800
- Fees to District and County for the management and monitoring of the obligations contained in the S106.

13.3 It is considered reasonable to request the above in order to ensure the development accords with adopted development plan policy, including policies IP1, Lichfield 6 and the Appendix C of the Local Plan Strategy and the Developer Contributions SPD.

### 14.0 Other Issues

## Land stability/Coal Mining

- 14.1 Paragraph 183 of the NPPF requires policies and decisions to take into account ground conditions and risk arising from land instability and contamination. This also involves risk from activities like mining and the need for mitigation. This would ensure the effective use of land by ensuring safe and healthy living conditions.
- 14.2 This land had a previous arable use however the applicant has provided a detailed ground conditions survey and a coal mining report. These reports conclude that there is no recognised ground contamination and, the site is relatively stable and that there is no evidence of subsidence or instability.
- 14.3 The reports do reference areas around the north-east of the site show evidence of being made up and this indicates works that took place when the Lichfield Canal was filled.
- 14.4 There are no implications in terms of land conditions for the land under consideration and construction matters would be covered by the current Building Regulations. Building Regulations will also ensure suitable foundations and any concerns raised in respect to the impact of potential for any damage to existing properties is a civil matter between each party the imposition of conditions during construction will ensure amenity levels are secured.

## Financial Considerations (including Community Infrastructure Levy)

- 14.5 This development is a CIL (Community Infrastructure Levy) liable scheme set within the SDA lower charging zone, where the applicable rate is £14 per square metre of floorspace.
- 14.6 This will be payable accordance with the Council's adopted CIL instalments policy, unless otherwise agreed. The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.
- 14.7 The construction of the proposed scheme could support approximately 160 full-time equivalent temporary construction jobs and a further 265 indirect/induced full-time equivalent temporary jobs. The economic contribution per annum during construction is estimated to be approximately £26.2 million GVA.
- 14.8 The development will furthermore generate New Homes Bonus and Council Tax.
- 14.9 The proposal includes a range of uses within the community hub area, including retail. It is envisaged this would be small scale retail. This would accord with the provisions of policy Lichfield 6, which notes that neighbourhood facilities, including community hubs...and small-scale convenience retail provision would be provided. To ensure the retail provision within the development does remain 'small scale' a condition is recommended to restrict any retail to no more than 100 sqm gross floorspace, unless a retail impact assessment is submitted and agreed to allow additional retail floorspace. Otherwise, retail provision larger than this would require a retail impact assessment in line with policy E1 of the Local Plan to ensure the retail provision within the city is not impacted upon.
- 15.0 Human Rights

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.

This proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses and whose future residents would support both existing and proposed facilities within the area. Socially, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site.

The scale of development is compliant with the requirements of the Council's Development Plan. The site occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space can be provided on site, to meet the needs of future and existing residents, whilst new sports provision, will be provided on site, to ensure the health and well-being of existing and future residents.

The number of dwellings and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District.

The development will cause less than substantial harm to the setting of nearby listed buildings and non-designated heritage assets, with the degree of harm likely to be further lessened through the application of an appropriate conditions for further archaeology works and a landscaping scheme.

The development demonstrates that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the three vehicular access points to ensure that the development can be safely and appropriately accessed, without harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact on both the Local and the Strategic Highway Network, subject to conditions and planning obligations.

Subject to suitable conditions, there will be no adverse impact on protected or priority species. A positive biodiversity net gain impact will be created and can be successfully established within the site.

Adequate details and mitigation for drainage, can be provided and that, subject to appropriate conditions to ensure no material harm will be caused.

It is considered that the proposal development is in conformity with the requirements of the Development Plan, subject to conditions, in that it will ensure successful integration into the development's green infrastructure and local environs. It is considered that a balanced and appropriate recommendation has been arrived at.

Whilst, there are concerns with regard to layout and design elements, as set out above, on balance, taking into account the above assessment and the weight attributable to the delivery of residential led development through the NPPF, it is recommended that this application is in conformity with the Development Plan, no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, subject to the signing of a S106 agreement, as set out above and unilateral undertaking in respect of Cannock Chase SAC mitigation, and conditions the proposals are considered to be acceptable.

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

## 21/01956/OUTFLM

Full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating 169 dwellings (phase 2A) approved and built under 19/00478/REMM).  
Land South Of, Shortbutts Lane, Lichfield, Staffordshire  
FOR Persimmon Homes West Midlands

Registered 03/12/2021

Parish: Lichfield City

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections raised by the Parish Council and that there are more than 2 planning obligations.

Lichfield City Council Parish objections are summarised as follows:

Density of the development and design and character of the location; The significance of this major allocated Strategic housing site and the number of S106 obligations required to make this development acceptable.

### RECOMMENDATION:

- (1) Subject to the owners/applicants first entering into a S106 legal agreement to secure the following:
  - i. 38% Affordable Housing Provision - split as 65% Shared ownership, 35% Intermediate applicable across all phases A, B, C, D and E (Note Phase A is already constructed) in connection with an approved provider.
  - ii. A total financial contribution towards primary/secondary education of £4,500,000 less previous contributions paid under the previous outline permission.
  - iii. Bus service contribution – total of £750,000 (split into 3 equal parts of £250,000, plus indexation) with 1<sup>st</sup> payment due pre-occupation of 200<sup>th</sup> Dwelling, the 2<sup>nd</sup> payment due pre-occupation of 300<sup>th</sup> Dwelling and the final payment due pre-occupation of the 400<sup>th</sup> dwelling.
  - iv. A financial contribution of total £8,800.00 towards a Framework Travel Plan (which reflects the changes in costs since the original permission £15,000 less the previous payment made of £6200.00
  - v. Community Building provision.
  - vi. Commercial provision.
  - vii. Public Art provision.
  - viii. Provision for laying out public open space, allotments, LEAP, trim trails.
  - ix. Management plan for the public open space, playing pitches and changing facility.
  - x. Management and maintenance of landscape and trees (management company to be set up).
  - xi. Primary Care Health Infrastructure provision of £324,996.00 - to support Primary Healthcare infrastructure across the Lichfield PCN.
  - xii. A financial contribution towards the Cannock Chase Special Area of Conservation (separate Unilateral Undertaking)
  - xiii. The Payment appropriate management and monitoring fees of S106 for District & County Councils.

- (2) If the S106 legal agreement is not signed/completed by the 31<sup>st</sup> July 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.

**RECOMMENDATION:** Approve, subject to the following conditions, with delegated authority provided to officers, in consultation with the Chair of Planning Committee, to agree all final wording of such conditions:

#### CONDITIONS

1. The detailed development (including the residential phases, open space, play areas, allotments and sports provision) hereby approved and granted full planning permission 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 Core Policies 3 and 6 and Policies H2, BE1 and Lichfield 6 (South of Lichfield) of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

3. Application(s) for the approval of any reserved matter(s) in relation to the outline elements in any phase; including for the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis, hot food takeaways and drinking establishments with expanded food provision) and the community building (F2b), must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

4. No phase of development included within the outline elements hereby approved (including the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and community building (F2b), shall be commenced until details of the access; appearance; landscaping; layout and scale of these elements, (hereinafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be therefore carried out as approved.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

5. Before the submission of the first Reserved Matters application relating to commercial uses (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and community building (F2b), pursuant to Conditions 1 and 4, a detailed Masterplan and a Design Code, for these elements of the development shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out strictly in accordance with these details.

The masterplan for the commercial and community areas, shall include the following, where relevant:

1. Land use including - (quantum of development uses)
2. A Movement framework, including street types/layout and how large/wide vehicles can be accommodated
3. Green infrastructure, including (location function and character)
4. Pedestrian and cycle networks
5. Connection to the surrounding area for all transport nodes
6. Views towards the City and Cathedral

The Design Code of the Commercial area shall include

1. Energy efficiency including principles, with details on how the commercial buildings will achieve 'BREEAM excellent'
2. Building heights
3. Layout
4. Principle of design and materials palette
5. Principle of entrances and service arrangements
6. Parking strategies including covered/secure cycle provision and Electric Vehicle charging points

Reason: In order to secure the satisfactory development of the application site, in the interests of good design and highway safety in accordance with Core Policies 3, 4 and 5 and Policies BE1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

6. No development or any other works shall take place (excluding demolition) on any phase (excluding Phase 2A) or reserved matters submitted, until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.

Reason: This is required as a pre-commencement condition, in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing, in order to secure the satisfactory development of the application site in accordance with Core Policies 3 and 4 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

7. Before the development of any phase hereby approved (excluding Phase 2A), including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
  - (i) Measures (including wheel wash facilities) to control the deposit of mud and similar debris on adjoining highways.
  - (ii) Details of parking of vehicles of site personnel, operative and visitors.
  - (iii) Details of working hours.
  - (iv) A programme of works (including traffic management measures.
  - (v) Routes for HGV construction traffic.
  - (vi) Pedestrian and cyclist protection.
  - (vii) Arrangements for turning vehicles in that they may leave in a forward gear.
  - (viii) Details of loading and unloading of plant and materials.

- (x) Details of storage of plant and materials used in constructing any part of the development.

All development and all operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: To Ensure the safe operation of the highway network and ensure highway safety is maintained for all users, in accordance with Core Policies 3, 4 and 5 and Development Management Policies IP1, SC1, ST1 and BE1 of the Lichfield Local Plan Strategy and the NPPF

- 8. Before the development hereby approved is commenced (excluding demolition works) in any phase (outline or detailed applications, except in respect of phase A) details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall thereafter be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing, in order to secure the satisfactory development of the application site in accordance with Policy BE1 of the Lichfield Plan Strategy and the National Planning Policy Framework.

- 9. Before the development of any reserved matter/s relating to the primary school is commenced, the applicant shall provide details of the earth modelling works to achieve access of 1:25 and level area from south to north at 1:100. These details shall be submitted to and approved, in consultation with Staffordshire Country Council Education and the agreed details shall be implemented on site prior to any land/transfer handover the school site to the County.

Reason: In order to secure a satisfactory form of development and access arrangement to the development, in the interests of pedestrian highway safety, in accordance with Core Policies 3, 4 and 5 and Policies BE1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework

- 10. Before the development of any of the reserved matters (in any phase), a drainage scheme to address the following requirements shall be submitted to and approved in writing by the Local Planning Authority.

- (i) Managed surface water drainage, incorporating the following information:

The development should limit surface water discharge to the equivalent site-specific greenfield run off rate for all return periods up to the 1 in 100 year plus climate change event (a climate change allowance of 30% is to be provided and 10 allowance for development creep).

Include the implementation of SuDS within the development to achieve the three key principles of SuDS; Quantity Control, quality Control and Biodiversity and Amenity Value. Priority must be given to the above ground attenuation wherever feasible.

Include detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 30% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged, depth flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results.

Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.

(ii) - Ensure the development is flood resilient by submitting an assessment of exceedance flows (i.e. intense summer storms); submitting levels plans and flow paths to demonstrate that the surface water flood risk associated with exceedance event has been mitigated on and off site.

Proposed finished floor levels should be designed to mitigate risk of flooding to people and property. All property levels should be set to a minimum of 150mm above surrounding ground levels and attention should be given to the surface water flood risk within the adjacent highways.

The scheme shall be fully implemented and maintained in accordance with the schemes' timing and phasing arrangement or within any other period as may be subsequently agreed in writing by the local Planning Authority.

Reason: To ensure suitable conditions are made in terms of flood and drainage across the site and amenities are protected in accordance with Core Policies 2 and 3 and Policies SC1 and BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

11. Before the first submission of reserved matters for each phase (including for the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision and community building (F2b), the applicant shall submit to the Local Planning Authority for prior written approval, a full up to date tree survey and Arboricultural Implications Assessment (AIA) taking account of all the trees on the site and on adjoining land, including on the public highway. This shall be undertaken in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction recommendations (BS5837:2012 and any subsequent edition). The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site, in accordance with Core Policy CP3 and Policy BE1 of the Lichfield District Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

12. Before the development of the detailed residential phases and open space elements hereby approved are commenced (excluding Phase 2A), full details of tree protection measures for all trees and hedges to be retained, including trees adjacent to the site with root protection areas which may be impacted upon by the development, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure protection in accordance with BS 5837:2012, with details to be first submitted to and approved in writing by the Local Planning Authority to demonstrate this. The approved tree protection measures shall be implemented prior to commencement of any works, including any demolition works and shall be retained for the duration of the construction (including any demolition and/or site clearance works). No fires, excavation, changes in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians shall occur within the protected areas. The approved scheme shall be kept in place until all part of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

Reason: In order to secure the satisfactory development of the application site, in accordance with Core Policy CP3 and Policy BE1 of the Lichfield District Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

13. Before the development in any phase of the detailed application (residential phases, excluding Phase 2A) hereby approved are commence, drainage plans for the disposal of foul and surface

water flows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved drainage details, before the development in the relevant phase is first brought into use or first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, in accordance with Core Policy 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

14. Before the development of any works connected to the playing pitch provision on site is commenced, full details of the sports pavilion/changing room facilities to be provided on site shall be submitted to the local planning authority for prior written approval. This sport pavilion/changing room facility building shall thereafter be constructed in accordance with the approved details and brought into use prior to the completion of laying out of the sports pitches on site.

Reason: To secure adequate provision of facilities to support the outdoor playing pitches, in accordance with Core Policy 11, Policies Lichfield 6: South Lichfield, HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

15. Before the development on site in respect to Phase 2D and/or prior to the approval of reserved matters in connection with the commercial land is commenced, details of the land levels earthworks and the landscape buffer adjacent to Network Rail Land (NRL) on the western boundary shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The details shall include plans and specification of a steel palisade trespass proof fence of a minimum height of 1.8m adjacent to the boundary with the railway land and set off 1m from NRL boundary. The landscape buffer shall be installed as approved, prior to construction works on Phase 2D or the any development within the commercial land.

Reason: In order to ensure protect national infrastructure and Network Rail's liability, or and ground instability or soil slippage, in accordance with Core Policy 3 and Policy SC1 and the National Planning Policy Framework.

16. Before the development of any part of the residential Phase 2D is commenced and before the approval of reserved matters in connection with the commercial land area hereby approved, a detailed drainage scheme, which includes the following, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail:

(i) How all the surface water and foul waters drain away from the direction of the railway boundary and the locations of the soakaways placed at least 30m from the railway boundary. (Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems).

(ii) Details of the management and maintenance of these systems shall be provided to ensure no run-off to NR land/property.

The development shall be implemented in accordance with the approved details and maintained as such in perpetuity.

Reason: In order to ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage in accordance with Core Policy 3 and Policy SC1 and paragraphs 167 and 183 of the National Planning Policy Framework.

17. Before the development of any phase of the detailed residential or open space development (excluding Phase 2A) is commenced, a Construction Environmental Management Plan (CEMP)

shall be submitted to and approved by the Local Planning Authority. This plan shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The construction of the phases of development shall thereafter be undertaken strictly in accordance with the approved details.

Reason: In order to ensure that the amenities of nearby/neighbouring premises and existing properties are adequately maintained, in accordance with Core Policy 3 and Policy SC1 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

18. Before the development of the phase involved in laying out the southern area of Public Open Space (POS) the following details shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of the ground conditions (including drainage and topography) of the land proposed for the playing field which identified constraint which could adversely affect playing field quality, and;
- (ii) Where the results of the assessment to be carried out pursuant to requirement (i). A detailed scheme to address such constraints. The scheme shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The development shall be carried out in full and in accordance with the approved details and programme of implementation. The scheme shall thereafter be maintained in accordance with the approved details and made available for playing field use in perpetuity.

Reason: To ensure that the playing fields are prepared to an adequate standard and is fit for purpose and, to accord with Development Plan Policies HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

19. Before the development of the phase involved in laying out the southern area of POS (or at a timescale otherwise agreed in writing with the Local Planning Authority) is commenced, a schedule of playing field maintenance, including a programme for implementation for a minimum period of five years starting from the commencement of use of the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Sport England. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the playing field is established and functions as playing fields to an adequate standard and is fit for purpose, in accordance with Policy HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

20. a) The archaeological site works shall be implemented in full accordance with the approved scheme of archaeological investigation submitted in support of the application.
- b) Before the development of the part of the any detailed development phases is commenced (except Phase 2A) a further site investigation and post fieldwork assessment (within the southern area of POS) shall be completed in accordance with the approved written scheme of archaeological investigation and provision is made for analysis, publication and dissemination of the results and archive deposition has been secured by agreement in writing of the Local Planning Authority, in consultation with Staffordshire Archaeological Services and the results carried out in strict accordance of the details submitted and approved.

Reason: To ensure that any archaeological remains are duly recorded and protected, in accordance with Core Policy 14 and Policies BE and BE2 of the Lichfield District Local Plan Strategy, Historic Environment SPD and the National Planning Policy Framework.



21. Before the development of any phase of the detailed residential/open space development (except for Phase 2A), the applicant shall submit in writing to the Local Planning Authority an Updated Badger Survey. The details of which shall be approved in writing by the Local Planning Authority. Works and mitigation as required, shall be carried out strictly in accordance with the approved scheme and timescales.

Reason: To ensure that statutory provisions are undertaken and species are protected, if found to be on any part of the development site, in accordance with Core Policy 13 and Policy NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the guidance in the National Planning Policy Framework.

22. Before the development of any phase of the detailed development, including the residential and open space phases (excluding Phase 2A), a Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP), detailing in full the future habitat creation works and sustained good management thereof to a value of no less than 20 BU as outlined in the Biodiversity Metric provided for the site, shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP and HMP shall include details as follows:

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

The development and works shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure habitat creation work are successful in achieving habitat and condition in accordance with Core Policy 13 and Policies 3, 4 and 5 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

23. Before the first occupation of any part of the development (excluding Phase 2A) details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be

installed in accordance with the approved details and thereafter maintained as such for the life of the development.

Reason: This is required to enhance the nature conservation interest of the site in accordance with Policy NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

24. Before the development of any part of the residential phases (excluding phase 2A) details of suitable controls for surface water management as part of any temporary works associated with the permanent development and, to provide the finished floor levels, (showing 150mm above the back of the footpath level, to ensure that with driveways drain away from homes either to a channel or collection drain) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure the impact of flooding is reduced to the development and to any future occupiers, in accordance with Core Policies 2 and 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

25. No dwelling, building or use hereby approved (excluding Phase 2A) shall be occupied or the use commenced, until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and, the sustainable drainage for the development has been completed, in accordance with the approved sustainable drainage scheme. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.

Reason: To ensure suitable management is made in terms of flood and drainage across the site and amenities are protected, in accordance with Core Policy 2 and 3 and Policies SC1 and BE1 of the Lichfield District Local Plan Strategy and paragraph 169 of the National Planning Policy Framework.

26. No part of the residential phases of the development (excluding phase 2A) shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reasons: To ensure a satisfactory development, in accordance to ensure there is no risk to human health of contaminated land and in accordance with the principles of Core Policy 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

27. Before the first occupation of any of the dwellings in any phase hereby approved (excluding phase 2A), the parking and turning areas associated with each respective property shall be provided in a bound material and sustainably drained and thereafter retained for their designated purpose for the life of the development.

Reason: In order to secure the satisfactory development of the application site, in the

interests of highway safety, in accordance with Core Policies 3 and 5 and Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

28. Before the first occupation of any of the dwellings in any of the residential Phases (excluding phase 2A) hereby approved, the road connecting the dwellings to the public highway shall be constructed and surfaced to a minimum of base course level.

Reason: In order to secure the satisfactory development of the application site, in the interest of highway safety, in accordance with Core Policies 3 and 5 and Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

29. Before the occupation of the 250th dwelling anywhere within the residential development hereby approved, the southern improvement works to the Bowling Green Roundabout shall be fully implemented and completed, in accordance with Drawing No D0198G-S1-R01-01 Rev RO.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety, in accordance with Core Policy 3 and 5 and Policies BE1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

30. Before the occupation of the 250th dwelling hereby approved anywhere within the residential development, the footway/cycle works along Upper St John Street and Birmingham Road shall be fully implemented and completed with Drawing No's D0198G-S3-P-02 Rev PO and D0198G-S3-P-01 Rev PO.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3 and 5 and Policy BE1, Policy ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework

31. Before the occupation of the 250<sup>th</sup> dwelling full details, including timescales, of the improvements to Sainte Foy Avenue as broadly indicated on Drawing Number 778/35, shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall thereafter be constructed in accordance with the approved details and timescales.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

32. Before the 190<sup>th</sup> occupation of any dwelling on the development hereby approved or use of any non-residential buildings within any phase of the development, or other trigger as may be agreed in writing by the Local Planning Authority (in consultation with National Highways and the Local Highways Authority), a scheme of highway improvement works referred to as 'Phase B' on drawing Tr-0001 Rev P3 "Swinfen Island Proposed Design Scheme" shall be implemented in full and open to traffic. The detailed design of the scheme of highway improvement works shall first be submitted to and agreed in writing by the Local Planning Authority, in consultation with National Highways and the Local Highway Authority.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 2, 3, 4 and 5 and Policy SC1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

33. Secured, covered and safe cycle parking facilities shall be provided within all residential plots that do not benefit from a garage, prior to the occupation of any dwelling it is to serve, in accordance with a scheme that has first been submitted to and approved in writing by the Local planning Authority. The approved facilities shall be retained in perpetuity.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Polies 3 and 5 and Policy ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

34. Secured, covered and safe cycle parking facilities shall be provided adjacent to the sports changing facility, pitches and allotments, in accordance with a scheme that has first been submitted to and approved in writing by the Local planning Authority and installed and fully operational prior to first use of the approved facilities and shall be retained as such in perpetuity.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Policies 2, 3, 4 and 5 and Policy SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

35. Before any of the sports pitches, changing facilities or allotments are brought into first use, the car parking provision, as shown on the approved drawing shall be provided and thereafter retained for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Policies 2, 3, 4, 5 and 10 and Policies SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

36. Before the first use of any building within the commercial land, the car parking, servicing and circulation areas for each respective building shall be provided. The car parking spaces, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter shall be retained in accordance with the approved plans for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

37. Any cycle parking associated with commercial premises (including showers and locker facilities) within the commercial land shall be implemented, in accordance with the approved details prior to first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

38. The Framework Travel Plan (Dated November 2021) hereby approved, shall be implemented and monitored accordingly to the target contained therein, for a minimum period of 5 years post completion of the development hereby permitted.

Reason: In order to secure the satisfactory development of the application site, in the interests of highway safety and sustainability in accordance with Core Policies 2, 3, 4 and 5 and Policies SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

39. Details of the proposed boundary treatments of any phase of the reserved matters shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These details shall include plans showing the locations of existing, retained and proposed new

boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use hereby permitted and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site, in accordance with Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

40. Notwithstanding the landscaping implemented on site, all works shall be carried out in accordance with the details as provided and approved and, a landscape management and maintenance plan, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure landscaping is completed and to protect the landscape character and amenity of the development site over the long term in accordance with Policies Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

41. No phase of the development hereby approved (except phase 2A) shall be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority for the respective phase. The detailed lighting scheme/s shall include site annotated plans showing lighting positions for the public open space, external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including, colour, wattage and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of each phase of the development and thereafter maintained as approved.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and ensure minimal disturbance of protected species in accordance with Policy BE1 and Policy NR3 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

42. No, prior to the occupation of any dwelling in Phase 2E, details to be submitted to and approved by the Local Planning Authority in respect to the location/design of a '1m stand-off' northern boundary to be achieved in association with this phase and existing properties. The respective stand-off boundary treatment element shall be implemented prior to occupation of the dwelling(s) hereby permitted in Phase 2E and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

43. Before the first occupation of any dwelling hereby approved (except those within phase 2A), details including samples of the materials to be used in the construction of the external surfaces of the dwelling(s)/development hereby approved shall be submitted for prior written approval by the Local Planning Authority for each phase of development. The development shall thereafter be carried out in accordance with the submitted and approved details prior to the occupation or use of the dwelling or building it relates to.

Reason: In order to secure the satisfactory development of the application site in accordance

with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

44. Before the public open space is first brought into use, full details of the 'trim trail' and associated equipment to be provided, these details shall be submitted to and approved in writing by the Local Planning Authority, and thereafter installed on site, in accordance with the details provided and retained as such in perpetuity.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policies HSC1 and BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

45. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) any residential garage (within Phases B, C, D and E) shall not be converted or used for any business or any residential living purposes and shall be kept available for the parking of vehicles in connection with the residential use only.

Reason: In order to ensure a satisfactory and adequate parking provision is provided in accordance with Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

46. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no development granted under Part 3 Schedule 2 in Classes A – F shall be undertaken for Plots 171, 172, 179-187 (inclusive) and plots 192 and 193 unless otherwise approved on application to the Local Planning Authority

Reason: In order to ensure a satisfactory appearance to the development and secure adequate amenity levels for neighbouring properties are maintained, in accordance with Policy BE1 the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

47. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone will be set up to avoid disturbance until the young have fledged.

Reason: To ensure breeding birds are protected in accordance with Core Policy 13 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

48. The applicant shall implement the landscaping and planting in accordance with the approved details and provide details of the biodiversity net gain established on the site. Once complete on site these details shall be submitted to and approved by the Local Planning Authority that the 20.14% biodiversity metric (supplied in Spreadsheet 11989 and Report 11989 R09JD CW Dated 5.1.23) has been achieved.

Reason: To ensure biodiversity net has been achieved through landscape and planting in accordance with Core Policy 13 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

49. The gross retail floorspace shall not exceed 100m<sup>2</sup>, unless prior to the submission of any reserved matters for the purposes of the community hub/neighbourhood centre, a retail impact assessment has been submitted to and agreed in writing by the Local Planning

Authority, demonstrating that more than more than 100sqm can be accommodated within the development, without causing harm to the vitality and viability of the Lichfield City centre and other local neighbourhood centres. The development shall thereafter be carried out in accordance with the approved details.

Reason: No retail impact assessment has been submitted with the application and therefore condition required to ensure the retail elements remain small scale and do not unduly impact on retail facilities in the city, in accordance with Core Policy 7, Policy E1 and Lichfield 6: South of Lichfield in the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

#### NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) 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. 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.
3. 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.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. This Consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advise to contact Staffordshire County Council to ensure that approval and agreement are secured before commencement of the off site highways works which will require Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. [Highways.agreement@staffordshire.gov.uk](mailto:Highways.agreement@staffordshire.gov.uk)

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

6. The developer is requested to covenant properties with a shared soakaway to take extra precautions in respect to building works and the increase of risk for flooding
7. The developer is encouraged to contact Staffordshire County Archaeology Team to discuss potential works in respect to the Public Open Space and archaeological work/dig with respect to Knowle hill
8. Developer is advised to consult with the Biodiversity and Development SPD and be aware of their provisions and obligations under the Wildlife and Countryside Act
9. Care should be given to open trenches during construction period and wildlife and routes for escape should be provided as required.

In addition to the above the applicant must interface with NR and undertake works as follows:

10. The developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.
11. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations.

*Please see separate letter outlining all requirements*

12. This application/development is granted subject of a S106 legal agreement.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Design Guide  
DCLG Technical Standards  
National Model Design Code  
Manual for Streets

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy  
Core Policy 2 - Presumption in Favour of Sustainable Development  
Core Policy 3 - Delivering Sustainable Development  
Core policy 4 - Delivering our Infrastructure  
Core Policy 5 - Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 7 - Employment and Economic Development  
Core Policy 8 - Our centres  
Core Policy 10 - Healthy and Safe Lifestyles



Core Policy 11- Participation in Sport and Physical Activity  
Core Policy 13 - Our Natural Resources  
Core Policy 14- Our Built and Historic Environment  
Policy SC1- Sustainability Standards for Development  
Policy IP1 - Supporting and providing our Infrastructure  
Policy IP2 - Lichfield Canal  
Policy ST1- Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1- A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy E1 – Retail Assessments  
Policy HSC1 - Open Space Standards  
Policy HSC2 - Playing Pitch and Sport Facility Standards  
Policy NR1 - Countryside Management  
Policy NR3 – Biodiversity, Protected Species and their habitats  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR5 – Natural and Historic Landscapes  
Policy NR6 – Linked Habitat Corridors and Multi-Functional Green Spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy BE2 – Heritage Assets  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 2- Lichfield Services and Facilities  
Policy Lichfield 4- Lichfield Housing  
Policy Lichfield 6 – South of Lichfield

#### **Local Plan Allocations**

Policy IP2- Lichfield Canal  
Policy NR10- Cannock Chase Areas of Outstanding Natural Beauty  
Policy BE2- Heritage Assets

#### **Supplementary Planning Document**

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

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

Policy 3 Primary Movement Routes  
Policy 9 Views of Lichfield Cathedral

#### **Lichfield District Local Plan 2040 (emerging)**

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 objective and priority 3: Climate Change  
Strategic objective and priority 4: Our Infrastructure  
Strategic objective and priority 5: Sustainable transport  
Strategic objective and priority 6: Meeting housing need

Strategic objective and priority 7: Economic Prosperity  
 Strategic objective and priority 8: Employment opportunities  
 Strategic objective and priority 11: Healthy and safe lifestyles  
 Strategic objective and priority 12: Countryside character  
 Strategic objective and priority 13: Natural resources  
 Strategic objective and priority 14: Built environment  
 Strategic objective and priority 15: High quality development  
 Strategic Policy OSS1: Presumption in favour of sustainable development  
 Strategic Policy OSS2: Our spatial strategy  
 Strategic Policy OSC1: Securing sustainable development  
 Strategic Policy OSC2: Renewables and low carbon energy  
 Strategic Policy OSC3: Sustainable building standards for non-domestic buildings  
 Strategic Policy OSC4: High quality design  
 Strategic Policy OSC5: Flood risk, sustainable drainage & water quality  
 Strategic Policy INF1: Delivering our infrastructure  
 Strategic Policy OST1: Our sustainable transport  
 Strategic Policy OST2: Sustainable travel  
 Local Policy LP1OST: Parking provision  
 Strategic Policy OHF1: Housing provision  
 Strategic Policy OHF2: Providing a balanced housing market and optimising housing density  
 Strategic Policy OHF4: Affordable housing  
 Strategic Policy OEE1: Our employment and economic development  
 Strategic Policy OEE2: Our centres  
 Strategic Policy OHSC1: Healthy & safe communities  
 Preferred Policy OSR2: Open space and recreation  
 Strategic Policy OHSC2: Arts and culture  
 Strategic Policy ONR2: Habitats and biodiversity  
 Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation  
 Strategic Policy ONR4: Green infrastructure and connectivity  
 Strategic Policy ONR5: Natural and historic landscapes  
 Strategic Policy OBHE1: Historic environment  
 Strategic Policy OBHE2: Loss of heritage assets  
 Strategic Policy OBHE4: Evidence to support heritage proposals  
 Local Policy LC1: Lichfield economy  
 Local Policy LC2: Lichfield environment  
 Local Policy LC3: Lichfield services and facilities

*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**

12/00182/OUTMEI	Construction of a sustainable mixed use urban extension, comprising of up to 450 dwellings; a primary school, mixed use community hub to include retail development (A1/A2/A3/A4/A5) and community buildings (D1); comprehensive green infrastructure including footpaths, cycleways, multi-functional open space including childrens' play areas, open space for sport and sustainable urban drainage systems; foul and surface water drainage infrastructure including balancing ponds; safeguarded route of Lichfield Canal; link road to form part of Lichfield Southern Bypass; site vehicular access point opposite Shell Garage, London Road; demolition of no 22 London Road to allow provision of second vehicular access from London Road	Approved	10.08.2018
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	and other associated ancillary infrastructure and ground re-modelling.		
19/00053/FULM	Construction of link road to form part of Lichfield Southern Bypass on Land between Birmingham Road and London Road, Lichfield.	Approved	04.09.2019
19/00478/REMM	Application of approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 169 dwellings and associated works (Phase 2A) in accordance with application 12/00182/OUTMEI.	Approved	16.10.2019
12/00182/AMD	Non-Material Amendment to vary the wording of condition 16 relating to highways construction on the future former 22 London Road, Lichfield site & condition 23 relating to the submission of an ecology license following demolition of 22 London Road, Lichfield to amend the trigger points for the submission of information	Approved	31.10.2019
20/00478/REM	Application of Reserved Matters application relating to application 12/00182/OUTMEI for the installation of 1no electricity sub-station including details of appearance, scale, layout and landscaping (Access reserved)	Approved	28.05.2020
19/00053/AMD	Non Material Amendment : Alteration of line of Bypass to enable the retention of Lock 23		22.10.2020
21/00235/REMM	Application for approval of reserved matters following outline permission 12/00182/OUTMEI for the erection of 281 no. dwellings and associated infrastructure including appearance, landscaping, layout and scale (Phases 2B, 2C, 2D and 2E)	Withdrawn	20.12.2021
19/00478/AMD	Non-Material Amendment: Amend wording of condition 11 relating to materials plan to P18-0382 Rev N instead of P18-0382 Rev K	Approved	11.12.2020
12/00182/AMD1	Non-Material Amendment: Amend the wording of Condition 19 (Off-Site Cycleway Improvements)	Withdrawn	06.09.2021
19/00478/AMD1	Non-Material Amendment: Amend wording of condition 11 relating to materials plan to 19253-0382_08S-Materials Plan Exp_2021-02-03 instead of P18-0382_08N-Materials Plan	Approved	27.05.2021
12/00182/AMD2	Non-Material Amendment: Amend the wording of Condition 8 (Phasing of Development) relating to provision of Green Open and Space and occupation of residential units from 200 to 400	Withdrawn	12.05.2021
19/00478/AMD2	Non-Material Amendment: Changes to condition 2 of planning permission 19/00478/REMM as a result of changes to the planning layout, enclosures plan, and landscaping for St John's Phase 2A	Approved	06.09.2021
21/01358/SCREE	EIA Screening Opinion: Proposed mixed use development	Issued	2.08.2021
19/00478/AMD3	Non-Material Amendment: Changes to condition 11 of planning permission 19/00478/REMM as a result of changes to the materials for plots 1, 2, 5, 6, 7, 8 and 32 for St John's Phase 2A	Approved	02.11.2021
19/00053/AMD1	Non-Material Amendment: Relocation of noise barrier.	Undetermined	30.11.2021

19/00053/AMD2	Non-Material Amendment: Extension of noise barrier behind the Shortbutts Lane gardens to the boundary of 21 Wordsworth Close, and provision of additional noise barrier on the northern side of the bypass to give acoustic protection to the residences on Wordsworth Close	Approved	14.03.2022
19/00478/AMD4	Non Material Amendment: changes to condition 11 of reserved matters planning permission 19/00478/REMM as a result of material changes onsite	Approved	11.04.2022

## **CONSULTATION**

**Lichfield City PC – Final Comments** – Concerns about quality of the resulting development given the numbers and density of the scheme along with the impact of the development and the impact on access to infrastructure re doctors surgery/facilities. Further comments re walking routes and pedestrian links. (22.12.22)

**Early Comments** - No Objections, provided there is sufficient storage for bins within unadopted road. Disappointing there is no mention of a doctors surgery. (16.12.2021)

**Environment Agency- Final Comments** - No comments to make further to previous. (6.7.22)  
Initial Comments - No comments to make as constraints fall outside statutory remit. (15.12.2021).

**National Highways- Final Comments**– Recommend Conditions – Satisfied that the further data and evidence provided by agents Transport consultants regarding the trip generation against the development quantum is acceptable and the impacts would not be considered significant. Given the adjacent site on Cricket Lane NH recommend a condition for road improvements for ‘Swinfen Junction’ and London Road and CEMP to be approved by NH and the LPA. (22.9.22)

**Initial Comments** – Objection - recommend non-approval of this application. Discussions with the transport consultant has been ongoing and clarifications have been requested on the data provided in terms of existing and proposed vehicle numbers to ensure that there is no negative impact on the A38 Strategic Route. (14.4.22)

**Historic England- Final comments** - Have no further comments on the scheme. (9.12.21)

**Initial comments** – No comments to make (22.9.22)

**Ramblers Association-** No comments to make. (22.9.22)

**Network Rail-** Initial Comments – Holding Objection – Landscape buffer will require a trespass proof fence on applicants’ land at their expense of height of 1.8m. Fence should be set back at least 1m from NR Land. NR – need to understand the drainage and the excavation and earthworks in the location of the railway. Development distances are taken from NR boundary rather than the railway track. Details of RAMS assessment to be provided to NR for consideration. Notes and informative re RAMS. 22.9.22

**Western Power Distribution** - No objections – informative re: existence of any power assets in area of works. (22.9.22)

**Cadent Gas Limited** -No comments received.

**Sport England- Final Comments** – Open space and playing pitch provision per standards as required request conditions. (29.11.22)

Initial Comments - Objection - Note that the new Playing Pitch Strategy is now newer than the existing Local plan Strategy so may be more appropriate to consider of site contribution rather than on site provision Note 1 adult pitch, 1 x 9/10 and u7/8 football pitch and parking is provided however no changing or pavilion. Pitches should be in accordance with SE Natural Turf for Sport Design Guidance Notes and orientation of u7/8 pitch is altered. Provision of a pavilion is required in line with policy HSC2. (27.9.22)

**Severn Trent-** No objection, subject to condition re details for water flows etc. (20.12.21)

**Canals and Rivers Trust (CART) -Final Comments-** no further to make. (6.10.22)

Initial Comments - Development would not directly affect the trusts waterways and therefore we would not be a statutory consultee. Note the route of the Lichfield Canal is safeguarded in the local Plan and the restoration is promoted through local plan policies. CART are supportive of restoration initiatives of the Lichfield and Hatherton Canal Restoration Trust (LHCRT) and support consultation with the trust and their restoration objectives. (17.12.21)

**Inland Waterways Association** - No objections. Note the changes to the land and proposal re access and number of dwellings. Note red line is outside the Southern Bypass. IWA is content that the route has been safeguarded and the land is to conveyance of the canal land is underway to the Lichfield and Hatherton Canal Restoration Trust. (20.12.21)

**Lichfield and Hatherton Canals Restoration Trust Ltd-** No objection to the granting of planning consent for the application and is in fact supportive. There has been collaboration with the applicant to demonstrate that at this stage is compatible with the restoration of the Lichfield Canal. Calverts have already been installed and any run-off has to be agreed with Severn Trent and given the design of the canal in a cutting any run off is unlikely to create any flooding. The LHCRT supports approval of this application. (24.12.21).

**South Lichfield Alliance (SLA)- Further Comments** – Increase in house numbers from outline to 529. This increase has an impact on

1. Dwelling provision increased represents at 17.5% increase. Affordable housing increased to 39%
2. Traffic by vehicle cycle and foot, increased pressure for
3. Parking pressures with increased numbers
3. Increased impact on utilities and constraints on open space provision and moreover impact on density of the development along with increased pressure on
4. Local services like doctors and schools.
5. Affordable housing leads to increased density without provision of any viability. There is a need to provide for EV charging points for households. Energy efficiency of the houses including solar panels and ground source heat pumps. If so, what visual impact will these have. The need for affordable housing is not disputed however increase of affordable housing is not justified by any mechanism.
7. Employment more housing puts pressure on new jobs and a good proportion should be provided locally. Cricket Lane provides very little and how does this development impact on this?
8. Education there is a need to provide for a school site which delivers both primary and secondary provision and SCC had indicated that there is insufficient supply and concerns that this will lead to capacity issues.
9. Cycle routes – despite acknowledging a pinch point the SLA does not agree that this route should be dispensed with.

Overall, a lower quality development without the necessary evidence to back it up.

Evidence base for smaller units is considered outdated and given changes since COVID there is a demand for spaces around dwellings to increase and large housing types are in short supply with families looking to upscale.

SUSTRANS involvement when cycle routes query this involvement rather than SLA. Cycle route should be provided from the development to the city and should include Cricket Lane. Of the two options of Upper John Street and Birmingham Road only Upper St John Street should be considered. (6.1.22)

Initial Comments - Number of issues that had been previously raised regarding the Boundaries to the properties in the original application 21/000235/REMM. It has been agreed with the developer to convey a 1.0m offset given there are restrictive covenants on the properties. Suggest condition for 6ft timber fence and no built offset to ensure nothing closer is provided.

Layout and design of houses has been altered to move away from a pattern of house garage where heights vary. This has been removed leaving some properties with limited space between each plot. given land given floor levels have been increased which can cause an issue of overshadowing. There is a possibility to move the plots and access to reduce impact on the existing properties. Would like to comment further on the scheme when amended. (29.12.21)

**Lichfield Civic Society-** The outline application was for the construction of 450 dwellings and the current application treats the Local Plan as irrelevant with an increase in number of 17.5% with no justification. There is a pattern with Cricket Lane which is now 520 dwellings. There is no GP practice and inadequate education provision for this and both are exacerbated by new builds. New development is crammed and the density will not afford good amenity levels. (7.1.22)

**Stoke and Staffordshire Clinical Commissioning Group - Final Response** - Further comments made funding should be secured for primary care infrastructure in S106. (5.12.22)

Initial Response - No initial objections, note the impact the increase of households will have on the local infrastructure and as such consider a e agreement of suitable provisions within a Section 106 Agreement to secure the funding and enable the funds to be drawn down at an appropriate time.

Based on average household size of 2.4, the likely impact of the development on primary care health services within Burton is an additional 1269.6 patients.

The development site sits in the South East Staffordshire and Seisdon Peninsula CCG locality within Lichfield PCN area. The site falls within the catchment area boundary of three practices, which are Darwin Medical Practice, Langton Medical Group and Westgate Surgery. The CCG has commissioned an independent study of the capacity of practices across PCN areas. This study has identified that there is a significant shortfall of space to deal with future capacity across the whole of the PCN. 16.12.21

**Staffordshire Police Architectural Liaison Officer –Design** – It is important that a high level of security is incorporated in the proposal. Support layout as it mainly is outward looking aspect and back to back for security. Side boundaries to footpath or car parking should have defensive planting or trellis. Meters should be to side of dwelling. Footpaths should be open to provide natural surveillance and lit where possible with care towards planting of heavy standard trees to avoid conflict with pedestrian use. Refer to Secure by Design standards Homes 2019. (12.2.22)

**Staffordshire Fire and Rescue Service- Final comments** - no further comments to make - 15.9.22

Initial Comments - Appropriate supplies of water should be available to fire fighting and distance should no more than 45 metres from the property. Consideration should be given to access to the appliance and weight of vehicle on unadopted road. Furthermore, consideration given to fire suppression systems. (09.12.2021)

**Staffordshire County Council Historic Environment Officer (Archaeology) - Final Comments** - The proposals have been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and the Heritage Statement (HS). Archaeology Team are satisfied that the archaeological potential of the two separate phases are accepted and are happy to recommend that Condition 10 of the original outline application (12/00182/OUTMEI) could be discharged based on this. However, given the alterations in this application to what was proposed in 12/00182/OUTMEI,

particularly in relation to the proposed allotments and playing fields (and associated infrastructure) in an area of the site not previously subjected to archaeological trial trenching, there is potential for groundworks associated with these impacting on previously unknown archaeological features (and indeed the remains post medieval farmstead). This potential is particularly more pronounced in the southern part of the site due to the presence of the Roman road and a possible Bronze Age barrow at Knowle Hill.

Further archaeological evaluation is required suggest condition and note all archaeological works must be undertaken by an appropriately experienced archaeological organisation. (5.10.22)

Initial Comments - Note archaeological report and accept contents note impact on Knowle Hill further survey required. (22.2.22)

**Staffordshire County Council (School Organisation) - Final Comments** -Further submission amending the details of Planning Application REF 21/01956/OUTFLM at Shortbutts Lane (Land South of) ' reducing the housing delivery to 500 Dwellings.

Having considered the impact of this amendment on education provision and the latest costs to deliver the necessary places, the required education contribution remains at £4,500,000 for primary and secondary education. This figure will reduce to reflect contribution already made in terms of the outline application and is required as part of the s106. (22.12.22)

Further comments - 2.3 hectares will be transferred to County Council for delivery of school Our response of the 29 September 2022 provides further detail in respect of the requirements from the developer to ensure that the development can mitigate its impact on education. This information should continue to be used as part of our response. Need to provide for suitable access to school and levels within the site should be provided south to north due to embankment. (5.12.22)

Initial Comments - Planning Application REF 21/01956/OUTFLM at Shortbutts Lane (Land South of) for the proposed delivery of 529 Dwellings. This response is based on the information contained within the planning application. However, we have taken into account that the developer already has full planning approval for 169 of the 529 dwellings within this application and as an education contribution has been previously secured we will honour the original agreement for those 169 dwellings. Therefore, 169 dwellings have been deducted from our calculations and our response is based on the potential delivery of a further 360 dwellings.

Based on an agreed set of standard triggers the size of this development will necessitate payment of this education contribution at the following point(s):

30% on commencement of the development  
30% on commencement 30% of dwellings  
40% on commencement of 60% of dwellings (29.9.22)

**Staffordshire County Council (Highways) - Final comments** – No objections subject to conditions and provision of works. Details commentary relating to the history of the site and road improvement works as required. Parking provision is met across the site. Small number of plots have isolated parking which may lead to vehicles being parked in front of property which is noted. Some plots have garages and not all are sized to count as a parking space and have been discounted. Parking at these plots meet guidance in terms of house type/size. (18.12.22)

Initial Response - Relates to Phase 2C (4.10.22)

Initial Responses - Relates to phase B, E and D only. Parking spaces would be required to be labelled and to understand why some plots have different parking levels to others. Amendments to pavement widths and whether elements can be adopted should be changed accordingly. Areas not maintained by the Council should be part of a management company.

Some of the vehicle tracking shown refuse vehicles overrunning the kerb with rear wheels. Visibility spaces show 25m when 20m splays are required. (4.10.22 and 11.10.22)

**Staffordshire County Council (Minerals and Waste)-** No comments to made and the site does not fall inside the parameters for involvement. (22.9.22)

**Staffordshire County Council (Rights of Way Officer) - Final Comments** - Confirm that no public rights of way cross the site and no application has been received to modify. This does not preclude the possibility of a right of way at common law under Section 31 of the Highways Act therefore suggest that local enquiries are made to ensure that there is no route. (8.12.21)

**Staffordshire County Council (Flood Risk Officer) Final Comments** – No objections to granting planning permission subject to conditions and informatives. (4.11.22)

Further Comments – Still insufficient information to demonstrate that an acceptable drainage strategy is proposed. Outstanding issues are the 1. discharge method and to confirm that the soakaways are placed at least 30m from the railways boundary and 2. The contact name address and details of the parties responsible for maintenance. (22.9.22)

Initial Comments - There is insufficient details to fully demonstrate that an acceptable drainage strategy is proposed. Recommend that the application be held until these matters are concluded satisfactorily. Calculations of the flood period and minimum of return periods. 2. A Maintenance of the party responsible for the drainage and 3. Exceedance levels with plans showing flooded area and flow paths in any exceedance event. (21.12.21)

**Economic Development Officer LDC-** Commercial facilities will be welcomed and should support population and be complementary to the existing commercial offer in the location. Employment can be generated from the commercial opportunities and from the construction phase of the development. (9.12.21)

**Ecology Team - LDC - Final Comments** - Amended Biodiversity metric to reflect changes to layout etc is accepted. (15.12.22)

Further comments-The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Biodiversity Metric 3.0 and the Ecological Assessment Report. (19.3.22 & 23.9.22)

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 131.93 Biodiversity Units (BU).

Recommend conditions in respect to a CEMP Construction Ecological Management Plan and HMP/ Habitat Management Plan to demonstrate habitat creation and good management The below information should become a prior to submission of reserved matters condition of any future planning approval. The applicant will need to submit to the LPA a Construction Ecological Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) to a value of no less than 158.93 BU. This should be supported by an updated biodiversity metric for the site.

Initial comments: Within the CEMP and HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition. This should be supported by an updated biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements.

The ecological assessment report cross references to ecological reports and planning conditions from previous permissions. These surveys, planning conditions and recommendations are still relevant to the application that has been submitted. They will need to be adhered to in any planning permission granted going forward.



The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

All recommendations and methods of working detailed within the Ecological Assessment must be made condition of any future planning approval. See section 5 which include the following:

1. Implementation of site-wide sensitive working techniques in relation to small mammals and amphibians, to be adopted with a Construction and Environmental Management Plan (CEMP) for each phase which should be submitted prior to commencement of each phase
2. Installation of bird and bat boxes in each phase
3. Sensitive timing of vegetation clearance in relation to nesting birds
4. Update site-wide badger survey before groundworks commence.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (28.01.2022)

**Environmental Health Team - LDC – Final Comments** – considered the site investigation reference ST15715 and am satisfied with its conclusions, the remedial work proposed will be required by condition. (21.12.22)

Further Comments- In regards noise impacts, advise that the submitted noise assessment considers the impacts of noise arising from the school and the commercial areas of the development. Whilst the application in regards these elements is only outline, the implications of these proposed uses are such that they are likely to have a significant impact upon the residential dwellings, and so mitigation may have a bearing on the final layout and design of the dwellings. (21.9.22)

Also, advise that further consideration is given to the noise from the existing commercial units to the west of the site, and the railway line, to be sure that the previous assessment remains relevant.

Further comments will follow in regards air quality. (20.8.22)

Further Comments – await update from AECOM in respect to comments. (20.8.22)

Initial Comments - Satisfied that the site investigation and or any remedial works will require conditions. In respect to noise, report indicated consideration of noise from the school and commercial area however these are in outline however noise would need to be considered from the west of the site and the railways line. (21.12.21)

**Conservation and Urban Design Team – LDC- Final Comments** - Appreciate a number of changes have been made in respect to layout and reduction in numbers. Original outline was large site and less houses. Ongoing concerns over parking dominance and frontages. House types: This needs to be broken up. Detailed elements in respect to compliance with the masterplan and the layout with runs of parking et. Need to bring landscape into the development. Scale and heights are accepted variation of house types would improve overall scheme. Conditions to ensure materials detailing roof and RWG. (14.1.2022)

**Health And Wellbeing Development Manager - LDC** – No comments received.

**Spatial Policy and Delivery Team - LDC** - The site is within the South of Lichfield Strategic Development Allocation (SDA)

Outline planning consent was granted for a sustainable mixed use urban extension including up to 450 dwellings (Application Reference: 12/00182/OUTMEI) on 10 August 2018. 169 of these dwellings are already under construction at Phase 2A, as approved by 19/00478/REMM on 16th October 2019.

Lichfield Local Plan Strategy and Allocations Document - Lichfield District Council adopted its Local Plan Strategy in 2015 and the Local Plan Allocations was adopted on 19th July 2019. The proposed development forms part of the Strategic Development Allocations South of Lichfield allocated for development as part of Policy Lichfield 6: South of Lichfield, as such the principle of the development of the site is clearly established within the adopted Local Plan.

Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. The application site falls within one of these areas; South of Lichfield Strategic Development Allocation (SDA). Core Policy 6 Housing Delivery details that this is to provide for up to 450 homes.

Core Policy 6: Housing Delivery provides further detail as to where housing will be delivered across the District and identifies 450 homes to the South of Lichfield). Whilst this is increase in the overall number of dwellings requirement, the figures set out within the Local Plan are considered to be minimums and therefore there is no objection in principle from a policy perspective to the increase in dwellings where this accords with other policies within the local plan.

Policy Lichfield 6: South of Lichfield outlines key development criteria for the development of approximately 1,350 dwellings within the allocations identified south of Lichfield City which includes land south of Shortbutts Lane. The criteria includes integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network and improve access through the completion of the Lichfield Southern Bypass.

Further the development of this site would need to comply with the guidance given in the South of Lichfield SDA Concept Statement at Appendix C, together with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

Affordable housing and dwelling mix - Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the current level of required affordable housing. At the time of validation the latest viable target was set out within AMR 2020, this target was 38%. The AMR 2021 has since been published (17 December 2021) and sets the current target at 40%. However, given the application was validated prior to the publication of the AMR 2021 the target within the AMR 2020 should be used in this instance.

Note that the application proposes a provision of 38% affordable housing within the areas outside of Phase 2A land. When taking into account Phase 2A, the overall provision across the whole site is 36.5%. The requirement for affordable housing within the s106 agreement attached to the outline approval 12/00182/OUTMEI was 31%.

Nonetheless, there remains a shortfall between the application, which covers the whole site including Phase 2A, and the requirement set out in the AMR 2020 (1.5%) which will need to be addressed.

With regards to housing mix, the Local Plan Strategy outlines the need in the District to create a balanced housing market and Policy H1 sets out the need for 2 and 3 bedroom properties within the District. For guidance, the policy identifies a preferred dwelling mix of 5% one bed dwellings, 42% two bed dwellings, 41% three bed dwellings and 12% four plus dwellings. Therefore, the scheme of 2 and 3 bed dwellings would be sought and supported by the adopted Local Plan.

The mix of homes proposed within this application is broadly consistent with the dwelling mix identified within the adopted Local Plan and is supported.

Open space, sport and recreation- The indicative masterplan indicates areas of accessible open space incorporating a large district park, children's equipped play, amenity greenspace and playing pitches. The incorporation of these open space facilities are welcomed.

Policy HSC1: Open Space Standards sets out the open space provision required for all Strategic Development Allocations The policy requires new allotment space at a minimum of 1 plot per 32 households within the South Lichfield SDA.

Lichfield Canal restoration - The site lies adjacent to the route of the Lichfield Canal. Whilst the canal route is outside of the application red line boundary, it is noted that the route has already been safeguarded as part of the work already undertaken and permitted by the outline and reserved matters consents.

Education and Highways It is noted that the development proposals include the provision of a primary school, in line with Local Plan Strategy Policy Lichfield 6: South of Lichfield which requires the provision of a community hub to include a one form entry primary school.

As SCC is responsible for the provision of education within the District they should be consulted regarding the details of the amount of land required to accommodate expansion of the existing school or with regard to any contributions required for both primary and secondary school places arising from proposals.

Public artwork- The application does not make any reference to public art provision.

Neighbourhood Plan - The Lichfield City Neighbourhood Plan was made on 17 April 2018 and as such now forms part of the development plan for this area. Of consideration for this application due to its close proximity to the site is Policy 3: Primary Movement Routes which seeks to identify Primary Movement Routes from development and supports proposals to enhance these routes.

Five Year Housing Land Supply - The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper 2021. The District Council can currently demonstrate a 13.4 years supply of housing land against the housing requirement within the adopted Local Plan Strategy.

Community Infrastructure Levy - The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date.

Conclusion - In conclusion, there are no policy objections to the residential development of this site as the site already benefits from outline permission and is identified within the Policy Lichfield 6: South of Lichfield in the Local Plan Strategy as a Strategic Development Allocation for up to 450 dwellings. (29.12.21)

**Directorate of Leisure And Parks – LDC-** The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all POS areas are covered by a suitable management organisation and Plan. Items which need consideration, include; Boundary treatments street furniture. Sufficient play facilities are provided to accommodate the number of homes, range of age groups and abilities, in line with the Fields of Trust 'Guidance for Outdoor sport and Play'. Creating places of shade on open spaces, which are located in an accessible location of the development for as many householders as possible. Sufficient Dog and general litter bins are provided and located in convenient positions near entrances/exits for users and maintenance. Accessibility for all users. Consider carbon impact improvements from reducing hard landscaping, tree planting and maintenance requirements. (10.12.2021)

**Waste Management LDC -** Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate

highway on collection days a suitable bin collection point (BCP) may be required with due consideration to the distance from the residents properties (maximum of 30m) and the main highway. (22.4.22)

**Tree Officer – LDC- Final Comments** - The amendments to the proposed landscaping scheme are relatively minor to accommodate changes to the plot layout and these are accepted. The EON drawings (showing proposed street lighting) show potential conflict with street trees. In addition, the lighting column locations may also conflict with tree pit design/provision. (21.12.22)

Further comments - Substantial amendments have been made to address previous comments of the 12th of July 2022. Most comments have been largely addressed. A question remains regarding the use of management company strips as highlighted within the previous comments. It is assumed that the previous submission (17th Nov 2022) including maintenance plans/details, tree pit details and planting schedules remains relevant except for the specific amended drawings submitted for assessment. (11.12.22)

Early Initial comments - Note substantive works to provide for open space. Number of plans to reflect planting and concerns over the details of tree roots in ball and tree pit details and how trees will be managed within each plot. (12.9.22, 14.4.22 & 22.2.22)

**Housing Manager – LDC-** Final comments noted that this site will now deliver a reduced number of 500 homes and that while the number of affordable homes is also reduced, provision as a percentage the total new housing has been maintained at previously accepted values. Have no specific objection to the affordable housing proposed in this application, though confirmation that this revised scheme is acceptable to the Registered Provider acquiring the units is requested to offer full support. (1.12.22)

Initial comments - Scheme has been revised to deliver 521 homes and that while the number of affordable homes is also reduced, provision as a percentage the total new housing has been maintained at previously accepted values. Have no specific objection to the affordable housing proposed in this application, though confirmation that this revised scheme is acceptable to the Registered Provider acquiring the units. (12.9.22)

## **LETTERS OF REPRESENTATION**

41 letters of representation have been received in respect of this application. The comments made are summarised as follows:

Initial comments received between 08.12.2021- 08.02.2022 are summarised as follows:

- Knowle Hill, which the site is based on and around is a site of archaeological importance. The development will have a significant impact on this.
- Significant concerns raised about the increase in the amount of traffic on the roads and the pressure that the added housing increase will put on local services such as hospitals, GP Surgeries and Water supply.
- Residents of Shortbutts Lane and Sanders Way raise significant objections about the development being very close to the rear of their properties. Residents would like to see hedges retained and note that the development would cause a loss of valuable greenspace and biodiversity.
- Objections raised on the grounds of a loss of amenity space, a feeling of enclosure and a loss of privacy due to the skyline being highly dominated by brick buildings.
- The concentration of homes is too high and would be out of character with the area.
- For the residents of Sanders Way specifically, concerns raised that the building works could damage the foundations of their properties.

- A significant lack of communication with the local community and there is already considerable noise disturbance from works and construction traffic so controls over these factors would be welcomed.
- A serious threat to highways safety through the way the access has been designed and the parking arrangements for the proposed homes.
- Several additional engineering works will need to be carried out to facilitate this development. These may have an adverse effect on the Grade II Listed Berry Hill. Concerns were raised about the flooding that can occur on Marsh Lane and whether this may be made worse by the development. In addition, the level of pollution caused by the development was also raised as a concern.

Neighbour responses received (objections) between 22.04.2022- 13.09.2022 are summarised as follows:

- The density and type of homes is out of character with Lichfield as a whole, the preference would be for larger plot sizes and 4-5-bedroom houses.
- Comment from the Westgate GP Surgery stating concerns about the already immense pressure on their staff and being unable to meet the demands of an increased patient list. This concern was echoed by other neighbour objectors.
- Significant overshadowing and a loss of privacy.
- The removal of the hedgerows on Sanders Way and the lack of soft landscaping plans.
- None of the new associated infrastructure has appeared.
- Concerns about the increased traffic in the area and how this will impact services.
- Questioning whether this is a sustainable development.

Neighbour responses received (objections) between 27.09.2022- 09.01.2023 are summarised as follows:

- Density of homes is too high for the site, would prefer to see 4-5-bedroom houses.
- Pressure on local services particularly the GP surgery and an increased amount of traffic in the area.
- Question whether there is a need for a fast-food takeaway in the area.
- Concerns were once again raised about the effect the development will have on the archaeological history of the site and the Grade II Listed, Berry Hill.
- Concerns about the boundary treatments and what will be removed. There is a lack of provision for greenspaces.
- Overshadowing and Loss of Light.
- A specific comment was made about the design of plot 172 and the side elevation windows looking into an already existing bungalow.

#### **OTHER BACKGROUND DOCUMENTS**

Acoustic Assessment Update AECOM (60666052) 14.04.22

Acoustic MEMO - AECOM (60598001\_1) 27.01.22

Air Quality Assessment - AECOM (60666052\_AQ) October 2021

Affordable Housing Statement- Persimmon (November 2022)

Site Waste Management Plan- Persimmon - 01.10.21

Framework Travel Plan PJA (05835) November 2021

Transport Assessment - PJA (05835) November 2021

Arboricultural Impact Assessment – RPS (JSL4182) 15.11.22

High Level Overview Of Landscape And Visual Considerations- RPS (JSL 4197-RPS-XX-EX-RP-L-9030-P01RPS - Cannock Chase SAC Impact Assessment (JBB8917.C7819) 26.08.21

RPS - Daylight and Sunlight Assessment (AAH5738) November 2021

RPS - Daylight and Sunlight Assessment Addendum (AAH5738) September 2022  
RPS - Design and Access Statement (AAH5738\_RPS-21-ZZ-PL-A\_Rev P03) November 2021  
RPS - Flood Risk Assessment (HLEF81248) 01.11.21  
RPS - Planning Statement (JBB8917) 24.11.2021  
Tyler Grange - Ecological Assessment Report (11989\_R08a\_EA\_JD\_CW) 19.11.21  
Tyler Grange – Biodiversity Net Gain Note (11989\_R09\_JD\_CW) 05.01.23  
Cannock Chase SAC Partnership - HRA 04.07.22  
Wardell Armstrong - Coal Mining Risk Assessment (ST15751) August 2021  
Wardell Armstrong - Site Investigation and Ground Conditions Assessment (ST15751) May 2018  
Worcestershire Archaeology - Heritage Statement V2 (P6178) November 2021

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

AMEY - Off-Site Cycle Works Birmingham Road (I-D0198G-S3-P-01 P0) 13.10.21  
AMEY - Off-Site Cycle Works Upper St John Street (CD0198G-S3-P-02 P0) 13.10.21  
AMEY - Off-Site Works Bowling Green Roundabout Southern Arm (D0198G-S1-R01-01-R0) 13.10.21  
PJA - The Friary Roadworks - Sainte Foy (778-35) Rev  
PJA 03847-Tr-0001-P3 Swinfen Island - Proposed Design Scheme  
Proludic - St Johns Phase 2A LEAP (1904.22170)  
Proludic - St Johns Phase 2B-2D LEAP (2010.27459)  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-02-P04 Flood Route Plan Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-03-P04 Flood Route Plan Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-04-P04 Flood Route Plan Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-01-P01-Storm Drainage Area Plan Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-02-P01-Storm Drainage Area Plan Phase 2B  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-03-P01-Storm Drainage Area Plan Phase 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-04-P01-Storm Drainage Area Plan Phase 2E  
EON - Preliminary Street Lighting (01950-01 Rev B) Phase 2E  
EON - Preliminary Street Lighting (01950-02 Rev B) Phase 2C  
EON - Preliminary Street Lighting (01950-03 Rev B) Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-01-P10 Refuse Vehicle Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-02-P10 Refuse Vehicle Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-03-P10 Refuse Vehicle Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-01-P08 Fire Tender Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-02-P08 Fire Tender Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-03-P09 Fire Tender Tracking Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-01-P06 Private Drive Fire Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-02-P06 Private Drive Fire Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-03-P06 Private Drive Fire Tracking Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-01-P06 Private Drive Fire Tracking Phase 2B  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-02-P06 Private Drive Fire Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-03-P06 Private Drive Fire Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-09-P12 Levels Drainage Concept Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-10-P12 Levels Drainage Concept Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-11-P11 Levels Drainage Concept Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-12-P07 Section Through Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-13-P07 Section Through Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-14-P07 Section Through Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-15-P06 Proposed Slab Levels Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-16-P06 Proposed Slab Levels Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-17-P08 Proposed Slab Levels Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-801-02\_P11 S38 Adoption Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-801-03\_P09 S38 Adoption Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-801-04\_P09 S38 Adoption Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-Vis-2-P07 Visibility Splays Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-Vis-3-P06 Visibility Splays Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-Vis-4-P07 Visibility Splays Phase 2E

RPS - Amenity Assessment Plan (AAH5738-RPS-GR-01-DR-S-8110) Rev  
RPS - Chimney Plan (AAH5738-RPS-GR-01-DR-S-8112) Rev E  
RPS - Education Provision Plan (AAH5738-RPS-GR-01-DR-S-8115)  
RPS - Electric Vehicle Charging Point Plan (AAH5738-RPS-GR-01-DR-S-8113) Rev B  
RPS - Enclosure Plan (AAH5738-RPS-GR-01-DR-S-8107) Rev E  
RPS - JSL4197-RPS-XX-XX-DR-L-9001\_General Arrangement Plan\_01\_P09  
RPS - JSL4197-RPS-XX-XX-DR-L-9002\_Detailed Soft Landscape Proposals\_02\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9003\_Detailed Soft Landscape Proposals\_03\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9004\_Detailed Soft Landscape Proposals\_04\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9005\_Detailed Soft Landscape Proposals\_05\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9006\_Detailed Soft Landscape Proposals\_06\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9007\_Detailed Soft Landscape Proposals\_07\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9008\_Detailed Soft Landscape Proposals\_08\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9009\_Detailed Soft Landscape Proposals\_09\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9010\_Detailed Soft Landscape Proposals\_10\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9011\_Detailed Soft Landscape Proposals\_11\_  
RPS - JSL4197-RPS-XX-XX-DR-L-9012\_Detailed Soft Landscape Proposals\_12\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9013\_Detailed Soft Landscape Proposals\_13\_P09  
RPS - JSL4197-RPS-XX-XX-DR-L-9014\_Detailed Soft Landscape Proposals\_14\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9015\_Detailed Soft Landscape Proposals\_15\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9016\_Detailed Soft Landscape Proposals\_16\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9017\_Detailed Soft Landscape Proposals\_17\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9018\_Detailed Soft Landscape Proposals\_18\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9019\_Detailed Soft Landscape Proposals\_19\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9020\_Detailed Soft Landscape Proposals\_20\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9021\_Detailed Soft Landscape Proposals\_21\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9022\_Detailed Soft Landscape Proposals\_22\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9023\_Detailed Soft Landscape Proposals\_23\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9024\_Detailed Soft Landscape Proposals\_24\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9025\_Detailed Soft Landscape Proposals\_25\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9026\_Detailed Soft Landscape Proposals\_26\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9027\_Planting Schedules + Specification\_27\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9028\_Planting Schedules + Specification\_28\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9031\_Tree Canopy Cover Plan\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9032\_Tree Pit Location Plan\_P02  
RPS - JSL4197-RPS-XX-XX-DR-L-9033\_Tree Pit Location Plan\_P02  
RPS - JSL4197-RPS-XX-XX-DR-L-9034\_Tree Pit Detail\_P01  
RPS - JSL4197-RPS-XX-XX-DR-L-9036\_Tree Maintenance Plan\_P06  
RPS - LLFA Response (Version 2 HLEF81248) 17.11.22RPS - Location Plan (AAH5738-8104 Rev C)  
RPS - Materials Plan (AAH5738-RPS-GR-01-DR-S-8104) Rev H  
RPS - Net Dev Plan (AAH5738-RPS-GR-01-DR-S-0001)  
RPS - Parking Assessment Plan (AAH5738-RPS-GR-01-DR-S-8108) Rev F  
RPS - Phase 2B 1 in 1 Year Critical Storm.  
RPS - Phase 2B 1 in 2 Year Critical Storm.  
RPS - Phase 2B 1 in 30 Year Critical Storm.  
RPS - Phase 2B 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2C 1 in 1 Year Critical Storm.  
RPS - Phase 2C 1 in 2 Year Critical Storm.  
RPS - Phase 2C 1 in 30 Year Critical Storm.  
RPS - Phase 2C 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2D 1 in 1 Year Critical Storm.  
RPS - Phase 2D 1 in 2 Year Critical Storm.  
RPS - Phase 2D 1 in 30 Year Critical Storm.  
RPS - Phase 2D 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2E 1 in 1 Year Critical Storm.  
RPS - Phase 2E 1 in 2 Year Critical Storm.  
RPS - Phase 2E 1 in 30 Year Critical Storm.

RPS - Phase 2E 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase Plan (AAH5738-RPS-GR-01-DR-S-8111) Rev C  
RPS - Planning Layout (AAH5738-RPS-GR-01-DR-S-8105) Rev Z  
RPS - Planning Layout Coloured (AAH5738-RPS-GR-01-DR-S-8105) Rev Z  
RPS - Storey Heights Plan (AAH5738-RPS-GR-01-DR-S-8106) Rev D  
RPS - Street Scenes (AAH5738-RPS-xxx-xx-DR-A-7802) Rev A  
RPS - Street Scenes (AAH5738-RPS-xxx-xx-DR-S-7801) Rev G  
RPS - Street Scenes (AAH5738-RPS-xxx-xx-DR-S-7803) Rev A  
RPS - Tenure Plan (AAH5738-RPS-GR-01-DR-S-8110) Rev P01.06  
Tyler Grange - Biodiversity Metric 3.0  
Tyler Grange - Biodiversity Metric 3.0 (05.01.23 Update)  
Arts and Craft - Affordable 73 (73-788-04) Rev B  
Arts and Craft - Affordable 83 (83-896-03) Rev B  
Arts and Craft - Albermarle (AE-2422-01) Rev C ELEVATION  
Arts and Craft - Albermarle (AE-2422-02) Rev C FLOORPLAN  
Arts and Craft - Barnwood (BW-1012-01) Rev B  
Arts and Craft - Bond (BD-1843-01) Rev C  
Arts and Craft - Chedworth (CD-1222-01) Rev C  
Arts and Craft - Compton (CM-WD01) Rev C  
Arts and Craft - Fenchurch (FH-WD01) Rev C  
Arts and Craft - Foxford (FX-1445-01) Rev C  
Arts and Craft - Hatfield (HT-969-02) Rev C  
Arts and Craft - Hatfield Corner (HTC-969-01) Rev C  
Arts and Craft - Holborn (HB-WD01) Rev C  
Arts and Craft - Large Rufford (RF-1054-01) Rev C  
Arts and Craft - Portland (PD-2167-01) Rev C  
Arts and Craft - Trafalgar (TG-699-03) Rev C  
Arts and Craft - Wareham (WH-863-02) Rev C  
Arts and Craft - Whinfell (WH-1151-02) Rev C  
Canal Wharf - Greyfriars (GF-1068-01) Rev C  
Canal Wharf - Greyfriars (GF-1068-02) Rev C  
Canal Wharf - Greyfriars (GF-1068-03) Rev C  
Canal Wharf - Towcester (TW-1059-01) Rev C  
Canal Wharf - Towcester (TW-1059-02) Rev C  
Single and Double Garage (SGD-01) Rev B  
Traditional - Affordable 73 (73-788-01) Rev C  
Traditional - Affordable 73 (73-788-05) Rev C  
Traditional - Affordable 73 (73-788-06) Rev C  
Traditional - Affordable 83 (83-896-01) Rev C  
Traditional - Affordable 83 (83-896-05) Rev C  
Traditional - Affordable 83 (83-896-06) Rev –  
Traditional - Affordable Grizedale (GZ-1166-01) Rev B  
Traditional - Affordable P50 (P50-538-635-01) Rev C  
Traditional - Alnwick (AN-638-02) Rev C  
Traditional - Barnwood (BW-1012-02) Rev B  
Traditional - Bungalow 2bb (2bb-1091-01) Rev C  
Traditional - Chedworth (CD-1222-02) Rev A  
Traditional - Foxford (FX-1445-02) Rev C  
Traditional - Hatfield (HT-969-01) Rev C  
Traditional - Hatfield Corner (HTC-969-02) Rev C  
Traditional - Hatfield Corner (HTC-969-03) Rev C  
Traditional - Trafalgar (TG-699-02) Rev C  
Traditional - Wareham (WH-863-01) Rev C  
Traditional - Whinfell (WH-1151-01) Rev C



## **OBSERVATIONS**

### **Site and Location**

The application site is located on the southern edge of Lichfield City approximately 1.5km from the City Centre. The site is approx. 38 hectares, consisting mainly of agricultural land (predominantly arable). Its western boundary is formed by the Lichfield to Birmingham Cross City railway line, which sits on an embankment at this point, with a row of commercial units facing the A5127 Birmingham Road beyond.

To the east the site adjoins the rear of residential dwellings fronting London Road. To the south and south-eastern boundary of the site is Knowle Lane, with the western part of the southern boundary lying adjacent to Knowle Hill (a significant land form). Here the land is rural in nature. Beyond Knowle Lane is the London Road/A38 ('Ryknild Street')/A5148 roundabout and its associated highway infrastructure to the wider highway network).

As part of the site but in a discrete separate parcel on the northern boundary with the By-Pass and with parts of an eastern boundary the land abuts established residential properties on Shortbutts Lane / Wordsworth Close / Sanders Way and London Road / Marsh Lane respectively.

The majority of the site is therefore enclosed by existing infrastructure, including residential development. Also, to the north is a linear park running from London Road to Wordsworth Close which was the former route of the Lichfield Canal.

The first phase of the original site area has been developed with residential units, with the rest is partially cleared and then the land extends beyond this, in part, made up of a number of arable fields separated by boundary hedges. Apart from those trees within the existing hedgerows there is little in the way of individual trees within the site except an area of woodland in the north-eastern corner. The site therefore has a relatively open character.

The levels of the site are lowest at the north-east end of the site. It then rises gradually to the south, towards Knowle Hill, and to the north-east with the landform creating a small ridge across the site on a south-east to north-west axis, before falling away to the south, towards Knowle Lane on the site boundary.

There are no public footpaths crossing the site. The southern parcel of the application site remains opens and lies within the confirmed West Midlands Green Belt.

### **Background**

A proposal for outline consent was originally submitted in May 2012 under reference 12/000182/OUTMEI for up to 450 dwellings and approved in 2018, subject to conditions and S106 agreement.

Since the original outline permission was granted the Southern Bypass route (link road) was submitted under reference 19/00053/FULM and approved on 11<sup>th</sup> April 2019 and has since been constructed under this consent

A further reserved matters has been considered and approved under application 19/00478/REMM for 169 dwellings as part of the original outline consent (12/000182/OUTMEI) and is identified as 'Phase 2A'. Much of this phase has now been built out and is occupied and this element also includes the 'wharf area' around the protected route of the Lichfield Canal fronting the Bypass.

Since the original application and the early reserved matters being approved, the site boundary has had to be revised, as access is no longer proposed via 22 London Road along with the additional land to the rear. This has resulted in a reduction in the site area, which is inconsistent with the red line approved under the original outline consent. As a result of this the remaining phases of the

development under the original outline application cannot be implemented, hence the hybrid application now under consideration.

The current proposal includes a full, detailed application for the residential land elements and outline provision for an area for a primary school and one for a community hub /local centre. Importantly this current application now excludes land belonging to No. 22 London Road and the field to its rear (within the eastern corner of the site).

This current application also includes, the 'as built out' Phase 2, in order to provide context to the revised proposals. Access to the development is from the Bypass (Phase 2e) to the north via one access point and to the south, via two access points off the Bypass via phase 2a into (Phases b, c and d). The proposals still also include the 'outline elements' for the community hub and retail units along with the primary school site.

The site also provides for a 2 x Local Equipped Areas of Play (LEAPs), one is phase 2a, a large area of open space/parkland (Knowle Hill), 3 x playing fields, trim trial, changing facilities and allotments towards the southern end of the site.

#### Environmental Assessment Regulations

The development of this site has been screened under the provision of the Environmental Impact Assessment Regulations prior to the application being submitted (2.8.21), as evidenced in the planning history.

The site does not fall within Schedule 1 but does fall with Schedule 2 Part 10 (b) of the regulation as it is an urban development project where the area exceeds 5 hectares and is also for more than 150 dwellings. It does not exceed the sensitivity area test or threshold test and therefore an EIA application is deemed not required.

#### Proposals

The amended application description is as follows:

This application seeks permission of a full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating the 169 dwellings (phase 2A) approved and built under 19/00478/REMM).

#### Access

Access to the 500 units (169 dwellings in Phase 2a; as built) and remaining 331 proposed dwellings is made from part of the link road that forms the Lichfield Southern Bypass. Three separate access points are proposed in this case. A single access point to the north from the Bypass directly into Phase 2e. To the south are two separate access from the bypass which serves the completed Phase 2a and links up the proposed development through to phases 2b, c and d.

Pedestrian and cycle access is made from the Southern Bypass via a 3m wide shared footway and cycle way which runs the full length of the bypass. The Bypass also has pedestrian crossing points.

It is noted that no formal public rights of way run through the site.

Phase 2b is accessed from the consented 2a development and is located between south of Phase 2a with phase 2d to the west and the boundary of the school and public open space to the east. Phase 2b

is separated from phase 2d by a linear form of open space. Pedestrian and cycle routes (only) link the two phases across the open space. This phase has linked internal roads which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and a number of garages have been provided for a number of the house types.

Phase 2c – This phase is also accessed through from the consented Phase 2a and is located to the eastern boundary of phase 2a and the rear gardens of London Road. This phase has been designed to accommodate internal roads, which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and garages have been provided for a number of the house types.

Phase 2d - This phase is also accessed through from the consented Phase 2a. It is located to the west for the development, adjacent to the cross-city line and the linear open space across from phase 2b to the east. This phase has suitable internal roads/private drives which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and garages have been provided for a number of the house types.

Phase 2e - This phase is separate to the other phases being located to the north of the Bypass. It has a single access point with roads and pavements which have suitable internal road widths for vehicles and large refuse and emergency vehicles to enter and leave in a forward gear. Parking provision in this phase 2e is fully met. All the plots have off street parking and, some have garages which are suitable to meet national standards for parking of a vehicle.

To the south of the proposed dwellings are three playing pitches, changing facilities and allotments. 36 dedicated car parking spaces are proposed to serve these facilities.

Two local equipped areas of play are provided within the development. One within phase 2A and the other within the open space to the south. This area also benefits from a trim trail and cycle and pedestrian looped pathways.

### **Number of dwellings**

The detailed residential development of the proposal is for total of 500 dwellings. 169 of these dwellings have already been completed in Phase 2a.

The development as outlined provides for the dwellings already constructed and for the remaining 331 dwellings in a mix of property size and tenure. Phase 2a (as built) provides for 33% affordable provision and Phases 2b, c and d propose a 38% provision split, including 65% socially rented and 35% intermediate affordable tenures.

The housing areas are split into 4 remaining phases since the construction of phase 2a. The density of these phases vary and are outlined as follows:

Phase 2a – 41.01 dph (completed)

Phase 2b – 35.22dph

Phase 2c – 24.97 dph

Phase 2d – 39.65 dph

Phase 2e – 36.55 dph

The densities of the proposals remain wholly consistent with each other. Phase 2c is lower given it reflects the area of woodland retained along with open space provided within this phase. The residential layout has a traditional perimeter block layout with the majority of gardens having back-to-back arraignment to provide privacy levels. The design of the dwellings is a mixture of traditional styles set over 1, 2 and 2.5/3 storeys, with larger and the majority of taller properties facing the Bypass. The properties have a consistency in materials between phases with brick detailing variances/cladding, following a similar theme to that of phase 2a.

## Green and blue infrastructure

Phase 2e is bordered by the tree lined Bypass to the south and a balancing 'SuDs' feature to the north east. Established hedgerows run along the northern boundary of this site

The border of the developed area and the parkland is demarked by an extensive linear SUD's feature which is proposed along the majority of the edge of the open space/parkland.

The southern element of the site mainly provides for open space/parkland mainly to the south of the site. This space also benefits from 3 different sized playing pitches, changing facilities, allotment garden areas and landscaped/contoured public open space which is laid out to provide pedestrian walkways along with an outdoor fitness area (trim trail), in combination with a Locally Equipped Play Area (LEAP) alongside the Locally Equipped Play Area LEAP outlined in Phase 2a.

A narrow 'finger' of linear open space extends up from the southern area to the north through the development defining the green space between Phase 2d and 2b. This green corridor also provides for a positive visual link to the north out towards the city and the landmarks of the cathedral spires.

## Commercial and school land (outline)

This is a hybrid application and the details of both the commercial retail/community hub and the school site have been identified in outline only, with no details provided at this stage and so all matters are reserved for later consideration in respect of these elements of the development.

These two sites extend to 2.3 hectares for the primary school and 1.5 hectares for the commercial/community hub respectively and are located to the east for the commercial element and south-west for the school. Details of the quantum of the floor space provision is not fixed but envisages uses including a pub and takeaway is identified along with a community hub building. This is to provide a local community centre to serve the local population

## Determining Issues

- 1) Policy & Principle of Development
- 2) Housing Mix and Affordable Housing
- 3) Design, Density, Siting and Relationship to the Built Form /Character
- 4) Landscape and Visual Impact
- 5) Arboricultural Impacts (Trees and Hedgerows)
- 6) Impact on Highway Network, Sustainable Transport and Other Transport Implications
- 7) Flood Risk and Drainage Issues
- 8) Public open Space, Sports Facilities, Green Infrastructure,
- 9) Impact on Ecological Interests, including Cannock Chase Special Area of Conservation
- 10) Impact on Residential Amenity
- 11) Sustainability and Energy Issues
- 12) Impact on Archaeology and Cultural Heritage
- 13) Planning Obligations (including Community Infrastructure Levy)
- 14) Other Issues
- 15) Human Rights

### 1.0 Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield Neighbourhood Plan was also made on 17<sup>th</sup> April 2018 and as such, also carries full material weight.

- 1.2 The emerging Local Plan (2040) was subject to Regulation 19 pre-submission public consultation, completing this stage in August 2021. It was submitted to the Secretary of State in autumn 2021 and 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. Therefore, at this stage of the adoption process, the emerging plan policies carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.
- 1.3 Paragraph 8 of the NPPF considers how sustainable development can be achieved. The planning systems have three overarching objectives which interrelate to each other and these are as follows:
- a. *an economic role* – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - b. *a social role* – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - c. *an environmental role* – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 1.4 There is a presumption in favour of sustainable development where development accords with the development plan. The scheme having both a school, residential and commercial elements to support a local community. The local centre is to come forward at a later reserved matters stage with retail and community use building. To ensure these remain suitable for the location, conditions are recommended so the facilities remain suitable in type and size and has a design code/standard.

#### Land Supply

- 1.5 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.6 Lichfield's latest 5 year land supply position as at 1st April 2021 indicates that the District maintains a 5 year supply of 13.4 years. (Source: LDC 5 years Housing Land Supply 2021 (August 2021)). In this case the application proposal should be assessed against the NPPF and policies of the Development Plan, Allocations Document and Lichfield City Neighbourhood Plan.
- 1.7 The Local Plan Strategy sets a strategic requirement to deliver a *minimum of 10,030 dwellings* during the plan period. Core Policy 1 of the Local Plan Strategy establishes the Council's Spatial Strategy, which seeks to direct growth to the identified sustainable settlements.
- 1.8 Lichfield is identified as a Key Urban Settlement, whilst the South of Lichfield Strategic Development Allocations (SDAs); of which this application site forms part;

will be a location where future development will be directed. Core Policy 6 and Policy Lichfield 4: Housing, states that Lichfield will play a significant role in meeting housing need by providing growth of around 3,900 new dwellings within the community, with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period.

- 1.9 Specific details of the sites allocated to deliver part of this housing provision, *approximately 1,350 dwellings across the South of Lichfield*, are identified under Policy Lichfield 6: South of Lichfield. This specific site, which forms part of this wider allocation, and is outlined in Appendix C (South of Lichfield – South of Shortbutts Lane).
- 1.10 Appendix C of the Local Plan Strategy sets out the ‘Concept Rationale Objectives’ for the site, which includes development of up to 450 dwellings, drawing upon the qualities and topography of the landscape to achieve a well-designed, sustainable urban extension, providing strong sustainable travel mode provision, through the development and access to local facilities and ensuring a good degree of physical and social integration with the existing settlement. It specifically considers the topography of the land rising to Knowle Hill and the management of the transition between that of town and country.
- 1.11 The Design Principles are outlined in 15 points covering main elements of the site development. These include briefly:
- A strong emphasis to the provision of a range of housing in accordance with Development Management Policies H1 and H2.
  - The provision of open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2, incorporating playing pitches, amenity green space, equipped play and allotments.
  - Also, a landscape framework and strategy and way of detailing the urban edge where it meets open countryside.
  - Routes through the development for both vehicles and pedestrians with an emphasis of choice for public transport.
  - The provision of a strong link to views to a from the city and how it might be achieved.

#### Quantum of Development

- 1.12 It is important to note the other strategic sites in South Lichfield that form part of the overall quantity of development provided. To the east of this site is the Land at Cricket Lane SDA residential development site (application ref. 18/01217OUTFLM). This recently granted permission for up to 520 dwellings, with the Concept Statement at Appendix I of the Local Plan setting out that the development would integrate approx. 450 homes.
- 1.13 The Dean Slade Farm SDA gained full planning permission (for the housing element of the proposal) under application ref. 17/01191/OUFMEI on 25th March 2019, for the erection of 475 dwellings. (Concept Statement Appendix H of the Local Plan)
- 1.14 Couple these two figures along with the 500 units proposed by this development and this represents a total housing over provision 145 across the three South Lichfield sites contained within the wider Strategic Development Allocations.
- 1.15 The proposal could potentially therefore, in isolation and in combination with the abovementioned neighbouring sites, result in a minor over delivery of housing for the South of Lichfield area. However, the figure of 1,350 dwellings, identified within the Development Plan is a minimum figure and establishes an appropriate parameter of housing delivery. A potential over delivery on this site of approximately of 50 dwelling or collectively of 145 dwellings from the 3 Concept Statements does not over-ride the main policies of the Local Plan as set out in Core Policy 6 and Lichfield Policy 6, as neither refers to upper housing delivery limits.

- 1.16 Comments and objections have been received in respect to this oversupply status. However, LDC planning policy team have raised no objections to numbers on this nor on any of the other allocated housing sites and, it is noted that both national and local policies seek to boost housing supply, as given requirement figures are generally indicated as a minimum and, subject to no significant infrastructure or design issues and the wider context. Therefore, it is considered that in exceeding this minimal number of dwellings, does not make the proposals contrary to the provisions of the Development Plan as a whole.
- 1.17 Overall, it is considered that, subject to the development complying with the wider requirement, as detailed within the Local Plan, including that set out in Appendix C of the Local Plan Strategy, the residential element of this development, will comply, in principle, with the requirements of the Development Plan and NPPF in this regard.
- 1.18 The Lichfield City Neighbourhood Plan was made on the 17th April 2018. The document focuses primarily on employment and tourism considerations and as such raises no specific policies or matters for consideration specific to the residential phase of this development.
- 1.19 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. 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”*.
- 1.20 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. 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”*.
- 1.21 The site forms part of the South of Lichfield Strategic Development Area Policy 6 which is outlined in Core Policy 6 of the Local Plan Strategy. The elements of the Policy 6 seek to provide a sustainable, well-designed development with a range of housing, open space and infrastructure to support this allocated. The South Lichfield Development Area and this proposed site is considered a good location for development, hence the allocation given its relationship to the City and ease of access to facilities and sustainable modes of transport.
- 1.22 Paragraph 182 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development is likely to have a significant effect on a habitats site unless appropriate assessment has concluded that the project will not have any adverse effect on the integrity of the habitats site. The site does fall within the area of Cannock Chase SAC and suitable mitigation would be required in this case.
- 1.23 Appropriate Assessment has been undertaken at strategic level by the Cannock Chase Partnership to inform the preparation of local authority core strategies, but concludes that no appropriate assessment is needed in relation to this particular proposal because, subject to the mitigation measures put forward by the applicants and agreed by Natural England, that the proposal is not likely to have a significant impact on the Cannock Chase SAC.
- 1.24 The site as part of the South Lichfield SDA is in a suitable and sustainable location, there are no insurmountable technical barriers to its development, it is deliverable in the sense that it is in the control of a developer with a confirmed intention to develop it.

## Use of land within the Green Belt

- 1.25 The southern element of the application site lies within the West Midlands Green Belt, wherein there is a general presumption against inappropriate development. Inappropriate development is, by definition, considered harmful to the Green Belt. Although most new buildings will be considered inappropriate, other forms of development can be considered appropriate within the Green Belts providing they preserve its openness and do not conflict with the purposes of including land within it.
- 1.26 It is proposed to use the Green Belt area as a landscaped public open space and 1 adult and 2 x junior sports pitches, a trim trail, LEAP, allotments and paths/routes around the open space of Knowle Hill for walkers, dog walkers and cyclists. A changing facility and small parking area are also proposed for use in association with the sports pitches and open space. Due to the unique alignment of the Green Belt at the southern part of this area and these proposed 'open' uses, it is not considered that elements of this part of the proposed development would be inappropriate within the Green Belt and as such would comply with the provisions of paragraphs 149 and 150 of the NPPF and policy NR2 of the Lichfield Local Plan Strategy. Therefore, these development elements would constitute an appropriate form of development in the Green Belt, in so far as it would provide appropriate facilities for outdoor sport and would not conflict with the purposes of including land within it.
- 1.27 It is therefore considered that the proposal accords with the core planning principles contained within the NPPF and that the proposal is of a scale and in a location that accords with the spatial strategy for the District.

### Policy Conclusion

- 1.28 The development site is identified as a sustainable site for residential development as defined within the adopted Local Plan. Therefore, it is considered that the principle of the development, including the local centre and school is considered acceptable and therefore there are no objections raised that would justify reasons for refusal that can be legitimately substantiated on policy grounds.

## 2.0 Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures, based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high-quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District, with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The dwelling mix identified under the requirements of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District's housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above.

Appendix C of the Local Plan Strategy advises that this *development with emphasis on "integrate with existing neighbourhood and encourage sustainable travel modes to access local facilities complement existing settlement in terms of housing mix, scale and mass" and deliver a range of facilities including open space and amenities*".



## Assessment

- 2.3 It is noted that under the original outline approval ref. 12/00182OUTMEI, 56 affordable homes were to be provided on Phase 2a land as follows:

### 2A Land Affordable Homes – 56 Homes

Housetype	Beds	Type	Social Rent	Shared Ownership
Type 45	1 Bed	House	2	
Type 50	1 Bed	Apartment	6	
Type 65	2 Bed	House	2	8
Type 73	2 Bed	House	21	
Type 79	2 Bed	House		6
Type 83	3 Bed	House	5	6
			36	20

- 2.4 Of these 56 homes, it includes a breakdown of 36 social rented and 20 shared-ownership, which is considered broadly in line with the Councils requirements of 65% social rent and 35% Intermediate.
- 2.5 This hybrid application proposes a further 331 homes and of this a total of 126 homes are to be provided as affordable. 82 (65%) will be socially rented and the remaining 44 (35%) shared ownership this is in line with the target identified within the Lichfield District Council Local Plan Strategy Policy H2.

The number of bedrooms for the units across all the phases are shown in the table below:

Phases B, C, D AND E			Complete Dev Including Phase 2a	
No of Bedrooms	Social rent	Intermediate	Social Rent	Intermediate
1 bed	18 (22.9%)	0 (0.0%)	26	0 (0.0%)
2 bed	29 (35.49%)	22 (50.0%)	52	30 (46.9%)
3 bed	31(37.8%)	22 (50.0%)	36	34 (53.1%)
4 bed	4 (0.0%)	0 (0.0%)	4	0 (0.0%)
TOTAL	82	44	118	64

- 2.6 The site is over the threshold for the provision of affordable housing, as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report issued in 2020 is for 38% of the units proposed.
- 2.7 The reserved matters application for Phase 2a under reference 19/00478/REMM identified a requirement for 31% affordable housing, as the dynamic model required at the time when the original outline application 12/00182/OUTMEI was approved. Of these 56 units in Phase 2a. The quantum represented an overprovision of 4 affordable units.
- 2.8 The remainder of the phases are to be provided in line with the more recent dynamic model of 38% with a tenure split of 65% social rented and 35% intermediate. Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social

rented and managed by a registered provider, with the remaining 35% intermediate. It is understood a local registered provider is interested in Phase 2a.

- 2.9 There have been numerous comments in respect to the number affordable units and house types offered within the development, however when assessing this in line with the Councils' own provision the applicant has proposed a wholly policy compliant affordable housing scheme, which will deliver 182 affordable dwellings.
- 2.10 This hybrid application considers both the combination of the earlier phase and the later ones which equate to a total of 182 affordable units with 118 social rent and 64 shared ownership, in line with the policy recommendation and is higher than what would have been previously provided under the original outline permission, this in fact represents an additional 42 affordable homes. This provision is recommended to be secured via the s106 legal agreement.
- 2.11 It is noted that within the Housing Manager's response to this application, the current demand for affordable housing in this area is for 2 bed houses, 1 bed flats and 1 bed bungalows. Delivery of the latter would evidently help to meet the aspirations of the Council in this respect.

#### Housing Conclusion

- 2.12 Given the above the development will provide a range of mixed tenure housing meeting the tenure split and the mix of properties offered, represents a well-balanced range of property types in line with 'Registered Providers' feedback that homes are located in clusters and spread throughout the development in line with the Lichfield District Council Developers Contributions SPD 2016. The provisions indicate that affordable housing should be integrated across the general development to deliver a sustainable community. The development complies with the requirements of the Development Plan and NPPF in this regard.

#### 3.0 Design, Density, Siting and Relationship to the Built Form /Character

- 3.1 The site presently has a greenfield character (except phase 2a built out), given its current/former agricultural use. It is important to acknowledge that the land has been specifically identified as a sustainable urban extension to the city in the adopted Local Plan.
- 3.2 Local Plan Strategy Core Policy 14 states that "*the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment*".
- 3.3 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*". 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*".
- 3.4 The NPPF (Section 12) advises that, "*good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". The document continues to state 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*".
- 3.5 The recently released 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". It is important to note that 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.

3.6 The Planning Statement/design statement summarises the applicant's main ambitions for the development of the site to be as follows:

- Function and quality – providing a distinctive identify which, whilst having its own character, integrates with the surrounding built form and landscape context, providing a well-connected permeable structure that supports social cohesion between existing and new communities.
- Sense of place – allowing key design characteristics of surrounding settlements to influence the character of the development, providing a hierarchy of connected spaces and places, integrating existing and proposed landscape features to soften the built form, utilising green infrastructure to structure and define the layout, creating a clearly defined public realm and providing outward facing development to the majority of the site's edges.
- Access to services and facilities – integration of the development into the existing movement network, including new including bus stops located within easy walking distance of all new dwellings and employment buildings. Maximisation of the opportunities for sustainable modes of transport, including the enhancement and extension of the existing pedestrian network, facilitating convenient, safe and direct access to existing and proposed local services and facilities.
- Response to context – reflecting the pattern of streets and blocks found locally within the scheme's layout, integrating development into the existing built fabric of south Lichfield, responding to existing topography, providing outward facing development, retaining key landscape features and habitats and protecting the amenity of existing and proposed residents.
- Safe and accessible environments – creation of a clearly defined public realm and hierarchy of connected spaces and places, allowing ease of movement for all users and control of access to private areas.
- Sustainability – provision of a mix of uses and links to surrounding areas to ensure everyday needs are catered for. Making efficient use of land and ensuring individual buildings can adapt to changes over time.
- Promote good design – providing development that responds to local character and identity to create architectural and landscape designs that are visually attractive environments where people will want to live, work, socialise and relax.

#### Assessment

3.7 It is clear that the layout and design of the proposed scheme in each of the phases has drawn a number of criticisms. This has been mainly due to the layout and density of the development phases, the use of materials and the perceived 'lack of architectural merit' and character that has been applied across the development.

3.8 During the course of the consideration of the application, a number of iterations to the design/layout of the scheme have been considered, with ongoing themes and comments and amongst other comments have resulted in an overall reduction in the number of dwellings to 500 from 529; this was to overcome initial comments regarding the density of the Phases when considering good quality design.

3.9 It is acknowledged by the Councils' Urban Design officer that this site is a modern urban extension to the city and the latest reduced version does represent an improvement over the original versions. It is also accepted that the development will clearly be seen on arrival to the city by train and from some other vantage points and this, in itself is not necessarily harmful as the site clearly is outlined for development as part of a wider strategic site.

- 3.10 The developer has provided a design and access statement and visual analysis to justify the overall design approach to the layout in this case and, also a building height plan/house type plan and a density plan which ranges between 24 and 39 dph. However, the Urban Design officer has continued to raise inconsistencies between the provisions of the 'masterplan' and the layouts for the various phases. It should be noted, the masterplan provides broad parameters of layout forms and does not provide detailed layouts /parking layouts. It is however accepted that, matters of detail have to be interpreted and applied throughout each phase. It is important to note that with respect to the individual density across all of the phases they all remain fully consistent with the built out phase 2a and this is accepted.
- 3.11 Lichfield is a beautiful and characterful City and with its cathedral and associated spires as part of its historic core. House types in and across the city widely vary, with not just one age, housing type and one material used, but a wide range and varied mix. The strong historic core with its number of significant and noteworthy buildings and beyond other developments constructed in different periods reflecting differing architecture taste and design and materials at the time. (i.e. non consistent use of stone, brick and render).
- 3.12 In the case of this development, the developer has chosen to provide more of a 'stock book' approach to house types, rather than provide perhaps a more varied and bespoke approach to house types within the site. This has also led to a number of criticisms of the overall scheme, in terms of design and approach to the layout and how this relates to surrounding development and whether the development represents good design.
- 3.13 Revisions have included breaking up parking frontages, with more landscape within the layout which has been assisted with the reduced number of dwellings. It is noted that throughout the phases there is range of house types, within this is a palette of variances and approaches including a mix of roof types, brickwork detailing, window and door alignment, chimney features and window sizing, (to name some) that have formed the overall benchmark for the house types proposed on this site, which is an appropriate approach.
- 3.14 Moreover, it is important to note that the new phases continue to follow the main principles of the development built out so far and the original masterplan for the previous outline consent, in terms perimeter blocks and frontage development with a strong definition of public and private space advocated by 'Secure by Design'. It is also to be acknowledged that part of the scheme (Phase 2a); which is part of this proposed application, is already consented and is nearing completion. As such, a number of design parameters have already been established on part of this development. In order to draw a design consistency across the remaining phases the developer has included similarities to the general approach adopted in respect to layout for the wider site. It is not to say that the developer has not applied variations to house typology to increase design improvements, but has still managed to maintain but an overall consistency between each phase to a degree, that would result in the built out phase not appearing incongruous when considered as part of any of the proposed phases.
- 3.15 The main frontage in Phase E follows the canal side wharf in phase A, creating a strong emphasis along the Bypass directly opposite the 'Wharf phase to the opposing side. Taller house types are also dotted along the major routes in each phase with two-storey being the predominating house type. Streets are broken up with house types providing both parking at the front or to the side, some with garages provided within a number of plots. In recognition of the 'masterplan', there is an application of the use of similar materials, such as a 'red brick' palette and plain red /grey roof tiles with elements of neutral render and cladding as feature materials. This approach is recognised and accepted by the Urban Design officer.
- 3.16 Concerns have been raised in respect to the density of the scheme and coupled with that, the larger runs of frontage parking which may detract from the quality of the design of the street. It is a 'fine balance' to provide adequate parking levels that meet standards and provide this in a useable and legible form when considering layout and design especially for incoming

residents. It is acknowledged that in any design 'over provision' of frontage parking can lead to a reduction in the quality of a 'sense of place'. Space between development can just be as important as the development itself. The approach to the overall design, layout and to a mix of parking provision, especially some larger areas of frontage parking within the phases, whilst not ideal, is 'on balance' accepted. Each phase follows a similar density and layout and ensures the character of the development would be positively reinforced (as noted above). This has to be balanced with the provision of the majority of open space to the south where no building will occur, as the land remains designated as Green Belt.

- 3.17 The density of the scheme is fairly consistent (as outlined previously) with the greatest density around the community/commercial areas, with lower density elsewhere. The edges facing the green space is made from private drives which help soften this interface between the built areas and open space and the wider countryside edge.
- 3.18 Boundary treatments have remained consistent throughout the development, with a majority of close boarded fences to provide rear garden security. Exposed side plots to highways have wall feature boundaries. Frontages that are set back from the bypass and well-defined edges to the open space are defined by 1.1m rails. Knee rails to the wooded area around Phase 2C and a feature entrance is also proposed with a dwarf wall and brick piers. These all help in providing definition of public and private spaces and, continue to provide a degree of design continuity between each phase of the built form and open space.
- 3.19 The provision of the parkland open space and linear park form part of the masterplan principles and, the open space to the south is fully supported by urban design and the landscape and tree office and the layout of the space helps provide meaningful links through and across the linear open space with footpaths and links in the wider open space, allowing access into the district park and the open countryside around Knowle Hill. The planting of these areas is discussed in more detail later in the report, however it is important to note that a maturing landscape and appropriate management and maintenance and accessibility of these spaces, is an important part of the design of this part of site, as it will become part of the character of this location. The appropriate legal agreement/mechanism will ensure this is managed and maintained for future generations.

Design/Character: Conclusion

- 3.20 The overall layout and approach continues to echo the masterplan and, whilst significant concerns have continued to be raised in respect to the design of the remaining phases, it is noted that the development has evolved more positively during the course of the consideration of the application and it is important to note that part of the development has already been constructed, with the remaining phases continuing this consistent theme and approach. Therefore, 'on balance' it is considered that the form, layout and design is acceptable and continues to positively reinforce the first phase built out and elements of the previously approved masterplan and so, it accords with the broad principles of policy BE1 of the Lichfield Local Plan Strategy and the guidance in the NPPF.

#### 4.0 Landscape and Visual Impact

- 4.1 The site forms part of the Strategic Development Allocation of the southern edge of Lichfield and the policy base for this within Core Policies 1, 4 and 6 and Policies Lichfield 4, 5 and 6. Core policy 1 states that natural environment and landscape around the City will be protected and enhanced and, development should be carefully designed and located so not as to detract from key views into the City.
- 4.2 Policy Lichfield 6 states allocations should provide a sustainable safe and well-designed mixed use of approximately 1350 dwellings delivered by 2029. The policy also states the allocations will provide open space for sport and recreation facilities in line with the development

management policies. Here development management policies HSC1 and HSC2 apply for the provision of playing pitches.

- 4.3 The policy also states retention of landscape and green infrastructure should be retained including trees and hedgerows, where possible. Appendix C of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of “a landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed”.
- 4.4 The document continues to advise that the proposal should include, “A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, courtyard and garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive, but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City”.
- 4.5 Policy NR2 of the Lichfield District Local Plan Strategy identifies constraints of land within the Green Belt and the southern portion of this site is located within the area. The main characteristic of Green Belt is its ‘openness’.
- 4.6 The Landscape and Visual Impact Assessment (LVIA) document has been provided by the applicant. This assessment considers the wider landscape and the nearest environs impact of the development, in the context of National Landscape Character Areas and more localised townscape vantage points.
- 4.7 The quality and interest associated with the landscape is defined as the Sandstone Estatelands Landscape Character Type (LCT) which covers the large area to the south and west of Lichfield. This land is open and gently rolling with arable farmland of large regular fields. The sensitivity of the landscape is considered low to moderate given the rolling nature of the land and containment of tree cover.
- 4.8 The assessment carried out utilised fourteen points, 1 at the centre and 13 towards the edge of the site to inform the study called the Zone of Theoretical Visibility. (ZTV). Evidence by way of photographs were taken from public viewpoints. Views were limited from the south due to the boundary with Knowle Farm. The view from Birmingham Road is limited given the trade units and hedgerows. The main view is from The Spires on the opposite side to the development.
- 4.9 With regard to the quality of the landscape, the site is not subject to any national or regional landscape designations. The LVIA states that “The assessment of impacts on landscape character has determined that the significance of effect on the ‘Sandstone Estatelands’ LCT will be ‘minor adverse’. In order to consider impacts at a more detailed level, the assessment has also considered the site and its local landscape context; at this level the assessment concludes that the proposed development will result in a ‘minor to moderate adverse’ effect.
- 4.10 There is currently no public access to the site and its recreational value is low. From the wider landscape, the site is generally screened by the influence of rolling landform and vegetation, and where visible, it is seen in the existing context of the settlement edge, characterised by the residential areas rising across Knowle Hill.
- 4.11 There will be some views to the northern edge of the proposed development. Given the nature and scale of visual effects, when considered overall, these highly localised effects are not considered significant. Overall, it is concluded that the proposed development will result in limited impact at a localised level, to a landscape considered of low value.

- 4.12 The application submission has been subject to a series of landscape plans, which outline the main green areas. These details proposed planting plans and species and how these may be and managed for future generations. The Arboriculture Officer has commented on these plans and has secured amendments to ensure that the correct species are planted there is a provision of native species, which are suitable for their locations and to break up road frontages. Planting will both help retain the benefit of the open areas, park and park/woodland areas, to ensure that they also assists towards increased biodiversity of the wider site. For these reasons, the application is recommended with conditions and link to the wider management of the open space, to be set out within the S106 heads of terms.

#### Landscape Conclusion

- 4.13 It is considered, based upon the information contained within the LVIA and the comprehensive landscape proposals/plans that, the development will have an acceptable effect upon the landscape area and that the landscaped can be appropriately conditioned and managed and maintained as such, and will comply with the requirements of Policy NR4 and BE1 the Development Plan and NPPF.
- 5.0 Arborocultural Impacts (Trees and Hedgerows)
- 5.1 Paragraphs 131 of the NPPF advises that trees make an important contribution to the character and quality of urban environment and help to mitigate for climate change. It is also important the parks have appropriate measures to secure retention of trees and secure long term maintenance of newly planted trees.
- 5.2 Core Policy 13 of the Local Plan Strategy seeks to protect veteran trees, whilst. Policy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed in line with the guidance of the NPPF.
- 5.3 The applicant has provided a full ‘arborocultural impact assessment’ in support of this application, along with planting and tree pits as and where required. The main trees are to be located within the district park and this is subject to conditions, to ensure the correct woodland species are secured, planted and maintained. This would also form part of the wider element of a management scheme to be secured through the S106. Trees would also be located around the periphery of the site and through the linear POS facing north. Street trees area also proposed through the development.
- 5.4 Appendix C of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of *“A landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed”*.
- 5.5 The document continues to advise that the proposal should include *“A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, and garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City”*.
- 5.6 The Arboricultural Impact Assessment, identifies that there are individual trees and groups of trees to be retained or removed as part of the development.

- 5.7 The Council's Arboriculture Team advise that the impacts on existing trees of the development have been properly assessed and quantified.
- 5.8 In order to mitigate for the loss of any of the trees and also deliver the abovementioned SPD requirement, specific to tree canopy cover, significant, sustainable and well-designed landscaping will need to be designed and thereafter planted. Such expectations, along with details for measures to protect retained trees during the course of development, will be confirmed within the Design Code and Landscape Management Plan, which are both recommended to be secured via condition. On this basis, no objections are raised to the above identified tree works. A Landscape Management Plan, which is recommended to be secured, via condition should also identify how the development will achieve a 20% tree canopy cover by mid-century, supply suitable levels of tree planting within the car parking areas associated with the residential units and deliver suitable street trees.

#### Tree Conclusion

- 5.9 Given the above considerations with regard to tree and landscaping provision and , with reference to green infrastructure this development is considered to comply with the requirements of the Policy N4 and BE1 of Development Plan and NPPF.

#### 6.0 Impact on Highway Network, Sustainable Transport and Other Transport Implications

- 6.1 The NPPF indicates in Paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.
- 6.2 The NPPF advocates the need to provide a mix of transport opportunities, including priority to the pedestrian and cycle user. It also requires safe access to emergency and service vehicles along with electric plug-in facilities being part of the development.
- 6.3 This is echoed in the Lichfield District Strategy Core Policies 2 and 3, which advocate sustainable development and, to ensure that development consider means to reduce the overall need to travel and optimising other forms such as cycling walking and use of public-transport.
- 6.4 Policy ST1 that requires development to secure more sustainable travel patterns considering impacts on the local and wider highway network and to provide good standards of layout and an adequate parking provision to meet demand as part of policy ST1.
- 6.5 The proposed development has been supported by a full and comprehensive suite of drawings as well as a Transport Assessment and Technical Notes. The site proposes three entrances for the development area all from the new link road of 7.3m width from the Lichfield Southern Bypass. The residential development proposed in Phase 2E is accessed via a single access to the bypass while Phases 2B, 2C and 2D are accessed from two access points to the south.
- 6.6 This link bypass road was opened in October 2021, linking Birmingham Road to London Road. A four-armed roundabout links the Birmingham Road and signalised three-armed junction links London Road. This approved bypass was designed to accommodate a bus service to link to the City, Tamworth and to Birmingham.
- 6.7 This application differs from the previously consented scheme as there is no longer a direct road access to the site from London Road.
- 6.8 The site is approximately a 20-minute walk to the nearest train station that connects the City to Birmingham and Bromsgrove via the cross-city line. A number of bus services runs from Birmingham to Lichfield via Sutton Coldfield and there are also buses running to Walsall and Tamworth, close to the site. Staffordshire County Council (SCC) have indicated that a legal



agreement towards a bus contribution for the provision of a service to link the city centre and railway station would be required and, this is accepted and should link to the wider adjacent site at 'Cricket Lane' site, so both communities could make use of these facilities.

- 6.9 The application is supported by a full Transport Assessment and addendums. The Transport Assessment (TA) provides details of the existing highway network situation, in order to highlight the likely impact of the development upon the local and wider highway network through analysis of impacted junctions.
- 6.10 Significant comments and concerns have continued to be raised in respect to this development and the impact of traffic on the highway network. Following initial consultation, a number of concerns were raised within the application process by both the National Highways and Staffordshire County Council (SCC), regarding the extent and method of modelling and assessment work undertaken. To this end, the National Highways issued a holding objection.
- 6.11 Further, details were then duly submitted by the applicants transport consultants and this data has satisfied National Highways in respect to the impact on the wider strategic network, namely the A38 that the impact would not be severe and for these reasons National Highways have recommended conditions.
- 6.12 Staffordshire County Council (SCC) highways have considered the road networks and the internal road hierarchy (larger feeder road to main route and smaller estate road /private drive) within the development linking to the bypass and integrated wider pedestrian and cycle route. The site is designed with all access onto large roads which create access connections to the smaller estate roads and private drives. Staffordshire County Council (SCC) has commented on the total quantum of parking provision meets LDC parking standards. Appropriate access and turning facilities have also been provided for emergency and refuse vehicles across the proposed development this is by way of tracking plans and, this has also been accepted.
- 6.13 Comments/concerns have been received in respect to the level and amount of parking provision for plots within each phase and the implications of the displacement of vehicles parking in the highway around the development and adjacent to it. Staffordshire County Council (SCC) recognise these concerns and have fully considered the implications of vehicle displacement should inadequate parking provision be provided. Importance should be given to dedicated on plot provision and the majority of the development is acceptable.
- 6.14 Staffordshire County Council (SCC) note that a few plots have provided isolated parking (in front of hose adjacent to POS), a proportion of plots have garage spaces, some do not meet internal size standards, whilst this is not ideal, but they raise no objections as there is sufficient parking provision made across the whole of the development and in few instances where garages have been discounted, due to their size there is sufficient off road parking provision provided per plot.
- 6.15 Staffordshire County Council (SCC) raises no objection to the provision of the footpath network within the development and the links to the bypass and towards the city. A number of conditions and a legal mechanism to secure works have been recommended and these are considered both reasonable and appropriate.

#### Transport Conclusion

- 6.16 New development must be supported by appropriate and required infrastructure in a timely and safe manner. The proposed development secures a continuous network of pedestrian, cycle and vehicular routes which connect the green spaces within the development and integrate successfully to the and safe access into and around the development, along with the provision for service and emergency vehicles across all phases.

6.17 Parking provision is considered acceptable and this integrates successfully into the development in line with policy ST1 of the Lichfield Local Plan Strategy and the guidance contained within the NPPF. The development does provide a continuous networks of pedestrian and vehicular which connect the green spaces within the development and, integrate successfully to the wider area and the impact of the development on the local and wider highway networks would not be severe as to find the development unacceptable.

#### 7.0 Flood Risk and Drainage Issues

7.1 The application site is located within Flood Zone 1 which is defined as having little or no risk of flooding from rivers or streams. The Environment Agency have indicated that they have no comments to make in terms of the risk from main river flooding.

7.2 Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk Assessment (FRA) is required and such a FRA has been submitted with the application.

7.3 In terms of pluvial flooding, the Lichfield Strategic Flood Risk Assessment (SFRA) does not identify any occurrences of surface water flooding within the vicinity of the site, and as such there is low flood risk from this source.

7.4 The applicant has proposed a detailed drainage strategy incorporating three options which will see surface water drained into linked attenuation basins and swales and into either the culverted watercourse along the line of the former Lichfield canal route to the north, or into the new Lichfield Canal. These would provide water quality treatment and attenuate flows up to a 1 in 100 year storm plus 30% for climate change.

7.5 The submitted FRA also recommends that all dwellings have a finished floor level 150mm above adjacent ground levels, where practicable, which will mitigate flood risks associated with surface water run-off.

7.6 Concerns have been raised in respect to Marsh Lane however, the acceptability of the drainage proposals have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development. Subject to the application of conditions, the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.

#### 8.0 Public Open Space, Sports Facilities, Green Infrastructure

8.1 The submitted Green Infrastructure Parameter Plan indicatively shows the main area of green infrastructure within the development itself to be the district park sports facility and SUDS area proposed to the southern end of the site; along with the peripheral green space and vertical green POS green space extending between phase D and B.

8.2 There are a total of 2 Local Equipped Areas of Play (LEAP) proposed across the site, with details of the equipment to be installed within these play areas.

8.3 Details of facilities within the Open Space/park such as changing facilities, benches or bins, have not yet been provided and will be secured under the provisions of the S106 agreement.

8.4 The requirements for open space are set out in Policy HSC1 of the Local Plan Strategy and the Council's Open Space Assessment Document (2016), further details of which are provided within the below table. For information, it should be noted that given the proposal is for 500 dwellings, an estimated population, utilising data of average household estimates, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015)), results in 1,120 residents.

- 8.5 Policy HSC1 of the Local Plan Strategy states that, “All new Strategic Development Allocations to provide equipped play to ensure all parts of the development are within 480m / 10 minutes walk time of a safe and over-looked equipped play facility”.
- 8.6 The furthest distance likely from a dwelling within the site to a LEAP, as shown on the masterplan, is approximately 250m, whilst each location is capable of accommodating a scale of LEAP as laid out and is therefore compliant with the abovementioned guidance.
- 8.7 There is a need to ensure the appropriate provision of ancillary facilities and equipment, suitable footpath access, designed to be free from harm or crime and containing equipment of a requisite standard. No objection from the LDC Leisure team has been raised in respect to the LEAP provision, trim trail sports pitches as proposed.

#### Public Art

- 8.8 Core Policy 12 of the Local Plan Strategy advises that “new strategic housing... development will incorporate public art”. Appendix C of the Local Plan Strategy identifies that development within the application site will need to deliver “Opportunities for public art to be integrated within the design of the development”.
- 8.9 The provision of public art within the site is proposed to be secured through the s106 agreement, although exact details of such, will not be provided until an appropriate phase of development. This will ensure compliance with the requirements of the Development Plan in this regard.

#### Allotments

- 8.10 Local Plan Policy HSC1 details the extent of allotment provision required within the SDAs (as detailed within the above table) and continues to state that, “allotments will be well maintained and well managed and will be designed so as not to have a detrimental visual impact upon the wider landscape. Depending upon the location, in some circumstances this may require restrictions upon the number and type of buildings which can be erected to serve the site such as individual sheds”.
- 8.11 The layout submitted with this application shows such allotments to be provided within the southern part of the site. The indicative location, served off a secondary road, with its own share 36 spaces off-street car parking area is considered to be broadly acceptable. The creation of this area and its maintenance and management thereafter, is recommended to be secured by means of the s106 agreement.

#### Sports Facilities

- 8.12 Policy HSC2 of the Local Plan Strategy requires all SDA to “provide playing field facilities at a minimum level of 1.23ha per 1,000 population, including around 200m<sup>2</sup> for changing and pavilion space and 0.025ha for parking”.
- 8.13 Facilities for sport and recreation will be focussed within the green space, located to the south the site. Indicatively three different sized football pitches are presently shown within this area. The type of pitches provide both adult and junior pitch provision. Also, a changing facility and associated off street car park is to be provided. Additionally, there will be a series of on-site gravel bound recreational trails for walking, cycling and running and the trim trail.
- 8.14 Sport England have been consulted on this application, along with the Council’s Health and Well Being Development Manager. The advice received by the Council is that the provision to be supplied within the development is acceptable (as demonstrated above), subject to the

application of conditions to secure a suitable design and layout of the playing pitches, pavilion and car park, prior to the occupation of any dwellings within the relevant phase of development and S106 to deliver and maintain such.

- 8.15 Such conditions are considered reasonable and necessary and will enable the delivery of the sports facilities within and appropriate time frame to meet policy advice and guidance

#### Public open Space, Sports Facilities, Green Infrastructure Conclusion

- 8.16 Given the above assessment, the recreational and public open space provision proposed within the development, as submitted, is considered to be compliant with the requirements of Core Policy CP3, CP11, Policy and Policy HSC1 and HSC2 the Development Plan and NPPF, in this regard.

#### 9.0 Impact on Ecological Interests, including Cannock Chase Special Area of Conservation

##### Protected Species

- 9.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The Act protects both individual badgers and their setts.
- 9.2 A detailed desk study of known ecological records within the site has been undertaken, as well as field surveys covering an array of species. Specific habitat assessments relating to bats, badgers, breeding birds and reptiles have been undertaken. The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecology Manager has considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable, subject to the application of conditions, which detail the need to submit a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and Construction Environmental Management Plan (CEMP).
- 9.3 Reasonable Avoidance Measures (RAMS), including further surveys, as required, throughout the phasing of the development. In addition, any development works undertaken during bird nesting season will need to be suitably supervised.
- 9.4 The Ecology Manager is satisfied with the assessments and, subject to conditions relating to carrying out works in accordance with the details as provided, the development is considered acceptable and will continue to comply with the principles of Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan.

##### Biodiversity Net Gain

- 9.5 To comply with the guidance contained within the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 9.6 Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant EU obligations and statutory requirements" stated in the NPPF.

- 9.7 Under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity. This can include establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020.
- 9.8 A measurable 20% net-gain to biodiversity value, is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy, which feeds into the Council's Biodiversity and Development SPD.
- 9.9 The submitted biodiversity metric has been updated and revised and assessed due to the reduction of the development area and number of dwellings. In this case habitat created is mainly confined to the south of the site (open space) and garden areas and taking into account both outline areas will be fully developed.
- 9.10 The Ecology Manager considers that the quantitative data within this revised document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as Biodiversity Units (BU). In addition, it is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development.
- 9.11 The baseline value of the site remains unchanged at 131.93 units. Taking into account the changes to the scheme, the post development value has been calculated at 158.49 units which results in an overall uplift of 26.56 units or a 20.14% increase.
- 9.12 The applicant's intention is therefore to deliver net gains of BU (20.14%) as part of the proposed development scheme. The Ecology Manager approves of the new habitats and their management proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping.

#### Biodiversity Conclusion

- 9.13 As such, the development scheme is viewed as likely to be able to achieve in excess of 20% net-gain to Biodiversity Value and so complies with the requirements of the Development Plan and Biodiversity SPD and NPPF in this regard.
- 9.14 The applicant will still need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof), demonstrating a net gain to a value of no less than BU as indicated. It is recommended that these requirements be secured via appropriately worded conditions.

#### 10.0 Impact on Residential Amenity

- 10.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Appendix C of the Local Plan Strategy advises of the need for "Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis".
- 10.2 The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate

principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.

- 10.3 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 10.4 Finally, the SPD aspiration identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup>. Gardens should have a minimum length of 10m. It states that where there is a deficit, flexibility should be applied especially given distance from open space.
- 10.5 The applicant has provided a full amenity plan as part of the revised package. This plan extends across all phases B, C D and E which deliver the remaining 331 dwellings. The majority of houses meet and exceed distance separation and where they do not fully meet intervening boundaries, properties are offset or angled to each other. Across the whole of this development 17 plots (5%) do not fully meet the required garden sizes. This deficit ranges from around 2- 5sqm max. In consideration of this deficit, a much larger proportion (314 plots) or 95% meet or exceed the minimum. Of the plots identified only 4 fall short of a minimum 10m rear garden depth (compromised by rear bin access) these range from 8.5m to 9.5m in depth. The plots which been identified as constrained should, as the guidance suggests, be interpreted flexibly, and all are still located within easy walking distance from large areas of public open space, therefore this can be accepted.

#### Daylight and Sun Light

- 10.6 There have been objections to the scheme in respect to amenity to existing properties and the proximity to the boundary. This is with particular regard to Phase 2e (north of the bypass) There is a existing boundary treatment and naturalised around the Northern Boundary with properties located to the north of Phase 2e. It is reasonable to require the retention of this hedgerow and ensure its protection to secure amenity is retained in this case
- 10.7 The applicant has provided a detailed daylight and sunlight impact assessment which covers impacts during morning midday and afternoon timings. This assessment has highlighted that there is a marginal impact during morning (around 9am) and this impact reduces to negligible with respect to timings later during the day given the orientation of the existing and proposed dwellings for this reason, it is considered unreasonable to justify a refusal of the application on this element. Particular concern relates to plot 172 which is a bungalow. The amended plans have no window facing the adjacent exiting plot and the intervening boundary and orientation of this plot secures the amenity for both parties. The relationship is therefore considered to be acceptable.

#### Noise and Air Quality

- 10.8 Paragraph 185 of the NPPF advises that, “the planning system should ensure that new development is appropriate for its location and should take into account the impact on pollution on human health. It goes onto define air quality and noise as significant factors affecting amenity.
- 10.9 Appendix C of the Local Plan Strategy advises of the need for “Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis”.
- 10.10 Core Policy 10 considers the impacts of health and wellbeing on existing and future residents of the District.

- 10.11 Concerns have been raised with respect to the construction period and the potential for harm to the nearest neighbouring properties to the development this is with particular regard to vehicular activity and construction works.
- 10.12 The application has provided both an Air Quality and Noise assessment and addendums to the original report. The site and location is not within an Air Quality Management Area as the nearest location is based around 'Streethay'.
- 10.13 Air quality can be recorded by way of air particulates (PM10) which is normally due to traffic conditions. The assessment considers existing conditions, construction periods and post construction impacts and the results provide no significant impacts to the levels of particulates in the air.
- 10.14 It is true that dust may arise from the construction phase of the development, however a Construction Environment Management Plan, as recommended by condition, would secure suitable controls/mitigation over dust emissions should they be necessary.
- 10.15 A noise assessment has been provided as part of the proposal and this considers the impact on both the existing and proposed households. This is with particular emphasis to the railway line and to the commercial/community area. The houses have been located at an adequate distance from the railway, to ensure that no additional mitigation is required and, this has been confirmed by Environmental Health Officers. The impact of the commercial and community centre is yet to be established as this area is in outline form.
- 10.16 Concerns have been raised in terms of both noise and dust. Existing residents are entitled to enjoy their properties without additional concerns and, this would be particularly relevant during the construction period with potentially additional traffic movements and deliveries. These concerns are noted and the applicants reports conclude that no additional mitigation is required in this case.
- 10.17 Environmental Health accept these findings and a CEMP or Construction Management Plan is proposed by way of condition to ensure residential amenity is maintained.

#### Amenity Conclusion

- 10.18 Given the above assessments, it is concluded that the development will not, subject to the above identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of Policy BE1 the Development Plan, Sustainable Development SPD and NPPF in this regard.

#### 11.0 Sustainability and Energy Issues

- 11.1 The NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development.
- 11.2 Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy however, the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built form.
- 11.3 Therefore, no conditions are required under the requirements of this policy, to secure sustainable built technologies within the residential phases of this development.

- 11.4 Local Plan Strategy Policy SC1 continues to set out requirements that major non-residential development, with a floor area in excess of 1,000 square metres, should achieve the BREEAM excellent standard from 2016.
- 11.5 It is considered reasonable to require that any building achieves BREEAM Excellent requirement it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM very good would effectively deliver the level of sustainable built form that the policy seeks to capture.
- 11.6 The wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition as part of the code for the reserved matters to secure the provision of these matters for the community commercial, the development is considered to be compliant with national policy in terms of sustainable building techniques.
- 11.7 The applicant has provided a plan providing the location of the Electric Vehicle Charging points across the site. These points are provided in at least one space per plot within the dedicated off-site provision and within the garages as proposed. This will ensure choice to future households in the development and is acceptable and may be suitably controlled by conditions. The properties will be constructed to meet the higher standards required under Building Regulations.
- 11.8 The applicant has also provided a waste strategy to ensure sustainable construction methods and recycling of materials is undertaken which is accepted. In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.
- 12.0 Impact on Archaeology, Historic Environment and Cultural Heritage
- 12.1 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular, S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 12.2 Paragraph 194 of the NPPF requires that through the application process the applicant should identify and describe the significance of heritage assets which may be affected by the development.
- 12.3 Policy NR5 considers the importance of any historic landscapes and how they should be considered as part of any development proposal. Policy BE1 details how consideration has to be given to the significance of any historic or archaeological landscape.
- 12.4 It is noted that there are no designated heritage assets within the application site area. There are however a number of assets within the 1km study area surrounding the site, including listed buildings, with the following located within close proximity to the site:
- Knowle Lodge – Grade II Listed
  - Knowle Farmhouse – Grade II Listed
- 12.5 Rykniel (Ickniel) Street, forms the site's south-eastern boundary, Berry Hill Farm associated with the field identified in 1947 suggesting a local brick working site.



- 12.6 Below ground elements of the Lichfield Canal which was filled in the mid-20<sup>th</sup> century and likely to survive in the north eastern corner of the site where evidence was found and recorded during a watching brief on the construction of the southern link road.
- 12.7 Knowle Hill - Detailed public comments have raised the sensitivity of Knowle Hill and the potential for archaeological interest from the Bronze Age rather than being a natural landform.

#### Archaeology

- 12.8 Staffordshire County Council Archaeology (SCC Arch) have also commented on this aspect and had found the original archaeological report satisfactory. Given the more recent revisions and the development moving into the southern area i.e. for the provision of pitches/allotments, Staffordshire County Council Archaeology (SCC Arch) have recommended a further survey prior to works commencing to ensure any historic artefacts or archaeology is formally recorded to ensure the areas correctly recorded, in accordance with policy and guidance.

#### Listed Buildings/Historic Assets

- 12.9 The effects of the development on the above identified heritage assets are assessed in the applicant's Heritage Statement, in terms of construction impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases, the submitted Heritage Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. This includes impact upon the Grade I Listed Cathedral Church of the Blessed Virgin Mary and St Chad, where it is considered that there are no perceivable historic associations between the site and the Cathedral, whilst the development of the site will not result in any adverse effects on the setting of this building. No harm to the setting of Lichfield Cathedral and the building is presently identified, it should be acknowledged, that one of the key design principles for this site, as defined within Appendix C of the Local Plan Strategy, is for the scheme to take into account "views out of the city and across the site, as well as views into Lichfield, towards the Cathedral and church spires, which will be used to generate the planned layout.
- 12.10 Paragraph 134, the NPPG advises that public benefits can be "anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7)... benefits do not always have to be visible or accessible to the public in order to be genuine public benefits". Evidently, this development will secure a large number of dwellings and employment floor space, on an allocated site and as such, offers significant wider economic and social benefits, which includes amongst other matters, the provision of public open space and sports facilities to the wider community, which when weighed against the identified low level of conservation harm, leads to the conclusion that the proposal in principle, is acceptable and compliant with the requirements of the Development Plan and NPPF, in this regard.
- 13.0 Planning Obligations (including Community Infrastructure Levy)
- 13.1 Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.
- 13.2 The provisions required are as follows:
- Education Contribution to provide for financial mitigation funding for the provision of Primary and secondary school provision in the area from this total contribution amounts should be deducted to reflect the total contribution less amounts already received via the outline consent.

- Affordable Housing – 38% provided across the whole of the site in 65% and 35% split tenure split, as set out in the housing section of the report.
- Provision of community building within the site
- Provision of commercial retail buildings/community hub
- Healthcare - Primary healthcare provision contribution
- Management and maintenance of open space, SUDs and trees
- Laying out of open space management and maintenance thereof
- Changing facilities building provision and its management and maintenance
- Provision of allotments, trim trail, LEAP provision and management and maintenance thereof.
- Public Art - Strategy for Public art within the site and provision prior occupation of any part of phases B, C, D or E
- Bus service contribution – Total of £750,000 (split into 3 equal parts of £250,000 (plus indexation) with 1<sup>st</sup> payment due pre-occupation of 200<sup>th</sup> Dwelling, the 2<sup>nd</sup> payment due pre- occupation of 300<sup>th</sup> Dwelling and the final payment due pre-occupation of the 400<sup>th</sup> dwelling).
- Travel Plan – Difference between current Travel Plan fee of £15,000 and the £6,200 already paid equates to £8,800
- Fees to District and County for the management and monitoring of the obligations contained in the S106.

13.3 It is considered reasonable to request the above in order to ensure the development accords with adopted development plan policy, including policies IP1, Lichfield 6 and the Appendix C of the Local Plan Strategy and the Developer Contributions SPD.

#### 14.0 **Other Issues**

##### Land stability/Coal Mining

14.1 Paragraph 183 of the NPPF requires policies and decisions to take into account ground conditions and risk arising from land instability and contamination. This also involves risk from activities like mining and the need for mitigation. This would ensure the effective use of land by ensuring safe and healthy living conditions.

14.2 This land had a previous arable use however the applicant has provided a detailed ground conditions survey and a coal mining report. These reports conclude that there is no recognised ground contamination and, the site is relatively stable and that there is no evidence of subsidence or instability.

14.3 The reports do reference areas around the north-east of the site show evidence of being made up and this indicates works that took place when the Lichfield Canal was filled.

14.4 There are no implications in terms of land conditions for the land under consideration and construction matters would be covered by the current Building Regulations. Building Regulations will also ensure suitable foundations and any concerns raised in respect to the impact of potential for any damage to existing properties is a civil matter between each party the imposition of conditions during construction will ensure amenity levels are secured.

##### Financial Considerations (including Community Infrastructure Levy)

14.5 This development is a CIL (Community Infrastructure Levy) liable scheme set within the SDA lower charging zone, where the applicable rate is £14 per square metre of floorspace.

14.6 This will be payable accordance with the Council's adopted CIL instalments policy, unless otherwise agreed. The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through

supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.

14.7 The construction of the proposed scheme could support approximately 160 full-time equivalent temporary construction jobs and a further 265 indirect/induced full-time equivalent temporary jobs. The economic contribution per annum during construction is estimated to be approximately £26.2 million GVA.

14.8 The development will furthermore generate New Homes Bonus and Council Tax.

14.9 The proposal includes a range of uses within the community hub area, including retail. It is envisaged this would be small scale retail. This would accord with the provisions of policy Lichfield 6, which notes that neighbourhood facilities, including community hubs...and small-scale convenience retail provision would be provided. To ensure the retail provision within the development does remain 'small scale' a condition is recommended to restrict any retail to no more than 100 sqm gross floorspace, unless a retail impact assessment is submitted and agreed to allow additional retail floorspace. Otherwise, retail provision larger than this would require a retail impact assessment in line with policy E1 of the Local Plan to ensure the retail provision within the city is not impacted upon.

#### 15.0 Human Rights

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.

This proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses and whose future residents would support both existing and proposed facilities within the area. Socially, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site.

The scale of development is compliant with the requirements of the Council's Development Plan. The site occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space can be provided on site, to meet the needs of future and existing residents, whilst new sports provision, will be provided on site, to ensure the health and well-being of existing and future residents.

The number of dwellings and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District.

The development will cause less than substantial harm to the setting of nearby listed buildings and non-designated heritage assets, with the degree of harm likely to be further lessened through the application of an appropriate conditions for further archaeology works and a landscaping scheme.

The development demonstrates that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the three vehicular access points to ensure that the development can be safely and appropriately accessed, without harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact on both the Local and the Strategic Highway Network, subject to conditions and planning obligations.

Subject to suitable conditions, there will be no adverse impact on protected or priority species. A positive biodiversity net gain impact will be created and can be successfully established within the site.

Adequate details and mitigation for drainage, can be provided and that, subject to appropriate conditions to ensure no material harm will be caused.

It is considered that the proposal development is in conformity with the requirements of the Development Plan, subject to conditions, in that it will ensure successful integration into the development's green infrastructure and local environs. It is considered that a balanced and appropriate recommendation has been arrived at.

Whilst, there are concerns with regard to layout and design elements, as set out above, on balance, taking into account the above assessment and the weight attributable to the delivery of residential led development through the NPPF, it is recommended that this application is in conformity with the Development Plan, no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, subject to the signing of a S106 agreement, as set out above and unilateral undertaking in respect of Cannock Chase SAC mitigation, and conditions the proposals are considered to be acceptable.

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

SUPPLEMENTARY REPORT

**PLANNING COMMITTEE (6 February 2023)**

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

**Page 9**     **22/01533/FUH – Erection of detached double garage (part retrospective)**  
**9 Foden Close, Shenstone, Lichfield, Staffordshire**

Additional Representations

Since the publication of the agenda further information in the form of three photographs. These photographs show: -

Photograph 1: A view looking down the private drive showing the application site before works commenced.

Photograph 2: A view from a similar position showing the proposed garage photo-shopped into position.

Photograph 3: A view taken from the objector's garden with the side elevation of the garage photo-shopped in.

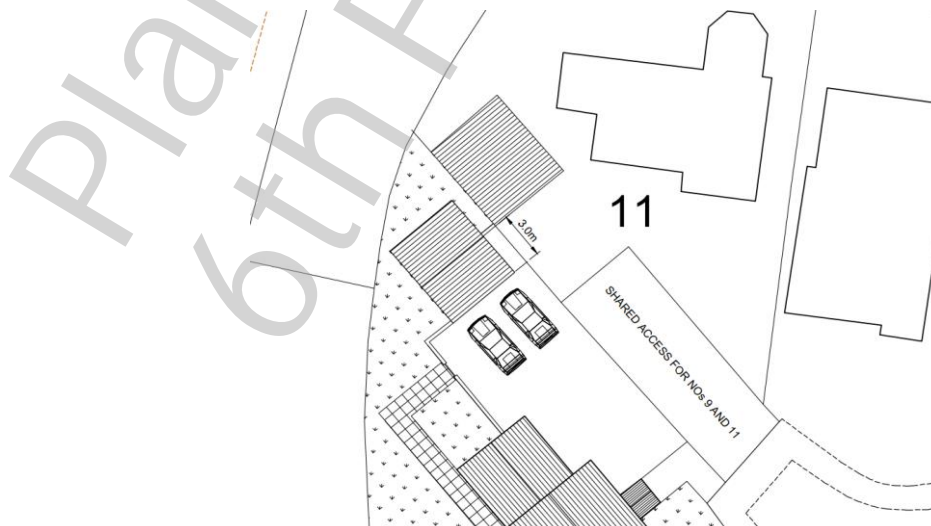
These photographs have been included in the officer presentation.

Additional / Further Observations

Officers are unable to comment on the accuracy of the photoshopped images and advise caution on the reliance on the photo-shopped images.

For the avoidance of doubt Officers can confirm that the garage would project 3m from the plane of the front elevation of the garage at the neighbouring property at No 11 Foden Close as can be seen from the Layout Plan below.

**Layout Plan showing the Projection of the Proposed Garage Beyond the Plane of the Front Elevation of the Garage at No11 Foden Close**



## Updated Observations

The recommendation remains as set out in the main report.

- Page 19**     **18/00840/OUTMEI – Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access).  
Land North Of Browns Lane, Tamworth, Staffordshire,**

### Additional Letters of Representation

A further letter of representation has been received from Barwood Land, the developers of the Arkall Farm development who have objected to the proposals. The representations received on 3<sup>rd</sup> February 2023 include Counsel advice obtained on their behalf which relate to consideration of highway and Environmental Impact matters in the Report. The advice sets out that they disagree with the Stance of the Highway Authority and on highways matters and also question the conclusions of your Officers on Environmental Impact matters. As a result they assert the Officer recommendation to be flawed and could seriously undermine and prejudice the further delivery of the committed, and allocated, (1,000 home) Arkall Farm development.

### Observations

Legal advice was obtained by Officers prior to the completion of the Planning Committee Report. Notwithstanding this, given the complexities of the case and the legal issues raised in the latest representations, Officers recommend deferral of this item from this evening's agenda. This will allow the Council to properly consider the Counsel Opinion received and ,obtain legal advice (including Counsel opinion) . The application will then be reported back to Planning Committee for decision in due course.

### Amendment to Recommendation

**RECOMMENDATION:** Deferral to allow consideration of late submissions.

- Page 66**     **21/01956/OUTFLM – Full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating the 169 dwellings (phase 2A) approved and built under 19/00478/REMM).  
Land South Of, Shortbutts Lane, Lichfield, Staffordshire**

Additional Plans (provided for information only) received 3.2.23  
Excerpt of Density Plan reference: EAAH5738-RPS-XX-0-DR-A-8113



Area from Density Plan received where housing forms edge with open space and district park. Applicant has indicated these highlighted areas equate to 1.8hec. The density equates to 32.6 dwellings per hectare

#### Additional Letters of Representation

It is understood that a late additional letter has been recently circulated to all members of the Planning Committee outlining comments/concerns regarding the layout density and quality of the design of the development and whether the proposal effectively creates a positive 'sense of place'.

Clarification has been requested as to whether this represents a further formal objection to the scheme, however comments are made in response to this letter below

#### Additional / Further Observations

##### Character/Quality of Design and Density

The site makes efficient use of land in support of the adopted policy for the southern development area. The scheme maintains 3 character areas as defined in the original 'Masterplan' for the site with the 'Wharf Style' house fronting and around the restored canal route. The proposed homes adjacent to London Road provide a design acknowledgement to the 'arts and crafts' to the existing properties and the final area of a more traditional character of 'cottage style' features with a higher densities.

The site maintains a hierarchy of access routes with and convenient wayfinding cycle and footpaths connecting to wider public transport. The network of streets have been designed at 20mph with tight bends to slow traffic speed. Parking solutions have been varied to provide frontage and side parking that continue meet highways requirements which has been defined by hedges to provide a degree of visual containment.

The site continues to provide a good mix of house types, styles sizes and densities which is evidenced in the development. The design and layout show a range of complimentary materials, form, scale height and massing with outdoor spaces and defined curtilages with hard and soft boundary treatments which provided a good definition of public realm and private realm with surveillance over frontages, sides and over open space.

The scheme still continues to follow the original masterplan for the site of densities ranging from 30 -50 dph. The density plan was provided to the Local Planning Authority in response a request from the Local Planning authority with specific reference to comments received in respect to density and especially around the interface with open space and these demonstrate a softer edge with the drainage ponds/wildlife areas fronting the playing pitches and allotments, the open space and district park area.

Knowle Hill is and remains a significant feature of the landscape within the District Park as part of the scheme and it continues to help frame/ define the entrance to the wider city area and provides a particularly attractive open space and wayfinding point with pathways proposed around and will lead to the top and to enable wider views across the city and to the cathedral spires.

In summary notwithstanding the late submissions the Local Planning Authority consider that the proposal remains acceptable in design terms and so continues to support the development. No change to recommendation in this regard.

#### Recommendation

This Site and the current Application are significant and are complex in Planning Terms. As a result ongoing discussions are taking place with the applicant in terms of conditions and with regard to some of the details of the S106 Heads of Terms. There is an existing s106 linked to the previous Permission which will also need to be considered in light of the current proposal. So, it has not been possible to finalise some of the S106 Heads of Terms and the conditions in the Committee report. Therefore Officers request that if members are minded to approve the application that delegated authority is provided to the Head of Planning in consultation with the Planning Chair and Vice chair to agree the conditions and final details of the S106 Heads of terms.

**Page 126 22/00242/FUL – Retention of 2 No. UPVC doors with juliet balconies, plus internal changes to bar and toilets  
The Trooper Inn , Watling Street, Wall Village, Lichfield**

#### Additional Observations

Councillor Janice Sylvester- Hall has raised objections to the scheme reiterating the objections made by Wall Parish Council.

#### Observations

The issues raised by Wall Parish Council have been addressed in the main report. There are no updates to the recommendation set out in the Planning Committee report.

**Page 137 22/01179/FUL – Erection of no1 bungalow  
121 Highfields Road, Chasetown, Burntwood, Staffordshire**

#### Additional Observations

It should be noted that the application was called in to be heard at Planning Committee by Councillor Janice Sylvester- Hall on 25<sup>th</sup> August 2022 on the following grounds:

Significant concerns are being raised by Hammerwich Parish Council, who have also been given an extension to the deadline date in this case. Comments received thus far include;

- I don't think it fits anything in our Neighbourhood Plan
- Highways, particularly parking and access, degrading effect on adjoining properties, a similar development further up Highfields Road is causing traffic concerns and setting



neighbour against neighbour. We cannot support a development that repeats a previous mistake in my book.

Observations

The above issues have been addressed in the main report, and the recommendation remains as set out.

Planning Committee  
6th February 2023

# LOCATION PLAN

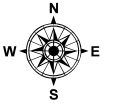
22/00072/COU  
The Greyhound Inn  
121 Upper St John Street  
Lichfield

Scale: 1:750

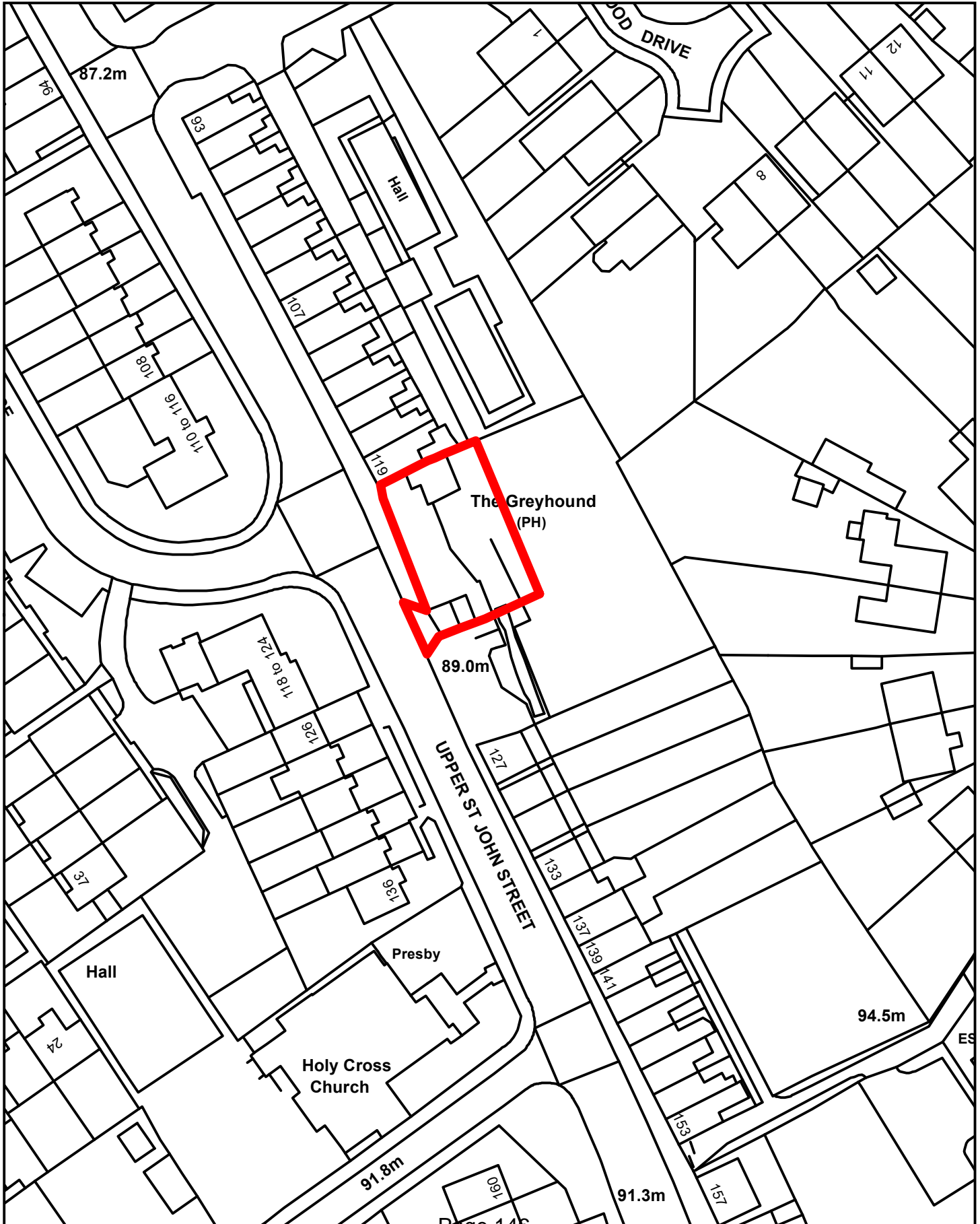
Dated: March 2023

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## 22/00072/COU

**Retention of Public House with single storey extension to rear and first floor side/ rear extension and alterations to form 3 No. first and second floor apartments.**

**The Greyhound Inn, 121 Upper St John Street, Lichfield, Staffordshire**

**FOR Mr Bujar Cekrezi**

Registered 16/02/2022

**Parish:** Lichfield City

**Note:** This planning application is being reported to the Planning Committee as it has been called in by Councillor Baker, elected member for Lichfield City ward, on the following grounds:

- Design- Overbearing and massing, impact on the street scene, poor quality design on the edge of the Conservation Area.
- Ecology- Outstanding information is required.
- Highways- Insufficient parking for the uses proposed.
- Policy- Conflicts with policy for Asset of Community Value requirements, there is a lack of bin storage and no affordable housing is proposed.
- Probity- Misleading and contradictory statements in the planning documents presented by the applicant e,g state of the building fabric, unproven statements concerning the businesses and not promoting/ marketing the pub as required by it being an ACV; The pub is not derelict.
- Residential Amenity- Loss of community hub used by all age groups and accessed on foot or by mobility scooters, massing, loss of safe footpath used by residents and school children and those in wheelchairs – already issues for passers by during the current construction activity encroachment
- The pub was a viable ongoing community hub prior to the current developers closing it and allowing the building to be used as a site office and storage facility without change of use

Lichfield City Council also raise significant objections on the grounds of the massing of the extensions and impact on the street scene, amenity, the loss of a registered Asset of Community Value, parking issues, no social housing being provided, the incorrect and contradictory statements in applicants documents and level of objection to the scheme locally and ecology impacts. The existing planning application went many rounds and was only allowed on appeal and all the concerns given are now being seen, there have been incremental changes and applications which have been confusing and the cumulative impact has not been considered. The ACV pub is not derelict and its business focussed on wet sales and its customer base is from the immediate community

**Note:** This planning report should be read in conjunction with the report for 22/01282/FUL for the Retention of 8 dwelling houses in the adjacent site which is also on this agenda as the two applications are intrinsically linked.

**RECOMMENDATION: Approve, subject to a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and 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, CP4, CP5, CP6, CP13, CP14, ST1, ST2, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Practice Guidance and the National Planning Policy Framework.

3. The residential apartments hereby approved shall not be occupied until the ground floor extensions to the public house are completed in accordance with the approved plans and are available for use .

Reason: To ensure that the upgraded community facility, which is an asset of community value, is provided in a timely manner in accordance with Policies CP1, CP3 and CP4 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

4. Before the development hereby approved is commenced, a Construction Management Scheme shall be submitted to, and approved in writing by, the Local Planning Authority to include:

- (a) parking of vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage area of plant and materials used during the construction of the development
- (d) measures to prevent the deposition of deleterious material on the public highway.

The construction of the development shall be undertaken in strict accordance with the approved details.

Reason: To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety and in accordance with the requirements of Policies CP5, ST1 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

5. Prior to the installation of any external windows or doors, full details of external joinery including materials and finish shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details, and windows and doors shall not be subsequently replaced with any alternative type without the prior written consent of the Local Planning Authority.

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.

6. Prior to either the first occupation of the dwellings or the first use of the extended public house hereby granted permission whichever is the earlier the parking and turning areas shown on the approved plans shall be provided in a bound material; thereafter these areas shall be made available at all times for their designated purposes and for the avoidance of doubt the parking areas shall be retained for customers of the public house and for no other purpose

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.

7. Prior to either the first occupation of the dwellings or the first use of the extended public house hereby granted permission whichever is the earlier; details of secure weatherproof cycle storage shall be provided and agreed in writing by the Local Planning Authority. The approved cycle storage shall then be provided prior to first use or occupation of the development and maintained as such thereafter.

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

8. Prior to the first occupation of the dwellings/use of the extended public house hereby granted permission, the communal bin storage areas for the dwellings as shown on the application plans shall be provided and thereafter retained at all times for their designated purposes.

Reason: In the interests of residential amenities of the area and highway and pedestrian safety, in accordance with in accordance with the requirements of Policies CP3, BE1 and ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

9. Prior to the first occupation of the dwellings/use of the extended public house hereby granted permission, the balustrade restricting the extent of the external first floor terraced area as indicated on the plans to a height of no less than 1.8m shall be provided and maintained as such thereafter for the lifetime of the development.

Reason: In the interests of the residential amenities of neighbouring occupiers 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.

10. The second floor kitchen/ living/ dining room windows in the rear elevation of apartment 3 facing the boundary with plot 1 of the adjacent residential development as indicated on the plans approved shall be permanently glazed to a height of 1.7m above the internal floor area in a minimum of level 3 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed.

Reason: To safeguard the privacy of occupiers of the adjacent properties in accordance with Policies CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

11. Notwithstanding any description/details of external materials in the application documents, the external brickwork, rendering and roof tiles shall match in colour and texture those of the existing building.

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.

12. Before the first and any subsequent installation of any external heating, ventilation, cooling or air-conditioning equipment to the development hereby approved, full details shall be provided to (including a scheme of noise and odour control) and agreed in writing by the Local Planning Authority. The heating, ventilation, cooling or air-conditioning equipment

shall be installed in accordance with the approved details before the first operation of each equipment and shall be operated and maintained in accordance with the manufacturer's instructions for the lifetime of the equipment.

Reason: To protect the amenities of neighbouring properties and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

13. Before the residential units hereby approved are occupied, the bat and bird boxes indicated on the approved drawings shall be installed and maintained as such for the lifetime of the development.

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

14. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 ' 1900 hours Monday to Friday and 0800 ' 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: To protect the amenities of neighbouring properties and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area you have specified, 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 us at the earliest opportunity to discuss the implications of our 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. Severn Trent can be contacted by email: [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk).

6. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

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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 4: Delivering our Infrastructure  
Core Policy 5: Sustainable Transport  
Core Policy 6: Housing Delivery  
Core Policy 13: Our Natural Resources  
Core Policy 14: Our Built and Historic Environment  
Policy ST1: Sustainable Travel  
Policy ST2: Parking Provision  
Policy H1: A Balanced Housing Market  
Policy NR3: Biodiversity, Protected Species and their Habitats  
Policy NR7: Cannock Chase Special Area of Conservation  
Policy BE1: High Quality Development

### **Local Plan Allocations**

Policy BE2: Heritage Assets

### **Supplementary Planning Documents**

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

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

Policy 3 Primary Movement Routes

### **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 Policies

Strategic Policy 1 (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 13 (SP13): Employment and economic growth  
Strategic policy 14 (SP14): Centres  
Strategic policy 17 (SP17): Built and historic environment

#### Local Policies

Local policy LT1: Parking provision  
Local policy INF3: Retention of social and community infrastructure  
Local policy SD1: Sustainable design and master planning  
Local policy H1: Achieving a balanced housing market and optimising housing density  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodlands and Hedgerows  
Local Policy NR4: Linked Habitats and Connectivity  
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.

#### **Other Documents**

Manual for Streets  
Technical housing standards- nationally described space standard

#### **RELEVANT PLANNING HISTORY**

**98/00420/ADV**- Hoarding- Refused. 10.06.1998.

**01/01310/FUL**- Proposed door into yard area- Approved. 19.02.2002.

**07/00388/OUTM**- Proposed housing development (outline)- Withdrawn. 05.08.2007.

**13/00505/OUT**- Erection of 8 dwellings and associated works (outline: access, scale and layout)- Refused 12.09.2013. Allowed on appeal ref **13/00014/REF**)

**17/00307/REM**- Erection of 8 dwellings and associated works (Reserved Matters)- Approved. 18.05.2017

**19/01317/FUL**- Erection of 8 No. three bedroom dwellings and associated works- Approved. 14.10.2020 (Conditions discharged under applications **19/01317/DISCH** and **19/01317/DISCH1**)

**20/00609/FULM**- Demolition of single storey building and erection of 10 No. dwelling houses and associated works- Withdrawn.

**21/00448/FUL**- Erection of 8 No dwellings and associated works- Refused. 20.10.2021.



**22/01282/FUL**- Retention of 8 no dwellings and associated works- Under consideration elsewhere on this agenda.

## **CONSULTATIONS**

**Lichfield City Council** - Recommend Refusal on the following grounds:

- Massing and amenity
  - Dominating street scene
  - Registered Asset of Community Value and not been marketed so change of use not applicable
  - Parking insufficient both commercial and residential plus bin Storage issues
  - No social housing but part of wider development
  - High level of resident objections
  - Incorrect and contradictory statements in applicants documents
  - Ecology and bat surveys still outstanding and to be substantiated
- (07.03.2022)

**Severn Trent Water** - No objections. As the proposal has minimal impact on the public sewerage system it is advised that there are no objections to the proposals and a drainage condition is not required. (03.03.2022)

**SCC Highways** - Updated- At the fortnightly Highway Surgery meeting the Highway authority has advised that they have no objections to the proposal subject to the provision of the external parking areas prior to the first occupation and that they would confirm this in writing. At the time of writing this report no written confirmation of the Highway Authority's stance has been received. However, Planning Committee will be advised of the full written response of the Highway Authority by way of a supplemental.

Initial- Request for further information in relation to parking provision (15.06.2022)

**LDC Spatial Policy And Delivery Team** - Updated- No objections on the basis that the Public House is now being retained and enhanced. The proposed residential accommodation would comply with the requirements for the location of new residential development as set out in the Local Plan. (05.08.2022)

Initial- Object. In conclusion, the proposal does not conform with both NPPF Policy specifically paragraphs 84 and 93 and also CP4 in the Lichfield Local Plan in regards to supporting rural economies and community facilities. The application will therefore not be supported in principle. (04.03.2022)

**LDC Economic Development Officer** - No objections. The single storey extension and change to commercial use is promising with a 220 sq metre extension being outlined. I'd welcome seeing the plans from the developer on the future occupier/use of this site. Within the planning statement it is mentioned that there is a high concentration of various public houses in close proximity and it is hoped that the future commercial use of the site will be a space that the local community can utilise and benefit from. (15.06.2022)

**LDC Conservation Team** - No objections. The application is for works to an unlisted building outside of a conservation area. Subject to the use of appropriate materials the proposals would not have an impact on the setting of the Grade II listed building located to the South of the site. There are no conservation objections to the principle of the scheme subject the satisfactory agreement of materials. (28.03.2022)

**LDC Environmental Health Officer** - No objections subject to conditions relating to any necessary external heating, ventilation and extraction requirements and limitations to construction hours. (16.03.2022)

**LDC Ecology- Final-** The updated bat survey is acceptable and it can now be accepted that the proposal would not impact upon protected species. A biodiversity net gain should be incorporated into the proposed extensions through the installation of 1 No. Bird Box and 1 No. Bat Box. (19.07.2022)

Initial- Further survey work is required in relation to Bats, and a net gain assessment. (23.03.2022)

**LDC Waste Management – Updated-** Clarification regrading waste requirements provided. Each apartment will need space for two wheelie bins (one for refuse and one for recycling) plus a bag for paper and card. Unfortunately the pub cannot share bins with the apartments because it produces commercial waste. The pub will need to make separate arrangements for collection with a private contractor or the Council can provide the service at a cost. (02.08.2022)

Initial- It is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste. Where there are less than 6 apartments these are dealt with as individual dwellings and therefore an unobtrusive area is required that is suitable to accommodate at least 3 x 240l wheeled bins and 1 x recycling bag for each property.

The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying. - (18.02.2022)

### **LETTERS OF REPRESENTATION**

22 letters of representation have been received in respect of this application. Responses were received from local residents, Lichfield and Tamworth residents. The comments made are summarised as follows:

- The existing Public House has been purposely left to deteriorate and become an eyesore. It is derelict through the developers choice.
- The Public House is an Asset of Community Value and should be treated/ respected as such.
- The Public House has not been sufficiently marketed and there is inadequate evidence to suggest it is unviable.
- The Greyhound has always been a vibrant, successful and popular Public House.
- The venue is locally important
- This is a classic ploy by developers to circumnavigate the planning process for financial gain.
- There are no legitimate alternatives in the area to serve the same demographics that the original Public House served.
- The last tenants did not want to end the tenancy
- Traffic and parking issues
- Construction Issues and Health and Safety Implications
- The street frontage is already congested
- Further Bat Surveys are needed.
- The Supporting information is misleading
- Waste Management
- Issues relating to the conduct of builders on the adjacent site

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

501 Rev C Location Plan dated as received 19 July 2022

241 Rev R Proposed Site Layout dated as received 19 January 2023

502 Rev C Existing Block Plan dated as received 19 July 2022

503 Rev B Existing Floor Plans dated as received 19 July 2022

504 Rev B Existing Elevations dated as received 19 July 2022  
511 Rev F Proposed Block Plan dated as received 24 November 2022  
512 Rev F Proposed Elevations dated as received 24 November 2022  
513 Rev H Proposed Floor Plans dated as received 24 November 2022  
514 Rev C Proposed Street Scene and Section dated as received 25 November 2022  
515 Rev A Proposed NW Elevation dated as received 19 July 2022  
Preliminary Ecological Appraisal Ref 1973 dated as received 12 January 2022  
Bat Survey Report Ref 1973 dated as received 12 July 2022

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## **OBSERVATIONS**

### **Site and Location**

The application site relates to the Greyhound Public House, a traditional three storey building with two and single storey projections to the rear and side. The building fronts onto Upper St John Street in Lichfield City. Upper St John Street is one of the main routes into the City Centre, the site is within walking distance of the Lichfield City train station and bus station on Birmingham Road as well as services and amenities in the city centre. King Edward VI secondary school is located 150 metres to the south of the site.

The site lies on the Eastern side of the road opposite the junction with Barnfield Close. The property is a traditional brick and tile building, the masonry has been painted to the ground floor front and side. The site adjoins No.119 Upper St John Street, a traditional Victorian end terraced property. To the rear of the application building, previous extensions have been removed. A residential development has been constructed to the rear of the site, with Plot 1 of this development being directly behind the existing Public House. The new dwellings to the rear are set up from the Public House building. The Public House is currently closed and signage has been removed.

The site is located outside of the city centre as defined in the Local Plan Policies Maps, and is not within a Conservation Area. The boundary of the Lichfield City Conservation Area is located along the Northern side of the Birmingham Road, to the North of the site. The nearest Listed building is the Grade II listed Church of Holy Cross which is located to the South of the site on the Western side of Upper St John Street at the junction with Chapel Lane.

An Ariel photograph of the site is shown below, with the red line broadly indicating the application site. It should be noted that the ariel photograph does not show the 8 No houses constructed on land to the side and rear of the application site.



## **Background**

The Public House is included on the Councils Assets of Community Value list. The building was added following successful nominations in March 2016 and June 2020, the most recent nomination was submitted by the Lichfield, Sutton and Tamworth CAMRA branch.

The site immediately to the rear and side of the application site has recently been developed with the construction of 8 No. dwelling houses by the same applicant. During the course of the application it has become clear that this adjoining site has not been constructed in accordance with approved plans, and a planning application has been made to regularise this situation. The application (ref 22/01282/FUL) is also on the agenda. Both Sites are in the same ownership and benefit from an overall masterplan and so are linked together. Further details are set out in the report.

## **Proposals**

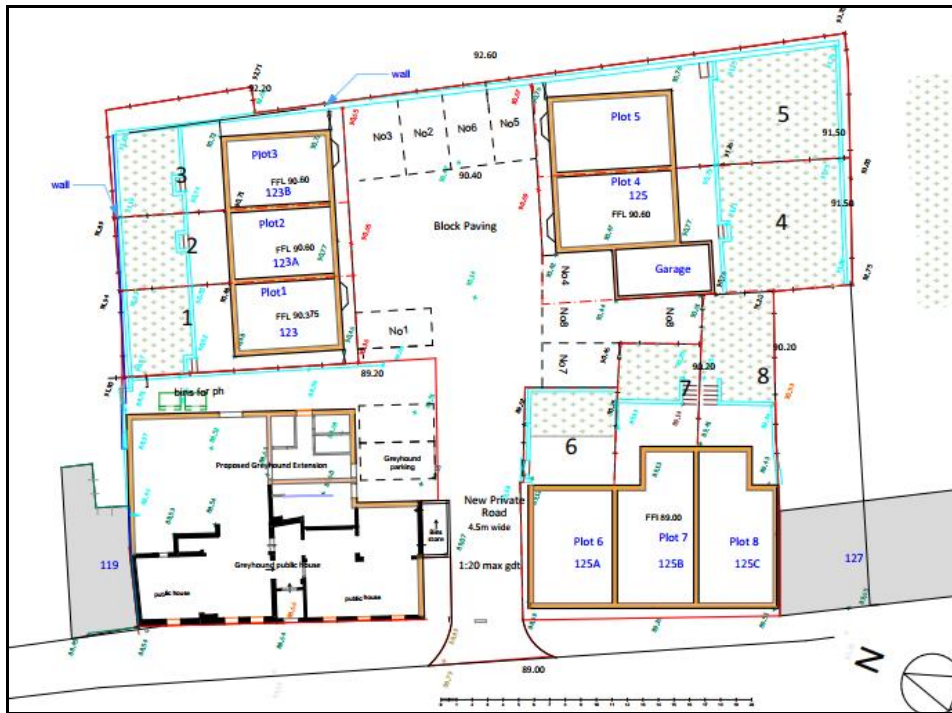
This application seeks permission for extensions and alterations to the building which would include the retention and expansion of the Public House on the ground floor and the provision of 3 No. 2 bedroom apartments in the first and second floors of the building.

The Application does not include a change of use of the existing ground floor of the building, and proposes it will be retained for its existing use as a Public House facility. An existing single storey side extension to the building which includes a ground floor W.C would be removed as part of the proposals, and a single storey rear extension to provide additional floor space and a toilet area within the Pub would be provided. The removal of the single storey side extension would enhance the access into the wider site and would allow for a bin storage area. The single storey rear extension would be fully accessible and includes a disabled toilet facility. The ground floor extension would also provide a separate access to the upper floors of the building, with an external door on the rear of the building.

Second and third floor extensions to the side and rear of the building are proposed in conjunction with the residential element of the scheme. In the first and second floors of the building, 3 No. apartments, each with 2 bedrooms and an open plan living and dining area are provided, two on the first floor and one on the second floor. It is noted that Apartment No.2 is indicated on the plans as having one bedroom along with a study which could also be potentially used as a single bedroom. Access to an external terraced area over part of the flat roof of the single storey extension is provided from the first floor and all access to the apartments are located within the building, no external fire escapes are required.

To the side of the building 2 No. parking spaces are provided to serve the public house, along with an area to the rear for the bins to serve the Public House and an area to the side of the building to accommodate the necessary wheelie bins to serve the apartments.

The scheme has been amended during the course of the application in response to concerns raised by Officers in relation to the loss of the Public House, which is an Asset of Community Value and the amenities of existing and future neighbouring occupiers. The original scheme sought to change the use of the Public House, which was strongly resisted. The amended plans include the retention of the Public House. Further amendments include the reduction of the external terraced area and the provision of bin storage to serve the development. An overall site "masterplan" covering both the application site and the adjacent residential development has also been provided to demonstrate how the proposal would relate to the development of 8 houses to the side and rear of the application site, which is under the same ownership and share an access off Upper St John Street. However, it should be noted that this Public House proposal is a stand alone application and can be considered separately and independently from the adjoining application for 8 houses. The overall site masterplan plan indicating the development to the side and rear of the site is shown below:



The agent has confirmed that the ground floor of the building will be rendered, and bricks for the upper floors and roof tiles will match the existing building. Double yellow lines, which run along the frontage of the Public House and plots 6, 7 and 8 as indicated on the above plan were laid in January 2023 and therefore restrict parking vehicles in this location.

### Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area/ Heritage Assets
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Cannock Chase Special Area of Conservation
7. CIL
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 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

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

1.3 The Five Year Housing Land Supply 2021 for Lichfield shows that the District Council can currently demonstrate a 13.4 year supply of housing land against the Local Housing Need

(LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.

- 1.4 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.
- 1.5 Policy CP1 of the Lichfield District Local Plan Strategy sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.
- 1.6 Policy CP6 of the Lichfield District Local Plan Strategy sets out that a sufficient supply of deliverable/developable land is available to deliver around 478 new homes each year. Housing development will be focused upon the following key urban and rural settlements:
- Lichfield City;
  - Burntwood;
  - Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington;
  - Adjacent to the neighbouring towns of Rugeley and Tamworth.
- 1.7 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.
- 1.8 Policy CP4 of the Local Plan Strategy confirms that the District Council will seek to protect, and where appropriate improve services and facilities that provide a key function in the operation of existing communities. Development proposals leading to the loss of a key facility from a settlement, will not be supported unless a replacement facility of improved quality, accessibility and size is provided for the community in a sustainable location.

#### Assessment

- 1.9 The scheme includes two main elements, the retention of, and extensions to the Public House (to include the demolition of a single storey side element which contains a W.C), and the provision of 3 No. apartments. Extensive comments have been received through the public consultation process identifying the importance of The Greyhound Public House as a locally important popular facility. No evidence has been provided by the applicant to confirm that the premises is unviable, and the Public House has not been marketed for sale.
- 1.10 The scheme has been amended during the course of the application and the development description updated to ensure that the Public House, which is an asset of community value, is retained. Additional floor space would be provided and the toilet facilities enhanced, with the new part of the building being fully accessible at ground floor. It is considered that this element of the scheme would be acceptable in principle, given that it would serve to enhance the existing facilities. The loss of the public house would be unacceptable in policy terms. Core Policy 4 of the Local Plan Strategy confirms that services and facilities that provide a key function in the operation of existing communities shall be protected and where appropriate improved. Furthermore the loss of the public house would result in the loss of a community asset and a confirmed asset of community value. As such, the

amendments made to the scheme in this respect to retain and enhance the facility would comply with policy objectives in principle.

1.11 The second part of the scheme includes the residential element where 3 No. apartments would be provided within the upper floors of the extended building. In principle policy terms the site is located in a sustainable area of Lichfield where the spatial strategy for new housing is directed within the Local Plan. The scheme would be in compliance with Policy H1 which seeks to deliver more 2-3 bedroom houses within the District. In respect of the above, it is considered that the principle of residential development in this location is acceptable. In order to ensure the ground floor enhancements to the public house are delivered in a timely manner, a condition to ensure that this element of the proposals is delivered prior to the first occupation of the residential apartments is recommended. The material impacts of the proposal, including impact on heritage and highways, accessibility and ecology are discussed and assessed in further detail below.

1.12 In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 6 of this report.

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

2.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. 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.

2.2 In this respect it is noted that the nearest heritage asset to the application site is the Grade II listed Church of Holy Cross which is located to the South of the site on the Western side of Upper St John Street at the junction with Chapel Lane. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal also engages the relevant parts of Policies BE1, CP3 and CP14 of the Local Plan Strategy; Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF.

2.3 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.

2.4 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.

2.5 Section 16 of the NPPF provides policies in relation to heritage assets, which begins by setting out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. The following paragraphs of section 16 go on to identify how the conservation of such assets should be achieved.

2.6 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.

#### Assessment

2.7 It is acknowledged that design and heritage related concerns have been raised by the Parish Council and local residents. Turning first to the impact on heritage assets. The nearest heritage asset is the Holy Cross Church which is located 50m to the South of the site. The Councils Conservation Officer has reviewed the proposals and has raised no objections to the proposals. It is noted that the proposed extensions would appear to be traditional in form and subject to the use of appropriate materials would cause no harm to the setting of the listed building. The intervening built form along Upper St John Street and the separation distances have been given consideration by the Conservation Officer in assessing the overall impacts. The applicant has confirmed the proposed materials would match the existing building during the course of the application, which is acceptable. A condition to ensure matching materials are used is therefore recommended. In terms of heritage impacts, it can be concluded that in this case, the heritage tests set out in the NPPF are engaged and have been addressed with no harm arising from the scheme.

2.8 In terms of the impacts on the character and appearance of the area, again the traditional form of the extension when viewed from upper St John Street results in an acceptable impact on the surrounding street scene. Whilst the scheme would result in a substantial extension to the existing building, this would not be out of context with the surroundings of the site, and in particular the existing three storey traditional buildings which are located within the vicinity of the site. Within the site to the rear where a small cul de sac of residential properties has been constructed, the proposals would enhance views of the rear of the existing building. The rear of the existing building is in need of renovation and contains no architectural features of merit. As such, the proposals would enhance the appearance of the building from views to the rear of the site.

2.9 Following the receipt of the 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 Core Policy 3 of the Lichfield Local Plan Strategy states that development should *“protect the amenity of our residents”*. Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.



- 3.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters. 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 external amenity space based upon the number of bedrooms in a dwelling.

#### Assessment

- 3.3 The application site is located in a residential location and surrounded by neighbouring properties, including the newly constructed dwelling houses to the side and rear of the site. Through the consultation process neighbouring occupiers and local residents have raised objections on the grounds of construction issues and health and safety implications. The main issues to be addressed in terms of residential amenity are firstly the impact on neighbouring occupiers, including the amenities of the new dwellings to the rear and side of the site, and secondly the amenities of the future occupiers of the proposals which include 3 residential apartments.
- 3.4 The scheme has been assessed in relation to the separation distances and spatial requirements set out in the Sustainable Design SPD. With respect to the daylight and sunlight enjoyed by neighbouring properties, specifically No. 119 Upper St John Street and the new dwelling known as 'Plot 1' within the development to the rear of the application site, both stages of the 45 Degree guideline as set out in Appendix A of the Sustainable Design SPD would be met by the proposals. It can therefore be concluded that the proposed extensions would not result in unacceptable loss of light amenity to neighbouring occupiers.
- 3.5 In terms of overlooking and overbearing impacts, the separation guidelines as identified within the Sustainable Design SPD are met. The main property affected in this respect is the new dwelling to the rear of the site referred to as 'Plot 1' on the submitted block plans. This property is set significantly higher than the ground levels of the existing public house. There are windows in the rear elevation of the proposed rear extension to the public house in the first and second floor which serve the lounge/ kitchen of apartment 1 and the living/ dining and kitchen area of apartment 3 on the second floor. These windows face the rear boundary and amenity space of plot 1, with a separation distance of 6.75m. Taking into consideration the ground level differences and the boundary treatments in place, the windows in apartment 1 in the proposed first floor of the extensions would not result in unacceptable overlooking issues. Given the relationship between the windows in apartment 3 of the proposed extensions and the boundary with the garden area of Plot 1 to the rear, it is considered that the proposed obscure glazing for any windows as shown on the plans would be necessary to prevent any issues of overlooking. An appropriately worded condition is recommended in this respect. The bulk of the proposed extensions are located a suitable distance away from the rear elevation of Plot 1 to ensure that there are no unacceptable overbearing impacts.
- 3.6 In terms of No.119 Upper St Johns Street, the first and second floor extension projects out from the rear elevation of the original building by 1.4m along the boundary with this property. Given the relationship between the proposed extensions and the existing rear elevation of No.119, which includes a substantial boundary wall, it is not considered that the scheme would result in an overbearing impact.
- 3.7 The proposals also include a flat roof terraced area to the rear at first floor, above the single storey element of the proposed extensions. The extent of the terraced area would be restricted to an area alongside the side flank wall of Plot 1 by a balustrade. This would ensure that the outdoor terrace area, which would be used by occupants of the apartments, would not result in overlooking issues with respect to 119 Upper St John Street or Plot 1 to

the rear of the site. A condition is recommended to ensure that the proposed balustrade is in place prior to the first occupation of the proposals.

- 3.8 In addition to the above, in line with advice provided by the Councils Environmental Health Team a condition is recommended require details of any external heating, ventilation or extraction equipment. This will ensure that any plant equipment attached to the exterior of the building will be appropriate to the surrounding residential environs of the application site.
- 3.9 In terms of the amenities of future occupiers, the proposed layouts of the apartments are acceptable and the minimum space standards set out within the Technical Housing Standards (Nationally described space standard) would be met. All proposed rooms benefit from appropriate space and windows and any necessary sound proofing will be secured through the necessary Building Regulations requirements. It is noted that the Councils Environmental Health Officer has raised no objections in this regard. The Sustainable Design SPD sets a minimum space for shared amenity areas serving flats/ apartments of 10 sq m per apartment. In this case, the external terrace area would provide 26 sq m to serve 3 No. apartments, thereby falling short of the guideline by 4 sq m. It is noted that the site is located in a central area of Lichfield within walking distance of parks and outdoor space. On balance, this modest shortfall of shared amenity space is not considered to be sufficient to sustain a refusal reason.
- 3.10 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 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'.
- 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 states that the maximum parking standard for a 2 bed property is 1 space and 3-4 bed dwellings is two spaces. The requirement for a Public House is 1 space per residential staff member and 1 space for every 5 sq m of dining area.

#### Assessment

- 4.4 Prior to the redevelopment of the side and rear of the application site to provide 8 No. houses, the original Greyhound public house was served by an off road parking area along the frontage of the site with space for the parking of 6 cars. The spaces were not delineated, did not include a defined disabled space/ spaces and given the depth of the parking area vehicles using the parking spaces would be unable to enter and leave the spaces in a forward gear. As such, the parking area either required vehicles to reverse into the spaces and therefore exit the site in a forward gear, or more likely, due to the congestion on Upper St John Street (an 'A' classified road), drive in and reverse back out onto the main highway. In highway safety terms, this situation was not favourable. The public house has an entrance to the cellar located on the frontage of the building

- 4.5 The proposals have been subject to extensive review in association with the adjacent recent residential development. In total, and in line with previous consents and the original appeal decision for the residential elements of the wider site, 1 off road parking space is proposed for each dwelling house. 2 spaces are proposed to serve the public house, which is a reduction from the previous planning consents which permitted 3 designated spaces. No spaces are proposed to serve the three new residential apartments which form part of this scheme.
- 4.6 It is noted that the parking requirements in relation to a public house set out in the Sustainable Design SPD require 1 space per residential staff member and 1 space for every 5 sq m of dining area. In this case there would be no residential staff member, unless they were to occupy one of the apartments. The parking provision for the apartments is addressed below. No formal dining area (or a designated kitchen facility) is set out as part of the proposals, although it is recognised that the ground floor extension to the public house has the potential to include a dining area.
- 4.7 A material consideration which is to be afforded weight in the decision making process is the appeal decision (ref 13/00014/REF) where 8 houses were permitted on the adjacent site. The Inspector, in reviewing the highway safety and suitability of the proposals stated 'In this case, the site is located within an urban area in close proximity to the train station, bus routes and the town centre. I consider it to be a sustainable location where residents would not be solely reliant upon the private car'. On balance, taking into consideration the sustainable location of the site which is within close proximity to shops and services, and the availability of various modes of public transport, the principle of having no designated off road parking to serve the apartments is considered acceptable in this case. Similarly notwithstanding the parking requirement associated with a public house dining area, the site is within a short walk of various public transport options and public car parks within Lichfield City Centre, The County Highway Authority have raised no objections to the scheme on this basis and consider that the parking availability to serve the public house of 2 spaces to be acceptable. Double yellow lines have been laid in January 2023, which will also restrict on street parking to the frontage of the site. A condition is recommended to secure appropriate cycle storage to serve both the public house and the new apartments. It is noted that the apartments are served by a separate access area where there is sufficient room to provide secure storage for bicycles. Notwithstanding this, the aforementioned condition will ensure that an appropriate cycle storage scheme is provided to serve the whole development.
- 4.8 No alterations are proposed to the existing access which also serves the residential development to the side and rear of the site, and it is noted that the recently laid double yellow lines enhance visibility at the entrance to the site. The servicing of the public house for deliveries has also been given consideration. It is noted that the presence of double yellow lines would not restrict delivery vehicles using this area and servicing the public house from the frontage of the site as per the current situation.
- 4.9 It is acknowledged that highway safety and parking concerns have been presented by the City Council and local residents. These highway related concerns are noted and have been considered by Officers, along with the specialist advice provided by the County Highway Authority.
- 4.10 Following the receipt of the final comments set out within professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highways safety grounds or parking provision with no technical evidence to the contrary. The development proposal is therefore considered by Officers to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF in this regard.

5. Ecology

- 5.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *“Protects, enhances, restores and implements appropriate conservation 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 objections raised through the consultation process in relation to impacts on ecology and biodiversity are noted. The Council’s Ecology Officer was consulted as part of the planning process and updated reports were provided by the applicant to confirm that there are no bats currently using or roosting within the building and the potential for bats to be found or for adverse impacts to arise during construction were negligible. Following the submission of this information, the Ecology Officer advised that the proposed works would be unlikely to negatively impact upon protected or priority species or habitats. The requirement to secure a net gain was highlighted, and amended plans have been provided to indicate a bird box secured to the rear of the building and a brick bat box to be included in the development in line with the advice provided by the Councils Ecology Manager.
- 5.3 In line with Policy NR3 of the adopted Local Plan, the Councils Ecology Officer has confirmed that the proposed bird and bat box would provide a sufficient biodiversity net gain and these would be secured by means of condition. As such it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

6. Cannock Chase Special Area of Conservation

- 6.1 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.
- 6.2 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

- 6.3 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. A Unilateral Undertaking has been offered up by the applicant and completed.
- 6.4 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 completed 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.

7. CIL

7.1 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application which includes an extension to a Public House and residential apartments would be exempt from CIL payments as set out within the CIL charging schedule.

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 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.

As set out above, the proposals have been sufficiently amended and by securing the retention of the public house, the scheme is compliant with relevant planning policies. Heritage, residential amenity and highway concerns have been appropriately addressed and mitigated through the submission of an amended, improved scheme which has been assessed in conjunction with the adjacent residential development. It is considered that no outstanding material considerations are present in the determination of this application. The development proposal will not have an unacceptable impact upon the heritage assets and there are no technical issues which cannot be overcome through the use of appropriately worded conditions. A Unilateral Undertaking has been completed to secure the necessary mitigation funds towards Cannock Chase SAC.

The continued availability to use the ground floor of the building as a public house is secured through the proposals and the proposal is therefore considered to be compliant with the development plan and the NPPF.

Consequently, it is recommended that this application be approved, subject to conditions and a s106 Obligation as set out above.

# LOCATION PLAN

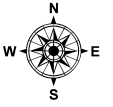
22/01282/FUL  
Land Adj 121  
Upper St John Street  
Lichfield

Scale: 1:1,000

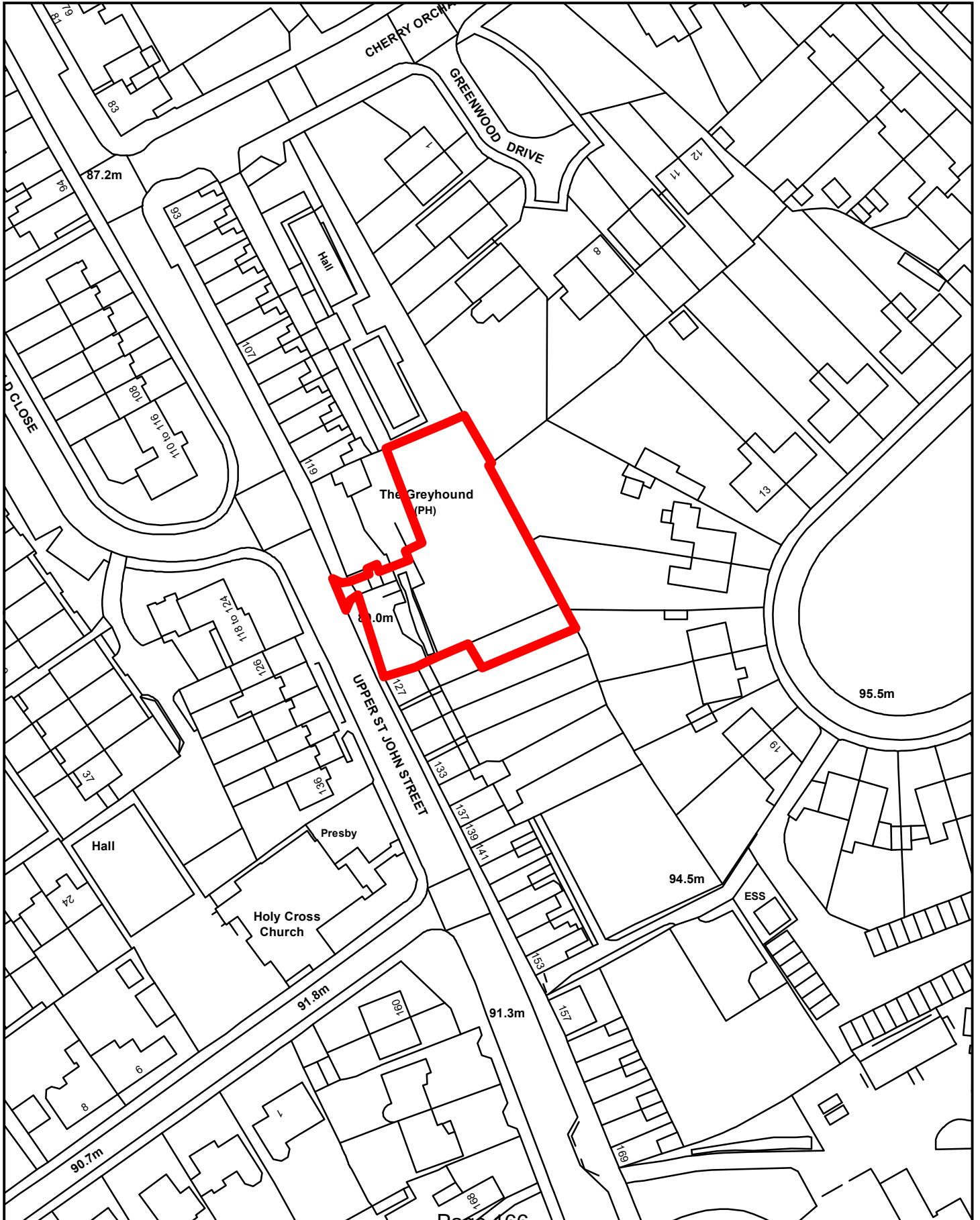
Dated: March 2023

Drawn By:

Drawing No:



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## 22/01282/FUL

Retention of 8 no dwellings and associated works

Land Adj 121 Upper St John Street, Lichfield, Staffordshire

For: Mr Bujar Cekrezi

Registered 08/09/2022

Parish: Lichfield City

**Note:** This planning application is being reported to the Planning Committee as it has been called in by Councillor Baker, elected member for Lichfield City ward, on the following grounds:

- Design dominates the skyline and streetscene;
- Loss of ecology and no opportunity to improve;
- Sloping access and hardstanding parking (garage loss) will lead to more run off onto what is already a slippery footpath in the winter – need porous maintainable materials;
- Vehicle turning, access and egress and likely additional on street parking;
- Will impact even more on commercial viability of pub/ premises;
- Bin storage issues for residential and commercial use;
- Built without due regard to LPA and conditions and designs; use of the Inn for accommodation etc; and
- Impact of neighbouring properties especially those to the north of the build.

Lichfield City Council also raise significant objections on the grounds of over-intensification, the scale and massing of the proposal, the failure to improve the scheme, parking provision and highway safety, bin positioning, lack of residential amenity for existing and future residents, conservation issues, impact on trees and biodiversity and the proposed development will compromise the operation of the Greyhound Inn, taking parking and bin storage spaces and creating difficulties for deliveries and those customers who, in the main, walk to the pub or use mobility scooters.

**Note:** This planning report should be read in conjunction with the report for 22/00072/COU for the Greyhound Inn which is also on this agenda as the two applications are intrinsically linked.

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

### CONDITIONS

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP4, CP5, CP6, CP13, CP14, ST1, ST2, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Practice Guidance and the National Planning Policy Framework.

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

2. The dwellings hereby approved shall not be occupied until the existing access, within the limits of the public highway, has been revised and completed broadly in accordance with the submitted layout drawings.

Reason: In the interests of highway safety 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.

3. The dwellings hereby approved shall not be occupied until the parking and turning facilities have been provided in full in accordance with the approved plans. The parking and turning facilities shall be retained and not be used for any other purposes 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.

4. The dwellings hereby approved shall not be occupied until a scheme of biodiversity enhancement has been provided and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the occupation of the dwellings.

Reason: In order to provide replacement nesting opportunities and 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.

5. The dwellings hereby approved shall not be occupied until details of secure weatherproof cycle storage have been provided and agreed in writing by the Local Planning Authority. The approved cycle storage shall then be provided prior to first occupation of the dwelling to which it serves and maintained as such thereafter.

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

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

6. The garages and car parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. These parking areas shall be used solely for the benefit of the occupants of the dwellings hereby permitted and their visitors and for no other purpose and permanently retained as such 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.

7. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E 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 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) 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. 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.
  4. The biodiversity enhancement measures required within the scheme to be submitted under condition 5 above shall include bird nesting and bat roost facilities and opportunities for hedgehogs to navigate the site.
- 

## **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 4: Delivering our Infrastructure  
Core Policy 5: Sustainable Transport  
Core Policy 6: Housing Delivery  
Core Policy 13: Our Natural Resources  
Core Policy 14: Our Built and Historic Environment  
Policy ST1: Sustainable Travel  
Policy ST2: Parking Provision  
Policy H1: A Balanced Housing Market  
Policy NR3: Biodiversity, Protected Species and their Habitats  
Policy NR7: Cannock Chase Special Area of Conservation  
Policy BE1: High Quality Development

### **Local Plan Allocations**

Policy BE2: Heritage Assets

### **Supplementary Planning Documents**

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

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

Policy 3 Primary Movement Routes

## **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 Policies

Strategic Policy 1 (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 13 (SP13): Employment and economic growth  
Strategic policy 14 (SP14): Centres  
Strategic policy 17 (SP17): Built and historic environment

### Local Policies

Local policy LT1: Parking provision  
Local policy INF3: Retention of social and community infrastructure  
Local policy SD1: Sustainable design and master planning  
Local policy H1: Achieving a balanced housing market and optimising housing density  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodlands and Hedgerows  
Local Policy NR4: Linked Habitats and Connectivity  
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.

### **Other Documents**

Manual for Streets  
Technical Housing Standards- Nationally Described Space Standard

### **RELEVANT PLANNING HISTORY**

**98/00420/ADV**- Hoarding- Refused. 10.06.1998.

**01/01310/FUL**- Proposed door into yard area- Approved. 19.02.2002.

**07/00388/OUTM**- Proposed housing development (outline)- Withdrawn. 05.08.2007.

**13/00505/OUT**- Erection of 8 dwellings and associated works (outline: access, scale and layout)- Refused 12.09.2013. Allowed on appeal ref **13/00014/REF**

**17/00307/REM**- Erection of 8 dwellings and associated works (Reserved Matters)- Approved. 18.05.2017

**19/01317/FUL**- Erection of 8 No. three bedroom dwellings and associated works- Approved. 14.10.2020 (Conditions discharged under applications **19/01317/DISCH** and **19/01317/DISCH1**)

**20/00609/FULM**- Demolition of single storey building and erection of 10 No. dwelling houses and associated works- Withdrawn.

**21/00448/FUL**- Erection of 8 No dwellings and associated works- Refused. 20.10.2021.

**22/00072/COU**- Retention of Public House with single storey extension to rear and first floor side/rear extension and alterations to form 3 No. first and second floor apartments- Under consideration elsewhere on this agenda.

## **CONSULTATIONS**

**Lichfield City Council:** recommends refusal and notes that objections stated under previous application 21/00448/FUL remain:

- This latest iteration fails to improve on previous applications upon which LCC have recommended refusal on a number of material and policy principles; the updated NPPF adds weight to the decision to refuse.
- Inappropriate development in the area, with an increase in the over-intensification of the site, poor scaling and massing of dwellings.
- The provision for parking is inadequate for the number of proposed units and spaces appear too narrow.
- Bin stores positioning is inappropriate.
- Inadequate provision for vehicle turning on site for safe exit/parking.
- Likely addition of more parking along Upper St Johns Street impacting existing residents.
- Highways issues are noted with regard to capacity, safety and visibility. The proposed development will compromise this well used footpath serving commuters and residents using the City Rail Station, Bus Station and City centre facilities, along with the many school children and other footpath users of the City. Vehicles accessing the proposed site will be regularly driving over the footpath here adding to safety concerns.
- Potential adverse impact on the planned cycle way included in the Lichfield City Plan from Cricket Lane to St John Street.
- The proposed development will compromise the operation of the Greyhound Inn, taking parking and bin storage spaces and creating difficulties for deliveries and those customers who, in the main, walk to the pub or use mobility scooters. This could lead to the 'Loss of an Asset of Community Value' and a building that is a landmark in this area. Loss of this valuable asset will have a profound impact on both the employees and customers in a Ward where such amenities are already limited.
- The development would have a detrimental impact on the amenity and quality of residents' wellbeing including those that might live on the new development if it were to go ahead.
- Further damage to the visual amenity will be its impact on the Listed Holy Cross Church and its ancient frontage. Conservation issues are raised.
- The land has considerable differences in gradient which would further impact the amenity and street scene, it will also affect the wellbeing of residents of Beech Gardens whose gardens and homes will directly face the proposed dwellings.
- Concerns raised by the Arboricultural Officer and loss of biodiversity will be evident. (13.10.2022)

**Severn Trent Water-** No objections to the proposals subject to the inclusion of the following condition: The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. (13.10.2022)

**SCC Flood Risk Team-** Confirmed they have no comments to make on this application. (15.09.2022)

**SCC Highways- Updated**- At the fortnightly Highway Surgery meeting the Highway authority has advised that they have no objections to the proposal subject to the provision of the external parking

areas prior to the first occupation and that they would confirm this in writing. At the time of writing this report no written confirmation of the Highway Authority's stance has been received. However, Planning Committee will be advised of the full written response of the Highway Authority by way of a supplemental.

Updated- Queries raised regarding the updated parking layout, specifically clarification of the number of spaces allocated to the Greyhound and the positioning of spaces in relation to the houses which they serve. Query also raised regarding the provision of disabled spaces. (29.12.2022)

Initial- Request for further information in relation to parking provision (09.10.2022)

**LDC Conservation and Urban Design Team** - No objections raised. The application is for the regularisation of the works that have been carried out on site.

The properties have been constructed not in accordance with the previously approved scheme in order to gain an additional floor onto the properties. Whilst in general the properties have retained the form of the previously approved scheme, the amendments have affected the fenestration to the front elevation and added rooflights to the front roof slopes of the properties. The site levels have also been altered within the site based upon the previously approved scheme.

It is felt that the proposed changes have watered down the quality of the development in terms of the form and scale of the dwellings. However, these changes will not have a detrimental impact upon the setting of any designated heritage assets, over and above the impact of the previously approved scheme. (06.10.2022)

**LDC Ecology Team** - No objections subject to conditions. Having reviewed this application, the submitted documents, and consulted the Staffordshire Ecological Record, the Ecology Team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats.

Under policy NR3 of the adopted Lichfield District Council Local Plan, a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of onsite habitat improvement works or the creation/planting of new habitats or features i.e., additional tree or hedgerow planting, bird boxes, bat boxes, bee bricks etc.

Once incorporated into the development scheme such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of the National Planning Policy Framework 2019. (17.10.2022)

**LDC Environmental Health Team** - No objections subject to conditions. Comments in regards 19/01317/FUL and the need for consideration of noise still apply. Note, the comment for 19/01317/FUL raised concern regarding the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings, and recommended that the previous pre-commencement condition recommended for 13/0050/OUT (requiring submission of a scheme of noise protection for the proposed dwellings from The Greyhound Inn) be applied to any planning permission. (13.10.2022)

**LDC Tree Officer** - The design and access statement references an arboricultural report for the site. However, at the time of making the comments, such a report was not available. Further comments may be made once arboricultural detail becomes available. (16.09.2022)

**Waste Management** - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling sack. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying.

Where the roads are unadopted/there are private drives consideration may need to be given for the provision of a bin collection point. A bin collection point can be a simple paved areas but must be sufficient to accommodate 3 x 240l bins and 1 x recycling sack for each property served by the private drive. It must be adjacent to the highway and must be designed to prevent it's use as an extra car parking space. The inclusion of a bin collection point is noted. (14.09.2022)

No responses were received from Staffordshire County Council (School Organisation), Central Networks, South Staffs Water, Staffordshire County Council (Flood Risk Officer), Staffordshire Police Architectural Liaison Officer, Housing Manager LDC.

### **LETTERS OF REPRESENTATION**

No letters of representation have been received in relation to this application.

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

19-864 111-A Location Plan dated as received 12 September 2022  
19-864-541- C Proposed Street Scenes and Tracking dated as received 25 November 2022  
19-864- 241-R Proposed layout dated as received 19 January 2023  
19-864 242 Plots 1-3 layout and elevations dated as received 26 August 2022  
19-864 242 Plots 4-5 layout and elevations dated as received 26 August 2022  
19-864 243 Plots 6-9 layout and elevations dated as received 26 August 2022  
19-864 248 A Site Layout with Overlay of Approved Scheme dated as received 16 November 2022  
5437-01 Topographical Survey dated as received 16 November 2022  
CS210316-110 Vehicle Tracking dated as received 17 November 2022

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### **OBSERVATIONS**

#### **Site and Location**

The application site is located on the eastern side of Upper St John Street in Lichfield. It is immediately adjacent to the Greyhound Inn (an Asset of Community Value), with the toilet block and servicing area to the public house sitting adjacent to the red line boundary for this application. Adjacent land uses include residential dwellings to the east, north-east, west and south on Greenwood Drive, Beech Gardens and Upper St John Street; and buildings associated with the army cadet centre immediately adjacent to the northern boundary. The land to the rear (east) of the site has a land level approximately 3m higher than the Greyhound Inn and the frontage of Upper St Johns Street. The 8 No. dwellings which are the subject of this application have been completed, and garden areas provided. The access and parking areas remain uncomplete, although double yellow lines were provided across the frontage of the site to Upper St John Street in January 2023.

The site is within walking distance of the Lichfield City train station and bus station on Birmingham Road as well as services and amenities in the city centre. The Grade II listed Holy Cross Presbytery church is located c. 50m to the south west of the application site on the opposite side of Upper St John Street. The site is located within the 0-15km zone of influence of Cannock Chase Special Area of Conservation (SAC).

There are no trees located within the site. There is a blanket Tree Preservation Order which covers an area adjacent to the north-eastern boundary of the site (ref 1964/18004/TPO).

An Ariel photograph of the site is shown below, with the red line broadly indicating the application site. It should be noted that the ariel photograph does not show the 8 No houses which have now been completed.



## Background

The site has a lengthy planning history. Outline planning permission was refused (13/00505/OUT) and granted on appeal in March 2014 (ref 13/00014/REF) for the erection of 8no. dwellings comprising 3no. 3 bed dwellings and 5no. 2/3 bed dwellings. Matters for consideration at the outline stage related to scale, siting (layout) and access, with all other matters reserved. The appeal was lodged against the Council's reason for refusal in 13/00505/OUT which is set out as follows:

*"The development would have a detrimental impact on highway safety due to the position of the access on a busy road and inadequate on-site parking to serve the development. It is there considered that the development is contrary to Policies DC1 and T4 of the Lichfield District Local Plan (1998) (Saved Policies), Policies BE1 and ST2 of the Lichfield District Local Plan Strategy and government guidance contained within the National Planning Policy Framework".*

Within their decision at paragraph 8, the Inspector noted that cars would be able to enter and leave the site in forward gear and the proposed means of access would represent a substantial enhancement in comparison to the current parking arrangements. The Inspector was also of the opinion that pedestrian safety would not be impaired as a result of the scheme at paragraph 9. The Inspector noted that the Council raised no objection in relation to the layout or scale of the development and considered that the layout, height and scale of the proposed development was appropriate in its context.

The reserved matters application sought planning consent for the outstanding matters of appearance and landscaping (planning reference 17/00307/REM), however the consent was not implemented and has since lapsed.

Subsequently, an application for the erection of 8no. 3 bed dwellings was validated in 2019 and approved in October 2020 (planning reference 19/01317/FUL). The approved plans appeared very similar to those which formed part of the previous application 13/00505/OUT, where no concerns were highlighted with respect to the layout or scale of development, although it is noted that 5no of the dwellings were proposed as 2/3 bed rather than 3 bed. Details required by conditions were discharged under 19/01317/DISCH and 19/01317/DISCH1.

Construction at the site commenced in 2021 and in 2022 the Council identified that the proposals had not been built in accordance with planning permission 19/01317/FUL. The current application was submitted in order to seek to regularise the development. The differences between the current proposal and extant permission are highlighted in the following section.

It should be noted that in the interim period an application for the erection of 8no. dwellings and associated works (planning reference 21/00448/FUL) was refused due to its scale, layout and design and unacceptable parking layout.

There is a linked application for the retention of the Public House with single storey extension to rear and first floor side/ rear extension and alterations to form 3 No. first and second floor apartments (reference 22/00072/COU) which is also included on this agenda and should be read alongside this report.

## **Proposals**

This application seeks permission for the retention of 8 no dwellings and associated works. Access is provided from Upper St John Street and would lead to an internal parking courtyard containing no.9 car parking spaces. The same access also provides access to the public house parking and servicing/ bins area to the rear of the building. In constructing the dwelling houses, the ground within the site were excavated and levelled, reducing the ground level by c. 2m compared to the original. A 2.1m high retaining wall is provided along the eastern boundary of the site.

All 8 No. dwellings provide accommodation over three floors, with plots 1-5, the dwellings within the rear of the site containing a bedroom and en suite bathroom within the roof. The dwellings have all been completed with brick elevations and a gable tiled roof over. Plot 4 is the only dwelling to benefit from a garage to the side. Gardens are provided and have been turfed and all boundary fences to the rear, which comprise of 2m high close boards fencing have been provided. It is noted that some of the gardens are tiered in accordance with the ground levels, but all plots also include a paved patio area.

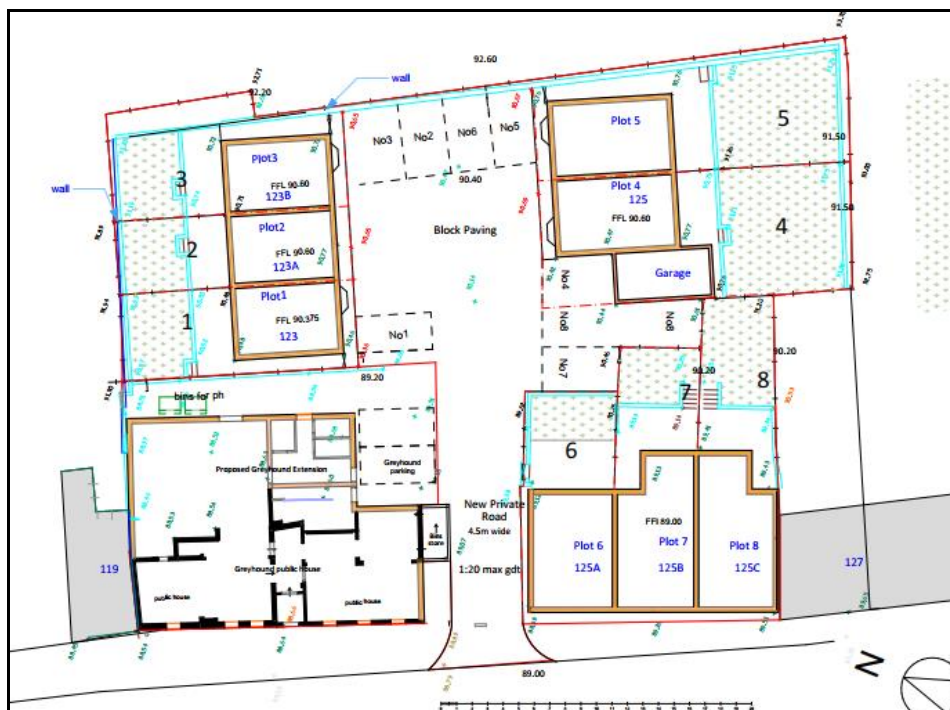
Architectural detailing is provided on the front elevation of all plots including lintels, bay windows and front door canopies and chimneys are included on the dwellings which face the street scene.

As this is an application to regularise the 8no. dwellings have already been constructed and are mostly fitted out. The site has been levelled and garden boundary treatments have been installed, although some boundaries would be modified to reflect the submitted plans. The parking arrangement is yet to be set out.

The main differences between the extant permission 19/01317/FUL and this planning application are summarised as:

- Change to the layout of the scheme with plots 1-3 and plots 4-5 provided c.1m further to the east within the site than the previously approved (see 19-864 248 A Site Layout with Overlay of Approved Scheme);
- Change in topography of the site which is now levelled rather than graded;
- Increase in ridge height of all dwellings,
- Addition of a bathroom into the loft spaces of plots 1-5;
- Removal of the garden terrace from plots 6-8 and alteration to fenestration in the rear elevations;
- Removal of 1no. garage from plot 1;
- Adjustments to the parking arrangements, although the overall number of spaces provided remains the same, there would be 1no. less space provided due to the loss of the plot 1 garage;
- Adjustments to the positions of the boundary lines of the individual plots.

An overall site plan has also been provided to demonstrate how the proposals relate to the proposed redevelopment of The Greyhound Public House building in the adjacent site, which is under the same ownership. The overall site plan is shown below:



## Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area (including Heritage Assets)
3. Residential Amenity
4. Access and Highway Safety
5. Drainage
6. Ecology
7. Trees
8. Other Issues
9. CIL / Planning Obligations
10. Human Rights

### 1. Policy & Principle of Development

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

1.2 The Five-Year Housing Land Supply 2021 for Lichfield shows that in August 2021 the District Council could demonstrate a 13.4 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies are considered up to date.

1.3 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.



- 1.4 Core Policy 1 of the Lichfield District Local Plan Strategy states that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, and that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Core Policy 3 states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 1.5 Core Policy 6 sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District will seek to provide 50% of housing on previously developed land. Housing development will be focused upon key urban and rural settlements of which Lichfield City is one. Policy Lichfield 4 outlines that 38% of the District's housing growth to 2029 will take place in and around Lichfield City, with around 46% of this being located within the urban areas.
- 1.6 Policy H1 sets out that there is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 1.7 Policy CP4 of the Local Plan Strategy confirms that the District Council will seek to protect, and where appropriate improve services and facilities that provide a key function in the operation of existing communities. Development proposals leading to the loss of a key facility from a settlement, will not be supported unless a replacement facility of improved quality, accessibility and size is provided for the community in a sustainable location.

#### Assessment

- 1.8 The development would provide 8 No. dwellings on previously developed land within the sustainable settlement of Lichfield. The 'principle' of development of the site with 8 dwellings would comply with Local Plan Strategy Policies CP1, CP3, CP6 and the housing mix, where houses are provided with 2/ 3 bedrooms would be in compliance with policy H1. This position is consistent with the previous appeal and planning permissions on the site, and therefore the principle of the development is acceptable. Other material considerations are assessed in detail below.
2. Design and Impact upon the Character and Appearance of the Surrounding Area (including Heritage Assets)
    - 2.1 The NPPF (Section 12) advises that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*" and that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".
    - 2.2 The 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 In this respect it is noted that the nearest heritage asset to the application site is the Grade II listed Church of Holy Cross which is located to the South of the site on the Western side of Upper St John Street at the junction with Chapel Lane. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to

the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal also engages the relevant parts of Policies BE1, CP3 and CP14 of the Local Plan Strategy; Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF.

- 2.4 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.
- 2.5 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.
- 2.6 Section 16 of the NPPF provides policies in relation to heritage assets, which begins by setting out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. The following paragraphs of section 16 go on to identify how the conservation of such assets should be achieved.
- 2.7 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.

#### Assessment

- 2.8 Upper John Street comprises a number of traditional style brick terraced properties, which directly front onto and adjoin the pedestrian footpath and originate from the late 19th century. Newer terraced properties are located on the opposite side of Upper St John Street from The Greyhound Inn. The Grade II listed Holy Cross Presbytery church is located c. 50m to the south west of the application site on the opposite side of Upper St John Street.
- 2.9 One of the reasons that the scheme was called in was a concern that the *"design dominates the skyline and streetscene"*. Additionally, the Parish comments raised concerns related to the *"over-intensification of the site, poor scaling and massing of dwellings"*. Also, related to the damage to visual amenity and impact on the listed Holy Cross church.
- 2.10 The Conservation Officer was consulted as part of the planning process and highlighted that the amendments have affected the fenestration to the front elevation and added rooflights; and that the changes have watered down the quality of the development in terms of form and scale. The Conservation Officer raised no objection to the proposal however and advised that the changes do not have a detrimental impact upon the setting of any designated heritage assets, over and above the impact of the previously approved scheme where it was considered that there would be no harm caused.
- 2.11 The scheme adopts a similar design of dwellings to the surroundings, with gable roof form and detailing such as windows lintels, that are in keeping with the Upper St Johns streetscene. Although plots 6-8 have a higher ridge height than the adjoining building, there is variation in ridgelines along the main road, despite the terracing of properties. The general design and massing of plots 6-8 is considered consistent with the existing street scene. To the rear of the site, plots 4-5 are visible through the new access and the gable end of plots 1-3 are visible

above the single storey component of The Greyhound Inn, as was the case in the previous consents. It is noted that the external materials for all plots are in accordance with those previously approved under 19/01317/DISCH.

- 2.12 The extant planning permission 19/01317/FUL is a material planning consideration. It is noted that the scheme has some key design changes compared to 19/01317/FUL, including minor adjustments to the layout, alteration of the ground levels, increase in the ridge heights of the development (taking into account ground level differences) and other matters described above. Furthermore, planning decision 21/00448/FUL is also a material consideration in the assessment of the current proposals as a refusal was issued due to the scale, layout and design and unacceptable parking layout of an alternative scheme. This scheme included properties with a larger footprint, which then raised implications on the external areas in particular of the development. The garden sizes were reduced further from previous consents and the parking layout failed to work- with tracking drawings showing that manoeuvring around the site was impossible.
- 2.13 This application seeks to regularise the existing development and the proposed changes are considered to be minor in overall nature and have not reduced the quality of the scheme in comparison to the extant consents to the extent where a refusal could be sustained. Concerns have been raised regarding bin storage. Further to a site visit it is evident that bins can be stored within each plot, which benefits from external access from the parking courtyard to the private amenity areas. The applicant has confirmed that bins would be presented to the side of the Greyhound Inn on collection day, as set out in previous proposals. This situation is considered to be acceptable and given the introduction of double yellow lines to the frontage of the site which prohibit parking will allow appropriate bin collection from Upper St John Street.
- 2.14 Following the receipt of the professional Design advice from the Conservation Officer and on the basis of previous consents it would be unreasonable to suggest that the scheme of development would be unacceptable on design, character and appearance or heritage related grounds. The refused scheme, which proposed larger dwellings has also been given consideration in the assessment of the proposals. On the whole, the development proposal is considered to be 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. It sets out numerical guidance that requires:
- At least 21m between dwellings where primary principal habitable windows face each other for the purposes of protecting privacy;
  - At least 6m between a primary principal habitable room window and private neighbouring residential amenity space except where no overlooking is demonstrated; and

- 13m where one dwelling faces the two-storey side of a neighbouring property and which is a blank elevation (i.e. no windows) to avoid overbearing impact; and
  - A minimum of 10m length private amenity space and 65 square metres for dwellings with 3-4 bedrooms.
- 3.3 National space standards set out requirements for internal space within new dwellings, this document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.
- 3.4 The concerns of the City Council are noted with respect to the potential impact on the amenity of neighbouring residents. The Environmental Health department was also consulted about the proposals and reiterated the comments previously provided for 19/01317/FUL, i.e. that there are concerns related to the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings, and a pre-commencement condition would be required for submission of a scheme of noise protection for the proposed dwellings from The Greyhound Inn.

#### Assessment

- 3.5 In terms of the impact on privacy of habitable rooms of neighbouring dwellings, the dwellings in plots 1-3 and 4-5 are orientated such that they do not directly face any existing neighbouring dwellings and there would be no loss of privacy to habitable rooms. Plots 6-8 face directly towards properties on the west of Upper St John Street and there is only 19.3m separation distance such that the SPD 21m standard is not met. Also, the proposed layout shows that there is only 15m between the front elevations of the plot 2-3 dwellings and those in plots 4-5.
- 3.6 In terms of the impact on privacy of neighbouring private amenity space, all plots meet the 6m separation distance as set out in the Sustainable Design SPD. With respect to the impact on neighbouring outlook, there would be 19m between the plot 6-8 dwellings and existing houses on the opposite side of Upper St John Street i.e. exceeding the required 13m. There are no directly facing dwellings on the eastern, northern or southern site boundaries. Within the site the standard related to outlook would be met in all cases.
- 3.7 The internal layout of the dwellings generally accords with the Technical Housing Standards (National Described Space Standard). It is noted that plots 1-5, located within the rear of the site, include a room at first floor which would fail to meet with the space standard for a single bedroom. The standard is 7.5 sqm, whilst the rear facing room would achieve a space of 6.9 sqm. This room cannot therefore be considered as a bedroom in planning terms, notwithstanding this it is noted that the room would adequately provide for a study or storage room.
- 3.8 The dimensions of private amenity space for each of the dwellings is set out in the Table below.

<b>Plot</b>	<b>No. of bedrooms</b>	<b>Length</b>	<b>Area</b>	<b>Area required in SPD</b>
1	2	7.1m	38.9m <sup>2</sup>	45 sq m
2	2	7.1m	33.3m <sup>2</sup>	45 sq m
3	2	7.1m	55.9m <sup>2</sup>	45 sq m
4	2	10.9m	82.3m <sup>2</sup>	45 sq m
5	2	11.4m	84.4m <sup>2</sup>	45 sq m
6	3	6.1m	36.1m <sup>2</sup>	65 sq m
7	3	6.5 to 8.9m	38.7m <sup>2</sup>	65 sq m
8	3	9.6 to 12.3m	52.0m <sup>2</sup>	65 sq m

- 3.9 Whilst the shortfalls in private amenity space on some plots are noted, each dwelling benefits from a private area which includes turfed garden and patio areas. There is ample room for outdoor activities including sitting outside in privacy and drying clothes etc. On balance, whilst the shortfall in outdoor space in some of the plots is not ideal, it is not considered that a refusal could be sustained given the previous planning consents and appeal decision. Previous consents and the appeal scheme which are very similar in layout provided acceptance for dwellings with small outdoor private amenity areas.
- 3.10 With respect to daylight and sunlight, the Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of light to habitable rooms of neighbouring dwellings. This includes the 45- and 25-degree guidelines to assess the impact on light. The 45-degree guideline is used to assess the impact of development adjacent to existing properties whereas the 25-degree guideline is used to assess the impact of development opposite. The scheme is in compliance with the 45-degree standard and therefore in daylight and sunlight terms the scheme is acceptable.
- 3.11 The Environmental Health department was also consulted about the proposals and reiterated the comments previously provided for 19/01317/FUL, i.e. that there are concerns related to the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings, and a pre-commencement condition would be required for submission of a scheme of noise protection for the proposed dwellings from The Greyhound Inn. The Officer's report for 19/01317/FUL stated that:
- "The Environmental Health Officer originally expressed concern regarding the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings. Whilst noted, it is considered that the impact will be minimal; Upper St John Street is a predominantly residential area with terraced properties abutting the public house on either side. Furthermore, a condition was not requested with the previous application when it was allowed on appeal".*
- 3.12 It is accepted that this issue did not preclude the granting of planning permission by appeal APP/K3415/A/13/2206361 and therefore it is unlikely that a refusal could be sustained on this basis. Furthermore, it should be noted that a condition is recommended on the application to extend the public house (planning ref 22/00072/COU) to ensure that details of any external extraction, air conditioning units or any other plant equipment are provided for assessment by the Council prior to any installation to safeguard the amenities of neighbouring occupiers.
- 3.13 On balance, whilst the scheme does not consistently meet the private amenity space guidelines, it would not be worse than the situation previously permitted and in some cases would represent an improvement as larger gardens are provided on three of the plots. The impact of the noise from The Greyhound Inn on the occupants of the scheme would not be materially different to that previously approved, and proposed condition 11 of 22/00072/COU would ensure appropriate control over future installation of any external plant or equipment. The scheme would be acceptable in relation to the residential amenity and would accord with policy BE1, CP3 and the Sustainable Design SPD. Nonetheless, given the small amenity areas for plots it is considered necessary to remove the permitted development rights for all dwellings to prevent any extensions or buildings being erected without planning permission and a condition is proposed .
4. Access and Highway Safety
- 4.1 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

- 4.2 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off street car parking standards are defined within Appendix D of the Sustainable Design SPD.
- 4.3 The following reasons for call-in and the concerns from the Parish are noted:
- Vehicle turning, access and egress and likely additional on street parking
  - Sloping access and hard standing parking (garage loss) will lead to more run off onto what is already a slippery footpath in the winter – need porous maintainable materials;
  - The provision for parking is inadequate for the number of proposed units and spaces appear too narrow.
  - Inadequate provision for vehicle turning on site for safe exit/parking.
  - Likely addition of more parking along Upper St Johns Street impacting existing residents.
  - Highways issues are noted with regard to capacity, safety and visibility. The proposed development will compromise this well used footpath serving commuters and residents using the City Rail Station, Bus Station and City centre facilities, along with the many school children and other footpath users of the City. Vehicles accessing the proposed site will be regularly driving over the footpath here adding to safety concerns.
  - Potential adverse impact on the planned cycle way included in the Lichfield City Plan from Cricket Lane to St John Street.

#### Assessment

- 4.4 Staffordshire County Highways was consulted on the planning application and raised no objection to the proposals. Whilst 2no. parking spaces would ordinarily be required for 3-4 bed dwellings it was agreed that one parking space per house would be sufficient on the basis of the sustainable location of the site which is within walking distance to a number of facilities in the City centre and surrounds. It is noted that plot 5 benefits from a parking space and a garage. A condition is recommended to ensure that the parking and garage is provided prior to occupation and retained for the lifetime of the development.
- 4.5 Vehicle tracking has been provided that demonstrates that there is sufficient turning space within the site so that vehicles would not have to reverse out onto Upper St John Street.
- 4.6 In relation to the other points raised by consultees, the Highways authority has raised no concerns related to the potential increase in parking along Upper St Johns Street or related to the impact of the vehicle crossing on users of the footpath. Double yellow lines have recently been added to the frontage of the site along Upper St John Street which were required under previous consents. The introduction of parking restrictions serves to increase visibility and improve highway safety at the access point to the site.
- 4.7 Following the receipt of the professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highway safety or parking related grounds with no technical evidence to the contrary. The development proposal is therefore considered acceptable on highways grounds subject to conditions being applied to any planning approval to secure the relevant details. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.
5. Drainage
- 5.1 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). The application site is located within Flood Zone 1 and site area is under 1ha such that no Flood Risk Assessment is not required.

## Assessment

- 5.2 Severn Trent Water was consulted on the planning application and raised no objection to the proposals, subject to any forthcoming planning permission incorporating conditions to require the submission of drainage plans and that the scheme be implemented with any approved drainage details. The scheme however is retrospective and such a condition could not be applied. Notwithstanding this, the applicant has provided evidence of the Severn Trent Water connection agreement for the scheme. The County Flood Team have also raised no objections.

## 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 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

- 6.2 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 to secure a net gain was highlighted.
- 6.3 It is recommended that a condition be attached to any forthcoming planning condition to requiring the installation of bat/bird boxes in order to secure biodiversity net gains. As such it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

## 7. Trees

- 7.1 Policy NR4 of the Local Plan Strategy iterates that the District’s trees, woodland and hedgerows are important visual and ecological assets. 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. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.

## Assessment

- 7.2 The Tree Officer requested further arboricultural detail in relation to the scheme and it is noted that there is a blanket Tree Preservation Order adjacent to the north-eastern boundary of the site. Previous planning consent 19/01317/FUL included a planning condition that required protective fencing to be erected around the root protection area of adjacent retained trees for the duration of the construction period. No other conditions related to trees were included as part of the previous planning permission.
- 7.3 The previous planning application highlighted concerns related to the impact of development on trees during the construction phase only. The trees remain in situ and there is no further development proposed that would impact on these trees. It is assumed that the tree protection measures required under 19/01317/FUL were implemented during construction and given the retrospective nature of this planning application, it would not be necessary or reasonable to incorporate such a planning condition in this instance.

## 8. Other Issues

8.1 Bin storage was raised as an issue by consultees and an area has been incorporated within the site for this purpose.

## 9. CIL / Planning Obligations

9.1 Local Plan Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC, as such a financial contribution is required.

9.2 In this case, a payment was made in relation to 19/01317/FUL for Community Infrastructure Levy, which included a contribution towards the SAC. It is not necessary to duplicate this payment as appropriate mitigation has already been secured.

## 10. Human Rights

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

## **Conclusion**

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

The objections raised through the consultation process are noted and have been addressed in the above report. It is considered that the proposal constitutes an appropriate form of development in this location and is broadly in accordance with previous proposals for development permitted at the site. The proposal would not detrimentally impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The Waste Management, Ecology, County Highways, and Environmental Health teams, as well as Severn Trent, have been consulted and have raised no objections to the scheme. No technical issues have been raised which cannot be addressed by suitably worded conditions.

In respect of the above, the proposal constitutes a sustainable form of development that enables further housing to an important settlement within the district; whilst complying with the relevant policies contained within the Local Plan Strategy and the relevant policies within the NPPF.

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



Lichfield  
district council

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# LOCATION PLAN

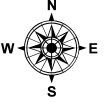
19/01015/OUTM  
Land At Streethay  
Burton Road  
Streethay

Scale: 1:5,000

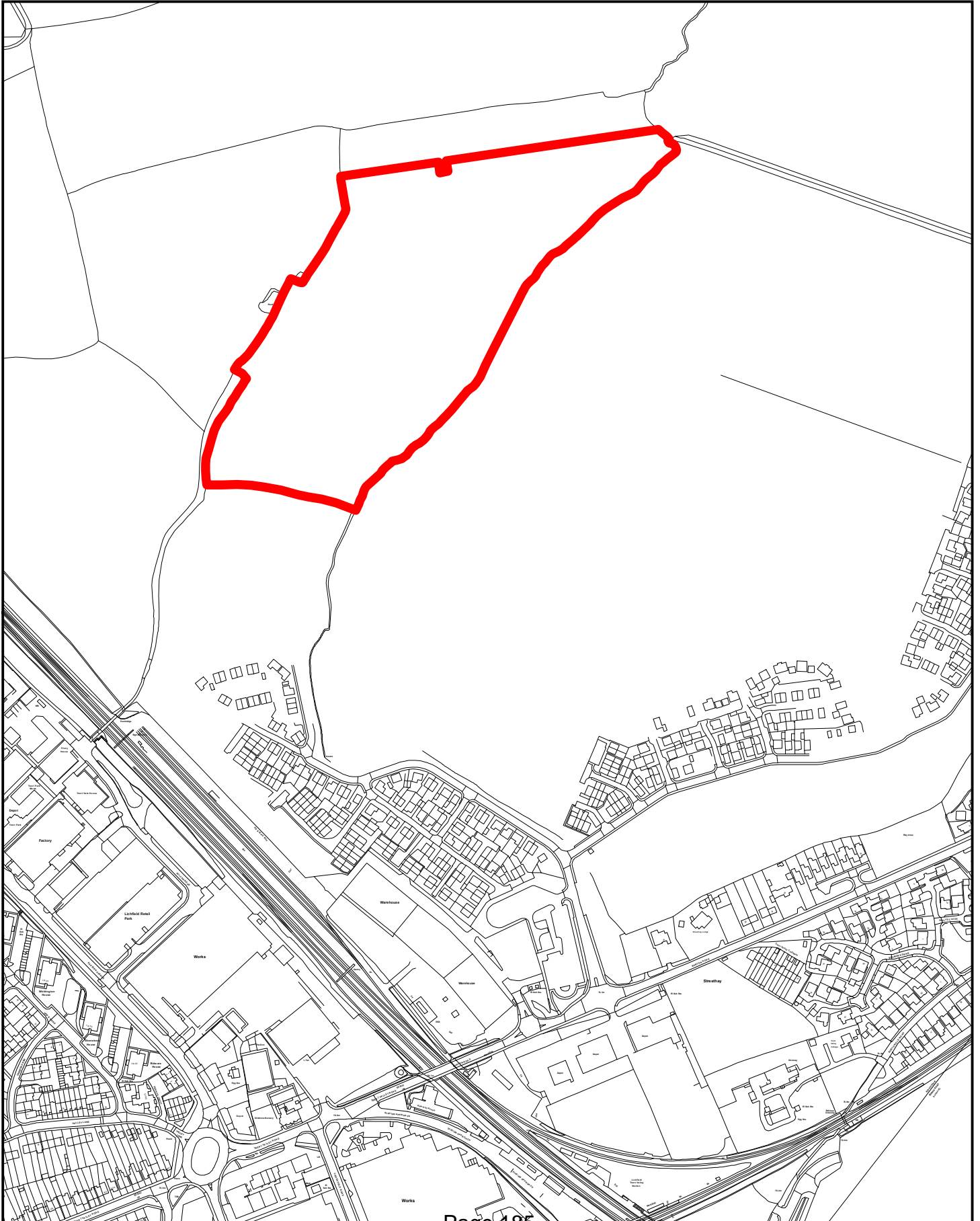
Dated: March 2023

Drawn By:

Drawing No:



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## **19/01015/OUTM**

**Outline application for the erection of up to 200 residential dwellings for Phase 2 of the Streethay Strategic Development Allocation (site reference LC1) including green infrastructure, footpaths, open space, children's play area, surface and foul water drainage including attenuation pond, and other ancillary infrastructure and works. All matters reserved except for access (AMENDED)**

**Land at Streethay, Burton Road, Streethay, Lichfield  
FOR Miller Homes**

Registered **19/07/2019**

**Parish:** Fradley and Streethay

**Note 1:** This application is duly being referred back to planning committee due to the significant lapse of time since the original resolution to grant Planning Permission was given at Planning Committee on 27<sup>th</sup> July 2020

Since this time there have been fundamental changes to the scheme which have been required and prior to the applicant finally completing the S106 legal agreement it is considered both reasonable and appropriate for the Planning Committee to consider such issues and re-affirm its resolution and

**Note 2:** Fradley and Streethay Parish Council have objected to this amended application given the, the access arrangements and quantum of open space

**Note 3:** Originally this application was and is reported to planning committee due to its strategic nature and because the applicant was required to enter a S106 legal agreement that includes more than two planning obligations

**RECOMMENDATION:** Subject to the owners/applicants first entering into a Section 106 legal Agreement under the Town and Country Planning Act (as amended)

**(1) To secure the following contributions/planning obligations:**

- i 40% Affordable Housing provision on site (80 units 65% 35% split affordable and intermediate)**
- ii Provision and future maintenance of public open space including park, local equipped play area, allotments and sustainable drainage and other green infrastructure**
- iii Highways Contribution of £1,172,673.40 in lieu of condition 10 of the Outline approval 12/00746/OUTMEI**
- iv Scheme for highways improvements around Cappers Lane Eastern Avenue and A5127 - £312,712.00**
- v Education Contribution for Primary School provision**
- vi Travel Plan fee £2,407.00**
- vii Contribution for Mitigation of Cannock Chase SAC unilateral/S106 of £58,116.00**
- viii Fees for Monitoring and Management of legal agreement £2500.00**

**(2) If the S106 legal agreement is not signed/completed by 6th May 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

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

**CONDITIONS**

- 1 The approval of the Reserved Matters shall be made within 3 years of the date of this decision. The development must be begun not later than:
  - (i) 5 years from the date of decision;
  - (ii) 2 years from the approval of the Reserved matters or in the case of approval on different dates, the approval of the last reserved matter.

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

2. The development hereby authorised by this permission shall be carried out in complete accordance with the approved plans and specifications, 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 in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework

- 3 This is an outline permission and no phase of development shall be commenced until further approval of the Local Planning Authority has been given under the mentioned matters hereby reserved relevant to any phase as permitted by conditions Including:
  - i) Layout
  - ii) Scale
  - iii) Appearance
  - iv) Landscaping

Reason: In order to frame the consent and in the avoidance of doubt in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance

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

4. This is an outline planning permission, and no relevant phase of development shall be commenced until details showing the existing and proposed land levels of the site including [site sections\*/ spot heights\*/contours\*] and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to [the finished floor levels, ridge and eaves heights of neighbouring buildings\*/an off-site datum point\*]. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining site and the visual amenities of the area in accordance with Core Policy 3 and Policy BE1 of the Lichfield District Strategy and the National Planning Policy Framework.

5. Before the submission of the first Reserved Matters application relating to this residential development pursuant of this consent, the applicant shall provide a 'phasing plan' for the entire site, including the residential areas and open spaces and this shall be submitted to and approved by the Local Planning Authority. Works shall be undertaken strictly in accordance with this phasing plan unless other wise agreed in writing with the Local Planning Authority

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions to frame the development, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.

6. Prior to the submission of any Reserved Matters pursuant to Condition 3, a detailed 'Masterplan', to incorporate a 'design code' for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan shall be submitted to the Local Planning Authority and shall include the following:

**Masterplan**

- (i) Placemaking - Movement framework including: Street types and Road Hierarchy including measures to restrain the speeds of vehicles to 20mph; (footpath/cyclelinks)
- (ii) Integration of car parking and cycle parking.
- (iii) Connections through the site for all transport modes.
- (iv) Green Infrastructure including, Landscape design principles including location sizes, function and character

**Design Code**

- (i) Character areas; design and density
- (ii) Building forms, heights and housing mix;
- (iii) Corner treatments;
- (iv) Elevational composition;
- (v) Boundary treatments;
- (vi) Surface materials palette;
- (vii) Planting palette; (including trees and tree protection measures)
- (viii) Placement of entrances;
- (ix) Building materials palette
- (x) Connections through the site for all transport modes.
- (xi) Principles of energy efficiency

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 2 shall conform to the approved Masterplan, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

7. No development shall take place until a detailed surface water drainage scheme for the whole site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- 1. The results of percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential.
- 2. Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- 3. Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to 6.6l/s.
- 4. Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- 5. The incorporation of adequate SuDS treatment trains to help improve water quality in accordance with CIRIA C753 Simple index Approach.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Reason: In order to ensure that the development is provided with a satisfactory means of foul and surface water drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

8. No development shall take place until a scheme for protecting the dwellings from noise from the surrounding commercial/rail noise sources should be submitted to and approved by the LPA. The approved scheme should be implemented before the development is first occupied and shall be the subject of a validation report, which shall be submitted to and approved in writing by the LPA prior to the development being first occupied. The approved measures shall thereafter be maintained for the life of the development.

Reason: To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

9. No development shall take place in any phase until a scheme for the investigation and recording of any contamination of the site and a report has been 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 used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the LPA within 1 calendar month of the approved remediation being completed.

Reason: In order to safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

10. No development shall take place until a Construction Environment Management Plan (CEMP) within each phase has been submitted to and approved by the Local Planning Authority.

The CEMP shall include details relating to

- construction access
- hours of construction
- routing of HGV's
- delivery times & hours of work
- location of the contractors compounds, cabins,
- material storage areas and contractors parking
- a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash and details including of how noise and vibration associated with the construction phases are to be controlled and minimised.
- It shall also include a method of any demolition and restoration of the site.

All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme

All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme

Reason: In order to safeguard the amenity of existing adjacent future residents of the site, In the interests of highway safety, that the LPA in accordance with the requirements of Core Policies 3 and 4 and Policies SC1 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.

11. Before the development hereby approved in any phase of development, a timetable for the provision/improvement of onsite linkages to footpaths footways and cycles adjacent to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase shall be carried out in accordance with the approved timetable.

Reason : In order to provide a sustainable of development of linkages and choice

12. Before the development hereby approved is commenced within any relevant phase of development approved the trees and hedgerows that are to be retained/managed as part of the landscape and planting scheme for that phase of development shall be protected in accordance with BS 5837-2012 with the details provided to and approved in writing by the Local Planning Authority. The tree and hedge protection shall be installed prior to construction works taking place and shall be retained for the duration of the construction works. No fires excavation change in levels storage of materials, vehicles or plants shall occur within these

Reason : In order to provide a satisfactory appearance of the development in accordance with Core Policy 13 and Policies NR4 and BE1 of the Lichfield District Strategy.

13. No development shall take place until a Construction Environmental Management Plan and Habitat Management Plan (HMP) has been submitted to and approved by the Local Planning Authority. The HMP shall detail, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 3.99 Biological Units (which equates to 24.54%) This should be supported by an updated biodiversity metric for the site.

Information submitted within the HMP should expand upon the information provided within the Preliminary Ecological Appraisal and Biodiversity Impact Assessment for Net Gain dated May 2020 and must detail:

1. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur)
2. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
3. Details of both species composition and abundance (% within seed mix etc....) where planting is to occur.
4. Proposed management prescriptions for all habitats for a period of no less than 25 years.
5. Assurances of achievability.
6. Timetable of delivery for all habitats.
7. A timetable of future ecological monitoring for which reports should be submitted to the LPA every 5 years, to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended

Reason: In order that the LPA can assess the likelihood of any proposed habitat to deliver biological enhancements as part of the development, and that the creation works being successful in achieving both desired habitat type and condition in accordance with the requirements of Core Policies 3 and 13 and Policies BE1, ST2, NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

14. No dwelling shall be occupied until such time as the associated driveway has been surfaced in a bound material, and sustainably drained, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

16. No dwelling shall be occupied until such time as the access onto the existing spine road as shown on drawing WIE SA 03 001 A01 has been fully constructed and open for use.

Reason: In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

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

13. This permission shall relate to the erection of no more than 200 dwellings provided on site.

Reason: In order to define/frame the development ensure a satisfactory appearance to the development in accordance with Core Policy 3 and Policy Be1 of the Local Plan Strategy

14. No residential building heights to exceed no more than 2.5 storeys

Reason: In order to define and ensure a satisfactory appearance to the development in accordance with Core Policy 3 and Policy Be1 of the Local Plan Strategy

14. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 - 1900 hours Monday to Friday and 0800 -1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: To safeguard the amenity of existing adjacent future residents of the site in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

15. Prior to the occupation of any phase of the development hereby approved, a landscape management and maintenance plan for the whole site including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority.

The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to protect the landscape character and amenity of the development site over the long term in accordance with Core Policy 13 and Policies NR3 and Nr4 and BE1 of the Lichfield District Strategy, Sustainable Development SPD and the National Planning Policy Framework.

## NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
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. During 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.
3. 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.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th of April 2016 and commenced charging from the 13th of June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant's attention is drawn to The 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.
6. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
7. 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).



## INFORMATIVES for the site

8. There may be Western Power assets in the vicinity of the development works. The developer is advised to contact Western Power prior to any of works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development. Also, to prevent incursion into areas where Western Power have cable/access rights and property ownership - particularly with regard to substations and their access, the landowner/developer must contact Western Power prior to works commencing. Any works in the vicinity of electricity conductors (cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to Western Power on 105 immediately or as soon as it is safe to do so. With regard to consideration for properties being constructed in the vicinity of Western Power substations - it is strongly advised that any property (particularly dwellings) are planned to be sited no less than five metres from the boundary of a substation. For safety, the applicant must consult with Western Power regarding the siting of any new buildings close to substations. In order that connections can be made in a timely manner - any new or augmented connections for any proposed scheme must be applied for by the customer in order ascertain the scope and associated costs of works.
9. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public. Any changes to existing rights of way are subject to separate process under Section 257 of the Town and Country Planning Act 1990 (as amended).
10. The applicant is advised to follow continued progress of the HS2 scheme as it moves towards the main works construction phase.
11. Any reserved matters will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works
12. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
13. The access and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)) <http://www.staffordshire.gov.uk/transport/staffshighways/licences/10>
14. The applicant is advised that the minimum internal dimension of any garages should be 6.0m x 3.0m to ensure sufficient space to enable the secure storage of both vehicles and bicycles.
15. The applicant is advised that all site clearance works should be completed outside of the bird nesting season (March to September), unless otherwise agreed in writing by the Local Planning Authority.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Fradley Adopted Neighbourhood Plan - Made 12.2.2019**

Policy FRANP1 – Settlement Boundary  
Policy FRANP5 – Play and youth facilities  
Policy FRANP6 – Character and Design  
Policy FRANP7 – Local Green Spaces  
Policy FRANP8 – Minimising Impact on Landscape

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 11 – Participation in Sport and Physical Activity  
Core Policy 13 – Our Natural Resources  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 - High Quality Development

### **Local Plan Allocations**

Policy LC1 - Lichfield City Housing Land Allocations

### **Supplementary Planning Document**

Biodiversity and Development SPD  
Sustainable Design SPD  
Trees Landscaping and Development SPD  
Developer Contributions 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 objective and priority 3: Climate Change  
Strategic objective and priority 4: Our Infrastructure  
Strategic objective and priority 5: Sustainable transport  
Strategic objective and priority 6: Meeting housing need

Strategic objective and priority 11: Healthy and safe lifestyles  
 Strategic objective and priority 12: Countryside character  
 Strategic objective and priority 13: Natural resources  
 Strategic objective and priority 14: Built environment  
 Strategic objective and priority 15: High quality development  
 Strategic Policy OSS1: Presumption in favour of sustainable development  
 Strategic Policy OSS2: Our spatial strategy  
 Strategic Policy OSC1: Securing sustainable development  
 Strategic Policy OSC2: Renewables and low carbon energy  
 Strategic Policy OSC4: High quality design  
 Strategic Policy OSC5: Flood risk, sustainable drainage & water quality  
 Strategic Policy INF1: Delivering our infrastructure  
 Strategic Policy OST1: Our sustainable transport  
 Strategic Policy OST2: Sustainable travel  
 Local Policy LP1OST: Parking provision  
 Strategic Policy OHF1: Housing provision  
 Strategic Policy OHF2: Providing a balanced housing market and optimising housing density  
 Strategic Policy OHF4: Affordable housing  
 Strategic Policy OHSC1: Healthy & safe communities  
 Preferred Policy OSR2: Open space and recreation  
 Strategic Policy OHSC2: Arts and culture  
 Strategic Policy ONR2: Habitats and biodiversity  
 Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation  
 Strategic Policy ONR4: Green infrastructure and connectivity  
 Strategic Policy ONR5: Natural and historic landscapes

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**

12/00746/OUTMEI	Erection of Demolition of 1 curtilage Listed building associated with Streethay House Farm and construction of a sustainable mixed use urban extension, comprising of up to 750 dwellings; a primary school; mixed use community hub/local centre to include retail development (Use Classes A1, A2, A3, A4 and A5) and community buildings (D1 Use Class) care home (C2 Use Class); comprehensive green infrastructure, including footpaths, cycleways, open space, children's play areas, and sustainable urban drainage systems, foul and surface water drainage infrastructure including attenuation ponds, car parking up to a maximum 75 parking spaces; and other ancillary infrastructure and ground remodelling. All matters reserved except for points of access, which includes two points of access from Burton Road	<b>Approve</b>	<b>23.12.2014</b>
19/01001/REM	Erection of 5no dwellings (to replace 3no dwellings) in pursuance of condition 1 of Outline Planning Permission 12/00746/OUTMEI	<b>Approve</b>	<b>20.09.2019</b>
12/00746/DISCH4	Discharge of conditions 15 (surface water and foul sewage) and 16 (site investigation) of application 12/00746/OUTMEI relating to the Local Centre	<b>Approve</b>	<b>20.05.2022</b>

## **CONSULTATIONS**

**Fradley and Streethay Parish Council -Final - Comments.** Concerns about width of road and use of winding residential Road for access/thorough fare also Loss of hedgerow and open space provision. (26.10.2022)

Initial- No comments to make (09/10/2019)

**Staffordshire County Council (SCC) Highways - Final -** No objections subject to conditions - Revision is to secondary access to a combined 3.5m cycle and pedestrian route and route for emergency vehicle only. Quantum of development is acceptable. (2.12.2022)

Initial- No objections subject to conditions requiring CEMP, driveways prior to occupation and spine road installation. Contributions via S106 and vary 12/00746/OUTMEI to deal with offsite highway works as a contribution rather than undertaking the works. (5.5.2020)

**Staffordshire (SCC) Archaeology – Final**- No objections and no further archaeological work required for the site following submission of WSI. (26/05/2020)

Updated- As per previous comments. (04/10/2019)

Initial - No objection subject to condition to secure a written scheme of archaeological investigation. (07/08/2019)

**Staffordshire (SCC) Lead Local Flood Authority LLFA – Final -** No objections subject to conditions. (8.8.2019)

**Staffordshire (SCC) Education – Final -** No objection subject to contribution towards primary provision.

Initial- No objection subject to contribution towards primary provision.

**Staffordshire Police ALO - Final -** No objection secures by design- security recommendations. (11.2.2020)

Initial- Security recommendations made. (8.8.2019)

**National Highways - Final -** No comments to make.

**Environment Agency - Final -** No comments to make. (26.9.2019)

Initial- No comments as application is outside remit. (23.7.2019)

**HS2 -Final -** No objections applicant advised to follow progress of HS2 works. (30.7.2019)

**Natural England - Final -** No objections.

**Severn Trent Water - Final -** No objection subject to drainage scheme. (3.7.2019)

**Ramblers Association - Final -** No objection subject to appropriate integration of footpaths with any future landscaping scheme. (10.10.2019)

Initial- Request copies of site location plans are provided with future consultations. Advise any changes to right of way to be dealt with through separate process. 6.8.2019

**Western Power - Final -** As per previous comments.

Initial- Advise assets may be affected and recommends contact is made prior to commencing.

**Housing Strategy (LDC) - Final** - No objection housing split should be secured 65%/35% - developer will need to secure a registered affordable housing provider. 27.10.2022

Initial- no objections housing split based on 65- 35% along with a registered provider.

**Ecology (LDC) - Final** - No objections satisfied with the revised scheme and the Biodiversity Impact Assessment Technical Note. Habitat management Plan and Construction Environmental Management Plan would need to be provided prior to commencement to evidence BNG as claimed in the metric information. (10.2.23)

Updated- No objections subject to conditions requiring CEMP and HMP. Satisfied with methodologies and information provided. (18.6.2020)

Initial- Object on grounds that ecological surveys are out-of-date. (16.3.2020)

Initial - Insufficient information submitted. (25.7.2019)

**Spatial Policy (LDC) - No comments received**

**Conservation and Urban Design (LDC) - Final** - Detailed commentary received- Details in terms of the design code would be required as the application is not in detailed form . Recommend emphasis on good design, placemaking and. Measures for energy efficiency would be advantage. (22.2.2023)

Updated- No objection subject to conditions to secure any appropriate phasing and design through a Design Code (10.10.2019)

Initial- No objection subject to conditions to secure any appropriate phasing and design through a Design Code and concludes the development would not result in additional harm to heritage assets. (8. 8.2019)

**Arboricultural Officer (LDC) - Final** - Assessment is difficult due to level of detail as outline landscape and tree protection measures required 18.10.2022

**Environmental Protection (LDC) - Final** - No objections . Previous comments apply (17.10.2022)

Updated- No objection subject to conditions to secure a Construction Environmental Management Plan, noise mitigation scheme, restricted hours of construction and contaminated land assessment and remediation. (13.1.2020)

Initial- Queries regarding noise relating to the adjacent care home and nearby HS2. (12.12.2019)

**Waste Services (LDC) - Final** - No further comments to make. (17.10.22)

Updated- No further comments to make (28.1.2020) and (8.10.2019)

Initial- Details of bin storage and refuse collection would be required. (1.8.2019)

**Parks and Leisure Services (LDC) - Final** - As per previous comments. (27.9.2019)

Initial- No objection and open space will not be adopted by the Council. (22.7.2019)

#### **LETTERS OF REPRESENTATION**

16 additional detailed letters of representation have been received in respect of this application. The comments made are summarised as follows:

### **Transport Concerns/comments**

- The revised access to the site is not enough, would prefer that the developer goes back to having 2 access roads into the site.
- The increased amount of traffic that would be caused by this development would put too much pressure on the one proposed access. Further to the increased amount of traffic, there are concerns about safety for pedestrians.
- Speed of Traffic in roads around development
- Developer has created an issue by land being sold off to private owner in error and now secondary access cannot be successfully achieved.
- Amenity Concerns about the dust and noise caused by construction traffic.
- Requesting double yellow lines on the roads to mitigate any parking concerns. Concerned about traffic blocking this one access
- Windy Roads parking in Oak way and Yoxall Way – Oakway and Woodlark Ways are windy and difficult to navigate given parked cars.
- Request to revert to original plans for access

### **Amenity/other concerns**

- Would like to have seen the developer incorporate more sustainable design elements such as EV Charging points and solar panels.
- Not enough provision in the plans for greenspaces and the biodiversity net gain provisions are poor.

### **OTHER BACKGROUND DOCUMENTS - Revisions from Previous**

Revised Planning Statement – Pegasus BiR 5273 August 2022

Revised Design and Access Statement – Pegasus P22\_1437\_03 July 2022

Updated Highways Report - Watermans 12811-100 R-7-2-1 Update Highway Report (WIE12822) August 2022

Flood risk Assessment Addendum - 19111 Mucklow and Harris

Landscape and Visual Addendum -Pegasus P22-1817 August 2022

Updated Design and Access Statement – Pegasus P22 -1817 August 2022

Updated Ecology Walkover Update - FPCR

Updated Biodiversity impact Assessment (including BNG) – September 2022

Biodiversity Impact Assessment

Noise Assessment

Statement of Community Involvement

Magnetometer Survey Report

Air Quality Impact Assessment

Arboricultural Impact Assessment

Ecological Impact Assessment

Flood Risk Assessment

Landscape and Visual Appraisal Version 1

Planning Statement

Transport Assessment

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

P22 1437- 002 DE 01 REV A - Location Plan

P22 – 1817- EN\_07\_C\_01 LMP - Illustrative Masterplan

WIE12822-SA-03-001-A05 - Site Access

## **OBSERVATIONS**

### **Site Location**

The application site is hectare 7.9 hectares and represent as a single agricultural field currently used as rough pasture land. The field boundaries are defined by hedgerows with limited tree cover. Towards the eastern boundary is Mare Book watercourse and the western boundary is native hedgerow with several larger and mature trees.

The site as part of this proposal lies directly adjacent to the north-west boundary of the Streethay Strategic Development Allocation site SDA which is virtually complete both located to the east of the city of Lichfield. The existing Streethay development consists of 750 dwellings with a 0.67ha area of retail, community uses, care facilities, primary school and large centrally located area of public open space.

Levels across the site fall from west to east of about 3m lower at Mare Brook. The site is located in Flood Zone 1 and is at very low risk of main river flooding (fluvial) or surface water flooding (pluvial).

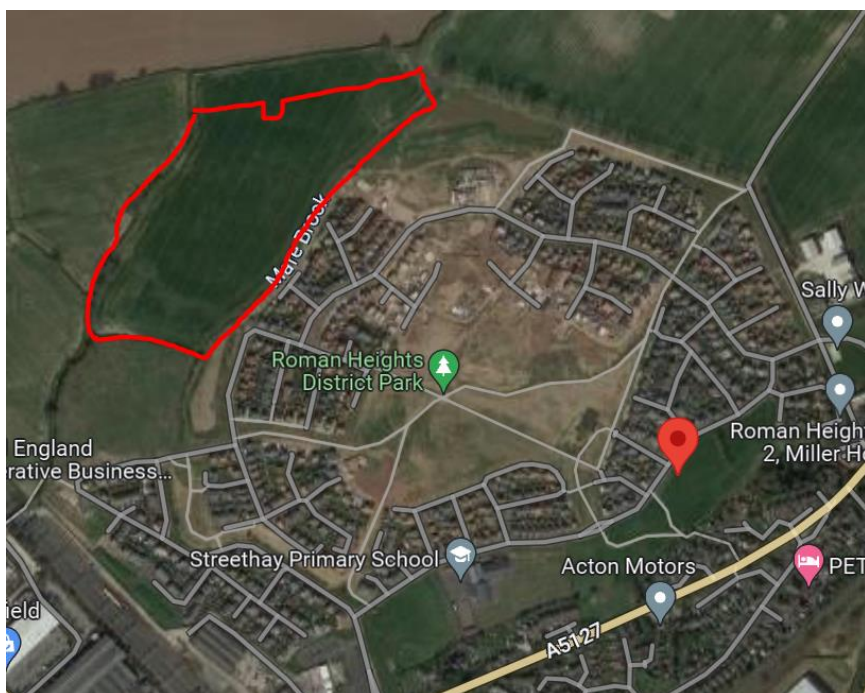
The remaining surrounding area is currently open countryside, with the railway line further to the west (which falls within the HS2 safeguarding zone) and employment uses further beyond.

The application site falls from west to east with a 3m difference with a slight undulation. The site is currently bounded by hedges on all sides.

### **EIA Screening**

The Development has been Screened under the Town and Country Planning (Environmental Impact Assessment Regulations 2017) by the Secretary of State on 28.3.2018. The development did not fall within Schedule 1 but was within Schedule Part 10. It was not considered EIA development and an ES was not required.

Below is an extract to place the site in context with the existing 'Streethay' development



**Source: Google Maps (annotated for information only)**

## Background

This application is returned to committee since it was originally considered where members were minded to approved subject to the completion of the S106. Since this time the applicant has been unable to secure a parcel of the land towards the north-western boundary from a different landowner and the access arrangements were unable to be secured. This has now been altered to singular access to serve the development alongside an emergency access route to the north of the site. Since the amendments have been proposed, the applicant has undertaken to provide new plans and update some of the sensitive assessments to reflect the changes sought.

## Proposal

This is a revised Outline application for the erection of up to 200 residential dwellings for Phase 2 of the Streethay Strategic Development Allocation (site reference LC1). The outline application contains indicative layouts and include including green infrastructure, footpaths, open space, children's play area, surface and foul water drainage including attenuation pond, and other ancillary infrastructure and works. All matters reserved for later consideration except for access which is provided in detail.

## Access

The application is now amended to provide the sole main access to the Phase 2 extension for up to 200 units made through Morgan Mews. This sole access is 5.5m width with 1.8m width pavements to either side. A new secondary 'emergency access' footpath/cycle route (3.5m) is defined beyond this point from the POS across Mare Brook into the new development.

The access continues to provide a link through the wider Street Hay development to the highway network.

All the other details such as appearance, Landscaping Layout and Scale are reserved for future consideration and details received are indicative only.

## Determining Issues

1. Policy & Principle of Development Housing Mix/Affordable Housing Open Space
2. Access and Highways
3. Design, and Landscape Impact upon the Character and Appearance of the Surrounding Area
4. Amenity
5. Flood Risk and Drainage
6. Ecology and Biodiversity
7. Cannock Chase SAC
8. Sustainability
9. Planning Obligations
10. Other Matters
11. Human Rights
12. Conclusion

### 1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Fradley and Streethay Neighbourhood Plan was also made on 12<sup>th</sup> February 2019 and as such, also carries full material weight.



- 1.2 The application site is located adjacent to the Streethay Strategic Development Allocation site and creates an additional phase as indicated in the Local Plan Strategy Policies Map Streethay - Inset 25 and is allocated for the development of around 200 dwellings (Policy LC1) within the Local Plan Allocations document which was adopted on 16th July 2019. The principle of development for up to 200 dwellings is therefore acceptable and continues to accord with the Council's adopted Development Plan.
- 1.3 There continues to be a presumption in favour of sustainable development advocated in the NPPF and this is echoed in Core Policy 2 of the Local Plan Strategy. The NPPF states the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned, or determined. In this case, the site falls within a 15km radius of the boundary of the Cannock Chase Special Area of Conservation (SAC), which is identified under the Birds & Habitats Directive. Therefore, the guidance of the NPPF is that the presumption in favour of sustainable development would not apply in this case and thus it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures which is covered later in a separate section under section 10.

#### Housing Mix/Affordable Housing

- 1.4. Policy H1 of the Local Plan Strategy seeks delivery of a balanced housing market, thorough and integrated mix of dwelling types sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, that local Planning Authorities should deliver a wide choice of high-quality homes with a mix of housing based on current and future needs

#### Assessment

- 1.5. The submitted indicative layout sets out that it is proposed to provide a range of different housing across the site, in terms of size and mix although these are not clearly specified at this point; the Design and Access Statement (as amended) states at 5.13 that "The development will allow for a range of densities across the site" with varying sizes and tenures in order to accommodate a variety of household types. This will provide a hierarchy of dwellings from large, detached properties with larger plots through to smaller terraced forms allowing for a variety in the proposed streetscape.
- 1.6. Table 8.2 of the Local Plan Strategy provides an indicative housing mix which includes:

DWELLING MIX	No of Bedrooms	Percentage %
	One Bedroom	5%
	Two Bedroom	42%
	Three Bedroom	41%
	FOUR + Bedrooms	12%

Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings and aligned to the indicative housing mix would be sought and supported by the Local Plan. This is a matter to be dealt with at the Reserved Matters stage but based on the indicative layout and details within the supporting documents a suitable housing mix can be successfully accommodated and provided within the site.

- 1.7. Policy H2 of the Local Plan Strategy requires that sites over the threshold for the provision of affordable housing as required by the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing with a target of up to 40%. When the previous application was considered by Committee the dynamic model required the provision of 31% however the most recent Annual Monitoring Report now requires 40 % housing with a tenure split of 65%

social rented and 35% intermediate. A local registered housing provider is required to deliver this which would equate to 80 units.

- 1.8. As discussed above with the application in Outline only the full details of affordable units need not be defined here but is it reasonable to conclude that sufficient affordable housing of the appropriate mix can be accommodated on the site in a suitable manner in accordance with the latest guidance and needs. This is discussed in Design and Access Statement. The siting of the affordable units within the site to ensure suitable integration throughout the scheme can be addressed within the layout assessment of any reserved matters application.
- 1.9. Overall, in terms of housing mix, the authority is satisfied that a development which balances the strategic need, with the need to secure an appropriate design can be achieved and that the level of affordable housing proposed is policy compliant and therefore the development would help to achieve a social aspect of sustainable development through the delivery of affordable housing. Accordingly, it is considered that the relevant national and local housing policy requirements are satisfied and therefore the development will accord with the NPPF and Local Plan Strategy in this regard.

#### Open Space Provision

- 1.11. Core Policy 10 require residents to have access to high quality open space. Policy HSC1 requires different types of open space to be provided for each development as an area per 1000 population. Equipped play, amenity space at 1.43ha per 1000 population, semi natural areas at 1ha per 1000 population and allotments at 1 plot of 150m<sup>2</sup> per 32 dwellings.

#### Assessment

- 1.12. For information, it should be noted that given the proposal is for 200 dwellings equates to 2.24 people per household resulting in 448 residents.
- 1.13. The amended illustrative masterplan make allowance for 2.58 hectares of open space in line with the standards along with an indicative area for equipped play and semi natural open space, allotment, and drainage attenuation. Whilst this represents a reduction over the original it still provides for sufficient open space in line with policy requirements. The inclusion of this open space and integral green areas are in accordance with the open space Policy HSC1 and HSC2 and can be provided for and managed as part of the S106 via a management company.
- 1.14. The development continues to deliver adequate and useable public open space in line with Core Policy 10 and open space standards in Policy HSC1 of the Lichfield Local Plan Strategy.

#### Policy Conclusion

- 1.15. There continues to be a presumption in favour of sustainable development advocated in the NPPF and this is echoed in Core Policy 2 of the Local Plan Strategy and the development site has not significantly changed to draw any differing conclusion for the principle of the development on this allocated site.

## 2. Access Arrangements and Parking Standards

- 2.1. Access arrangements are not reserved as part of this application. Since the original consideration of this application by the Planning Committee the access arrangements have been amended to provide a sole dedicated access route to serve the development along with a secondary emergency route/footpath/cycle route located to the north of the main access route. It is therefore necessary to consider whether the amended proposed means of access is acceptable.

- 2.2. The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 2.3. The NPPF advises “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”. The main thrust seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 2.4. Core Policy 3 of the Local Plan Strategy advises that the Council seek to reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport. Core Policy 6 advises that residential development will be expected to contribute towards the achievement of sustainable communities. Policies ST1 and ST2 require provision of adequate and suitable infrastructure and parking provision to serve new development especially within the allocated SDA’s.

#### Assessment

- 2.5. This site continues to form a northern extension to phase 1 of Streethay SDA, Strategic Urban Extension Identified within the Local Plan Strategy and located adjacent to Lichfield City. Phase 1 was granted consent under ref; 12/00746, subject to conditions, some of which relate to the highway. Phase 1 has been subject to several reserved matters applications with housing construction virtually complete. The original site has been designed and developed with a ‘loop road’ system between the two junctions which provide access onto the existing highway, Burton Road (A5127). Such a layout allows for public transport to enter the site and offer residents easier access to these services. This new proposed phase is an extension to the Streethay SDA and the principle of the development in highways terms is accepted.
- 2.6. This additional 200 house scheme is now proposing one main access point into the internal loop road system and so provides a connection to the existing adopted highway along with a combined cycle pedestrian/emergency access point should this be required.
- 2.7. The original detailed Transport Assessment submitted with this application along with the revised addendum details access from a single access arrangement. The addendum proposes the main access through Morgan Mews. This access is 5.5m width with 1.8m width pavements. A secondary emergency access only (pedestrian and cycle route) is defined beyond this point from the POS across Mare Brook into the new development.
- 2.8. The submitted TA and its update assess the impact from this development on the access arrangements and on other parts of the network. The TA acknowledges that the proposal of a single access would generate additional traffic movements on the highway since the original survey, but the work demonstrates that these trips can still be accommodated within the highway without causing a severe impact on the local or wider highway network. The Highway Authority concurs with the TA in this regard.
- 2.9. There have been several detailed concerns in respect to the revisions especially regarding the reduction of the vehicular access point down to one main access. Concerns revolve around the number of vehicles using a single access, the number of related trips and the associated impact on the road network in terms of the local and wider highways impact and highway and pedestrian safety.
- 2.10. Staffordshire County Council (highways ) have acknowledged that there are concerns in respect to this revision and have carefully considered proposed single access arrangement which, as

designed is suitable to serve up to 300 dwellings and therefore remains satisfied that the trips generated (both am and pm) albeit higher and taking into account the emergency access arrangements connection via Mare Brook on the impact on local and the wider highway network and pedestrian safety remains satisfactory. Consequently, there would not be a severe impact on the network arising from the proposal and subsequently have raised no objections. They have concluded that the size of the residential development can continue to be safely accessed subject to several conditions being included on any approval given the development shall be designed to continue to limit for 20mph.

- 2.11. Other concerns have been raised regarding parked vehicles on the linking network out towards the main road network and the related the speed of traffic however this is not in itself due to the development per se. The existing road network is devised to limit speeds to ensure vehicle and pedestrian safety. Comments in respect to the possible imposition of yellow lines would require a separate process via traffic regulation orders (TRO) under the Highways Act and a separate consultation outside the planning process.

#### Highways Conclusion

- 2.12 Based on the original and revised details and information provided, SCC (Highways) remain satisfied that the revised access arrangements are acceptable and continue to provide for adequate and safe access without any severe highways impacts and therefore the access arrangements continue to be in accordance with Core Policy 3 and Policies ST1 and ST2 of the Local Plan Strategy and the NPPF subject to the necessary financial contributions and conditions as outlined.

### 3. Design, Landscape and Impact upon the Character and Appearance of the Surrounding Area

- 3.1 Core Policy 3 and Policy BE1 of the Local Plan Strategy requires that development should contribute to the creation of sustainable communities and reflect a scale and nature suitable for the location. Layout and appearance are reserved matters which fall outside of the scope of this current outline application which is the principle of up to 200 houses and for main vehicle access points only. Being an outline application, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality, appropriate to the site's context.

#### Assessment

- 3.2 The revised 'illustrative layout plan' has been submitted which shows 200 houses can be adequately accommodated and arranged around the site with a larger area of public open space to the north containing, pathways, local equipped play space, allotments, and attenuation pond. Green/blue corridors run around all the boundaries, including a buffer along Mare Brook. Within the development two more formal green spaces are centrally located and overlooked by houses and a further focal green space is located towards the southern area of the site creating a focal point. It is envisaged the southern boundary corridor will allow for a native hedgerow establishment. The indicative layout shows the sole access point connecting through to the central area forming a looped road network with smaller residential roads off these along with private drives. The houses are laid out along the main corridors along with houses on the smaller roads and private drives. These form a layout which creates natural surveillance and a strong form of perimeter block layout, and the road and footpath provide strong permeability across the site and connection into the main site and beyond to the footpaths.

*Below is an indicative Layout as Proposed*



**Plan showing Indicative Layout – Source: Applicant P22-1437-001-de-01 REV B**

- 3.3. A revised Landscape and Visual impact Assessment have been amended and provided with this revised submission. In this case whilst the development can be seen the perception of harm is minimised. This gives the site definitive perimeter blocks allowing a lower density towards the periphery of the site and into the countryside helping to limit any visual impacts; larger gaps between houses, more landscaping, planting and sensitive house design will result in a suitable edge to the scheme. The site is to be connected organically to the existing Phase1 of Streethay and this minimises crossings over Mare Brook. At a density of 40dph the site will be consistent with the adjacent development and achieve best use of the land as required in the NPPF.
- 3.4 The site will be surrounded by existing and bolstered by trees and native hedges helping to soften the periphery into the adjoining countryside and create a buffer to ecological areas along Mare Brook. Whilst technically being a bolt-on development to the main Streethay development and have a similar general appearance it will sit independently within its own enclosed area as necessitated by its context: the brook and countryside edge; this however does not mean it will fail to integrate well to the existing development given the links provided in general cohesion throughout the entire Streethay development. The provision of landscape and tree planting around the site will assist in this integration and final details are subject to reserved matters and condition in the masterplan.
- 3.5 The erosion of the area’s rural character is inevitable although the main views affected will be mainly local and but in wider views from the railway, farm tracks, industrial/commercial areas off Eastern Avenue, and an adjacent public right of way, the proposal would be seen against the backdrop of the larger Streethay Phase 1 development whilst being softened by dense and mature trees and hedges ensuring it would not appear overly disconnected or incongruous.
- 3.6. The site is also connected well with the main vehicular access to the site as discussed above but also has two pedestrian/cycle routes through the site; one to the existing Streethay Phase1 development towards to the south of the site; and another access to the public right of way towards the north of the site off the public amenity/ attenuation area.

#### Design Landscape and Character Conclusion

- 3.7 Whilst the proposed site layout is only indicative, it does demonstrate that the number of dwellings, open space, ecological buffers, and attenuation areas proposed can be successfully accommodated/integrated into the wider area and within the site as required by Local Plan

Strategy Policy NR3, NR4, NR5 and BE1 and Trees, Landscaping a Development SPD. without having a significant detrimental impact upon the character and appearance of the surrounding area.

#### 4. Amenity

- 4.1 NPPF advises that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.
- 4.2. Lichfield Local Plan Strategy BE1 states that new development should avoid causing disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance. These points are discussed further in the sections below.

#### *Noise*

- 4.3 The application site will, in due course, have existing residential properties near to its south eastern boundary although there will be a significant green buffer between the application site dwellings and the existing dwellings due to Mare Brook.

#### Assessment

- 4.4. In order to preserve the amenity of these residents, during the construction phase of development. Concerns have been raised in respect to noise and disturbance from construction traffic. The applicant’s noise assessment recommends that a scheme of noise mitigation be secured by condition. It is advised that this condition is reasonable and necessary and as such would be recommended for any approval decision and will ease concerns in respect to the construction of the access route and the construction process through the provided access point.
- 4.5. There were original concerns from the Environmental Team that the development may be impacted by the proposed HS2 line and Neighbouring factory/commercial uses and as such they continue to request a scheme Noise Mitigation Scheme to be submitted via condition to fully assess and alleviate any harm that may be a result of the increased rail activity or commercial noise in the vicinity.

#### Construction Work/Phase

- 4.6. It is acknowledged that concerns in respect to dust and construction phases have been raised to identify dust mitigation measures for during the construction phase of this development and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition. In addition, it is recommended that the applicant be advised by means of a condition in the decision notice to limit the hours when deliveries and construction occur.

#### Contaminated Land

- 4.7. The National Planning Policy Framework states that “where a site is affected by contamination or land stability issues, responsibility for securing a safe development must rest with the developer and/or landowner.

#### Assessment

- 4.8 In this case the Environmental Protection Team had advised for the need of a contaminated land assessment and remediation scheme to be submitted to ensure there will be no harm to

the sensitive end user of the site. Whilst in respect farmland there is a potential risk of contaminates from unknown and nearby sources and a development of this size requires full investigation the advice for the amended scheme remains unchanged should any unexpected contamination be found, and this can be secured by condition.

#### Residential Amenity

- 4.9. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design Supplementary Planning Document (SPD) contains guidance detailing appropriate space around dwelling standards.

#### Assessment

- 4.10. The indicative layout demonstrates that the maximum number of dwellings could be erected within the site, and it is likely that they can be erected in compliance with the above stated standards, and these would be controlled in the detailed reserved matters

#### Amenity Conclusion

- 4.11. Given this application is in outline form compliance with these measures will be secured as part of any relevant reserved matters application to ensure amenity levels are suitably maintained for both existing and new residents in line with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the Sustainable Design SPD.

### 5. Flood Risk and Drainage

- 5.1 Core Policy 3 and Policies NR4 and BE1 seek to provide a sustainable development that can be adequately drained and that sustainable methods of drainage are secured.

#### Assessment

- 5.2. The site is located within Flood zone 1 with is defined as having very low risk of flooding (fluvial) and the same is of surface water (pluvial) which is also defined as at very low risk. This is acknowledged by the Environment Agency who do not wish to provide comments.
- 5.3. The scheme provides for an attenuation drainage area for surface water flows on site and methods to slow water and final discharge rates at time of peak flows and extreme weather events. The original and revised scheme have been accompanied by a Flood Risk assessment along with an update which continues to demonstrate that the site can be adequately drained and to protect the site and surrounding areas from risk of surface water flooding and to protect drainage flows. The Lead Local Flood Authority have assessed the development and continue to be satisfied with the conclusions found.

#### Drainage Conclusion

- 5.4. Given the level of details provided the Lead Local Flood Authority remain satisfied that the drainage arrangement and attenuation can be adequately controlled via a suitable scheme in accordance with Core Policy 3 and Policies NR4 and BE1 of the Local Plan Strategy.

### 6. Ecology and Biodiversity

- 6.1. Core Policy and Policy NR3 of the Local Plan Strategy requires that all new development should take due regard to protected species and ensure that adequate protection and enhancement should be provided along with an overall net gain for biodiversity.

## Assessment

- 6.2. The application is supported with the original Ecological Impact Assessment, a further updated survey, and an original and updated biodiversity net gain metric. The indicative plans show green spaces and green and blue corridors are indicated within the development with opportunities to retain and establish new areas to support biodiversity. Mare Brook has a stand-off area to protect and provide opportunities to increase biodiversity along its routes. The LDC Ecology Team were satisfied with the methodologies and the information provided within the submitted Preliminary Ecological Appraisal and all other supporting ecological information. The Ecology Team concurs with the conclusions of the above documents in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon any European Protected Species (EPS) in a manner as defined as an offence.
- 6.3. The Ecology Team are also satisfied with the quantitative data submitted by the applicant given the time that has elapsed since the original application.
- 6.4. The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness, and condition) and agrees it to be accurate for the site's current biodiversity value. Equally the Ecology Team agrees that the Biodiversity Impact Calculator is accurate in describing the likely achievable biodiversity value of the site post development.
- 6.6. Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as required by policy NR3 and para 6.33 of the Biodiversity and Development SPD is required as part of the new development proposals. The quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the Preliminary Ecological Appraisal and Biodiversity Impact Assessment. The Ecology Team welcomes the applicant's intention to deliver more than 20% through the updated metric to including the provision of new native planting areas and hedgerow establishment along the southern boundary.
- 6.7. As part of any resulting development the applicant will still need to submit a Construction Environment Management Plan (CEMP) (as also requested by Country Housing) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management) to ensure compliance with the Local Plan Strategy.

## Ecology Conclusion

- 6.8. The Local Planning Authority are satisfied with the Preliminary Ecological Appraisal/update and Biodiversity Impact Assessment for Net Gain must continue to be made a condition of any future planning approval to ensure that the development continues to secure biodiversity across the site in line with Core Policy 13 and Policies NR3 and BE1 of the Local Plan Strategy and Biodiversity and Development SPD.
7. Impact on 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 satisfactory 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 In 2015, Lichfield District Council signed a Cannock Chase SAC Partnership Memorandum of Understanding (MOU), which allowed the Council to progress planned housing growth in line with the Habitat Regs and with the support of Natural England and neighbouring authorities. The MOU was based on evidence from a comprehensive Visitor Survey (2012) and Visitor Impacts Mitigation Study (2013) commissioned by the Partnership. The MOU acknowledges that all housing developments of one home or more within 15km of the SAC (the “Zone of Influence”) are likely to increase visitors to the SAC, and that these visits would, in combination, have a harmful impact on the wildlife value of the SAC. However, as those living closer to the SAC visit more frequently, the MOU required housing developments within 0-8 km of the SAC to make a financial contribution to the Partnership which was to be spent on a programme of mitigation measures (e.g., fencing, habitat restoration, visitor education). These contributions effectively mitigated for the total harm caused by all housing developments within 0-15 km.
- 7.4. However, the Cannock Chase SAC partnership have now carried out additional research and published evidence which confirms that all new dwellings within the whole 15km zone of influence will increase the recreational visits to the SAC and that these visits would, in combination, have a harmful impact on the integrity of the SAC. Authorities within the partnership, including Lichfield District Council, have now signed up to a new Memorandum of Understanding (MOU) which became effective on 1st April 2022. This MOU requires housing developments within 0-15 km of the SAC to make a financial contribution to the Partnership in the absence of bespoke mitigation, which was to be spent on a programme of mitigation measures. The rate of payment is £290.58 per new dwelling which is secured by a Unilateral Undertaking (UU) or CIL receipts.
- 7.5. Whilst it is possible to take the payments from CIL receipts, there is a CIL exemption for affordable housing. In the case of the proposals, this effectively means CIL could not be charged for 80 of the dwellings proposed. As no CIL monies would be collected on these properties, it would not be possible for the Council to expend monies to the Cannock Chase Partnership and fulfil the mitigation requirements. The remaining 120 dwellings are liable for CIL payments and as such the financial mitigation for these dwellings can be taken from CIL receipts. As no bespoke mitigation for the scheme has been put forward by the applicant, to ensure that the full mitigation is achieved, a legal agreement to secure mitigation on 80 of the dwellings proposed would be required to make the development acceptable in planning terms.

## Cannock Chase SAC Conclusion

- 7.6. Given the above its is considered possible that the development could provide for satisfactory mitigation for the Cannock Chase SAC, and this is accounted for within the Heads of Terms for S106.

## 8. Sustainability

Core Policy 3 and Policy BE1 of the Local Plan Strategy require development to contribute to sustainable communities and to mitigate and adapt to adverse impact of climate change.

## Assessment

- 8.1 The development is in outline form and the development that comes forward in detailed form will be required to provide for sustainable forms of development.
- 8.2. The new emerging ‘building regulations’ requires sustainable forms of heating is provided within new residential development and this can either be by way of an air source heat pump or solar panels and this will ensure that the development that comes forward provides for this accordingly along with the provision for Electric charging points for each property. This can also

be secured by way of a conditions at reserved matters to ensure compliance with Core Policy 3 and policy Be1 of the Local Plan Strategy and the Sustainable Development SPD.

## 9. Planning Obligations

9.1 The applicant had previously agreed to enter a S106 provide contributions to offset several issues relating to the scheme and has indicated willingness to continue with this to amend in line with the updates required. Whilst not finalised can be issued if the application approved. The contributions are in line with the Developer Contributions SPD and are outlined as follows:

- 40% Affordable Housing provision on site
- Provision and future maintenance of public open space including park, local equipped play area, allotments and sustainable drainage and other green infrastructure
- Highways Contribution of £1,172,673.40 in lieu of condition 10 of the Outline approval 12/00746/OUTMEI
- Scheme for highways improvements around Cappers Lane Eastern Avenue and A5127 - £312,712.00
- Education Contribution for Primary School provision
- Travel Plan fee £2,407.00
- Contribution for Mitigation of Cannock Chase SAC unilateral/S106 of £58,116.00
- Fees for Monitoring and Management of legal agreement £2500.00

### Affordable housing

9.2. Affordable housing would need to be provided at 40% equating to 80 units. These would need to have a housing mix and tenure in line with Policy H2 of the Local Plan or the latest guidance available at the time of submission of any reserved matters application.

### Public Open Space

9.3 Policy HSC1 requires different types of open space to be provided for each development as an area per 1000 population. Equipped play, amenity space at 1.43ha per 1000 population, semi natural areas at 1ha per 1000 population and allotments at 1 plot of 150m<sup>2</sup> per 32 dwellings. For information, it should be noted that given the proposal is for 200 dwellings, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015), results in 448 residents. This then means that 0.64ha of open space, 0.448ha of semi-natural open space and 6.25 allotments or 0.09 ha of allotments. The total of general open space, semi natural areas and allotments equates to 1.178ha. This is increased marginally by the provision of equipped play.

9.4 Public open space of 2.58ha including the attenuation basin has been shown indicatively and is likely to carry over to any reserved matters application which meets requirements so no contributions are required as all open space can be provided onsite. Inclusion of this open space to be in accordance with the open space Policy HSC1 is to be included within the S106 Agreement and this open space is to be managed by a management company. The open spaces will need to be delivered before development of houses passes 70%.

### Highways

9.5 This is acceptability of the scheme in terms of highways and access is on the provision that the developer enters into a Section 106 Agreement to secure the following:

- £312,712 towards highway improvements on and around the Cappers Lane, Eastern Avenue and the A5127 junction.
- Travel plan fee of £2,407.

The applicant has also indicated that they will need to vary the original application and now make financial contribution of £1,172,673.40 in lieu of condition 10 on 12/00746/OUTMEI which required the submission and approval of plans, and the completion of offsite highways works related to the Trent Valley Junction. This payment will resolve the issue and allow the County Highway to undertake the work themselves.

9.6 Travel Plan fee payable

Education

9.6 The cost of each pupil place is based on the expansion of primary school

9.7. Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution at the following point(s):

- 30% on commencement of the development
- 30% on commencement of 30% of dwellings (i.e., for 200 dwellings it would be the 60th dwelling)
- 40% on commencement of 60% of dwellings (i.e., for 120 dwellings it would be the 120<sup>th</sup> dwelling)

9.8. Payment towards Cannock Chase SAC based on £290.58 per dwelling which equates to £58,116.00 which is payable prior to occupation

Community Infrastructure Levy

9.2 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. The application site lies within the Higher Value Zone of the CIL Charging Schedule and would be charged at a rate of £55 per square metre for residential development.

10. Other matters

Historic Environment

10.1. The NPPF, Core Policy 14 and Policy BE1 requires that the District Council will protect and have due regard to the built environment through the conservation and enhancement of the historic environment.

Assessment

10.2. *Listed Buildings* - The applicant has had due regard to assess the impact of the development on the nearest heritage assets and any archaeological finds in the locality. Heritage assets are identified as the following:

Brownsfield Farmhouse GRADE II

Netherstowe House GRADE II

Cedar House GRADE II

Streethay House GRADE II

The Manor House GRADE II

Plunge bath GRADE II

Manor House Moated site and plunge bath (Scheduled ancient Monument)

10.3. *Archaeology* - It is important to consider the impact of the development on the significance of the heritage asset amongst the others in the location. Given its location, distance, orientation and the intervening Streethay development it is considered that this would lead to 'less than substantial harm' on the setting of these heritage assets. It is also important to note that the

Historic England and the Conservation Officer raises no objections to the proposal which ensures the development has been considered in this context, so officers conclude the application remains acceptable in terms of Heritage and Cultural impact and ensures it continues to comply with Core Policy 14 and Policy NR5 and BE1 of the Lichfield District Local Plan Strategy.

- 10.4. To consider the impact on any underground archaeology, a Magnetometer Survey was undertaken as part of the scheme to locate any geographical anomalies. It found several ditch courses and drainage patterns.
- 10.5. The Staffordshire County Archaeology Officer has raised no issues with the survey and does not consider any further works be needed to be undertaken or any further conditions imposed.

#### Conclusion

- 10.5. Taking these observations into account the Local Planning Authority find the development would ensure that due regard has been taken of the cultural and historic nature of the site and has taken due regards of the surroundings to ensure compliance with Core Policy 14 and Policies NR4 and BE 1 of the Local Plan Strategy.

#### 11. Human Rights

- 11.1 The proposals set out in the report are 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 proposal provides for additional homes which support construction jobs and future investment with new occupiers utilising local facilities and facilities within Lichfield.

The development will also support the delivery of Lichfield District Council's 2016-2020 Strategy Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green, and welcoming places

Adequate information and detail have been included within the supporting information to demonstrate sustainable travel choices are available in proximity of the site. Acceptable details have been provided about the amended singular vehicular accesses to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

The Authority is satisfied, that subject to suitable measures that there will be no adverse impact on protected or priority species and ecological habitats. Regarding drainage, residential amenity, and the development's impact on the surrounding landscape, it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused. No amenity harm can be found, and mitigation measure can be secured to ensure that no harm arises from the construction phases

It is therefore considered that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

**For Completeness the original report is attached below**

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## 19/01015/OUTM

**OUTLINE APPLICATION FOR THE ERECTION OF UP TO 200 RESIDENTIAL DWELLINGS FOR PHASE 2 OF THE STREETHAY STRATEGIC DEVELOPMENT ALLOCATION (SITE REFERENCE LC1) INCLUDING COMPREHENSIVE GREEN INFRASTRUCTURE, FOOTPATHS, OPEN SPACE, CHILDREN'S PLAY AREA, SURFACE AND FOUL WATER DRAINAGE INCLUDING ATTENUATION POND, AND OTHER ANCILLARY INFRASTRUCTURE AND WORKS. ALL MATTERS RESERVED EXCEPT FOR POINTS OF ACCESS, WHICH INCLUDES TWO POINTS OF ACCESS CONNECTING INTO THE WESTERN EDGE OF THE PHASE 1 STREETHAY DEVELOPMENT. AFFECTS FOOTPATH 'FRADLEY AND STREETHAY 1'. LAND AT STREETHAY, BURTON ROAD, STREETHAY, LICHFIELD FOR MILLER HOMES**

Registered: 19/07/2019

**Parish: Fradley And Streethay**

**Note:** This application is being reported to the Planning Committee due to more than two obligations being sought within a Section 106 Agreement.

**RECOMMENDATION: (1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:**

- 1. 35% Affordable Housing;**
- 2. Education Contribution for Primary School Places;**
- 3. Offsite highways improvements scheme**
- 4. Travel Plan Contribution; and,**
- 5. The formation of a maintenance management company to maintain the Open Space**

**(2) If the S106 legal agreement is not signed/completed by the 31 March 2021 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.**

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

### **CONDITIONS**

1. The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. This is an outline planning permission and no phase of development shall be commenced until details of the layout of the site including the disposition of roads and buildings; existing and proposed ground levels and finished floor levels; the design of all buildings and structures including pumping station; housing mix and tenure; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian and vehicular access and parking layout; and the landscape and planting of the site shall be

submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

4. This permission shall relate to the erection of no more than 200 dwellings.

**CONDITIONS to be complied with PRIOR to submission of Reserved Matters details:**

5. Before the submission of any Reserved Matters pursuant to Condition 3, a detailed Masterplan, to incorporate a design code for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan shall be broadly in accordance with the Indicative Masterplan and Design and Access Statement submitted with the application and shall include the following:

Built form

- (i) Character areas;
- (ii) Building forms, heights and housing mix;
- (iii) Corner treatment;
- (iv) Elevational composition;
- (v) Placement of entrances;
- (vi) Building materials palette.

Public realm

- (i) Street types and Road Hierarchy including measures to restrain the speeds of vehicles to 20mph;
- (ii) Landscape design principles;
- (iii) Boundary treatments;
- (iv) Surface materials palette;
- (v) Planting palette;
- (vi) Integration of car parking and cycle parking;
- (vii) Connections to the surrounding area for all transport modes including pedestrian; and
- (ix) Details of green infrastructure elements including childrens play area (location, size, function and character);

Proposals contained within applications for the approval of Reserved Matters pursuant to Condition 3 shall conform to the approved Masterplan, unless otherwise first agreed in writing with the Local Planning Authority.

6. Before the development hereby approved is commenced, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
  1. The results of percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential.
  2. Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
  3. Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to 6.6l/s.
  4. Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
  5. The incorporation of adequate SuDS treatment trains to help improve water quality in accordance with CIRIA C753 Simple index Approach.
  6. Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall

arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

7. Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
  8. Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.
7. Before the development hereby approved is commenced, a scheme for protecting the dwellings from noise from the surrounding commercial noise sources shall be submitted to and approved by the Local Planning Authority. The approved scheme should be implemented before the development is first occupied and shall be the subject of a validation report, which shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first occupied. The approved measures shall thereafter be maintained for the life of the development.
  8. Before the development hereby approved is commenced, a scheme for the investigation and recording of any contamination of the site 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 used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 calendar month of the approved remediation being completed.
  9. Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority.

The CEMP shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash and details including of how noise and vibration associated with the construction phases are to be controlled and minimised. It shall also include a method of any demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme

Information submitted within the CEMP should also expand upon the information provided within the Preliminary Ecological Appraisal and Biodiversity Impact Assessment for Net Gain dated May 2020 and must detail:

1. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur)
2. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
3. Details of both species composition and abundance (% within seed mix etc....) where planting is to occur.
4. Proposed management prescriptions for all habitats for a period of no less than 25 years.
5. Assurances of achievability.
6. Timetable of delivery for all habitats.
7. A timetable of future ecological monitoring for which reports should be submitted to the Local Planning Authority every 5 years, to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.



All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

10. Before the development hereby approved is commenced, a Habitat Management Plan (HMP) shall be submitted to and approved by the Local Planning Authority. The HMP shall detail, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 9.24 Biological Units. This should be supported by an updated biodiversity metric for the site.

Information submitted within the HMP should expand upon the information provided within the Preliminary Ecological Appraisal and Biodiversity Impact Assessment for Net Gain dated May 2020 and must detail:

1. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur)
  2. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
  3. Details of both species composition and abundance (% within seed mix etc....) where planting is to occur.
  4. Proposed management prescriptions for all habitats for a period of no less than 25 years.
  5. Assurances of achievability.
  6. Timetable of delivery for all habitats.
  7. A timetable of future ecological monitoring for which reports should be submitted to the Local Planning Authority every 5 years, to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended
11. Before the first occupation of any dwelling the associated driveway shall be surfaced in a bound material, and sustainably drained, in accordance with details to be first agreed in writing by the Local Planning Authority.
  12. Before the first occupation of any dwelling the access road onto the existing spine road as shown on drawing WIE SA 03 001 A01 shall be fully constructed and open for use.

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

13. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 1900 hours Monday to Friday and 0800 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

**REASONS FOR CONDITIONS**

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

3. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
4. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
5. For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
6. This is to ensure that the development is provided with a satisfactory means of foul and surface water drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
8. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
9. In order To safeguard the amenity of existing adjacent future residents of the site, In the interests of highway safety, that the LPA can assess the likelihood of any proposed habitat to deliver biological enhancements as part of the development, that the creation works being successful in achieving both desired habitat type and condition in accordance with the requirements of Core Policies 3 and 13 and Policies NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
10. In order that the LPA can assess the likelihood of any proposed habitat to deliver biological enhancements as part of the development, and that the creation works being successful in achieving both desired habitat type and condition in accordance with the requirements of Core Policies 3 and 13 and Policies BE1, ST2, NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
11. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
12. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
13. To safeguard the amenity of existing adjacent future residents of the site in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), and the Lichfield District Local Plan Allocations (2019).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. There may be Western Power assets in the vicinity of the development works. The developer is advised to contact Western Power prior to any of works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development. Also, to prevent incursion into areas where Western Power have cable/access rights and property ownership – particularly with regard to substations and their access, the landowner/developer must contact Western Power prior to works commencing. Any works in the vicinity of electricity conductors (cables or overhead lines) should be undertaken in accordance with HSE documents GS6 and HS(G)47 - all excavation works shall be undertaken by hand around electricity apparatus and any striking of cables or overhead lines should be reported to Western Power on 105 immediately or as soon as it is safe to do so. With regard to consideration for properties being constructed in the vicinity of Western Power substations – it is strongly advised that any property (particularly dwellings) are planned to be sited no less than five metres from the boundary of a substation. For safety, the applicant must consult with Western Power regarding the siting of any new buildings close to substations. In order that connections can be made in a timely manner – any new or augmented connections for any proposed scheme must be applied for by the customer in order ascertain the scope and associated costs of works.
6. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public. Any changes to existing rights of way are subject to separate process under Section 257 of the Town and Country Planning Act 1990 (as amended).
7. The applicant is advised to follow continued progress of the HS2 scheme as it moves towards the main works construction phase.
8. Any reserved matters will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works

9. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
  10. The access and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/10>
  11. The applicant is advised that the minimum internal dimension of any garages should be 6.0m x 3.0m to ensure sufficient space to enable the secure storage of both vehicles and bicycles.
  12. The applicant is advised that all site clearance works should be completed outside of the bird nesting season (March to September), unless otherwise agreed in writing by the Local Planning Authority.
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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 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 11 – Participation in Sport and Physical Activity  
Core Policy 13 – Our Natural Resources  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 - High Quality Development

### **Local Plan Allocations**

Policy LC1 - Lichfield City Housing Land Allocations

### **Supplementary Planning Document**

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

## Other

No Adopted Neighbourhood Plan

Emerging Local Plan Review

### RELEVANT PLANNING HISTORY

19/01001/REM	Erection of 5no dwellings (to replace 3no dwellings) in pursuance of condition 1 of Outline Planning Permission 12/00746/OUTMEI	Approve	20/09/2019
18/00957/REMM	Submission of strategic landscaping proposals for Phase 2 in pursuance of Condition 1 of outline planning permission 12/00746/OUTMEI	Approve	05/02/2019
12/00746/OUTMEI	Demolition of 1 curtilage Listed building associated with Streethay House Farm and construction of a sustainable mixed use urban extension, comprising of up to 750 dwellings; a primary school; mixed use community hub/local centre to include retail development (Use Classes A1, A2, A3, A4 and A5) and community buildings (D1 Use Class) care home (C2 Use Class); comprehensive green infrastructure, including footpaths, cycle ways, open space, children's play areas, and sustainable urban drainage systems, foul and surface water drainage infrastructure including attenuation ponds, car parking up to a maximum 75 parking spaces; and other ancillary infrastructure and ground remodelling. All matters reserved except for points of access, which includes two points of access from Burton Road	Approve	03/12/2014

### CONSULTATIONS

**Conservation & Urban Design Team (LDC):** As per previous comments (05/02/2020)

Previous comments: No objection subject to conditions to secure any appropriate phasing and design through a Design Code (10/10/2019)

No objection subject to conditions to secure any appropriate phasing and design through a Design Code and concludes the development would not result in additional harm to heritage assets (08/08/2019)

**Spatial Policy and Delivery (LDC):** No objection (26/07/2019)

**Joint Waste Officer (LDC):** Provides detailed comments in respect of bin storage and refuse collection (28/01/2020 & 01/08/2019 & 08/10/2019)

**Arboriculture Team LDC:** Improved landscaping and tree protection measures required (21/10/2019 & 21/02/2020)

**Parks and Leisure Services (LDC):** The Council would not be adopting the public open space, therefore, arrangements need to be made to ensure future maintenance of any POS areas. (27/09/2019 & 22/07/2019)

**Housing Strategy Manager (LDC):** 35% Affordable Housing to be secured to include social rent and intermediate housing (09/03/2020)

**Environmental Health (LDC):** No objection subject to conditions to secure a Construction Environmental Management Plan, noise mitigation scheme, restricted hours of construction and contaminated land assessment and remediation (13/01/2020)

Previous comments: Queries regarding noise relating to the adjacent care home and nearby HS2 (21/12/2019)

**Ecology Team (LDC):** No objections subject to conditions requiring CEMP and HMP. Satisfied with methodologies and information provided. (18/06/2020)

Previous comments: Object on grounds that ecological surveys are out-of-date. (16/03/2020)

Insufficient information submitted (25/07/2019)

**Staffordshire County Council (Archaeology):** No objections and no further archaeological work required for the site following submission of WSI (26/05/2020)

Previous comments: No objections subject to condition to secure a written scheme of archaeological investigation (04/10/2019 & 07/08/2019)

**Staffordshire County Council (School Organisation):** No objection subject to financial £899,999.73 education contribution towards primary school education (30/07/2019)

**Staffordshire County Council (Flood Team):** No objection subject to condition to secure a surface water drainage scheme (08/08/2019)

**Staffordshire County Council (Highway Authority):** No objections subject to conditions requiring CEMP, driveways prior to occupation and spine road installation. Contributions via S106 and vary 12/00746/OUTMEI to deal with offsite highway works as a contribution rather than undertaking the works (06/05/2020)

**Staffordshire Police Architectural Liaison Officer:** Provides security recommendations (11/02/2020 & 08/08/2019)

**Severn Trent Water:** No objection subject to standard drainage condition (30/07/2019)

**Highways England:** No objection (09/10/2019 & 02/08/2019)

**HS2:** No objection and advises applicant follows progress of HS2 works (30/07/2019)

**Natural England:** No objection and concur with the conclusion of the Council's Appropriate Assessment (14/08/2019)

**Ramblers Association:** No objection subject to appropriate integration of footpaths with any future landscaping scheme (10/10/2019)

Initial - Request copies of site location plans are provided with future consultations. Advise any changes to right of way to be dealt with through separate process (06/08/2019)

**Western Power Distribution:** As per previous comments (27/09/2019)

Previous comments: There may be WPD assets in the vicinity of the development works. WPD would suggest that the developer contacts WPD prior to any of their works commencing. (19/07/2019)

**Staffordshire County Council (Public Rights of Way):** No objection and advises of relevant separate processes for any changes to rights of way (07/10/2019)

Previous comments: No objection and advises of potential existence of a right of way under common law (30/07/2019)

**Environment Agency:** No comments to make (26/09/2019 & 23/07/2019)

**Fradley and Streethay Parish Council:** No comments (09/10/2019)

**Network Rail:** No comments received

**Open Space Society:** No comments received

**Cadent Gas:** No comments received

### **LETTERS OF REPRESENTATION**

Two letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Increased traffic on busy access road (Oak Way)
- Concerns of pedestrian safety and limited footpath on one side (Oak Way)
- Incorrect reference to Sunday bus service which does not operate and advises of the need to comply with the terms of conditions / Section 106 attached to the Phase 1 Streethay development.

### **OTHER BACKGROUND DOCUMENTS**

Design and Access Statement  
Biodiversity Impact Assessment  
Noise Assessment  
Statement of Community Involvement  
Magnetometer Survey Report  
Air Quality Impact Assessment  
Arboricultural Impact Assessment  
Ecological Impact Assessment  
Flood Risk Assessment  
Landscape and Visual Appraisal  
Planning Statement  
Transport Assessment

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

BIR 5273\_04A - Location Plan,  
BIR.5273\_12C - Illustrative Masterplan,  
WIE12822-SA-03-001-A01 - Site Access

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### **OBSERVATIONS**

#### **Site and Location**

The application site is a 9.22 hectare parcel of green field land which lies directly adjacent to the north-west boundary of the Streethay Strategic Development Allocation site, currently under construction, and under the same ownership of the applicant, Miller Homes. The remaining surrounding area is currently open countryside, with the railway line to the west (which falls within the HS2 safeguarding zone) and employment uses further beyond.

The application site is allocated for housing development under Policy LC1 of the Local Plan Allocations document under site reference 'L2' for around 200 dwellings.

The application site is relatively level with a slight undulation. The site is bounded by hedges on all sides, and Mare Brook and the existing strategic Streethay development on its south east side. The existing Streethay development consists of 750 dwellings with a 0.67ha area of retail, community uses, care facilities, primary school and public open space.

## Proposals

This outline application seeks permission for vehicle access only, and all other matters reserved, for up to 200 residential dwellings. The proposed vehicle access would be comprised of two points of access connecting into the western edge of Phase 1 of the Streethay development. Pedestrian access could also be gained to the site from two additional points. The indicative layout it suggests three character areas; village, green edge and core; with a gross development area of 4.9ha at a density of 41 dwellings per hectare with the remaining land comprising attenuation ponds, play areas, public open space and ecological buffer zones.

## Determining Issues

1. Policy and Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Housing Mix
4. Open Spaces
5. Amenity
6. Access and Highways
7. Flood Risk and Drainage
8. Sustainability
9. Ecology and Biodiversity
10. Education
11. CIL / Planning Obligations
12. Other Matters
13. Human Rights

### 1. Policy and Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.

1.2 The application site is located adjacent to the Streethay Strategic Development Allocation site and creates an additional phase as indicated in the Local Plan Strategy Policies Map Streethay Inset 25, and is allocated for the development of around 200 dwellings (Policy LC1) within the Local Plan Allocations document which was adopted on 16<sup>th</sup> July 2019. The principle of development for up to 200 dwellings is therefore acceptable and accords with the Council's adopted Development Plan.

1.3 Paragraph 11 the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development and this is echoed in Core Policy 2 of the Local Plan Strategy. Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. In this case, the site falls within a 15km radius of the boundary of the Cannock Chase Special Area of Conservation (SAC), which is identified under the Birds & Habitats Directive. Therefore, the guidance of the NPPF is that



the presumption in favour of sustainable development would not apply in this case and thus it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This is considered fully in Ecology Section below.

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

- 2.1 Layout and appearance are reserved matters thus fall outside of the scope of this current outline application which is for main vehicle access points only. Being an outline application, detailed design is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality, appropriate to the site's context.
- 2.2 An illustrative layout plan has been submitted which shows 200 houses arranged around the site with a large area of public open space, play and attenuation pond to the north. The houses are laid out with two main roads running north to south connected in two parts and these will have spurs off. Private drives are also shown. This gives the site decent perimeter blocks and three main character areas; Village, Green Edge and residential core. These different character areas allow a lower density towards the periphery of the site and into the countryside helping to limit any visual impacts; larger gaps between houses, more landscaping, planting and sensitive house design will result in a suitable edge to the scheme. The site is to be connected organically to the existing Phase1 of Streethay and this minimises crossings over Mare Brook. At a density of 40dph the site will be congruent with the adjacent development and achieve best use of the land.
- 2.3 The site will be surrounded by existing and bolstered by trees and hedges helping to soften the periphery into the adjoining countryside and create a buffer to ecological areas along Mare Brook. Whilst technically being a bolt-on development to the main Streethay development and have a similar general appearance it will sit independently within its own enclosed area as necessitated by its context: the brook and countryside edge; this however does not mean it won't integrate well to the existing development as its links and general still result in cohesion throughout the entire Streethay development.
- 2.4 The erosion of the area's rural character is inevitable although the main views affected will be mainly local and but in wider views from the railway, farm tracks, industrial/commercial areas off Eastern Avenue, and an adjacent public right of way, the proposal would be seen against the backdrop of the larger Streethay Phase 1 development whilst being softened by dense and mature trees and hedges ensuring it would not appear overly disconnected or incongruous. Furthermore it is not expected that ridge heights will be excessive based on the type of accommodation proposed; houses rather than flats or similar.
- 2.5 The site is also connected well with two main vehicular access to the site as discussed above but also has two pedestrian/cycle routes through the site; one to the existing Streethay Phase1 development towards to the south of the site; and another access to the public right of way towards the north of the site off the public amenity/ attenuation area.
- 2.6 Whilst the proposed site layout is only indicative, it does demonstrate that the number of dwellings, open space, ecological buffers and attenuation areas proposed can be accommodated within the site as required by Local Plan Strategy Policy HSC1 without having a significant detrimental impact upon the character and appearance of the surrounding area.

## 3 Housing Mix, including Affordable Housing

- 3.1 Policy H1 of the Local Plan Strategy requires the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes, particularly in the rural areas. Consequently, it has identified the need for smaller more affordable homes.
- 3.2 The submitted indicative layout sets out that it is proposed to provide a range of different housing across the site, in terms of size and mix although these are not specified at this point; the Design and Access Statement (as amended) states at 5.8 that “The density will also allow for a range of dwellings across the site with varying sizes and tenures in order to accommodate a variety of household types. This will provide a hierarchy of dwellings from large detached properties with larger plots through to smaller terraced forms allowing for a variety in the proposed streetscape.
- 3.3 Table 8.2 of the Local Plan Strategy provides an indicative housing mix which includes 5% one bed, 42% two bed, 41% three bed and 12% four bed plus. Therefore a scheme which includes a range of properties, particularly 2 and 3 bed dwellings and aligned to the indicative housing mix would be sought and supported by the Local Plan. This is a matter to be dealt with at the Reserved Matters stage but based on the indicative layout and intention within the supporting documents it is clear that a suitable housing mix can be accommodated and provided within the site.
- 3.4 Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing with a target of up to 40%. The on-site affordable housing provision should be in line with the dynamic model of viability which is currently a delivery of 35% affordable housing based on the most recent Annual Monitoring Report. Therefore, the most up to date affordable housing target would be to achieve a total of 35% affordable housing within the site equating to 70 units.
- 3.5 As discussed above with the application in Outline only the full details of affordable units need not be defined here but it is reasonable to conclude that sufficient affordable housing of the appropriate mix can be accommodated on the site in a suitable manner in accordance with the latest guidance and needs. This is discussed at point 5.9 of the D&AS. The siting of the affordable units within the site to ensure suitable integration throughout the scheme can be addressed within the layout assessment of any reserved matters application.
- 3.6 Overall, in terms of housing mix, the authority is satisfied that a development which balances the strategic need, with the need to secure an appropriate design can be achieved and that the level of affordable housing proposed is policy compliant and therefore the development would help to achieve a social aspect of sustainable development through the delivery of affordable housing. Accordingly, it is considered that the relevant national and local housing policy requirements are satisfied and therefore the development will accord with the NPPF and Local Plan Strategy in this regard.

#### 4 Open space provision

- 4.1 It is noted that based on the current indicative layout, open space provision within the site would accord with policy HSC1 providing approximately 3.1 hectares of green space including an area of equipped play. There will also be some semi-natural ecological buffer areas to the periphery of the site and along Mare Brook which are likely to have some less formal access. However, final details of open space provision will form part of a future reserved matters application at which point a full assessment will occur. Notwithstanding this the site forms

part of the larger Streethay SDA, which will deliver larger areas of amenity green space for use by the new communities in the locality. It is noted that the open space as part of this Phase will not be adopted by the District Council.

- 4.2 Financial contributions and a requirement to provide the stated areas of public open space are to be secured via the S106, as discussed below.

## 5 Amenity

### **Amenity Impact**

- 5.1 Paragraph 180 of the NPPF advises that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”.
- 5.2 Local Plan Strategy BE1 states that new development should avoid causing disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. These points are discussed further in the sections below.

### **Noise**

- 5.3 The application site will, in due course, have existing residential properties near to its south eastern boundary although there will be a significant green buffer between the application site dwellings and the existing dwellings due to Mare Brook. To preserve the amenity of these residents, during the construction phase of development and moving forward around the local centre, the applicant’s noise assessment recommends that a scheme of noise mitigation be secured by condition. It is advised that this condition is reasonable and necessary and as such would be recommended for any approval decision.
- 5.4 There is concern from the Environmental Team that the development may be impacted by the proposed HS2 line and as such they have requested a Noise Mitigation Scheme to be submitted via condition in order to fully assess and alleviate any harm that may be a result of the increased rail activity in the vicinity.

### **Artificial Lighting**

- 5.5 The applicant is yet to provide details of external lighting. Given the surrounding characteristics of the area, namely that the site sits surrounded by a rural environment, which includes hedgerows utilised as commuting routes for bats and the brook, a condition to ensure the submission and approval of an appropriate scheme of lighting can be included although this is considered more of a reserved matters issue and should be considered at that stage. It is reasonable to presume that the development can comply with the requirements of the Development Plan and NPPF in this regard.

### **Construction**

- 5.6 In order to identify dust mitigation measures for during the construction phase of this development and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition. In addition, it is recommended that the applicant be advised by means of a note on the decision notice that no clearance of vegetation or disposal of other material via burning will be considered acceptable within this site, whilst a condition is proposed to limit the hours when deliveries and construction occur.

## **Contaminated Land**

- 5.7 Paragraph 179 of the National Planning Policy Framework states that “where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner”. Paragraph 170 advises that planning decision should prevent “new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”
- 5.8 The Environmental Protection Team has advised for the need of a contaminated land assessment and remediation scheme to be submitted to ensure there will be no harm to the sensitive end user of the site. Whilst farm land there is a potential risk of contaminate from unknown and nearby sources and a development of this size requires full investigation.

## **Residential Amenity**

- 5.9 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council’s Sustainable Design Supplementary Planning Document (SPD) contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principle window and private neighbouring residential amenity space. The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling. Finally, the SPD identifies that for 1 or 2 bed dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup> and for 5 bed dwellings 100m<sup>2</sup>. All gardens should have a minimum length of 10m.
- 5.10 The indicative layout demonstrates that the maximum number of dwellings could be erected within the site and it is likely that they can be erected in compliance with the above stated standards. Compliance with these measurements will be secured as part of any relevant reserved matters application.

## **6 Access and Highway Safety**

### **Access**

- 6.1 This application is in outline, with all matters reserved with the exception of access. It is therefore necessary to consider whether the proposed means of access is acceptable.
- 6.2 Paragraph 109 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 6.3 Paragraph 78 of the NPPF advises “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”. Paragraph 103 of the Framework seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.4 Core Policy 3 of the Local Plan Strategy advises that the Council will seek to reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking,

cycling and public transport. Core Policy 6 advises that residential development will be expected to contribute towards the achievement of sustainable communities

- 6.5 This site forms a northern extension to phase 1 of Streethay SDA, Strategic Urban Extension Identified within the Local Plan Strategy and located adjacent to Lichfield City. Phase 1 was granted consent under ref; 12/00746, subject to conditions, some of which relate to the highway. Phase 1 has been subject to several reserve matters applications with housing construction now well under way. The original site has been designed and developed with a 'loop road' system between the two junctions which provide access onto the existing highway, Burton Road (A5127). Such a layout allows for public transport to enter the site and offer residents easier access to these services.
- 6.6 This new proposed phase is an extension to the Streethay SDA and the principle of the development in highways terms is accepted. This addition of 200 houses is proposing two main access points onto the consented internal loop road system and so provides a connection to the existing adopted highway. The detailed Transport Assessment submitted with this application follows the principles and methodology agreed on the original report for the larger earlier phase of the SDA (phase 1).
- 6.7 The detailed Transport Assessment submitted with this application follows the principles and methodology agreed on the original report for the larger site. Where the analysis differs for this proposal is the roundabout junction of Eastern Avenue, Cappers Lane and the A5127. In the original proposal (Phase 1) for the SDA, the TA identified amelioration measures to this roundabout, with the provision of signalisation.
- 6.8 However, whilst assessing the proposed mitigation works it began to emerge that a larger scheme would be required to accommodate the next phase of local plan house building. Following on from this, the principle was agreed between the applicant and County Highways that the applicant would provide a financial contribution equivalent of their identified scheme towards a larger mitigation scheme, which is to be constructed once other identified contributions have been collected.
- 6.9 With the principle and amount now agreed for a contribution towards the larger roundabout scheme, the same shall be applied to this proposal. The financial contribution is calculated on a pro-rata basis for the number of units sought, it shall be collected via a section 106 prior to occupation of the 76th unit.
- 6.10 The submitted TA has also assessed the impact from this development on other parts of the network.
- 6.11 As expected, this proposal would generate additional traffic movements on the highway but the work demonstrates that these trips can be accommodated within the highway without causing a severe impact.
- 6.12 The site will also have access to other modes of transport to offer future occupants. The original proposal also included improvements to bus services which will be accessible to this site. Any additional housing will also provide a better opportunity for bus services to become commercially viable and carry on once the financial contribution has been spent.
- 6.13 There are no objections on from County Highway subject to conditions being included on any approval.
- 6.14 Based on the above and the submitted information and the above information it is considered that the access is acceptable in accordance with the Development Plan and the NPPF subject to financial contributions (discussed below) and conditions.

- 6.15 The proposed conditions include the submission of a Construction Environmental Management Plan (CEMP) prior to commencement, driveways to be surfaced prior to occupation and that the spine road through the main site has been fully constructed and open for use prior to occupation of any of the units. The Construction and Environmental Management will ensure adherence with suitable mitigation measures specific to hours of working and dust mitigation, limiting the impact upon the surrounding highway network during construction works. In addition, the document will secure a suitable routing framework for construction vehicles thereby removing the potential for conflict.
- 6.16 Details related to the internal roads will be covered under the reserved matters applications but these will be subject to further consultations with County Highways. Based on the indicative layout and submitted documentation there are no concerns about the provision of suitably designed roads and drives.

#### **Off Street Car Parking**

- 6.17 Local Plan Strategy Policy ST2 provides clarification through guidelines detailing maximum off street car parking levels, as set out in the Council's Sustainable Design Supplementary Planning Document.
- 6.18 The applicant will need to demonstrate compliance with the above noted Development Plan documents as part of any relevant subsequent reserved matters application although it is reasonable to presume that suitable parking can be provided considering the plot sizes, anticipated tenures/housing mix and the establishing of Streethay Phase 1 which has a similar character.

#### **Cycle Parking Provision**

- 6.19 The Sustainable Design Supplementary Planning Document provides guidelines for securing weatherproof cycle storage facilities. The document requires for dwellings that there be 1 cycle space provided per 2 bedroom dwelling and 2 for 3 or more bedrooms. These spaces will be secured within any garages of the plots where such a structure is available. For the remaining plots, a shed will have to be erected, which is recommended to be secured via the use of a condition at reserved matters stage.

#### **Offsite Works**

- 6.20 Given the above considerations, it is considered that the proposal could accord with the Development Plan and NPPF with regard to access/egress, highway impact and parking and cycle provision, and as such is acceptable in this regard.
- 6.21 This is acceptability is on the provision that the developer enters into a Section 106 Agreement to secure the following:
- Contribution of £312,712 towards highway improvements on and around the Cappers Lane, Eastern Avenue and the A5127 junction.
  - A travel plan fee of £2,407.
  -
- 6.22 County Highways that in lieu of that condition a financial contribution can be made via a deed of variation to the original S106 for the sum of £1,172,673.40 in order for the Local Highway Authority to undertake the works. This will form a deed of variation to the original S106 and S73 removal or variance of condition associated with Condition 10 of 12/00746/OUTMEI. This matter does not impact this application and if not undertaken then condition As part of the outline permission, 12/00746/OUTMEI, Condition 10 requires the submission of details and completion of off-site highways improvement works at the Trent Valley Junction. The submission of highways details needed to occur prior to commencement of the works with completion of the works

prior to the occupation of the 301<sup>st</sup> dwelling on the site. It has been agreed with 10 of the outline permission still stands.

## 7 Flood Risk and Drainage

- 7.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. Nonetheless, the NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk assessment (FRA) is required.
- 7.2 Paragraph 165 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with this application identifies that the scheme would result in additional impermeable areas being created within the site. As such, Sustainable Urban Drainage Systems, including the use of an attenuation pond and permeable paving shall be utilised within the scheme to mitigate this impact. These details will be defined in any reserved matters application. The measures have been considered to be acceptable by the County Council's Flood Team and therefore, subject to the use of a condition to secure the scheme's delivery in accordance with the submitted FRA, in addition to a further condition to require details of foul and surface water treatment, as requested by Severn Trent Water, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 8 Sustainability

- 8.1 Paragraph 150 of the NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built form. Therefore no conditions are required to secure sustainable built technologies within the residential phases of this development.
- 8.2 In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.

## 9 Ecology and Biodiversity

- 9.1 The Ecology Team is satisfied with the methodologies and the information provided within the submitted Preliminary Ecological Appraisal and all other supporting ecological information. The Ecology Team concurs with the conclusions of the above documents in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) subject to the appropriate suggested measures of avoidance, mitigation, compensation and net gain measures as detailed within the Preliminary Ecological Appraisal and Biodiversity Impact Assessment for Net Gain.

9.2 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its “Biodiversity Duty” (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

9.3 Adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal and Biodiversity Impact Assessment for Net Gain must be made a condition of any future planning approval.

#### **Quantitative assessment of Biodiversity Impact**

9.4 The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Biodiversity Impact Assessment for Net Gain dated May 2020.

9.5 The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 22.50 Biodiversity Units (BU).

9.6 Equally the Ecology Team agrees that the Biodiversity Impact Calculator is accurate in describing the likely achievable biodiversity value of the site post development, as 31.74 Biodiversity Units (BU).

9.7 Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as per policy NR3 and para 6.33 of the Biodiversity and Development SPD. The quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the Preliminary Ecological Appraisal and Biodiversity Impact Assessment for Net Gain dated May 2020 is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of paragraphs 9, 109 and the requirements of paragraph 175 of the NPPF 2019. The Ecology Team welcomes the applicant’s intention to deliver net gains of 9.24BU as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such the development scheme is viewed as likely being able to achieve a 65.5 % net-gain to Biodiversity Value as defined by the habitat replacement ratio and so complies with both policy NR3 of the Local Plan and the requirements of the Biodiversity and Development SPD.

9.8 However, the applicant will need to submit a Construction Environment Management Plan (CEMP) (as also requested by Country Housing) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 9.24 BU. This should be supported by an updated biodiversity metric for the site.

9.10 Within the CEMP/HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition.



## Impact on Cannock Chase SAC

- 9.11 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 a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC, as such a financial contribution is not required. The LPA has carried out an appropriate assessment under the Habitat Regulations, and have concluded that the development can be avoided or appropriately mitigated by financial contributions provided by developments in the 0-8km zone of payment. Natural England have concurred with the assessment conclusions. The LPA have satisfied their duties as a competent authority.

## Trees

- 9.12 Whilst there is initial concern by the Council's Arboriculture Team over the need for improved landscaping and tree protection measures this issue is to be considered at reserved matters stage where full landscaping scheme will be submitted. It should be noted that most, if not all, trees and hedges are peripheral and are unlikely to be affected by the development owing to the generous buffer zones shown on the indicative plans. It has been highlighted that the majority of the tree structural/highway/road frontage tree planting (structural elements) of the landscaping should be within highway verge or POS or public domain.

## 10 Education

- 10.1 The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area. The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.
- 10.2 Based on the location of the proposed development we have considered the impact on school places at the following school(s):
- Streethay Primary School, Lichfield
  - St Chad's CE (VC) Primary School, Lichfield
  - Scotch Orchard Primary School, Lichfield
  - Lichfield Secondary School Cluster
- 10.3 To understand the impact of this development on education infrastructure analysis has been undertaken using:
- Pupil Number on Roll;
  - Net capacity/funding agreement of the schools;
  - Pupil projections which include committed developments
- 10.4 In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 200 dwellings would require 63 primary school places and that 154 dwellings would require 35 secondary places and 7 Post 16 places. These are based on a pupil product ratio (PPR) 0.045 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. Where appropriate all 1 bedroom dwellings have been deducted from the dwellings numbers and at secondary level only, all Registered

Social Landlord (RSL) dwellings have also been deducted in line with our Education Planning Obligations Policy.

- 10.5 There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at both primary and secondary phases of education. Education Contributions for providing secondary school infrastructure will be sought through the CIL mechanism, however, S106 contributions are still being requested to deliver the necessary primary infrastructure.
- 10.6 A new 1FE (210 places) primary school is being delivered for September 2019 as part of a strategic site of 750 dwellings at Streethay. The contribution from this development will be put towards the 1/2FE (105 places) expansion of this school which is proposed to mitigate further development within the area. The current estimated cost for the additional infrastructure to increase the school to a 1.5FE (315 places) is £1.5 million and therefore proportional costs are being requested towards the expansion of this new primary school.
- 10.7 The cost of each pupil place based on the overall project costing £1.5million has been calculated at £14,285.71 and the contribution necessary from this development has been calculated based on the most up to date cost of the project.
- 10.8 The primary school education contribution has been calculated as follows: £1,500,000 / 105 places = £14,285.71 per pupil place x 63 places required by development = £899,999.73
- 10.9 The Local Education Authority reserve the right to amend the use and the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement.

## 11 CIL and Section 106 Contributions

- 11.1 The applicant has entered into a S106 provide contributes to offset a number of issues relating to the scheme. Whilst not finalised this is nearing completion and can be issued if the application approved. The contributions are in line with the Developer Contributions SPD 2016.

### **Community Infrastructure Levy**

- 11.2 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. The application site lies within the Higher Value Zone of the CIL Charging Schedule and would be charged at a rate of £55 per square metre for residential development.

### **Highways**

- 11.3 This is acceptability of the scheme in terms of highways and access is on the provision that the developer enters into a Section 106 Agreement to secure the following:
- £312,712 towards highway improvements on and around the Cappers Lane, Eastern Avenue and the A5127 junction.
  - Travel plan fee of £2,407.

The applicant has also indicated that they will need to vary the original application and now make financial contribution of £1,172,673.40 in lieu of condition 10 on 12/00746/OUTMEI which required the submission and approval of plans, and the completion of offsite highways works related to the Trent Valley Junction. This

payment will resolve the issue and allow the County Highway to undertake the work themselves. If this application is approved and S106 signed applications to vary the former application(s) will be submitted.

### **Affordable housing**

- 11.4 Affordable housing would need to be provided at 35% equating to 70 units. These would need to have a housing mix and tenure in line with Policy H2 of the Local Plan or the latest guidance available at the time of submission of any reserved matters application.

### **Education**

- 11.5 The cost of each pupil place based on the expansion of primary school costing £1.5million has been calculated at £14,285.71 and the contribution necessary from this development has been calculated based on the most up to date cost of the project.
- 11.6 The primary school education contribution has been calculated as follows: £1,500,000 / 105 places = £14,285.71 per pupil place x 63 places required by development = £899,999.73
- 11.7 Please note that we reserve the right to amend the use and the amount of the requested education contributions should circumstances materially change from this analysis to the point that the use(s) of the education contributions are finalised within the S106 Agreement.
- 11.8 Based on an agreed set of standard triggers the size of this development will necessitate payment of the education contribution at the following point(s):
- 30% on commencement of the development
  - 30% on commencement of 30% of dwellings (i.e. for 500 dwellings it would be the 151st dwelling)
  - 40% on commencement of 60% of dwellings (i.e. for 500 dwellings it would be the 300th dwelling)

### **Public Open Space**

- 11.9 Policy HSC1 requires different types of open space to be provided for each development as an area per 1000 population. Equipped play, amenity space at 1.43ha per 1000 population, Semi natural areas at 1ha per 1000 population and allotments at 1 plot of 150m<sup>2</sup> per 32 dwellings. For information, it should be noted that given the proposal is for 200 dwellings, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015)), results in 448 residents. This then means that 0.64ha of open space, 0.448ha of semi-natural open space and 6.25 allotments or 0.09 ha of allotments. The total of general open space, semi natural areas and allotments equates to 1.178ha. This is increased marginally by the provision of equipped play.
- 11.10 Public open space of 3.1ha including the attenuation basin has been shown indicatively and is likely to carry over to any reserved matters application which is a significant overprovision so no contributions are required as all open space can be provided onsite. Inclusion of this open space to be in accordance with the open space Policy HSC1 is to be included within the S106 Agreement and this open space is to be managed by a management company. The open spaces will need to be delivered before development of houses passes 70%.

## **12 Other Issues**

### **Heritage Assets**

- 12.1 The proposed development will bring built form closer to the south eastern side of Brownsfield Farm. This is encroaching on its setting but the proposed development is not

considered to sufficiently harm the setting of the listed building to the extent that it would harm its significance.

- 12.2 The other Designated Heritage Assets listed in the Planning Statement are already impacted by the approved Phase 1 Streethay development and this proposed Phase 2 will not result in any additional impacts on these designated heritage assets.

### **Archaeology**

- 12.3 Following negotiations with County Archaeology and upon review of documents related to the larger Streethay development there has been a withdrawal of the need for any further assessments and no need for the imposition of any conditions in this regard.

### **Public Rights of Way**

- 12.4 There is a public right of way that skirts the sites northern edge but this will connect to the site via a new pedestrian link. There are no objections about the development in terms of the public right of way as it falls outside of the site and is not to be diverted but the Ramblers have noted that integration of the site's pedestrian links to the PROW should be established; this will be fully covered under that landscaping reserved matter. In terms of impact from the PROW there will be a loss in views but this must be considered in terms of the larger Streethay development which result in the additional harm from this development being less significant.

### **Phasing**

- 12.5 Whilst the applicant and developer suggests this part of Streethay development is to be undertaken in one phase by one developer but the Conservation Team have concerns as to the implications and issues associated with this and have requested a Design Code should the site be split into smaller parcels; this will provide some cohesion and consistency. This can be secured via condition.

### **Refuse and Waste**

- 12.6 Each house needs to be provided with facilities for the storage of at least
- 1 wheeled refuse bin
  - 1 wheeled recycling bin
  - 1 wheeled garden waste
- 12.7 On collection days these receptacles have to be left on the front boundary of the property adjacent to the adopted highway (not on the highway) for collection. The Council does not encourage the use of bin collection points as these have the potential to cause nuisance such as bins being left out after collection.
- 12.8 The Council's refuse and recycling service does not normally take vehicles into private roads and courtyards unless indemnified to do so. The road surface should be sufficient to take a 32 tonne vehicle and there should be sufficient room to allow safe access and egress for a Refuse Collection Vehicle. The refuse/recycling collectors should have a pull distance of no greater than 10m. These are factors that need to be addressed in any detailed reserved matters submission but based on the scale of the development, the indicative layout and detailed designs for Streethay Phase I it is reasonable to assume that these matters can be adequately addressed. No conditions are required at this point and the applicants will be drawn to this information directly.

## 13 Human Rights

- 13.1 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. With reference to this scheme, socially, the proposal is sited ensuring no impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is broadly compliant with the requirements of the Council's Local Plan Strategy. The development will support the delivery of Lichfield District Council's 2016-2020 Strategic Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green and welcoming places.

Economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. Environmentally the site would not elongate the form of development in Lichfield City, rather in-fill an area between existing built forms and occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space could be provided on site to meet the needs of the future and existing residents, whilst the number of dwellings and mix proposed, will provide a suitable density of development to integrate into the area, whilst also helping to meet the accommodation needs of the District. The proposed density of development would be of a similar level to that of properties within the locality. It is considered that, on balance subject to conditions, the benefits of the proposed development would provide much needed affordable housing.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices are available in close proximity of the site. Acceptable details have been provided with regard to the vehicular accesses to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

The Authority is satisfied, that subject to suitable measures that there will be no adverse impact on protected or priority species and ecological habitats. With regard to drainage, residential amenity and the development's impact on the surrounding landscape, it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused.

It is therefore considered that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Therefore, subject to conditions and the applicant entering into a Section 106 Agreement, the recommendation is one of approval.

# LOCATION PLAN

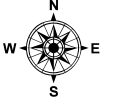
22/01680/FUL  
15 Beecroft Avenue  
Lichfield

Scale: 1:1,000

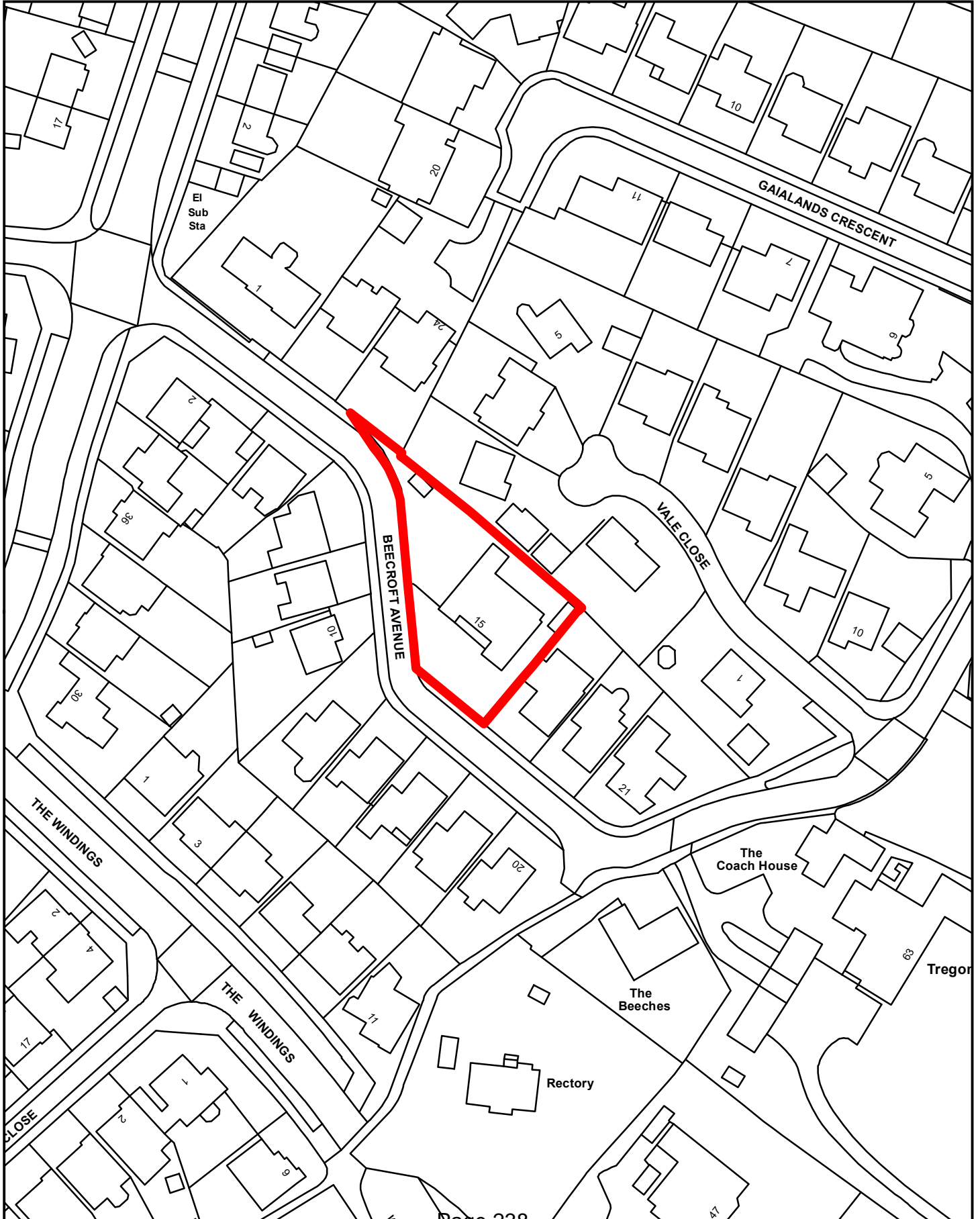
Dated: March 2023

Drawn By:

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## **22/01680/FUL**

**Demolition of existing bungalow and erection of replacement with one bungalow and one dormer bungalow**

**15 Beecroft Avenue, Lichfield, Staffordshire, WS13 7EZ**

**FOR Mr Sundip Hopal**

Registered **20/12/2022**

**Parish:** Lichfield City

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

- This is poor design – the plot is simply not big enough, or the right shape, to accommodate two residences without serious compromises against SPDs (see below) and creating significant road safety issues due to the absence of footpaths, dual bends (see below) in the road and existing on street parking.
- There is no net gain to biodiversity demonstrated and the application includes the removal of established hedges and trees, and risks to protected trees. The ecological appraisal suggesting just three species of birds is unusual given the heavy birdlife in the area and extensive use of hedges for nesting. Depending on the designation of which area is to qualify as “private amenity space” for the 4-bedroom dwelling there may be future pressure to remove protected trees.
- Highway’s impact - the proposed access to the 2 storey dwelling is just after the first bend in Beecroft Avenue and before the second bend and this is already a dangerous spot with no footpath, and due to parked vehicles there are frequently “near misses” as the road is only just wide enough for 2 passing cars. If the side garden is to be considered the “private amenity space”, in order to make this private with fences or hedges, the visibility for ingress and egress will be limited.
- There is poor residential amenity provided with little private amenity space associated with either bungalow – the three-bedroom dwelling has just a handkerchief of back garden which will be overlooked from the property in Vale Close and falls well short of the desired 10 metres length.
- The 4-bedroom property has an even smaller back garden. The “side” garden of this dwelling could only be private if there were hedges or fences running alongside the boundary with Beecroft Avenue which would exacerbate the dangers of cars leaving onto a blind bend. As this side garden is covered mainly by the protected tree there may be future conflict with a future resident seeking to remove these trees.
- The separation distances and distances from boundaries for both properties do not appear to accord with the sustainable design SPD.
- The impact on the street scene will be considerable. At the moment, this part of Beecroft Avenue is characterised by greenery with virtually all properties having landscaping to the front. The 3 bedroomed dwelling will have all its frontage given over to parking.

Lichfield City Council have also raised objections on the grounds of massing as plot appears too small for two bungalows and new access point on narrow road would significantly alter street scene.

**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 & 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, CP2, CP3, CP6, BE1, NR3, NR4 and NR7 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD, Lichfield City Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, a Construction Management Scheme shall be submitted to, and approved in writing by, the Local Planning Authority to include:

- (a) parking of vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage area of plant and materials used during the construction of the development
- (d) measures to prevent the deposition of deleterious material on the public highway.

The construction of the development shall be undertaken in strict accordance with the approved details.

Reason: To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety and in accordance with the requirements of Policies CP5, ST1 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

4. 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.

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

5. Before the development hereby approved is commenced, full details of the finished floor levels and ridge heights of the proposed dwellings along with paving levels, including their relationship to the levels of the highway, existing development and existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be undertaken in accordance with these approved details.



Reason: In order to protect the character of the existing area including protected trees in accordance with the requirements of Policies CP3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

6. Before the development hereby approved is commenced, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

7. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected in accordance with the details set out in the method statement set out in document ref 221192/AIA /A2 rev A. All protection measures shall be provided prior to the commencement of any development and retained for the duration of the construction of the development.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.

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

8. The development hereby permitted shall not be occupied until the existing lighting column within the public highway has been relocated and the existing access, within the limits of the public highway, has been revised and completed as indicated on drawing number PL03 F Proposed Site Plan dated as received 09 February 2023.

Reason: In the interests of highway safety and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

9. Before the development hereby approved is first occupied, a secure weatherproof cycle storage facility for that dwelling shall be provided in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To promote sustainable transport and to ensure sufficient parking provision within the site in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

10. Before the development hereby approved is first occupied, the new access to the site, within the limits of the public highway, shall be completed.

Reason: In the interests of highway safety and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

11. Before the development hereby approved is first occupied, the associated driveway shall be surfaced in a bound material, and sustainably drained, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The driveway shall thereafter be retained as such for the life of the development.

Reason: In the interests of highway safety and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

12. Before the development hereby approved is first occupied, the hedgerow on the site road frontage shall be reduced to, and maintained at, a maximum height of 600mm above the adjacent carriageway level.

Reason: In the interests of highway safety and in accordance with the requirements of Policies BE1 of the Local Plan Strategy and the National Planning Policy Framework.

13. Before the development hereby approved is first occupied, the boundary treatments as indicated on the approved plans shall be provided and maintained as such thereafter.

Reason: In the interests of neighbour and future occupier amenity and in the ecological interest of the site in accordance with the requirements of Policies CP3, NR3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.

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

14. Within one month of completion of each dwelling, a bat or bird box shall be installed within the southwest elevations of each dwelling. 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 Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

15. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 – 1900 hours Monday to Friday and 0800 – 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: To safeguard the amenity of residents in accordance with Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

16. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwellings 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, to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3 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) 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. 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.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19<sup>th</sup> April 2016 and commenced charging from the 13<sup>th</sup> June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant is advised that developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection day and return them as soon as possible after emptying.
6. The applicant is advised that prior to the accesses being constructed a Section 184 Notice of Approval from Staffordshire County Council will be required. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form, which is Network Management Unit, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford. ST16 2DH or email to: [trafficanetwork@staffordshire.gov.uk](mailto:trafficanetwork@staffordshire.gov.uk)  
<https://www.staffordshire.gov.uk/Highways/licences/Vehicle-access/VehicleAccessCrossings.aspx>
7. Works to relocate the lighting column to the frontage of the site will require an agreement with the appropriate authority. Please contact [lightingforstaffordshire@eonenergy.com](mailto:lightingforstaffordshire@eonenergy.com) for further information. Please note the lighting column must be relocated before the access is extended.
8. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

Awareness is needed of bird nesting season, (March-August inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. This is in specific reference to; onsite trees, vegetation, and hedgerow – which works would cause disturbance to, should birds choose to inhabit and nest within.

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.

9. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, 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 at the earliest opportunity to discuss the implications of our 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 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Policy CP13 – Our Natural Resources  
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 ST1 – Sustainable Travel  
Policy ST2 – Parking Provision

### **Local Plan Allocations**

No relevant Policies

### **Supplementary Planning Documents**

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

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

No relevant Policies

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

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and 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  
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.

## **CONSULTATIONS**

**Lichfield City Council** – Object due to massing as plot appears too small for two bungalows. Also, concerns raised regarding new access point on narrow road and the development would significantly alter street scene. (16.01.2023).

**Severn Trent Water** - No objections raised subject to a drainage condition. (13.01.2023).

**Staffordshire County Council (Highways)** - No objections. The highway Authority accepts the proposal and recommends conditional approval. (03.02.2023).

**LDC Waste Management** - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection day and return them as soon as possible after emptying - (03.01.2023).

**LDC Tree Officer** - Final- The revised information is acceptable as it relates to the amended location block/site plan. It will be necessary to secure the implementation/retention of the tree protection details via a suitably worded pre-commencement condition. No dig surfacing (foot access to the perimeter of the property) will be required within the RPA's of the retained trees. As this has an increased profile depth when compared to standard construction, finished floor levels and threshold levels will need to compensate for this. As a result, a pre-commencement condition requiring paving levels, FFL's, threshold levels and ridge heights should be applied – (15.02.2023).

Updated - Following revision, the layout is now acceptable. The Arboricultural Impact Assessment will need revision to reflect the changes to the layout and to update the tree protection/methods of working. (06.02.2023).

Initial – As submitted the proposal appears to be in conflict with policy NR4 of the adopted local plan and the Trees, Design and Landscaping SPD. Conflicts in this instance relate to parking beneath T3 (issues with material/honeydew falling on cars), parking adjacent to T1 and similar issues, proximity of the corner of the dwelling with T1, and the built form of the plot moving closer to T3 - (12.01.2023).

**LDC Ecology Team**- The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal (PEA) and agrees with the conclusions it that it can be considered unlikely that the proposed works would negatively impacting upon a European Protected Species\* (EPS)\*. Adherence by the applicant to all methods of working detailed within the assessment must be made a condition of any future planning approval. (07.02.2023).

**LDC Environmental Health Team** No objection to the proposals and recommend condition. (19.01.2023).

**LDC Conservation and Urban Design Team** - The proposal for two dwellings is considered to be suitable within the site context. With regards to design, it can be seen that the proposal bungalows draw on inspiration from the immediate context taking cues from the neighbouring bungalows. In terms of scale, they again fit in with the existing bungalows and are considered to be in keeping within the street scene. It is overall considered that the proposal would not look out of place and would blend into the street scene. In terms of materials full details are required for the proposal to be

acceptable. Recommend the addition of conditions to secure quality, sustainable materials. (27.01.2023).

### **LETTERS OF REPRESENTATION**

11 letters of representation have been received from neighbouring occupiers and local residents in respect of this application. The comments made are summarised as follows:

- Site looks flat whereas it is in fact on a slope which may have implications on retaining wall
- Inconsistency on which tree is to be felled
- Ownership of hedge to the rear of the site should be established
- Overlooking windows from 2 bathrooms and stairwell
- Urge developer to be considerate of trees
- Concerns re thorough fare during demolition and development
- If there is risk from trees, please fell.
- Only 2 parking spaces for four-bedroom house
- Driveway is located on a dangerous corner
- Restricted space and visibility
- The hedge to the front is in the way and stops visibility
- We do not want the hedges to be removed
- Boundary fence will need to be the responsibility of the owners
- Dual height development will change views, could be overlooked by second storey element
- The plot is large enough for 2 properties if it were somewhere else

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

PL01 Location Plan dated as received 09 December 2022

PL02 Existing Site Plan dated as received 09 December 2022

PL03 F Proposed Site Plan dated as received 09 February 2023

PL04 A Proposed layout Plans dated as received 19 December 2022

PL06 A Proposed Bungalow Layout and Elevations dated as received 19 December 2022

PL07 A Proposed Dual Height Bungalow Layout and Elevations dated as received 19 December 2022

PL08 Existing Bungalow elevations dated as received 19 December 2022

PL09 Existing Bungalow Floor Plan dated as received 19 December 2022

PL20 A Site Survey dated as received 19 January 2023

221192/AIA /A2 rev A Tree Survey, AIA and Method Statement dated as received 15<sup>th</sup> February 2023

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### **OBSERVATIONS**

#### **Site and Location**

The application site relates to a detached vacant 4 bedroom bungalow, which is currently in a state of disrepair. The proposal property was built sometime between 1917-1966. The street Beecroft Avenue appears to be named after the property which was originally called 'Beecroft'. The site lies within the settlement of Lichfield as defined by the Local Plan Policies Map.

The application dwelling is set within a triangular shaped plot which includes a silver birch and two common beech which are protected trees (Tree Preservation Order ref 2021/00462/TPO).

The immediate surrounding area is residential in character. Surrounding residential dwellings are a mix of two storey modern and traditional style detached houses and modern detached single storey bungalows.

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

An Ariel photograph of the site is shown below, with the red line broadly indicating the application site.



### Proposals

This application seeks permission for the demolition of the existing bungalow and the erection of a replacement single storey bungalow and a dormer bungalow. The proposed block layout plan indicating the two replacement dwelling houses is shown below:



The single storey bungalow would be set approx. 2.5m back from the front elevation of the adjacent bungalow (highlighted in blue in the above plan). A 2m high timber fence with concrete posts will border the plot boundary. A hedgehog highway will be located within the fencing to the north western boundary of the site. There would be parking for 2 cars to the front to serve this property. Internally there would be 3 no bedrooms, 1 no bathroom, 1 no WC and kitchen diner/lounge located in the ground floor. There would be two bay windows to the front elevation with access to the north western side elevation.

The proposed dormer bungalow would be set approx. 2.8m back from the adjacent proposed bungalow. A 2m high timber fence with concrete posts will border the plot boundary. A hedgehog highway will be located within the fencing to the north eastern boundary and two off road parking spaces would be provided to the front of the site. Internally there would be 1 no bedroom, 1 no bathroom, 1 no ensuite shower room and kitchen diner/lounge to the ground floor with a further 3 no bedrooms within the roofspace. There would be glazing within the north western elevation to ground floor and within the gable to the front elevation with access to the north western side elevation. To the front elevation there would be 4 no windows to the ground floor with 2 no windows within the gable.

The application is supported by a Tree Survey, Arboricultural Implication Assessment and Method Statement.

### **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. Impact on Trees
6. Ecology and Cannock Chase Special Area of Conservation
7. Human Rights

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

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield City Neighbourhood Plan was also made in April 2018 and as such, also carries full material weight.
- 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 the replacement of the existing 4 bedroom bungalow with a 4 bed property and 3 bed bungalow. Given that the net increase of development on the site relates to a 3 bed property, 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 an additional 3 No. bedroom dwelling within the site 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 highways, accessibility and ecology are discussed and assessed in further detail below.
- 1.6 In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 6 of this report.

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

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

#### Assessment

- 2.2 The proposed scale and design of the replacement dwelling houses are considered to be acceptable and reflect the character of the surrounding vernacular. A condition is recommended to secure the use of appropriate exterior materials to ensure a satisfactory appearance of development.
- 2.3 Comments made regarding over-development of the site, and density are noted. Whilst the density of the built form on the site would be increased, this would not cause unacceptable harm to the surrounding street scene or character of the area. Officers consider that the development can be integrated into the site, and the proposal would not result in over-development.
- 2.4 The proposals will bring a vacant and dilapidated dwelling/site back into residential use and are considered to assimilate well with surrounding development. The proposals are therefore in accordance with Local Plan Strategy Policies CP3 and BE1 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.
- 3.2 The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing impacts. The SPD guidelines require a

minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space.

- 3.3 The SPD goes on to state that all private amenity spaces should be a minimum of 10 metres in length and the total area of garden should be a minimum of 65 square metres for dwellings with 3 and 4 bedrooms.

#### Assessment

- 3.4 In terms of the impacts on the light and privacy enjoyed by existing neighbouring properties, the separation distance guidelines, including the 45 Degree Code as set out in the Sustainable Design SPD would be met by the proposals.
- 3.5 The Sustainable Design Supplementary Planning Document residential design standards as set out in Appendix A requires that all private amenity space should be a minimum of 10m in length and that dwellings with 3 or bedrooms should provide a minimum of 65m<sup>2</sup> of garden. It is noted that the proposed 3-bedroom bungalow benefits from a garden 7.35m in depth at the rear and a total of 86m<sup>2</sup> of garden. On balance it is considered that the shortfall in length or depth of amenity space is acceptable due to the overall footprint of the garden. The garden of the proposed 4-bedroom dormer bungalow is 4m in depth to the boundary at the rear, with a total area of over 200m<sup>2</sup> of garden being provided. Again, on balance it is considered that the shortfall in length is acceptable due to the increased area of garden and its overall layout. It should be noted that the existing bungalow fails to meet the 10m depth of garden guideline, with the depth varying between 5.5m and 1.52m.
- 3.6 On the whole, the proposal would provide an acceptable level of residential amenity whilst causing no unacceptable harm to the existing amenities, such as light and privacy enjoyed by neighbouring occupiers. As such the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

#### 4. Access 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'.
- 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 3 bed dwellings is two spaces per dwelling.

#### Assessment

- 4.4 The submitted information demonstrates that the proposals deliver sufficient off road parking provision to serve each new dwelling within the confines of the site. As such the proposal meets the parking requirements of the Local Authority as set out in the Sustainable Design SPD. Conditions have been recommended which ensure that the parking and access is provided prior to the first use of the dwelling as indicated the submitted layout plans. In addition, conditions are added to ensure that the development shall not be occupied until the hedgerow is reduced

to a maximum height of 600mm above the adjacent highway to ensure that visibility is provided and free of all obstructions, as recommended by Staffordshire County Council Highways.

4.5 Further conditions have been added to control the loading/unloading and storage of plant and materials, including measures to prevent the deposition of deleterious material on the public highway during construction of the development. A condition is also recommended to ensure appropriate cycle storage facilities are provided for each dwelling prior to their first occupation.

4.6 Comments made regarding highway and pedestrian safety are noted, and these have been addressed above. It is considered that, subject to conditions, the proposal would not result in an unacceptable impact on highway safety and therefore accords with the development plan with regard to access, sustainable transport and parking provision, Local Plan Strategy and the NPPF, in this regard.

## 5. Impact on Trees

5.1 Policy NR4 states that trees, woodland and hedgerows are important visual and ecological assets and that trees will be protected from damage and retained. The application site contains a number of protected trees, and this application is supported by a Tree Survey which has been carried out by a qualified, and chartered Arboriculturist, and sets out how the protected trees would be retained, and afforded protection during works.

### Assessment

5.2 The site contains trees which are protected by a Tree Preservation Order and it is noted that tree protection information has been submitted to support the application. The Council's Arboricultural Officer has considered the submissions and raised no objections to the scheme subject to securing implementation of the tree protection details. Given that the submitted details may have implications for ground levels detail regarding paving levels and the finished floor levels of the dwellings will be secured via an appropriately worded condition.

5.3 Comments regarding the retention and protection of existing trees has been considered above and the proposal is considered to be acceptable subject to conditions, and accords with Local Plan Strategy Policy NR4, the Trees Landscaping and Development SPD and the National Planning Policy Framework.

## 6. Ecology and Cannock Chase Special Area of Conservation

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

6.2 The 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.

6.3 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

- 6.4 The submitted Preliminary Ecological Appraisal and Bat Survey demonstrates that the proposal is unlikely to negatively impact upon a European Protected Species. The Council's Ecology Officer has reviewed the proposals and supporting information and has confirmed the development will not cause harm or impact upon protected species. The Local Planning Authority (LPA) is therefore in a position to demonstrate compliance with the Habitat Regulations 1994 (as amended 2017), which places a duty on the LPA when considering an application for planning permission, to have regard to its effects on European protected species.
- 6.5 The recommendations of the Ecology Team regarding bat /bird boxes would be secured by condition to ensure net biodiversity gains are achieved in accordance with Local Plan Strategy Policy NR3, the Biodiversity and Development SPD and the National Planning Policy Framework. It is noted that the proposals include a hedgehog highway which further enhances the net gain to biodiversity within the site, this would be secured through a condition requiring the boundary treatments to be provided and maintained. The neighbouring hedges would remain along the boundaries of the site, and boundary fencing would be provided within the site to clearly indicate the boundaries.
- 6.6 Turning to the Cannock Chase SAC. In accordance with Regulation 63 of the habitat 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 for the net increase of one dwelling on the site.
- 6.7 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.

## 7. Human Rights

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

## Conclusion

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

The material planning matters have been considered as set out in this report and found to be acceptable subject to the inclusion of necessary conditions. The scale and overall design of the proposed development is not considered to result in harm to the built or natural environment and the character of the area and would bring about improvements to a plot in a poor state of repair which currently detracts from the attractiveness of the area. Furthermore, the proposal would not give rise to any

significant additional harm to adjoining, or nearby neighbours' amenity, or result in severe highways safety impacts.

In respect of the above, the proposal constitutes a sustainable form of development that enables further housing to an important settlement within the district; whilst complying with the relevant policies contained within the Local Plan Strategy and the relevant policies within the NPPF.

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

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