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District Council House, Frog Lane
Lichfield, Staffordshire WS136YU

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20 July 2018

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 30TH JULY, 2018 at 6.00 PM IN THE COUNCIL CHAMBER** District Council House, Lichfield to consider the following business.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Neil Turner'.

Neil Turner BSc (Hons) MSc
Director of Transformation & Resources

To: **Members of Planning Committee**

Councillors Marshall (Chairman), Powell (Vice-Chair), Mrs Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Little, Matthews, Pritchard, Mrs Stanhope MBE, Strachan and A Yeates



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 3 - 4
4. Planning Applications 5 - 108
5. Issues Paper - Planning Application Ref. 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)
Location: Land Off Browns Lane, Tamworth 109 - 116
6. Confirmation of Tree Preservation Order No. 409-2018 - Trees at Homeleigh, Croft Farm and Shenstone House, Shenstone Woodend, Lichfield, Staffordshire. WS14 0LF 117 - 122
7. Confirmation of Tree Preservation Order no. 412-2018 - Trees at Homestead, 8 The Beck, Elford, Tamworth, Staffordshire. B79 9BP 123 - 144



PLANNING COMMITTEE

2 JULY 2018

PRESENT:

Councillors Marshall (Chairman), Mrs Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Drinkwater, Mrs Evans, Mrs Little, Matthews, Pritchard and Strachan

6 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Mrs Stanhope MBE and Councillor A Yeates.

7 DECLARATIONS OF INTEREST

There were no declarations of interests.

8 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 4 June 2018 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

9 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Director of Place and Community and any letters of representation and petitions together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 17/01191/OUFMEI and 18/00538/COU.

17/01191/OUFMEI – Hybrid planning application comprising full planning application for the construction of a sustainable mixed use urban extension comprising of 475 dwellings, new vehicular access points onto Claypit Lane and Birmingham Road, the remodelling and formation of a roundabout at the junction of Fossey Lane and Claypit Lane, comprehensive green infrastructure including up to 16.55 ha of country park, footpaths, cycleways, multifunctional open space including children’s play areas, community orchard, open space for informal sport and sustainable urban drainage systems, foul and surface water drainage infrastructure including balancing ponds, and other ancillary infrastructure and ground remodelling with outline applications for the serviced provision of 1.09 ha of land for a primary school and 1.9 ha for strategic sports provision with all matters reserved except access Deanslade Park, Land South of Falkland Road, Lichfield, Staffordshire
For Deanslade Park Consortium

RESOLVED:- Subject to the applicant first submitting revised details to demonstrate that acceptable vehicular access will be provided to serve 4 dwellings adjacent to Claypit Lane and that delegated authority be conferred on the Planning Development Manager in liaison with the Chairman and Vice-Chairman to agree such alternative layout in this regard. Then:

- (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. On-site affordable housing provision;
 - 2. On-site Public Open Space Provision (including Delivery of Country Park);
 - 3. On-site Sports Provision (including changing facilities);

4. Bus Service and Travel Pack Contribution;
5. Primary School Education Contribution;
6. Travel Plan;
7. Off-site highway works;
8. Maintenance Management Company.

Planning permission be approved, subject to conditions, as set out in the main report, as amended in the supplementary report and an additional condition to read as follows:

Condition: The site compounds hereby approved as shown on approved plan P16-0237_29 Revision 1 shall be removed from the site and the land altered to the use and appearance as agreed under the requirements of condition 10, within 6 months of completion of the residential properties.

Reason: To ensure that the approved Open Space, Landscaping and Country Park schemes, which are to enhance the development, are fully implemented and in order to protect the openness of the Green Belt, in accordance with the provisions of Policies BE1, HSC1, NR2 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

- (2) If the S106 legal agreement is not signed/completed by the 2 November 2018 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.

18/00538/COU – Change of use of public open space to form an increase in the garden area of the adjacent property, including installation of new 2.0m high boundary fence, demolition of existing boundary wall, and installation of new timber gate
14 Bloomsbury Way, Lichfield
For Mr D Cobb

RESOLVED:- That planning permission be **refused** for the following reason:-

The boundary treatment, by virtue of its siting, height and proximity to the public footpath would result in an over-dominant and incongruous form of development which would create an inactive edge directly adjacent a public footpath. Furthermore, it would enclose and narrow the area around the public footpath, detracting from the character and appearance of the area to the detriment of the public amenity. The proposal would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy 2015; the Sustainable Design Supplementary Planning Document and Government Guidance contained in the National Planning Policy Framework (2012).

(The Meeting closed at 7.09 pm)

CHAIRMAN

30 July 2018

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Director of Place and Community

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 (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and an adopted Neighbourhood Plan for the relevant area.
- 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** (Gold Sheets)

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

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). (Gold Sheets)

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

30 July 2018

CONTENTS

Case No.	Site Address	Parish/Town Council
17/01629/FUL	15 Gaiafields Road Lichfield	Lichfield
17/00016/FULM	Land North West Broad Lane Huddlesford	Whittington And Fisherwick
18/00648/FULM	Liberty Park Burton Old Road Lichfield	Fradley And Streethay
18/00931/FUL	The Old Forge 1 Manor Road Kings Bromley	Kings Bromley

LOCATION PLAN

17/01629/FUL
15 Gaiafields Road
Lichfield

Scale: 1:1,000

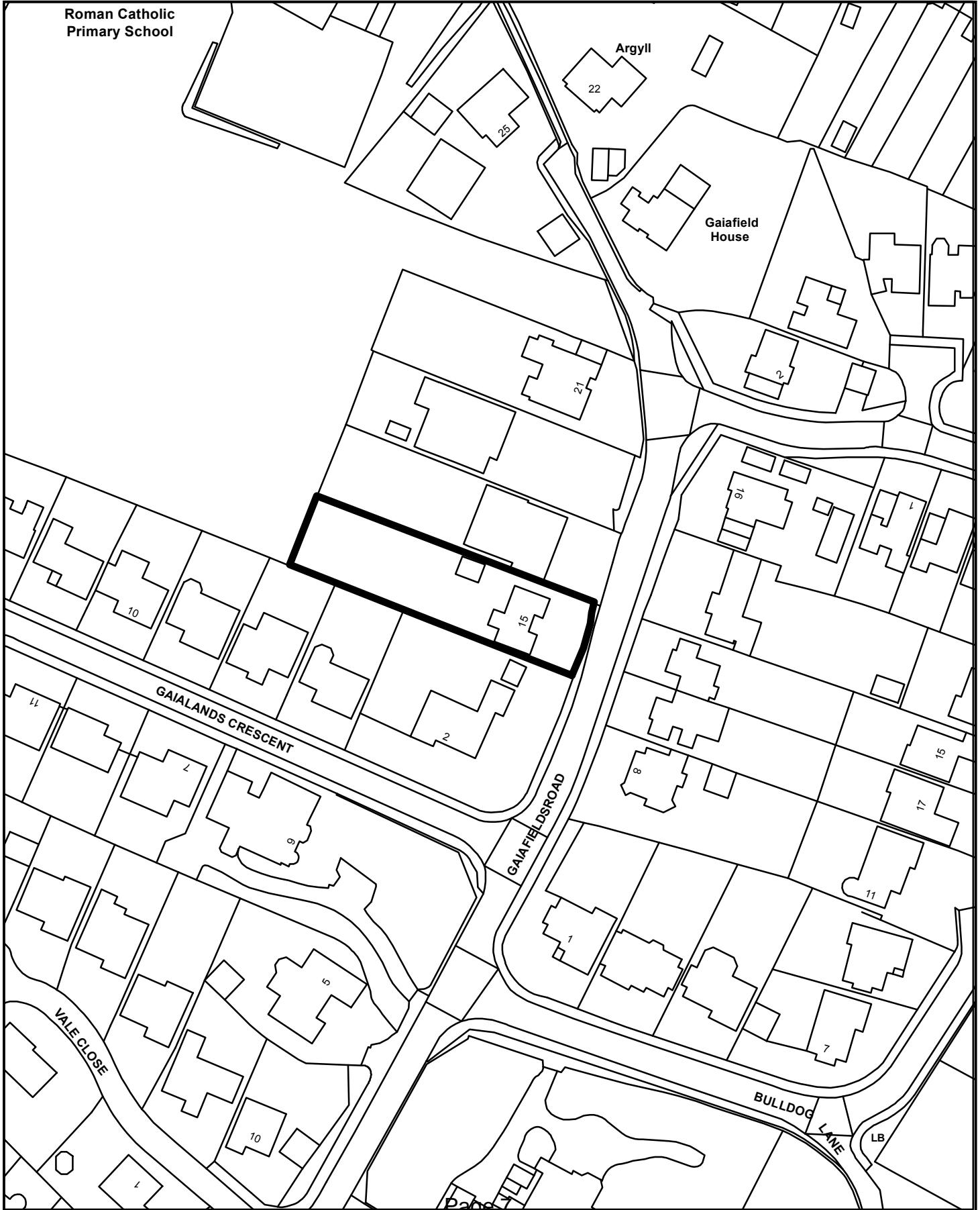
Dated: June 2018

Drawn By:

Drawing No:



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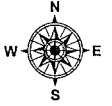
BLOCK PLAN

17/01629/FUL
15 Gaiafields Road
Lichfield

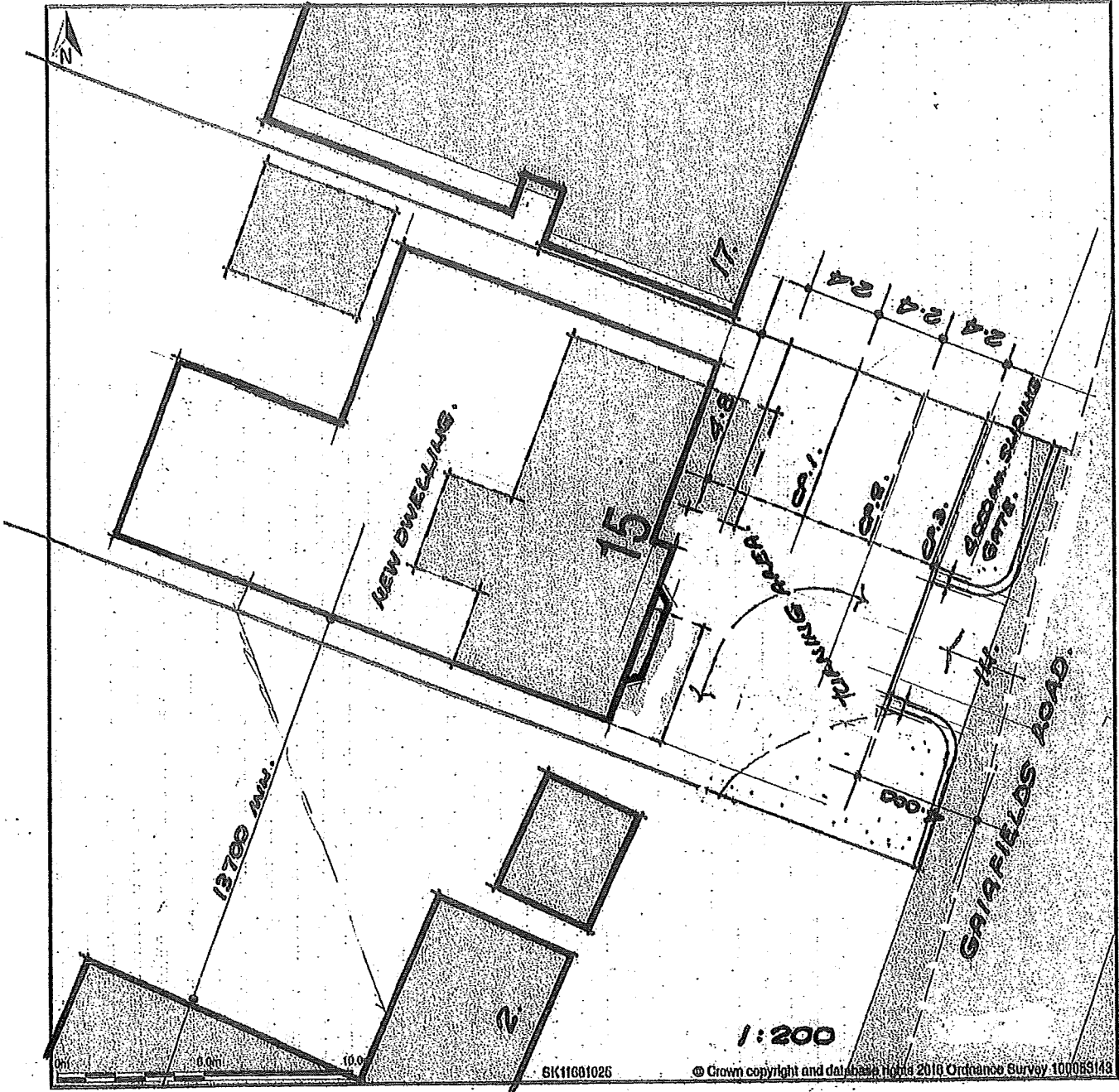
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**DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 1NO REPLACEMENT DWELLING WITH SINGLE STOREY GARDEN ROOM
15 GAIAFIELDS ROAD, LICHFIELD
FOR MR A GARRATT
Registered 15/11/17**

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Lichfield City Council on the following grounds:

- Inaccuracies on the drawings;
- Massing in terms of length and height and breaking the 45 degree rule for neighbouring properties;
- Revised plans show the building being increased in length and pushed further back into the site exacerbating concerns expressed by neighbour; and,
- Concerns with raising of garden land to the rear and the impact on neighbours.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

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

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

- 3 Before the development hereby approved is commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Full details of all external materials;
 - ii) Full details of all external fenestration and doors;
 - iii) Full details of all finished floorscape surrounding the dwelling; and
 - iv) Full details of the height, design, type and position of all boundary treatments including walls, fences and gates to be erected on the site.

The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

- 4 Before the development hereby approved is commenced, including any demolition works, a Construction Vehicle Management Plan (CVMP) shall be submitted to, and approved in writing by the Local Planning Authority. The management plan shall include:
 - Arrangements for the parking of site operatives;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Construction hours;
 - Delivery hours;
 - Recorded daily inspections of the highway adjacent to the site access; and
 - Measures to remove mud or debris carried onto the highway.

The development shall thereafter be carried out in complete accordance with the approved CVMP details and thereafter adhered to throughout the demolition and construction period.

- 5 Notwithstanding the details provided, before the development hereby approved including any demolition and / or site clearance works is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree / hedge protection measures shall thereafter be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
- 6 Before the development hereby approved is commenced, a method statement, including materials to be used and construction details for any works or structures (e.g. edgings, drains, walls, services) within or immediately adjacent to the root protection area of trees or hedgerows to be retained on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

All other CONDITIONS to be complied with:

- 7 The development shall be carried out in accordance with the finished floor level details as shown on drawing AG/102/2.
- 8 Before the development hereby approved is first occupied, details of a bat/bird box to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved bat/bird boxes shall be installed prior to the first occupation of the dwelling and thereafter maintained, in accordance with the approved scheme for the life of the development.
- 9 Before the dwelling hereby approved is first occupied, the parking and manoeuvring areas indicated on approved plan AG/101/4 shall be completed and surfaced in a porous bound material, which shall thereafter be retained as such for the life of the development.
- 10 All windows in the north east side elevation at first floor level shall be fitted with obscure glazing with top hung openings only. The windows shall be thereafter retained as such for the life of the development.
- 11 The rooflights in the south west facing roof slope shall be fitted with obscure glazing. The rooflights shall be thereafter retained as such for the life of the development.
- 12 The side facing windows serving the dining room and study in the south west elevation and lounge in the north east elevation, hereby approved, shall be fitted with obscure glazing and fixed shut and shall thereafter be retained as such for the life of the development.
- 13 The boundary hedgerow to the south west side and north west rear boundaries of the site shall be retained for the life of the development.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the dwelling hereby approved shall not be enlarged or

extended without the prior written permission, on application, to the Local Planning Authority.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no windows, or other openings shall be created in the side elevations at first floor level or within the roof slopes without the prior written permission, on application, to the Local Planning Authority.
- 16 The outbuilding (garden room/site welfare unit) hereby approved shall be used for purposes ancillary to the residential use of 15 Gaiafields Road only, and shall not be used, sold or let as a separate dwelling unit or business unit.
- 17 The garage accommodation hereby approved shall be used for the garaging of private vehicles and/or for ancillary domestic storage purposes only and shall not be used to provide additional living accommodation without the prior written permission, on application, to the Local Planning Authority.
18. Before the parking and turning area hereby approved is first brought into use, an interceptor drain shall be installed across the site entrance, and retained for the life of the development.
- 19 Within 1 month of the new site access being completed, the existing site access from Gaiafields Road made redundant as a consequence of the development, shall be permanently closed in accordance with the approved drawing.
- 20 The approved landscape and planting scheme, as shown on drawing AG/101/5 shall be implemented within eight months of the development hereby approved being first occupied, unless otherwise first agreed in writing by the Local Planning Authority. Any tree, hedge or plants planted as part of the approved landscape and planting scheme on the site which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise first agreed in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
- 3 To ensure the satisfactory appearance of the development and to safeguard the character of the surrounding area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, and the National Planning Policy Framework.
- 4 In the interests of highway safety, in accordance with Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 5 To safeguard any existing trees and hedgerow, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
- 6 To safeguard any existing trees and hedgerow, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

- 7 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 8 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.
- 9 In the interests of highway safety, in accordance with Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 10 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 11 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 12 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 13 To safeguard the amenity of neighbouring occupiers and safeguard any existing landscaping features, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
- 14 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 15 To safeguard the amenity of neighbouring occupiers in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 16 To safeguard the amenity of neighbouring occupiers and to ensure the building is used for ancillary purposes, in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
- 17 In the interests of highway safety and to ensure a satisfactory level of parking is maintained in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
- 18 In the interests of highway safety, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 19 In the interests of highway safety, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 20 To ensure the satisfactory appearance of the development in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a

fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. 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.
4. Please note that prior to the access being revised you require Section 184 Notice of Approval from Staffordshire County Council. 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 nmu@staffordshire.gov.uk)<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
5. The applicant is advised that no part of the proposed boundary wall to Gaiafields Road or associated foundations shall project forward of the highway boundary.
6. The applicant is advised that any soakaway should be located a minimum of 4.5m rear of the highway boundary.
7. Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the site, 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.
8. The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

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 Lichfield 1 - Lichfield Environment
Policy Lichfield 4 - Lichfield Housing
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision.

Policy H1 - A Balanced Housing Market
Policy BE1 - High Quality Development
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodlands & Hedgerows

Supplementary Planning Document

Sustainable Design
Trees, Landscaping and Development
Biodiversity and Development
Developer Contributions

Other

Lichfield City Neighbourhood Plan

RELEVANT PLANNING HISTORY

17/01114/FUL – Demolition of bungalow and erection of a 5 bedroom detached dwelling and a detached garden room / store and associated works – Refused 29.09.2017

CONSULTATIONS

Lichfield City Council – Recommend Refusal; the revised plans do not seem to have addressed the previous objections, which therefore still apply. The building has been increased in length and pushed back further in to the garden space which further exacerbates concerns previously expressed by the neighbouring property. (1/6/18 & 29/6/18)

Previous comments - Recommend refusal. Continued inaccuracies on drawings. Overall massing, and breaking of the 45 degree rule for neighbouring properties and raising of garden land to rear of the site would impact on neighbours (12/03/18, 15/02/18 & 09/02/18).

Previous comments: Recommend refusal. Despite improvements to the design there are insufficient dimensions on the plans for the house, the ridge height is too high and there is no information on the garden room (08/12/17).

Staffordshire County Council Highways – No objections, subject to the imposition of conditions with regards to the submission of a Construction Vehicle Management Plan and provision of access, parking and turning areas, and closure of existing access (15/6/18).

Previous comments - No objections, subject to the imposition of conditions with regards to the submission of a Construction Vehicle Management Plan and provision of access, parking and turning areas (16/02/18).

Severn Trent Water – No objections. No drainage conditions need be applied (04/12/17 & 3/7/18).

Arboriculture Officer – No objection. The amended plans include detail for the area of ground within the root protection area of T1 (Beech) within an adjacent property. Replacement of soil to roughly pre-existing levels and the construction of retains structures/removal of previously proposed parking areas should provide a better relationship with the tree than the previous plans indicated (19/01/18).

Previous comments: A tree survey has now been received including a tree constraints plan and a tree protection plan. However there are concerns with the conclusions within the tree survey. From experience, Beech trees are sensitive to changes within the rooting area, in particular the introduction of hard surfacing. It is not considered that 3 car parking spaces can be accommodated within the RPA, even with the use of an engineered surface. The introduction of car parking spaces under the canopy of the TPO is also likely to produce conflict. The proposal includes the installation of a retaining wall at the boundary and the introduction of a wall at the front of the property.

Resulting excavation is likely to further affect the roots of this tree and therefore recommend that these elements are omitted. Soft landscaping alternatives to secure and maintain the bank on which the row of Holly stands and to the front of the property should be provided (22/11/7).

Previous comments: The supporting statement indicates a tree report has been undertaken but it is not supplied and as such a robust assessment of the impact of the development, particularly parking arrangements cannot be made. Until such time as the tree report is received this application cannot be supported on the grounds of potential damage to a protected tree (21/11/17).

Ecology Team– No objections (5/6/18 & 4/7/18)

Previous comments - No objections. The ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However, under Policy NR3 of the LPS a net gain to biodiversity must be incorporated into all developments. It is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or a bat brick, swallow cup etc.). A net-gain to biodiversity value could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features (21/11/17).

Environmental Health – No objections (8/6/18 & 15/12/17).

LETTERS OF REPRESENTATION

95 letters of objection have been received in respect of this application. This includes 23 letters from residents at no. 2 Gaialands Crescent; 13 letters from no.1 Bulldog Lane; 8 letters from 11 Gaialands Crescent; and 6 letters from 17 Gaiafields Road. A petition against the proposals with 37 signatures has also been received.

The comments made are summarised as follows:

Design and impact on area

- Size of the proposed dwelling too large.
- Over dominant in the streetscene.
- Inappropriate to the character of the area.
- Destroying the green and open feel to the road.
- The design will make it completely incongruous within the area.
- A boundary wall with railings and an electric gate will add to the incongruity of the development.
- Over-development resulting in a potential 6 bedroomed house causing an eyesore for all residents apart from occupiers.
- Overall scale, size and massing inappropriate and would be detrimental to streetscene and neighbour amenity.
- Height, width and breadth of the proposed re-development are intrusive and unacceptable.
- Change in the existing ambience of the immediate locality.
- Footprint much larger than the existing bungalow and internal floor area which is several times greater. Should be refused on massing.
- Other properties have not increased their footprint anywhere near as much as these proposals.
- The original bungalow is to be completely demolished despite not being the case for permitted adjoining developments.
- Precedent would be set for inappropriate builds of this nature.
- The restrictions which were applied to adjacent residents in the development of their properties should be reflected in this application and they are not. Those restrictions concerned demolition, which was not allowed, building type and ridge height.
- This is not a bungalow yet the proposal should be a bungalow, with first floor rooms contained fully in the roof and not exceed 6.5m high. This proposal is fundamentally unsuitable for the plot and streetscene.

- Indicative streetscene is inaccurate as existing dwellings are incorrectly shown. As such full impact cannot be considered.
- Question why is height being limited to that similar of no. 17?
- This dwelling does not have the massing of a dormer bungalow and as such is not in keeping with adjacent dwellings creating an intrusive and unacceptable impact, far in excess of the existing bungalow.
- Rear projecting wing would have the appearance of small industrial unit or supermarket due to an absence of any break or relief in the ridgeline.
- Other properties in the run of bungalows have been restricted to a height of around 6.5m when they were approved.
- No architectural features to the southern elevation to reduce its visual mass.
- The design of no. 15 is bloated, uninspiring, devoid of character and singularly fails to justify the demolition of the existing bungalow. The hedgerow should not be considered as mitigation against overbearing development.
- The solid boundary wall to the front would destroy the open character of the road.
- Lack of wall details on indicative streetscene means that as a result of the road slope, the impact cannot be fully assessed.
- Footprint of the dwelling has increased in both terms of width and depth from the previous scheme.
- Paved area for car parking/turning out of keeping.
- Should restrict the height to 1.5 storeys so that the relationship and massing between west and east is respected.
- An 18m long ridgeline would be visible to an adjacent property.
- Amended plans show part of the building moved back slightly to facilitate better car turning. It will have a significant impact on residents on Gaialands Crescent and no 17 Gaiafields Road, creating an overbearing, out of scale and out of character development.
- The proposals are not of high quality and would be contrary to BE1 and the NPPF, as they go from a single to a two storey building.
- Illogical room layout without sensible window arrangements - dining room window very small, obscure glazed and fixed shut, this is not an acceptable solution as would result in no natural light or ventilation, and may fail building regulations.
- Would result in a terracing effect with no17, causing damage to the neighbourhood.
- The proposed chimney is considered too close to the adjacent properties due to the difference in land levels and height of the proposals. This is a serious Health and Safety risk. Developer should not be permitted to install solid fuel or open fire in this location.
- Gates and railings are out of keeping with the area.
- Recent revisions were supposed to correct previous issues, however further changes have been made which could be considered significant alterations which require further consultation, e.g. removal of 2 velux windows, increasing south wing length by 0.2m, side windows are now slits, front elevation now has 2 windows in gable and not 1, and the internal lay out is different.

Trees and Landscaping

- Impact on TPO'd tree in the neighbouring garden.
- Risk to the protected trees viability, especially where construction walls and changing levels are proposed.
- The tree report does not comply with BS5837:2012.
- The application ignores the requirements of the 'Trees, Landscaping and Development' SPD.
- Hedgerow to the rear of the site has been decimated, losing the mature aspect.
- The planting plan shows removal of the remaining bushes and trees along the boundary of the rear garden, with a replacement hedge. This will further affect amenity and serves no purpose.
- Hedge to the southern boundary is in neighbour's ownership and can only be reduced in height with neighbour's permission.
- The deposit of a large amount of material could also affect the root system of the 115 year old historic hedge.

- If the Council are minded to grant approval, conditions should be imposed relating to the retention of the existing hedges.
- The cutting of hedges by the applicant is entirely premature.
- Construction of a boundary wall will undoubtedly cause further damage to the root protection area of the protected Beech Tree.
- Differences in stance taken from Arboricultural Officers in their comments.
- Inclusion of a wall within the RPA of the Protected Tree goes against the SPD guidance;
- Car parking shown underneath the tree within the RPA.
- Weight of soil involved in elevating the level of the build ground level would have the same impact as hard surfacing on the RPA.
- Impact on landscaping;
- Rear hedgerow belongs to adjoining residents and should not be removed.
- Hedge to rear would be replaced with a slow growing native thorn hedge.
- Appropriate mitigation to protect the hedgerow during construction needs to be included.

Highways

- Insufficient parking for a 5-bedroom house.
- Highway safety concerns.
- A 4m gate will take 20 seconds to open, is it acceptable for cars to be waiting this length of time?
- During snow and ice cars struggle on the hill, having a vehicle waiting in the road for the gate to open presents a completely unnecessary and avoidable risk to drivers and pedestrians.
- The provision of a gate will encourage on-road parking problems.
- There are no electric gates along this stretch of Gaiafields Road and where there are manual gates they are generally left open.
- The proposed boundary wall, given the absence of the footpath, will be located right at the edge of the road. This will make it difficult to park directly on the edge of the road outside no 15, resulting in cars being parked further into the road or parking on the east side of the road.
- Wall encroaches onto the road / an area of undetermined ownership.
- Decrease in visibility having moved the site access to the middle of the plot. Should be refused on the basis of the previous reason for refusal.
- Application fails to apply a 5m requirement distance from the roadway for the proposed gates.
- Pedestrian visibility splays have not been demonstrated on the applicant's plans.
- Car parking to the front will be at odds with all other garden frontages.
- Loose hardcore to the front of the site spills into the road causing a hazard. Any approval should be conditioned so as to require this section of highway to be returned to tarmac, placed back into the public domain for parking and the site entrance reduced to its original width.
- Concern that the pillars of the wall, and the gate, would make visibility a permanent problem.
- Front boundary wall out of keeping with the streetscene and form and character of the local area due to its height and represents a significant risk to both traffic and pedestrians.
- By raising the car park to be at build ground level, the 'up' slope will be steeper than the current topography of the site. Cars exiting the site will be at a steeper angle.
- Limited manoeuvrability on the site.
- The parking seems more appropriate to a semi-commercial premises or to a hostel.
- Multiple car parking may impede entry and exit to neighbouring dwelling.
- Garage would be inaccessible, therefore makes it impossible to park a car in.
- Property could easily be converted to a 7-bedroom house plus additional bedroom in the garden room, therefore 3 parking spaces are going to be inadequate.

Amenity

- Overbearing impact on neighbouring amenity.

- Disproportionate and unnecessary impact on neighbours.
- 45 degree rule is to demonstrate how the proposals impact on privacy, amenity and outlook. The proposed dwelling extends well beyond the 45 degree line demonstrating how intrusive and overbearing this house will be.
- The basic planning guidelines for privacy, outlook, amenity and spacing between properties have been re-iterated but ignored by the applicant.
- There is the prospect of the ground levels being made up from site materials, resulting in an increase in HGVs accessing the site through the local area. This would lead to increased nuisance during construction through noise and dust and heavy earth moving equipment;
- Concerns over the raising of the lawn area as this will increase overlooking.
- It is assumed the proposed fencing on the north boundary will follow the line of the existing remnants of the trellis fencing, this may be a minor consideration in respect of privacy.
- In order to mitigate the impact upon no.17s light, the ground floor level and outside ground level should be retained as existing.
- Given the substantial nature of this development, in order to prevent overdevelopment, the development should be conditioned to remove Permitted Development Rights.
- Design of the dwelling has a negative impact on light to no. 17s ground floor living room windows and patio area. Due to its proximity and the gable design it will take all of the light from the children's playroom. The proposal will be contrary to planning policy in terms of light. The roof should be hipped and not gabled and set back more than 1.35m from the boundary.
- En-suite windows in the north elevation should be opaque glass with only top openings due to overlooking of garden, patio, lounge window and children's playroom window.
- The windows to the sunroom would face no. 17s lounge and is less than the required 13m spacing. Another breach of this is the kitchen door directly opposite the children's playroom.
- The proposal runs almost the full length of no 2. Gaialands Crescents garden, totally overwhelming and devastating privacy and amenity space.
- Concerns that the dressing rooms can become additional bedrooms. Windows along the southern elevation provide views into neighbours kitchen, family room, living room and child's playroom.
- Windows in the southern elevation has principle window for dining room and four first floor windows impacting privacy and outlook of neighbours.
- SPD notes the increase in separation distance where there is a significant difference in land level between new and existing development. The southern two storey wall is over 5m closer to 2 Gaialands Crescent than planning rules permit.
- Bungalows in the area have had their roofs pitched or hipped from their north elevations, permitting sunlight to pass over them.
- Unreasonable loss of privacy.
- The existing rear garden slopes in all directions. As the garden will be levelled off, 145 tonnes of infill will be required causing disturbance to neighbours during the re profiling and overlooking when complete.
- A comprehensive assessment of the impact on neighbours is required.
- Overlooking of no. 12 Gaiafields Road.
- Multi car parking proposal will increase noise and disruption.
- Narrow windows in proposed dining room, lounge and study, would result in unacceptable levels of light to future occupiers, whilst still impacting on amenity of neighbours.
- Planning statement compares development impact with no 17, however there are more direct neighbours on Gaialands Crescent who will be affected more.
- Applicant appears to have guessed levels of adjacent dwellings. No 2 is 2.6m above the floor level of the bungalow not 1.8m.
- Submitted 'Right to Light' survey is inaccurate as it doesn't accurately reflect surrounding properties. Survey does not apply BRE guidelines correctly.
- It is not considered that adjacent property has more than its fair share of light.
- The gable wall in front of children's playroom which is constantly used would reduce both sunlight and daylight to catastrophic levels contrary to BRE guidance.

- Proposal would lead to a permanent degradation of Lichfield's housing stock.
- Existing dwellings are built on southern boundary so as to maximise sun being received by northern neighbours.

Garden Room

- Garden room/welfare unit not acceptable.
- The garden room is capable of operating as a separate dwelling. Is it intended to create a new self-contained dwelling with amenity space?
- Garden room will be positioned 2m higher than the hedge.
- Garden room will result in loss of privacy and amenity and will set a dangerous precedent.
- The garden room is unattractive, flat roofed with a stainless steel flue.
- The welfare unit would contravene the covenant in the deeds which state that only one dwelling place is allowed on this property.
- The outbuilding is disproportionate in terms of cost and construction.
- Garden room will overlook neighbouring properties especially if the levels at the rear are raised.
- The inclusion of a garden room constitutes over development of a restricted site.
- There are other temporary, mobile site welfare units which could be used and dismantled after use.
- The siting of the garden room will impinge on the amenity of residents at 6 Gaialands Crescent given its siting.
- In the short term the outbuilding could be used for living accommodation during construction and in the longer term used as accommodation for the applicant's family or let as a separate residential unit.
- The garden room would enjoy an elevated position in relation to no. 17 and will have windows with a direct line of site into the lounge and rear bedroom windows. This would be counter to a number of planning objectives and rules.

Biodiversity

- Application does not demonstrate a net gain in biodiversity and should be refused on lack of information. A bat or bird box would not be sufficient to overcome the destruction that has taken place.

Plans/drawings

- Inaccuracy/inconsistency of the plans and associated documents.
- Site layout plan incorrect.
- Description of proposal is incorrect, this is not a dormer bungalow.
- The hard landscaping plan and parking plan do not reflect the correct footprint of the house as the front bay window is excluded.
- Detail of the gate is inconsistent on the plans.
- Significant change in levels, however this detail is conflicting on plans.
- Omissions of important elements from plans, such as neighbouring properties; the TPO tree, a footpath.
- The applicant should provide method statements from a bona fide demolition contractor as part of any future application.
- Application should be refused on the grounds of wholly inaccurate information.
- Plans submitted don't meet the National Validation requirements. The plans don't show the relationship of the outbuilding to nos. 4 and 6 Gaialands Crescent.
- In light of the proposals to raise the rear garden ground level to match the base of the existing hedge the plans should be supplemented to state precisely how ground level of the garden room will relate to the existing ground level.
- Plans lack dimensions and level data.
- A streetscene should be provided with vehicles included and nearest neighbours for context and perspective.
- The streetscene image does not show a true streetscene in the context of the neighbouring properties. Boundary treatments are omitted.

- Streetscene appears to be based upon guesswork, which confused neighbours as to what is actually proposed.
- Hedge height is not correctly plotted on the drawings
- The submitted streetscene is inaccurate -the height of no 17 is incorrect relative to no 15; no 2 is too close with an incorrect width; the height differential is inaccurate; significant vegetation is missing.
- Additional information required regarding proposed finished floor levels, a site survey, fully dimensioned plan showing boundary locations.
- In the event of demolition, a full suite of method statements, detailing protection measures and vehicle management measures must be provided.
- Southern elevation has been reduced by 4m and not correctly represented.
- Plans/ drawings are not to any recognised scale.
- No section has been provided of the southern side of the building.
- Details of boundary wall in planning statement do not accurately relate to drawings.
- No topographical survey has been submitted.
- The most recent amended plans which are computerised and not hand drawn are welcome however do not amend all the previous submitted drawings. A new location plan needs to be provided due to the significant impact of the development on existing residents.

Other Issues

- Different standards have been applied to 15 Gaiafields compared to 22 Gaiafields.
- Demolition of a structurally sound property and the resultant waste to landfill is contrary to waste policies.
- The applicant does not benefit from householder permitted development rights as he is demolishing an existing bungalow and replacing it.
- Concerns regarding the water run-off from the site frontage.
- It must be ascertained that the debris from the demolition is properly removed and not piled into the rear garden increasing the levels to the detriment of the surrounding neighbours.
- Imported materials could also require a separate consent from the County Council (minerals and waste).
- The former proposed upstairs playroom is a potentially unsafe arrangement and unsuitable for young children since they cannot be observed. This arrangement is contrary to good, sustainable design principles and as such contrary to planning policy and should therefore be refused.
- The structure (dwelling) is inappropriate in this location and breaches the covenant that only bungalows should be constructed on the North West side of Gaiafields Road.
- The raised elevation of the parking area and the new boundary wall channelling rain water runoff may impact on properties downhill.
- No storm drainage is shown on the plans. Storm water drainage is a critical issue and requires a clear set of proposal before planning can be granted.
- No assurances have been given for ways of working. Properties immediately adjoining 15 Gaiafields have young families so working constraints to ensure construction works be restricted to week day working hours and Saturday mornings be applied to any planning permission granted. All construction vehicles should be kept within the curtilage of the property rather than obstructing Gaiafields Road or Gaialands Crescent and that road cleaning identified as a specific responsibility of the applicant.
- A self-build project of this size is unlikely to be completed in the time proposed. A restriction should be applied to avoid anti-social hours of working;
- Reduction in house value.
- Serious Health and Safety as there is a one year old baby living a few feet away.
- A brick wall will be a beacon to vandals and attract graffiti.
- Aims to help reduce carbon emissions will not be met by this development.
- If this application is approved the Council could be facing a judicial review.
- Breaches the Human Rights Act in terms of Article 1 of Protocol 1 with regards to interference with neighbouring property rights and the interference is not justified with regard to 'general (public) interest' in this instance.

- The right to light assessment breaches the Data Protection Regulations.
- Against policy H1 of the Local Plan by allowing a 5-bedroom dwellings when there is a need for smaller dwellings within the District.
- If permission is granted working hours should be limited, no loud music should be played, and any approved plans should be strictly adhered to, and the rear outbuildings should not be used as additional dwellings.
- Given that the City Council have objected to this scheme 4 times, Planning Permission should not be granted.
- Permission could set precedent which could disadvantage neighbours in future.
- Too many revisions have been submitted.
- Concerned that City Council had discussed amended plans before some consultation letters received.
- Revisions make no difference to previous objections. Too many revisions have been accepted.
- LDC should not be offering support and advice to the applicant.

OTHER BACKGROUND DOCUMENTS

Design and Access Statement
 Right to Light Assessment – June 2018
 Arboricultural Implications Assessment

OBSERVATIONS

Site and Location

The application site relates to a detached bungalow at 15 Gaiafields Road, Lichfield. The site lies on the north western side of Gaiafields Road, in a predominantly residential area which is characterised by larger detached dwellings. The neighbouring dwellings vary in size and design. There are varying land levels along Gaiafields Road, with houses on the opposite side sitting at a lower level, with land levels rising as you progress to the south. The rear garden to the application site backs on to the playing fields of St Peters and St Pauls Primary School.

The site currently has a small incline from east to west, rising by approximately 3m from the front to the rear over the 60m plot depth.

The existing bungalow stands at approximately 6m in height to ridgeline, 11.8m in width and 7.5m in depth (excluding the conservatory). An existing shed (recently erected) is located adjacent to the northern side boundary.

Adjacent to the south east corner of the site, within the side garden of no. 2 Gaialands Crescent is a mature Beech tree subject of a Tree Preservation Order. Along the southern side boundary of the site shared with no. 2 Gaialands Crescent is a substantial mature Holly hedgerow which runs from front to back. A Leylandii hedge in poor condition runs along the rear boundary, while Hawthorn and Cotoneaster hedges run along the northern boundary, to the front and rear of the site respectively.

Background

Permission was previously sought for the demolition of the existing two bedroom bungalow, and the erection of a five bedroom detached dwelling and a detached garden room/store and associated works (ref: 17/01114/FUL). This previously proposed dwelling was shown to be 12.3m wide, 11.3m deep and 9.7m high to the ridge, with a 4.1m wide by 5m deep and 4.5m high ground floor rear sun room. The previous proposals also included a front boundary wall with electric gates and a garden room in the rear garden.

The application was subsequently refused in September 2017 for the following reasons (in summary):

- The proposed development represented an unacceptable form of development that was not in keeping with the form and character of the surrounding area;
- Insufficient information was provided in order to fully assess the impacts of the proposed development on highway safety;
- Insufficient information was provided in order to fully assess whether the parking requirement was satisfied; and,
- Insufficient information was provided to fully assess the impact of the proposed development on existing trees.

Proposals

Since this current application was originally submitted in November 2017, there have been a number of amended plans submitted by the applicant during the planning application process.

The current proposals, as amended in May 2018, are for the demolition of the existing bungalow and its replacement with an 'L' shaped detached dwelling with front gable. The proposed dwelling will have an overall height of approximately 6.9m, a maximum width of 13.1m (including a 0.5m width chimney) and a maximum depth of 18.6m (including the bay window to the front lounge). The property has an integral garage measuring 4.2m in width and 5.3m in length providing parking for 1 vehicle. The principal elevation is to front Gaiafields Road, and has been sited along a similar 'building line' as number 17, both to the rear and to the front. The proposed dwelling would be up to 2.5m set further back into the plot than the existing detached bungalow.

The proposed dwelling would have 4 bedrooms, 3 of which are to be served by en-suite bathrooms; a family bathroom; a dressing room; and a boiler room at first floor. At ground floor, the accommodation includes a lounge, study, dining room, living room, a utility, kitchen, hallway, integral garage and WC.

The ground floor area equates to approximately 177sqm. The dwelling would have a private rear garden measuring between 31m and 36m in length (excluding the area to which a garden room is to be sited) with a total garden area of approximately 460sqm. There would be sufficient space to the front of the property to provide at least 3 car parking spaces.

The application proposes to carry out landscaping works to the rear garden, digging out part of the slope to construct the dwelling, with associated retaining walls. No further engineering works are proposed to the remaining rear garden.

To the rear of the site, within the confines of the rear garden, a garden room is proposed. This is to measure 10.7m in width, 4.4m in depth and 3m in height. The building is proposed to be sited 2m from the site boundaries. The applicant has advised that the garden room is initially to serve the site as a welfare facility until completion of the build and will include a WC and sink. The existing shed would also be retained.

The Leylandii hedgerow to the rear boundary with the adjacent school would be replaced as part of the proposal with a native thorn hedge. Existing hedgerows along the site side boundaries to the north and south are owned by the adjacent retrospective landowners, and as such these hedgerows would be retained.

To the front of the site a new brick boundary wall is proposed, measuring from 0.65m to 1.2m in height due to the sloping nature of the road and the site, topped with railings measuring 400mm. A 4m wide, 1.9m high sliding gate, centrally positioned within the site is also proposed. This is to be set back approximately 4m from the rear of the adopted highway. Six pillars would be erected to support the railings and gates. These would range from 1.2m to 1.5m in height along the frontage (due to the sloping frontage) to 2.1m high to support the gates.

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
7. Other Issues
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 Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019, and the adopted (made) Lichfield City Neighbourhood Plan.
- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states *“development that is sustainable should go ahead, without delay”*. Therefore, consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 The site lies within the sustainable settlement of Lichfield and so the principle of residential development is supported by the NPPF. Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 Core Policy 6: Housing Delivery, indicates that residential development will be focused upon key urban settlements where it is within defined settlement boundaries. However, it is to be appreciated that this proposal is a replacement dwelling and not for an additional property.
- 1.5 The Lichfield City Neighbourhood Plan was ‘made’ in April 2018, and creates a local level of development plan policy. Notwithstanding this, the Lichfield City Neighbourhood Plan does not contain any policies directly relevant to this residential development.
- 1.6 Given the above policy considerations, it is concluded that the principle of development for a replacement dwelling in this location is acceptable, subject to meeting the requirements of other relevant development plan policies, as discussed in detail below.

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

- 2.1 The NPPF (Section 7) 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”*. 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”*.
- 2.2 The NPPF 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;

- respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.3 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”*.
- 2.4 The proposal is for the erection of a dwelling that would include ground and first floor accommodation. There have been numerous comments raised in respect to the original description of the development as a ‘detached semi bungalow’. The Officers are of the view that this is a detached dwelling in a dormer-style, as it contains the first floor rooms with associated dormer windows within the roof and is of lower overall height (6.9m) than a traditional 2-storey dwelling (normally approximately 8m high). Gaiafields Road, which would provide the site frontage and access, is characterised by mixed styles of residential development including full two storey, single storey and 1.5 storey dwellings. However, the predominant character of the area is one of dwellings fronting the road. It is appreciated that the local style and layout of development has some variation and there is no requirement of policy to strictly duplicate existing built forms. Immediate neighbouring properties including no. 2 Gaialands Crescent and numbers 17 & 19 Gaiafields Road have been recently altered and extended and are of varying designs and scale, yet all of include first floor accommodation.
- 2.5 The design of the proposed dwelling is much larger in size, massing and scale than that of the existing bungalow at no. 15. However, the proposed dwelling has been re-designed since its original submission under application 17/01114/FUL. The height of the proposal has been significantly reduced from 9.7m high to 6.9m high to ridgeline, and so now the proposed replacement dwelling would only be approximately 1.5m taller than the existing bungalow it is to replace. The Council sought a reduction in the overall height so that the development is not out of keeping with the heights of neighbouring properties. It should be noted that Gaiafields Road rises to the south with the adjacent property no. 2 Gaialands Crescent is sited on land approximately 1.8m higher than the application site, with a finished floor level approximately 0.2m higher; this has influenced the overall height of the proposal.
- 2.6 Significant concern has been raised by local residents to the proposed height, scale and massing of the dwelling. The proposal has however now been designed so as to have a similar height to that of its neighbours, so as not to create an imposing development when viewed within the streetscene. No. 2 Gaialands Crescent to the south has a maximum height of approximately 6.1m and no. 17 Gaiafields Road to the north has a height of approximately 6.6m. Whilst both these properties do have a lower ridge height than that which no. 15 proposes (0.8m / 0.3m), there is a change in ground levels (no.2 is sited on ground approximately 1.8m higher than the application site) and it is considered that this increase in height of 300mm from that of no. 17 provides a more sympathetic relationship than if it were lower i.e. the development would follow the slope and level increase of the road and so not appear incongruous in the streetscene.
- 2.7 Objections have also been raised by neighbours because they note that in designing and redeveloping their properties, they were restricted in what was permissible for them. They also highlight that they were unable to demolish their own properties and rebuild, therefore they consider that the same restrictions must be applied to this site. The Council does not however hold any record of the request for such restrictions. Planning permission was granted in 2011 for works at no. 17 Gaiafields Road (ref: 10/01512/FUL) and permission was granted for no. 2 Gaialands Crescent also in 2011 (ref: 10/01518/FUL). It is important to note that all applications are assessed on their individual merits, having regard to planning policy

and guidance in place at that time. Therefore, this concern could not justify refusal of this application.

- 2.8 Concerns have also been raised in relation to restrictions in the legal covenants to the properties along this stretch of Gaiafields Road, which restrict the height of dwellings. The Council have not had sight of such covenants, but in any case such private restrictions are not held to be material planning considerations. Any breach of a private covenants would be a separate civil legal matter.
- 2.9 In terms of the overall design of the proposals, significant concerns have also been raised. The applicant originally identified the proposal as a dormer bungalow. However, concern was raised that the design was not a bungalow. Although the first floor is contained within the roof of the dwelling, the proposal still remains to be the construction of a replacement dwelling and has been considered as such. Notwithstanding this, it is considered that the proposed dwelling is of a simple traditional design, which comprises a front gable feature and two dormer windows, with the upper floor being within the roof structure. The overall mass and scale of the development visible within the streetscene has been reduced compared with the previous submission (ref: 17/01114/FUL) and it now has similarities with the scale and design of no. 17; which is also characterised by a gable feature and two front dormer windows. When viewed together with no 17, it is not considered that the proposal would lead to the appearance of a terracing effect, nor be out of context with the character of surrounding properties or streetscene.
- 2.10 Further objections have been raised to the rear projecting wing along the southern boundary of the site. This would be 18m deep (similar to the depth of no. 17) and would have an eaves height of 4.5m and a ridge height of 6.9m. Given that the site is approximately 1.8m lower than the adjacent property to the south (No.2 Gaialands Crescent) and a substantial hedgerow is sited on the higher ground within the neighbours ownership at a minimum approximate overall height of 2.5m, this would result in only approximately 2.1m of the proposal (the sloping roof plane which would be 4m in length rising to the apex 4m from the boundary) being visible to the neighbouring property to the south. As members are aware, there is no right to a view within planning law. Notwithstanding this, given the topography of the site and the boundary hedgerow, it is considered that the visible massing of this element of the design would not be detrimental to the character of the area nor have a significant detrimental impact on the outlook of the adjacent dwelling.
- 2.11 The NPPF sets out that policies and decisions should not attempt to impose architectural styles or particular tastes, should avoid unnecessary prescription of detail, and should concentrate on guiding the development in relation to neighbouring buildings and the area generally. There are no objections to the demolition of the existing bungalow, as it is not considered to have any special architectural merit, nor has it any listed status. It is considered that this revised scheme would generally be in keeping with the design, form and layout of surrounding property in the area and therefore is appropriate in its context. Accordingly, it is considered that the proposed dwelling design, subject to appropriate materials and boundary treatments, as recommended by condition, would be in-keeping with its surroundings and so would be in accordance with the development plan and national planning policy guidance in this regard. Issues regarding window placing and amenity are discussed in detail below.
- 2.12 The proposed dwelling has an approximate floor area of 175.6sqm which results in approximately 20% of the site being used for the dwelling. By comparison no. 17 has approximately 22% of its site being occupied by a dwelling (205 sqm), no. 19 27%, whilst no.2 Gaialands Crescent covers approximately 14%, no. 4 Gaialands Crescent approximately 25% and no. 6 Gaialands Crescent approximately 32%. The proposed density would equate to approximately 11 dwellings per hectare, which is comparable to the immediate neighbouring plots, which also equate to approximately 11 dwellings per hectare.

Therefore, it is considered in terms of density and built form to plot ratio, the proposal relates well to the immediate area and would not lead to overdevelopment of the site.

- 2.13 A number of objections have been received to the introduction of a boundary wall and railings to the front of the site, with residents stating they will not be in keeping with the streetscene. Although many properties in the locality have natural boundary treatments to their front boundaries, there is evidence of close board fencing, low boundary walls and walls topped with railings, within the local streetscene. Therefore, it is considered the introduction of a wall of between 0.65m and 1.2m in height due to the topography of the area with 0.4m high railing on top and supporting pillars of between 1.2 and 2.1m would not introduce incongruous features in this locality. Matters related to gate / boundary wall and highways impact is discussed below.
- 2.14 Objections have also been received in relation to the changes in land levels proposed within the site. A section and topographical survey through the site has been provided which indicates the land levels from the road through to the rear garden. It indicates that the ground level will be partly reduced in the vicinity of the dwelling to provide a level patio area with associated retaining walls and that the remaining garden area will be left at existing levels and not increased. Subsequently, conditions are recommended to ensure that the development is carried out in accordance with the submitted proposed floor level details, and that details are first submitted and agreed relating to proposed retaining walls / boundary treatments.
- 2.15 Lastly, objections have been received about the internal layout of the dwelling, window design for some rooms, and the type of fuel which could be used in the fireplace. These, issues are not considered to be concerns that could reasonably justify refusal of the application, they are personal choices of the applicant and local and national planning policy does not control or restrict such matters. Notwithstanding this, the concerns regarding window design are subject to building regulations and as such are controlled by other non-planning legislation. Window design and privacy matters are however discussed further below.
- 2.16 In view of the above, it is considered that the scale, massing and design of the proposals are appropriate to the context and would not cause an adverse impact on the character of the surrounding area and as such would accord with the Development Plan and NPPF in this regard.

3. Residential Amenity

- 3.1 The adopted Sustainable Design Supplementary Planning Document (SPD) at Appendix A sets out guidelines to ensure a satisfactory standard of amenity for existing and proposed occupiers. This includes a minimum distance separation of 21 metres between facing principal habitable windows, however, if there is an intervening screen (i.e. fence or wall) the distance between ground floor facing windows can be reduced to 15 metres and 13 metres in the case of bungalows.
- 3.2 The proposed dwelling will primarily have principal windows within the front (east) and rear (south) elevations. No principal windows will be provided on the side elevations at first floor level, only en-suites within the first floor north elevation, and 2 roof lights serving the en-suite and family bathroom in the southern elevation. There are no immediate neighbours directly behind the site (only a primary school), therefore demonstrating no impact on privacy at the rear. The windows within the front elevations which face towards the properties on Gaiafields Road, also demonstrate a separation distance in excess of the stipulated 21m.
- 3.3 At ground floor level the applicant is also proposing high level obscure glazed fixed shut windows to serve principal rooms in the side elevations. Namely in the lounge facing

northwards towards no. 17, and to the dining room and study facing south. These windows would be 1.7m above internal floor level or 1.9m above ground level. With regards to the northern elevation, the lounge window of the proposal will be high level fixed shut and of obscure glazed design. This opening will face towards the boundary shared with no. 17 and the window within their southern elevation serving the neighbouring play room. There will be a separation distance of approximately 9.6m between these two openings. The Sustainable Design SPD indicates that there should be at least 6m between a principal habitable room and private neighbouring residential amenity space, except where no overlooking is demonstrated. This requirement is therefore met. Although the 15m separation distance which the SPD sets out for principal windows is not achieved, the window design and the existence of an intervening boundary fence which obscures any views between these windows at ground floor, mitigates any direct overlooking and therefore it is not considered to be a detrimental impact.

- 3.4 With regards to the southern elevation, this side elevation of the proposal would be between approximately 13.7m and 14.3m from the rear facing habitable windows of no. 2 Gaialands Crescent. Notwithstanding this, the site levels are such that no. 2 Gaialands Crescent would be approximately 1.8m higher than the ground level of the application site in the vicinity of proposed dwelling, with a substantial mature hedgerow on top in excess of 2.5m high. The applicant is proposing 2 obscure glazed fixed shut high level windows, serving a dining room and study in this side elevation. Therefore, given these factors, whilst the concerns of the neighbours are noted, although the 15m separation distance which the SPD sets out for principal windows is not achieved, the window design, substantial ground level difference and boundary treatment which obscures any views between these windows at ground floor, it is considered that these side facing windows will not have a significant detrimental overlooking impact on the occupiers of No.2 Gaialands Crescent, so as to justify a sustainable reason to refuse permission on the grounds of loss of privacy. Concerns have also been raised with the loss of privacy to adjacent residents due to works within the garden. However, works in the garden area will in the main retain the current ground levels which are below the properties on Gaialands Crescent and as such would not lead to any loss of privacy caused by external works. Overall, with regard to privacy, it is considered that the proposed scheme does not raise any direct overlooking concerns that would justify a sustainable reason to withhold permission.
- 3.5 The guidance set out in the SPD goes on to discuss the impact on outlook of new development, it states that 'Where one dwelling faces the side of a neighbouring property and there are no facing windows, the minimum distance separation should be 13 metres or 10 metres in the case of bungalows or single storey extensions'. A further note indicates that 'Increased separation distances will be required where there are significant variations in ground level between new and existing development. As a general guide, this distance should be increased by 2m for every 1m rise in ground level between new and existing development'
- 3.6 Given the siting of the dwelling, it is necessary to assess the impact on outlook of the proposals on no. 2 Gaialands Crescent and 17 Gaiafields Road. Whilst it is appreciated the outlook for no.2 Gaialands will be altered, the direct separation distance proposed between these two elevations would range from 13.9m to 14.3m, which is in excess of the minimum guideline of the SPD for non-facing windows (notwithstanding level changes). Furthermore, the site is approximately 1.8m lower than this No. 2 Gaialands Crescent and a high mature hedge along the boundary which would obscure the ground floor side windows proposed.
- 3.7 The neighbouring occupiers have indicated that due to the changes in land levels between the application site and no.2 Gaialands Crescent, the separation distance should be increased because of the rise in ground level between the proposed and existing dwelling, as indicated in the Sustainable Design SPD. It is considered that this guideline is however to protect the outlook of existing dwellings from being dominated by new development on higher ground and so prevent an overbearing impact on existing nearby property occupiers.

In this case, no.2/the neighbouring property is at a higher land level (approximately 1.8m). The neighbour at no.2 has indicated in correspondence that this difference is greater at between 2.4m and 2.6m. However, the applicant has been unable to access the adjacent properties to take accurate measurements to compare. Notwithstanding the information provided by the neighbour, which could further reduce the impact of the development on their property, based on information submitted by the applicant an increased separation distance is not considered applicable in this instance, when applying a logical interpretation of the guidelines. Had the development site been on the same level as the neighbouring property, the impact could be far greater, whilst according with the guidelines and consequently the lower site level benefits the outlook of the adjacent occupiers to the south in this regard.

- 3.8 Notwithstanding the above, to further mitigate the impact on the residential outlook of no. 2, a mature hedgerow exists which combined with the land level differences, would screen the side walls of the proposed development, leaving only the eaves and plane of the roof visible to the adjacent property above the hedgeline (the sloping roof plane would be 4m in length rising to the apex 4m from the boundary). Whilst the concerns of the neighbours are noted, given the sloping nature of a roof, when combined with the hedgerow and the land level differences, and that there is no right to a view within planning law, it is considered that the proposal will not have a significant detrimental impact on the outlook of the adjacent occupiers, so as to sustain a reason to refuse on such grounds.
- 3.9 During the application process concerns were raised by the occupiers of no.2 Gaialands Crescent in relation to the fenestration which was proposed at first floor level in the southern elevation. These were subsequently amended to 2 rooflights serving an ensuite and a family bathroom and would be a minimum of 1.9m above the floor level, thereby mitigating direct views from the proposed dwelling to the neighbours. A condition to ensure these openings are obscure glazed has also been recommended, to reduce any potential overlooking. The concerns regarding the impact of the en-suite windows in the northern elevation on no.17 are duly noted. However, these are not principal windows and do not conflict with any guidance in the SPD. A condition to ensure these windows are obscure glazed and top opening is also recommended. An objection to the use of glazing in the side door to the utility is also noted, however the utility is not considered a principal room and the existing boundary fencing would mitigate any views between the two neighbours.
- 3.10 The SPD provides guidance on suitable garden sizes commensurate with the needs of future occupants, advising that for 4-bedroom dwellings this should be a minimum of 65 square metres and 100 square meters for 5-bed dwellings. Even taking account of the provision of the garden room, the dwelling would have an approximate private amenity space of 450sqm, which is far in excess of the minimum 100sqm requirement for 5-bed dwellings.
- 3.11 A significant concern raised by residents and the City Council, is the potential effect the new dwelling would have on light being received by neighbouring dwellings. Concern has been raised in particular in relation to a breach of the 45 degree light guidelines at the rear of the proposed property. In order to safeguard the outlook and daylight of neighbouring residents, the Sustainable Design SPD requires any proposed development to comply with 45 degree daylight guidelines in the vertical and horizontal plane, or 25 degree daylight guideline in the vertical plane. These guidelines are based on the BRE 209 'Site Layout planning for Daylight and Sunlight', which have been adopted into the SPD. The properties whose light would potentially be most affected by the development are nos. 2 Gaialands Crescent and 17 Gaiafields Road. The impact on the light they receive is considered individually below:
- 3.12 No. 2 Gaialands Crescent. The rear of no. 2 is predominately glazed, including bi-fold doors, with a number of windows serving principle habitable rooms including the kitchen, family room and living room. When assessing the 45 degree guidelines within vertical and horizontal planes in conjunction with each other, it concludes that due to the land level differences there is no conflict with the guideline. Furthermore, when assessing the 25

degree guideline within the vertical plane from the rear (north-west) elevation of no. 2, there is also no breach of the guideline. Notwithstanding this, the development is to the north of this neighbouring property and as such the development would not give rise to a loss of direct day light in this regard, and the impact on light to no. 2 could not sustain a justified reason for refusal.

- 3.13 No. 17 Gaiafields Road. The windows of main cause for concern as part of this proposal are located within the southern side elevation of no.17, which serve a bathroom, living room and playroom. As the development would be opposite these windows and not perpendicular, the 45 degree guidelines do not apply. In these situations a 25 degree guideline based from a point in the centre of the affected windows applies. In terms of the side facing living room window, as there would be no proposed building forward of it within the site, there is no conflict with this guideline. It should also be noted that this living room is served by two window openings, with the primary source being in the rear elevation.
- 3.14 When considering the playroom window, as the development would be no more than 3m away, albeit that it would directly face a lower part of the rear facing roof slope approximately 3.6m in height at this direct point and not the centre of the side gable, and a 2m high existing intervening solid boundary fence, it is considered that there would be a conflict with the 25 degree guideline at this point. As a result of this conflict with the guidelines effecting light to this playroom, the applicant commissioned a right to light surveyor to assess the light being received and whether the occupier's right to light was being breached in line with the SPD and the British Research Establishment (BRE) Guidance 209. Consequently, a right to light survey has been submitted. The relevant area of the guidance relates to how to address development adjacent to side facing windows. These guidelines indicate, that where principal windows facing sideways onto third party land, it is considered that it is not reasonable that such occurrences should not prevent adjacent property owners from benefiting from the land due to light blockage. It considers that in this situation the effected property is 'taking more than its fair share'. The guidance at this point requires a comparison between the level of light loss between the proposed development and a hypothetical development where a mirror image of the affected property is constructed on the site.
- 3.15 The submitted report assessed the impact on light being received to this playroom were the proposal approved, and a hypothetical mirror image dwelling; as no structure currently exists in the location opposite the window. The report concludes that the proposed scheme would have a lesser impact on light than the mirrored version, in the main due to the relative roof designs in the vicinity of the affected window, (in comparison the proposal has a reduced roof height which is near the bottom of a downward slope). Therefore, the proposed development accords with the requirements of the BRE guidance and subsequently the Sustainable Design SPD in this regard. Although the erection of a dwelling and the subsequent impact on the room associated with this window is regrettable, however on balance, it is considered that it would be difficult to sustain a reason for refusal on such grounds, given the above. Notwithstanding this, a right to light for a window only exists if that window has been in place in excess of 20 years, and as such the side facing windows of this adjacent property have no right to light, as they are less than 10 years old.
- 3.16 Concern has also been raised by the neighbour of no. 17 that the submitted Right to Light report is in breach of the General Data Protection Regulations. However, the information which has been utilised in this assessment is publically available, via his own planning application and on line apps such as Google Maps. This information has been checked and confirmed by the Councils' Data Protection Officer. Notwithstanding this the applicant submitted a revised right to light survey which sought to address these concerns. However, it did not affect the overall conclusions of the report.

- 3.17 In order to safeguard the amenity of neighbouring residents, the removal of permitted development rights for further extensions, and for first floor windows within the side elevations of the proposed dwelling have been recommended by condition.
- 3.18 It is considered that the comments received from the City Council and nearby residents have been fully taken into consideration, including the concerns raised in relation to overdevelopment, loss of outlook, privacy and overbearing impacts. It is appreciated that for those residents living close to the site, the view from their properties will change as a result of the proposal. However, for the reasons given above it is considered that, on balance, the revised proposal would not cause significant detrimental harm in terms of its impact on living conditions in relation to outlook, privacy or loss of amenity as it is considered that acceptable amenity standards would be provided.
- 3.19 Therefore, it is considered that the proposals would not unduly compromise the amenity or have any significant detrimental impact on the daylight, sunlight or outlook of neighbouring properties so as to sustain a reasons for refusal on such grounds.

Single storey outbuilding

- 3.20 Another significant cause for concern amongst local residents is the provision of the garden room/site welfare unit, which would be constructed to the rear of the garden on the existing land levels. The single storey outbuilding would meet the requirements of Part 1, Class E, of the General Permitted Development Order (2015), and hence would be 'permitted development'. The permitted development regulations do not stipulate what materials an outbuilding should be constructed of nor does it restrict window openings. The only restrictions relate to the size, siting and that the building should be used for uses ancillary to the main dwellinghouse. With this in mind the Local Planning Authority would be unable to sustain a reason for refusal on this aspect of the scheme. Furthermore, a significant amount of private amenity space would be maintained within the site.
- 3.21 There are concerns the building would be used as an additional dwellinghouse, as an annexe or for holiday lets. As stipulated previously, given the dimensions of the building and its siting away from boundaries this element is considered to be 'permitted development'. Notwithstanding this, regard has been had to the points raised in relation to its potential use and impact on neighbouring privacy. If the Council could apply the standards for separation distances, as set out in the SPD the building would accord with the guidance, as it would be sited in excess of 21m from no. 17 Gaiafields Road, albeit at an oblique angle.
- 3.22 The prospect of the building being erected as a means to create a new dwelling have also been raised. However, if this were to be the case then a separate planning application would need to be submitted and it would then be assessed on its own merits, having due regard to planning policy and guidance. Likewise, if the applicant wanted to use the building as a holiday let, separate planning permission would need to be sought. Should the applicant wish to use the outbuilding during the course of developing the site as a 'welfare unit' then this would be considered acceptable and in accordance with the permitted development rights of the property. Also, the use as a garden room would be ancillary to the main dwelling and acceptable in this regard. However, if the applicant uses the building as a separate annexe then this would require a separate planning permission. For clarity purposes, a condition has been recommended to ensure the building is used incidental to the main dwelling house.
- 3.23 Therefore overall, it is considered that the amended proposals are not at significant variance to the guidelines contained within the Council's adopted Supplementary Planning Documents, and so would not cause undue harm to the amenity of neighbouring occupiers so as to justify withholding planning permission. Accordingly it is considered the proposals do not conflict with the development plan and NPPF, with regards to the proposals impact on neighbouring residential amenity.

4. Access and Highway Safety

- 4.1 The site is currently accessed via a single access point from Gaiafields Road with the original drive being on the northern part of the frontage. As part of this scheme a single access will be retained centrally to the site. The access will measure 4m in width and unmarked off road parking provision would be maintained within the confines of the site for three vehicles with an additional internal garage space. The Sustainable Design SPD seeks to achieve 2 spaces for a 4-bed dwelling. As such, there is currently an overprovision of parking proposed. Therefore, the scheme accords with the development plan and the National Planning Policy Framework in this regard.
- 4.2 The applicant has proposed a new front boundary wall and sliding vehicular gate to replace a previous hedge. The gate would be placed 3m from the threshold of the site or 4m from the rear of the tarmaced highway, due to their being no formal footway in this location. Residents have objected to the erection of the boundary wall and the gate, stating that they pose highway safety issues particularly in relation to visibility and cars waiting in the road for the gates to open. The proposal includes details of a new brick boundary wall, measuring from 0.65m to 1.2m in height due to the sloping nature, topped with railings measuring 400mm. Although the proposed wall fronting the highway would be no higher than 1m, 4 pillars would be erected along the frontage to support the railings these would range from 1.2 to 1.5m in height due to the road slope. Two further pillars supporting the gates would be erected 3m from the threshold of the site 2.1m in height. The sliding gate would be 4m wide and 1.9m high, centrally positioned within the site. It should be noted that boundary treatment along a site frontage in this location, up to 1m in height is normally regarded as 'permitted development', so long as it does not create an obstruction to the view of persons using the highway, so as to be likely to reduce highway safety. Also, the previous hedgerow which was in excess of 1m could have had a greater impact on visibility. As permitted development regulations do not apply to hedgerows, such a feature could be left to grow far in excess of 1m, and it would be left to the owner of the access to maintain a reasonable level of visibility for their benefit.
- 4.3 Objections have been received to the scheme in relation to the gated entrance being set back only 4m from the highway boundary. It is argued that there should be a 5m set back in line with other permissions. Staffordshire County Council Highways have assessed this proposal in relation to the low intensity of traffic using the road, the sliding nature of the gate and the height of the walls and pillars, and are satisfied that the proposed access arrangements would be satisfactory and would not be detrimental to highway safety on Gaiafields Road, subject to conditions, as recommended. They also consider that the site has sufficient capacity to accommodate the required level of parking for the development. SCC Highways have advised that the application has been considered on its own merits and location, and would not set a precedent. Concern was also raised with the lack of a footpath restricting users from parking directly outside the property on the road, causing cars to park elsewhere on the street. However, sufficient parking for the type of property is proposed on site, and it is acceptable for vehicle owners to park on the street elsewhere in the vicinity.
- 4.4 With regards to the highway boundary, although there is no substantial footway to the frontage, only a narrowing strip indicated on OS plans, Staffordshire County Council records show that the proposed wall on its proposed alignment will not encroach onto the adopted highway. Therefore, as there is no footway as such outside the site, it is not reasonable for SCC Highways to insist on the formal pedestrian visibility splay. SCC Highways have advised that the proposed wider access and the curvature of the wall returns create significantly better pedestrian visibility splays than the previous / existing access, and overall they are satisfied that there will be no encroachment on the highway subject to a recommended condition.

4.5 The introduction of parking to the front of the property has also been raised as an issue, in that it is not in keeping with the area. It is noted that many properties in the vicinity benefit from parking to the front and that it is an existing situation for the current bungalow. Furthermore, permitted development rights would allow for a dwelling to install hardstanding to its front, subject to conditions without the need for planning permission.

4.6 Consequently, it is considered the proposal accords with the development plan with regard to access/egress and parking provision, and is acceptable in this regard.

5. Impact on Trees

5.1 Policy NR4 of the Local Plan Strategy identifies the ecological and visual importance of trees and hedgerows across the District. Trees which are of particular significance will be protected and retained where possible, and the removal of large mature species and their replacement with smaller short lived species will be resisted. The policy also acknowledges the need to retain sufficient space to allow for sustainable growth and looks to retain the important tree cover in the District as a whole.

5.2 The Council's Supplementary Planning Document; Trees, Landscaping and Development provides guidance on how to successfully integrate existing trees into development and integrate new planting into a scheme to ensure its long term retention. The site is not within any designated Conservation Area and there are no TPO's directly on site. However, there is a large TPO'd beech tree directly adjacent to the site adjacent to Gaiafields Road within the confines of no. 2 Gaialands Crescent.

5.3 The impact of the development upon this tree has been of significant concern amongst neighbours during the determination process. During the course of the application the agent has provided details to enable the Arboriculture Officer to make an assessment of the scheme, including details of the retaining wall adjacent to the tree. The siting of the car parking area has also been amended during the application process to seek to avoid any conflicts with the tree.

5.4 Tree protection details are recommended to ensure the retention and protection of the tree during building works and a method statement for any works occurring adjacent to the hedgerows or tree. These recommendations have been endorsed by the Council's Arboriculture Officer and are considered reasonable and necessary and as such, are recommended to be secured via condition.

5.5 There has also been much debate over the boundary hedgerows. The hedgerow to the south is of a substantial height and provides privacy for residents. Issues relating to ownership are a civil matter, and independent legal advice should be sought by residents if this remains a concern. Notwithstanding this, hedgerows in such domestic circumstances are not protected and could be removed by the rightful owner. The applicant has indicated that the hedgerow to the south belongs to no.2 Gaiafields Road, whilst a hedgerow to the north on the boundary with no. 17 is indicated as owned by the adjacent owner. However, the submitted plans show that these hedgerow are to be retained where found in the application site. A condition is recommended to ensure retention, where it would lie within the applicant's ownership. However, this wouldn't prevent the applicant from maintaining the hedgerow which is found within their site. Consequently, it is considered that the proposal would be acceptable and would accord with the development plan and the NPPF in this regard.

6. Ecology

6.1 The Council's Ecologist has considered the scheme and concludes that the proposed works are unlikely to negatively impact upon protected or priority species or habitats.

6.2 Local Plan Strategy Policy NR3 requires that a net gain to biodiversity should be delivered through all development. This will be achieved in this case through the installation of a bat or bird box within the application site. A condition to secure the installation of a suitable bat/bird box is proposed. The net gain in biodiversity value derived by this provision will be given due weight as required by Paragraph 118 of the NPPF. Accordingly, the proposal complies with the requirements of Development Plan and NPPF in this regard.

6.3 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 satisfactory 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. Whilst the site lies within the 15km zone of Cannock Chase SAC, there is no requirement for contributions in this instance as the site lies outside the 8km limit.

7 Other Issues

7.1 A concern raised by residents is the lack of specific details relating to a foul drainage scheme for the development. Severn Trent Water have raised no objections to the proposal and do require details to be submitted, as the existing property already benefits from a drainage system. However, it is to be appreciated that drainage provisions will be covered as part of the Building Regulations and hence is covered by other legislation. Therefore, it is considered that drainage issues within this site can be adequately addressed. Notwithstanding this, an interceptor drain across the vehicular access of the site, has been recommended so as to prevent surface water draining off the site into the highway.

7.2 Concerns regarding construction traffic, working hours, noise and general disturbance during the construction process are duly noted, however as with the construction of all development it is expected that there will be a degree of disruption. Working hours cannot be conditioned through a planning approval, but are covered under separate legislation under Environmental Health Regulations. A condition is however recommended to require a Construction Vehicle Management Plan (CVMP) to deal with parking, loading, deliveries etc. during construction to seek to minimise any impact.

7.3 An objection was received relating to the provision of a playroom at first floor in a previous iteration of the proposal. Although a play room no longer forms part of the proposals, there is nothing in planning law or policy which prevents a playroom being provided at first floor. There are also concerns that the dressing room could be converted to an additional bedroom. Again there is nothing in planning policy to prevent this from happening, but amenity standards in respect of parking and private garden space would still be achieved if this were to occur and the property became 5-bedroomed.

7.4 Other objections raised relating to there being a small child living in the vicinity of the site, potential for graffiti on the front wall, the need for a time limit to complete the development, the proposals causing a reduction in local property values, the threat of a judicial review should permission be granted, and the City Council Planning Committee timetable not coordinating with the LPA consultation process are noted yet such concerns are not considered to be material planning considerations that could be attributed significant weight in the planning balance, so as to justify refusal. In certain instances such issues have not been held by the courts to be material planning considerations, such as impact on neighbouring property values.

7.5 Concern has also been raised that the proposal does not meet the requirements of policy H1 of the Local Plan Strategy, which requires the delivery of a balanced housing market and that developments include a mix of dwellings types. As the proposal is for a single replacement dwelling it is not possible to include a mix of house types. Whilst smaller properties are

promoted by policy, including two-bedroom apartments and two and three bedroom houses, in the context of this site such provision may have wider impacts on the character of local area and neighbours should a higher density scheme be promoted on this site i.e. more dwelling units.

- 7.6 Also, concerns have been raised by local residents to the number of iterations of drawings to address comments raised by consultees and neighbours received by the LPA, inconsistencies within those iterations, and that officers of the Council are working with the applicant. However, as members will be aware, officers are required to have regard to paragraph 187 of the NPPF and so look for solutions rather than problems, whilst working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The Council furthermore cannot prevent applicants from submitting inaccurate drawings and further corrections and revisions, whilst carrying out consultations on such plans, where necessary. Subsequently, it is considered that the information now submitted addresses the previous issues of inconsistency.
- 7.7 Concern has been raised with the potential of that materials could be imported onto the site to re-profile the garden. Such works would require separate consent from the County Council Waste and Minerals department. Notwithstanding this, as previously discussed the applicant does not intend to profile the garden to the extent that this would be necessary. A concern has been raised regarding whether the proposal would lead to reduced carbon emissions. As the proposal would be for the replacement of a 1950's built bungalow, the new dwelling would be built to modern building regulation standards which seek to reduce carbon emissions both through construction and occupation, when compared to the former dwelling.
- 7.8 This development is a CIL (Community Infrastructure Levy) liable scheme set within the higher charging zone rate of £55 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed. Although, as this is a replacement dwelling only the net increase in usable floor space would be liable.

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.
- 8.2 Representations received consider that Article 1 of the first protocol, which states that every person is entitled to peaceful enjoyment of their possessions has not been fully considered. It is however considered that the impacts on neighbouring residents have been given due and full consideration as part of the consideration of the application, as set out above. Regard has been given to Lord Justice Pill in the case of *Lough v the First Secretary of State and Bankside Developments Limited* (2004) EWCA Civ 905, and in particular the conclusions therein. This highlights the need to also acknowledge of the rights of the landowner/developer and amongst other things, to appropriate planning control. As set out above, proportionate consideration has been given in making this recommendation to the Planning Committee in such regard.

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 regard to the specifics of design and layout, it is considered that the application provides a scheme, which will integrate successfully into the existing local character and context and provides a high quality development. The proposal would deliver a 4-bed dwelling in a sustainable location, which is supported by both National and Local Policies. The Council considers that the plot size and relationship of the built form to amenity space is consistent with that to be found in the surrounding area, and adequate garden area would also be retained for the new dwelling.

Furthermore, the resultant density of approximately 11 dwellings per hectare would also be commensurate with the typical density in the locality and would not detract from the predominantly spacious character of the area. The significant concerns raised by local residents have been duly noted and fully considered, however it is considered that there would be sufficient separation and adequate relationship between neighbouring dwellings, so as not to cause significant undue harm to the amenity of adjacent neighbouring occupiers. Whilst the concerns raised by the neighbouring residents in respect of highway safety and parking are duly noted, along with those relating to the impact on a protected tree, it is considered that, subject to conditions, such concerns could not justify sustainable reasons to withhold planning permission in this instance.

Consequently, on balance the scheme is considered acceptable, and as such, it is recommended that this application be approved, subject to conditions, as set out above.

LOCATION PLAN

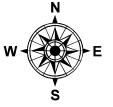
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Lichfield

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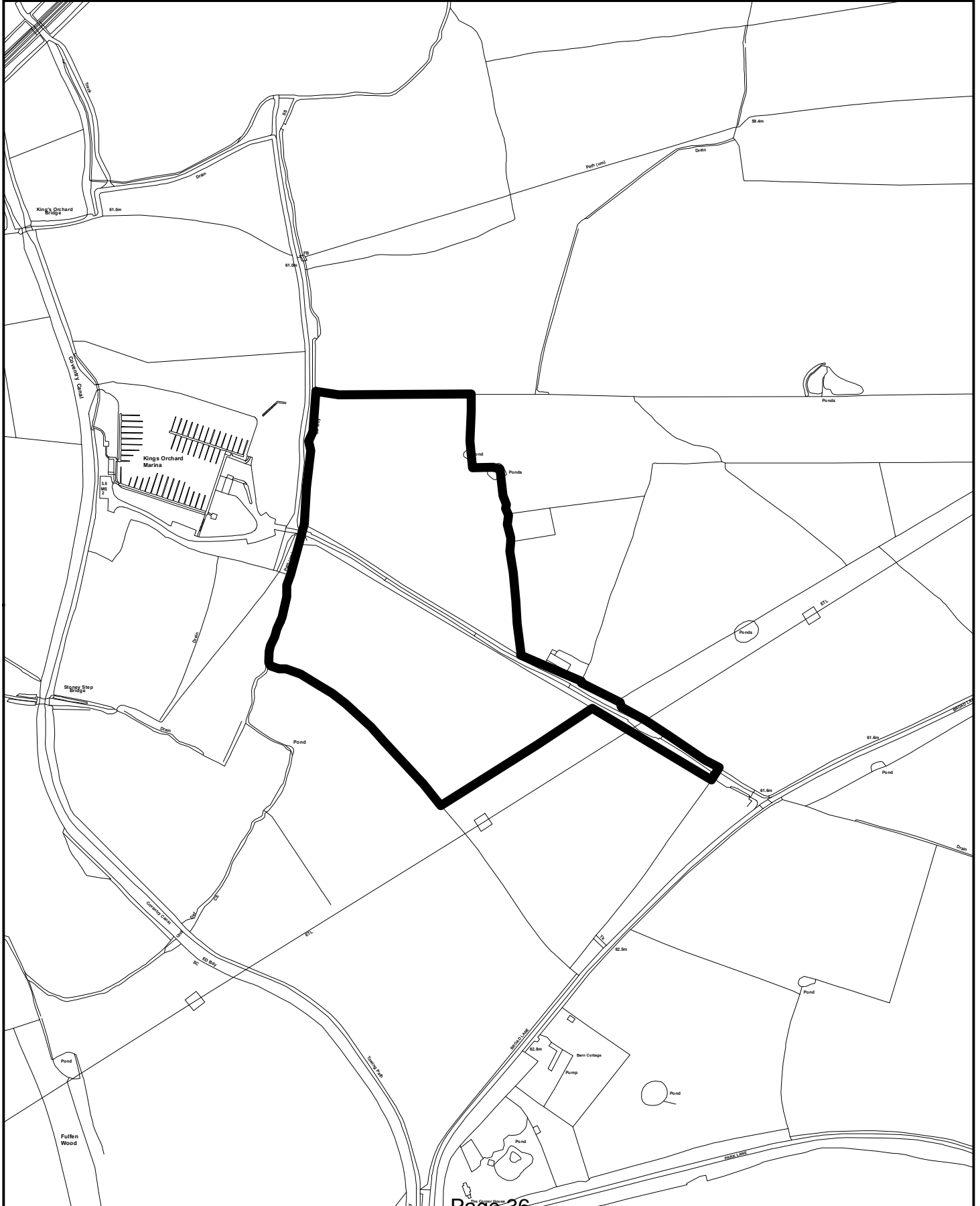
Dated: July 2018

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BLOCK PLAN

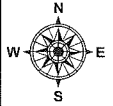
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Lichfield

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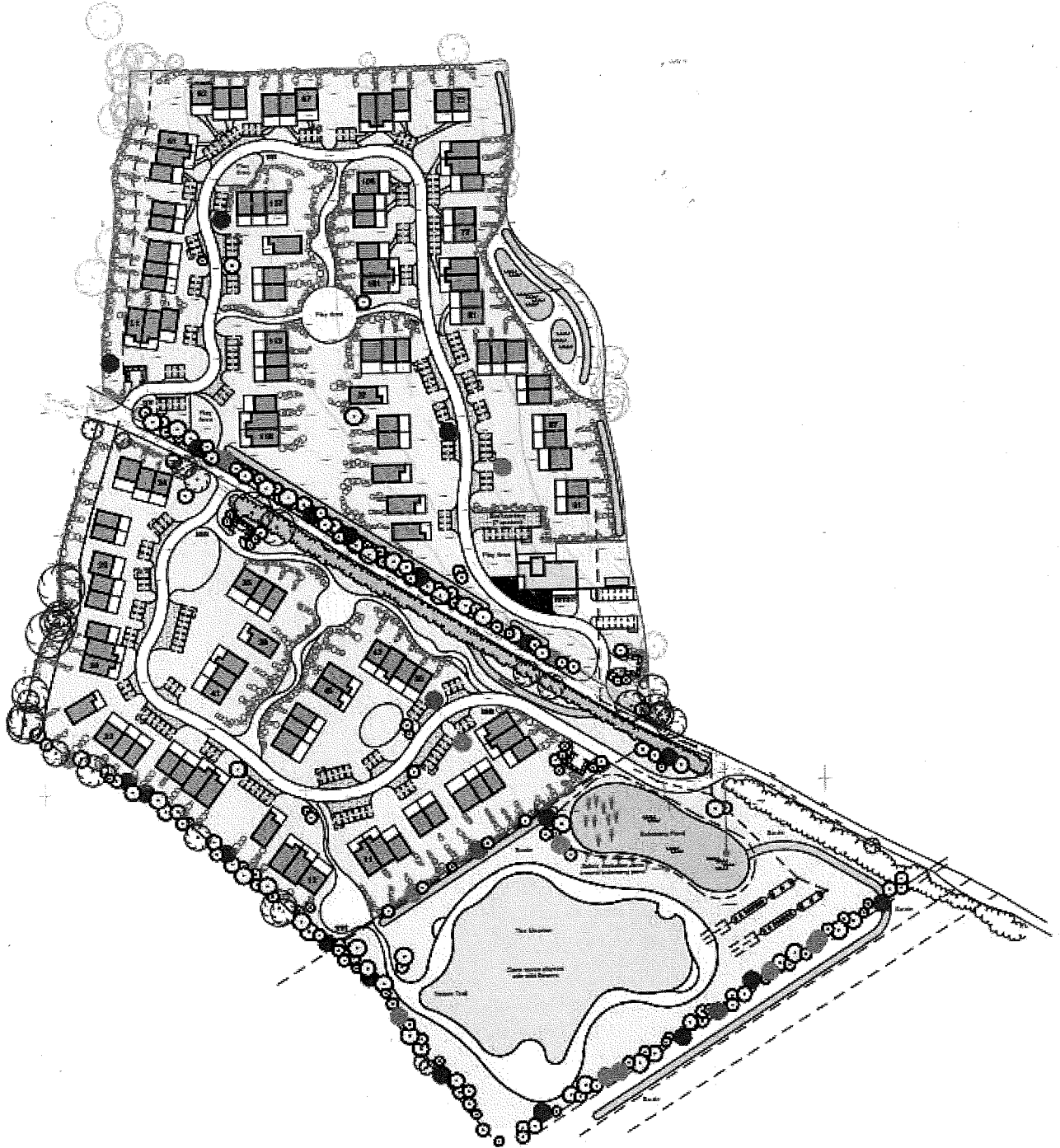
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July 2018

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17/00016/FULM

CONSTRUCTION OF 118 TWO, THREE AND FOUR BEDROOM TIMBER CLAD HOLIDAY AND LEISURE LODGES, LAYOUT AND CONSTRUCTION OF INTERNAL SITE ROADS AND PARKING AREAS, CREATION OF PLAY AREAS AND INTERNAL FOOTPATHS, LAYOUT AND CREATION OF TWO BALANCING PONDS, CONSTRUCTION OF A RECEPTION BUILDING WITH MEETING SPACE, OFFICE, FITNESS SUITE, TOILETS AND BIKE HIRE AND LAYING OUT OF 2.5HA GREENSPACE FOR NATURE CONSERVATION AND LEISURE, INCLUDING NATURE TRAIL AND DOG WALK, EXTENSIVE TREE PLANTING AND CREATION OF SPECIES RICH FLOWER MEADOW.

LAND NORTH WEST, BROAD LANE, HUDDLESFORD, LICHFIELD

FOR CHER VARYA GROUP LTD

Registered 15/12/16

Parish: Whittington and Fisherwick

Note: This application is being reported to Planning Committee due to the scale of development and that an Issues Paper was presented to the Committee previously on this proposal. Also, it is noted that as a significant number of planning objections have been received from local residents.

RECOMMENDATION: (i) Approve, subject to conditions and subject to the applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligation towards:-

- i. A travel plan and travel plan monitoring fee and;
- ii. Cannock Chase Special Area of Conservation mitigation contribution.

(ii) If the S106 legal agreement is not signed/completed by the 1 November 2018 of the Planning Committee resolution to approve, then officer delegated authority be given to refuse planning permission on the grounds that the unacceptability of the development without the required contributions and undertakings as outlined in the report.

CONDITIONS:

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

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

3. Notwithstanding any description/details in the application documents, before the development hereby approved is commenced, details of all external materials of any buildings and structures and areas of hardstanding to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Before the development hereby approved is commenced, full details of the surface and foul water drainage, including surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall include the following details and mitigation measures:
 - i. the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon submitted drainage calculations;

- ii. the limitation of surface water run-off to equivalent greenfield rates;
- iii. the utilisation of holding sustainable drainage techniques with the incorporation of treatment trains to help improve water quality;
- iv. finished floor levels are set no lower than 150mm above local ground levels;
- v. the responsibility for the future maintenance of drainage features;

The approved drainage scheme shall be fully implemented before any part of the development is first brought into use/occupied and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

5. Before the development hereby approved is commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The programme of works shall thereafter be implemented in accordance with the approved details.

6. Before the development hereby approved, including any site clearance works, are commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include the following details:
 - i. Arrangements for the parking of site operatives and visitors;
 - ii. Loading and unloading of plant and materials;
 - iii. Storage of plant and materials used in constructing the development;
 - iv. Construction hours;
 - v. Pedestrian and cyclist protection;
 - vi. Proposed temporary traffic restrictions;
 - vii. Arrangements for turning vehicles;
 - viii. Noise Control devices (Silencers, smart reversing alarms etc.);
 - ix. Delivery routeing and hours;
 - x. The erection and maintenance of security hoarding;
 - xi. Wheel washing facilities and methods of prevention of mud being carried onto the highway,
Measures to control the emission of dust and dirt during construction; and
 - xii. A scheme for the recycling/disposing of waste resulting from demolition and construction works.

The development and works associated thereto shall thereafter be undertaken in accordance with the details contained within the approved Construction Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

7. Before the development hereby approved is commenced, details of any external illumination within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of illumination shall thereafter be provided in accordance with the approved details.

8. Notwithstanding the submitted details, before the development hereby approved is commenced, full details of the refuse and recycling compounds shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling compounds shall be erected and made available for use prior to the first use / occupation of the development and shall thereafter be maintained for the life of the development.

9. Notwithstanding any submitted details or details shown within the approved plans, before the development hereby approved is commenced, a detailed landscape and planting scheme

shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being first brought into use, unless otherwise agreed in writing by the Local Planning Authority.

10. Before the development hereby approved including any demolition and/or site clearance works is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree / hedge protection measures shall thereafter be provided in accordance with the approved details British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
11. Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than 20.29 Biodiversity Units, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
 - i. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
 - ii. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - iii. Details of both species composition and abundance where planting is to occur;
 - iv. Proposed management prescriptions for all habitats for a period of no less than 25years;
 - v. Assurances of achievability;
 - vi. Timetable of delivery for all habitats; and
 - 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 amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

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

All other CONDITIONS to be complied with:

12. The development hereby approved shall be carried out in full accordance with the approved Flood Risk Assessment dated 13/09/2017 (Version 3.0 RAB: 1726).
13. The development hereby approved shall be carried out in strict accordance with all recommendations and methods of working detailed within the Preliminary Ecological Appraisal produced by Haslam Ecology, dated 25 November 2015 Report Reference HE05/08/15.

14. The use of the site shall be limited to holiday lodges only. The site shall not be used to accommodate caravans.
15. The holiday lodges shall be occupied as holiday accommodation only and shall not be occupied either continuously or cumulatively by any particular person or persons for a period exceeding 120 days in any twelve month period, the details of which shall be kept in a log and shall be made available to the Local Planning Authority upon request.
16. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
17. No development shall take place within the 8m easement / exclusion zone to the west of the site as shown on drawings 1806 P20 rev D and 1806 P19 rev D. This area shall be maintained free of development for the life of the development.
18. The reception building hereby approved shall only be used ancillary to the holiday and leisure lodges complex development hereby approved; and for no other purpose, including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of rural area, in accordance with Policy BE1 of the Lichfield District Local Plan Strategy, and the National Planning Policy Framework.
4. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
5. To safeguard any archaeological interests in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
6. In order to safeguard the amenities of the occupiers of premises/dwellings in the vicinity from undue noise, fumes, smells and disturbance and in the interests of highway safety in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
7. In order to safeguard the amenities of the occupiers of premises/dwellings in the vicinity from undue artificial light disturbance and in the interests of highway safety, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

8. To ensure the provision of an adequately proportioned bin store to suit the needs of the site and to safeguard the character and appearance of the area, in accordance with Policies BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
9. To ensure that a landscaping scheme to enhance the development is provided and to safeguard the character and appearance of the area in accordance with Core Policy 14 and Policies BE1 and NR4 of the Lichfield District Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
10. To ensure that no existing trees or hedgerows on the site, which contribute towards the character of the area are damaged during the construction process, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
11. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with Core Policy 3 and Policy NR9 of the Local Plan Strategy and the National Planning Policy Framework.
12. In order to ensure a net gain in biodiversity and to safeguard the ecological interests of the site, 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.
13. In order to secure an uplift in the site's habitat value in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
14. To safeguard the character and appearance of this rural area in accordance with Local Plan Strategy Core Policy CP7 and Policy NR1 and the National Planning Policy Framework.
15. To safeguard the character and appearance of this rural area in accordance with Local Plan Strategy Core Policy CP7 and Policy NR1 and the National Planning Policy Framework.
16. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
17. To allow for essential maintenance of a watercourse so as to reduce the risk of creating or exacerbating a flooding problem, in accordance with Core Policy 3 and Policy NR9 of the Local Plan Strategy and the National Planning Policy Framework.
18. To ensure the appropriate use of the development and to safeguard the character and appearance of this rural area, and in the interest of highway safety, in accordance with Local Plan Strategy Core Policy CP7 and Policies ST2 NR1 and the National Planning Policy Framework.

NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield

District Local Plan Strategy (2015), and the Whittington and Fisherwick Neighbourhood Plan (2018)

2. The applicant's attention is drawn to The Town and County 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.
4. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 20th October 2017. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
5. The applicant is advised that a public right of way runs through the site. This shall not be impeded during construction or when the development site is brought into use.
6. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.
7. The applicant attention is drawn to the comments of Cadent, National Grid dated 13/10/2017.
8. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. 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.
9. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development which complies with the provisions of paragraphs 186-187 or the NPPF.

PLANNING POLICY

National Guidance

National Planning Policy Framework
National Planning Practice Guidance
Conservation of Habitats and Species Regulations 2017

Lichfield District Local Plan Strategy (2015)

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 7 – Employment and Economic Development
Core Policy 9 - Tourism
Core Policy 10 – Healthy and Safe Lifestyles
Policy ST2 –Parking Provision
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species and their Habitats

Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 – Natural and Historic Landscapes
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Whit 1 – Whittington Environment
Policy Whit 2 – Whittington Services & Facilities
Policy Whit 3 – Whittington Economy

Supplementary Planning Documents

Sustainable Design
Biodiversity and Development
Trees, Landscaping and Development
Rural Development
Developer Contributions

Whittington and Fisherwick Neighbourhood Plan

Policy NE&L 1- Landscape Character
Policy D1 - The Design of New Development
Policy D2 - Reflecting Local Character and Design
Policy D1 -The Design of New Development
Policy NE&L 2 - Biodiversity and Habitats
Policy CFOS 3 - Open Space Provision as Part of New Development
Policy T&M 1 - The Impact of New Development
Policy T&M 2 - Pedestrian/Cycle Access and Connections
Policy LE&B1 - Supporting Local Employment and Businesses

RELEVANT PLANNING HISTORY

05/00860/FUL - Proposed agricultural building – Approved – 26/09/2005

04/00932/COU - Change of use of agricultural land to agricultural and equestrian uses – Approved – 12/10/2004

CONSULTATIONS

Whittington & Fisherwick Parish Council – The Parish recognises that potentially the local area could derive a measure of economic benefit from the increased spending power that such a development could bring. It is evident that considerable care has been taken in developing coherent and detailed proposals with commendable emphasis placed on environmental and sustainability issues. The scheme appears to be planned on the premise that visitors will look to nearby pubs, restaurants and shops for their day to day needs rather than site based facilities, and that is to be welcomed.

Concerns centred on access/traffic issues and the impact on the planned HS2 related works. The planned development assumes sharing the use and maintenance of the existing access road serving Kings Orchard Marina. At this juncture it is far from clear that it would readily cope with increased traffic volumes the development would bring and as yet no agreement with either the marina or landowner appears to be in place.

Unfortunately the traffic survey data submitted in support of the application takes no account of the activity HS2 is likely to generate. The Parish are concerned that this could set a precedent for future erosion of green field land between Lichfield and Whittington. Constructing the holiday park concurrently with HS2 activity would only add to the significant disruption (23/02/17 & 14/02/17).

Environment Agency – No objection following amended plans, subject to a condition in relation to maintaining the 8m easement as shown on drawings 1806-P20C and 1806-P19B (15/11/17).

Previous Comments: Object. The proposed development shows a recycling and refuse compound within the 8m easement. This easement is required for maintenance and access for people and machines. From the plans there appears to be room for the recycling and refuse compound to be reallocated. This would be sufficient to remove our objection (08/11/17).

Previous Comments: Object. The application is absent of an acceptable Flood Risk Assessment and the application as submitted does not comply with the requirements set out in paragraph 102 of the NPPF. The objection can be overcome by submitting an FRA (18/10/17).

Previous Comments: Object. The application is absent of an acceptable Flood Risk Assessment. The application site lies in Flood Zone 3 of the Mare Brook as having a high probability of flooding (31/01/17).

Staffordshire County Council (Highways) – No objections, subject to conditions relating to the submission of a Construction Management Plan (31/10/17 & 3/7/18).

Previous comments: No objections, subject to conditions in relation to the access and turning areas within the site being provided and visibility splays being provided (19/10/17).

Previous comments: No objections, subject to conditions relating to the submission of a Construction Management Plan. The developer will need to enter into a S106 Agreement to secure a travel plan and travel monitoring fee (28/03/17).

Staffordshire County Council (Environmental Advice Team) – A review of the Staffordshire HER has revealed that no designated or undesignated heritage assets lie within the area of the proposed scheme. However there is demonstrable archaeological potential of the area and the scale of the proposed development, should permission be granted it is advised that a staged evaluation be undertaken. This would be subject to a condition.

The landscape plan lacks clarity regarding hedgerow retention. Hedgerow removal would be both unnecessary and give rise to detrimental landscape and visual effects that are not acknowledged in the appraisal. The elevations indicate an almost continuous horizon of roofline created by the density and arrangements of lodges. Overall concerned that the proposal could give rise to unacceptable landscape and visual effects and that the effects of the development have been understated.

The proposed access to the development is via Public Footpath no 15 Whittington which does not appear to be recognised within the planning documents. If the footpath does need to be diverted as part of the proposals, then the developer would need to apply under the Section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The developer also needs to confirm that they have a private right to use the footpath with vehicles. If there is a private right to use with vehicles then the fact that the route is a public highway takes precedence. The plans also show a proposed gate. Gates can only be erected on public rights of way if they have been authorised by either the highway authority or the relevant District Council (20/10/17 & 13/03/17).

Tree Officer – No objection. Whilst some of the previous comments have been addressed, there are some outstanding items. The hedge to the North of the road on the South site is still indicated as being within a swale for instance. In addition no tree protection plan has yet been submitted. Further amendments will be required or, if the application moves to determination then conditions requiring detail to be submitted should be applied (14/05/18).

Previous Comments: No objection. Following a meeting on the 15/02/18 some of the points discussed have been addressed. For instance the RPAs of the retained trees have now been shown, the SUDs measures have been adjusted to take account of the RPAs of the retained trees, some

undefined features on the plan have been removed or re-defined and some indicative SUDs details for the lodges have been supplied. However there are still outstanding issues. A tree protection plan to BS5837-2012 has not been submitted and is required. A construction method statement is required. A detailed landscaping scheme is to be submitted which accords with the SPD requirement of 20% canopy cover by mid-century. There also appears to be SUDs features positioned very close to existing boundary hedges or locations where hedges could be re-established. The location of swales/SUDs features should be looked at in terms of their proximity to existing hedges and their locations adjusted accordingly to ensure that existing hedges are retained and undamaged. Should the application go forward to determination prior to the abovementioned issues being addressed then these should be addressed via pre-commencement conditions. However, it would be preferable if these items were addressed prior to determination (27/04/18).

Previous Comments: Having reviewed the latest amended plans and also the previous iteration, the majority of the issues raised within the previous comments remain unaddressed. There are varied and substantial issues detailed within these comments which remain unaddressed and for this reason the objection raised to the scheme is maintained (19/01/18).

Previous Comments: No objection. The recent amendments have demonstrated that the development can be achieved without large scale tree loss, but not that it has a negative impact within the wider area. It is requested that if this application is minded for approval than a pre-commencement condition is applied requiring substantial landscaping details to be provided and additional condition requiring SUDs and services runs to be detailed that do not conflict with the trees wither present or proposed (08/03/17).

Previous Comments: Object. The submission contains extracts from the original tree survey, but this is outdated given the layout changes. Previous issues regarding the landscaping still exist. All other comments regarding drainage etc. still appear to be relevant (10/10/17).

Previous Comments: The tree report is accepted and meets the comments of 18th January. However all other comments are outstanding and remain to be addressed (15/02/17).

CPRE - Object. What is proposed are called lodges, but are in practice constructed as dwellings, ostensibly for leisure and holiday use but capable of providing year round residential use. We disagree with the applicants with regard to the sustainability of the location, for example residents would be car-dependant and would rely on mains services. We consider the proposals are not in accordance either with the Councils adopted Local Plan or the NPPF (28/03/17).

Ecology Officer – Welcomes the applicant’s intention to deliver net gains of 20.29 BU as part of the proposed development scheme. They approve of the new habitats proposed for the creation as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map. As such the development scheme is viewed as likely to provide approx. 110% net-gain to Biodiversity Value so complies with both policy NR3 and the requirements of the Biodiversity and Development SPD. The Ecology Team is satisfied with the methodology and the information provided with the submitted Preliminary Ecological Appraisal in that it can be considered unlikely that the proposed works would negatively impact upon a European Protected Species, or upon a protected or priority species habitat (08/06/18).

Previous Comments: Refer to earlier comments of the ecology team dated 11/01/2017. The Biodiversity Impact Calculator (BIC) submitted at pre-application stage clearly demonstrated that the habitat (types and areas) proposed to be created as part of the development scheme will provide for a significant gain of 19.49 Biodiversity Units (BU). They are unable to locate the BIC in relation to the current application submitted and needs to be submitted prior to any planning approval (11/01/2017 & 19/10/17 & 03/01/18).

Staffordshire County Council (Minerals) – No objection. It is reasonable to conclude that the proposal would not lead to the significant sterilisation of important mineral resources in view of the limited extent of the mineral safeguarding area affected by the proposal (09/02/17).

Staffordshire County Council (Flood Team) – The proposed development will only be acceptable if the measures as detailed in the Flood Risk Assessment are implemented and secured by way of planning condition (18/05/18).

Previous Comments: Until such time as an appropriate level of detail has been provided to inform the flood risk proposed to the proposal, full comments cannot be provided at this time. Although the application has provided indicative layouts showing the location of attenuation ponds, until such time as the flood risk to the site has been assessed and quantified, we are unable to assure the LPA that the SUDS features will be outside of areas liable to flood and will therefore be effective during flood events. Details of a scheme of site-wide SuDS drainage is recommended to inform a decision (29/03/17).

Urban Design and Conservation Officer – The number of units has been decreased by 21 which has resulted in a less dense layout. The layout is less regimented and has a more organic feel to it which is welcomed. This gives more space for landscaping which is also welcomed and which will help to integrate the development into its setting. The use of BodPave for the parking areas will reduce the visual impact of these and significantly reduce the extent of hard landscaping which was a previous concern.

There are still reservations about the use of rows of 2, 3 and 4 units. This gives the development the feel of a more permanent residential area, rather than a holiday home site and there is also the potential for lack of privacy, and noise from adjoining units to be an issue. (16/7/18)

Previous comments - The layout for 139 eco holiday homes is very cramped and dense and the number and size of the proposed site is very large. A smaller site with a less dense and more organic layout would be more suitable (31/03/17).

Natural England – No objection, subject to appropriate mitigation being secured for Cannock Chase SAC either in the form of a developer contribution or additional information to allow for an appropriate assessment to be made. (31/03/17).

Cadent Gas Limited/National Grid – No objection (23/02/17 & 17/02/07 & 13/10/17).

Environmental Health – No objections. The only potential issue would relate to the impact on the A38 AQMA, however on review of submitted transport assessment any impact would not be significant. (29/01/17).

Spatial Policy and Delivery Manager– Subject to compliance with the Habitat Regulations, in principle, the scheme is policy compliant in terms of tourism and economic development. The concerns of other consultees is noted and advise that a scheme for residential development would not be supported. For the proposed use the application site is relatively isolated from services and facilities and therefore potentially somewhat at odds with aspects of CP3 which seeks to “reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport”. However, with regard to overnight accommodation, although hotel development is generally focussed on Lichfield city under CP9, the Local Plan does not specify the same requirements for those types of holiday accommodation which could not feasibly be accommodated in or around the centre. Furthermore, CP9 allows for “sustainable tourism” where it is in line with Core Policy 3 and does not conflict with other policies therefore careful consideration of the sustainable qualities of the proposal such as cycling and walking routes into the sustainable settlements will be necessary. In addition, need to be satisfied that design measures can mitigate any impacts on the open countryside, that the release of agricultural land supports NPPF para 112

and the development can be controlled to regulate the use of the properties as holiday lets (22/01/18 & 16/01/18 & 25/1/17).

Economic Development - No comments received.

Staffordshire County Council (Rights of Way Officer) – The documents do not acknowledge the public right of way that runs through the site between the north and south fields or address and points raised in our earlier response. Therefore the previous response from Staffordshire County Council Environmental Advice Team still stands (11/10/17).

Staffordshire Police Architectural Liaison Officer – No objection (20/10/17 & 27/01/17).

Canal & River Trust – No comments to make in respect of the revised application documents with the reduced number of units (11/10/2017 & 26/01/17).

Highways England – No objections (27/12/17, 11/10/17 & 30/01/17).

HS2 Safeguarding Consultation – No comments on proposal (02/01/18, 17/10/17 & 16/03/17).

Inland Waterways Association – Object. The latest layout change is very minor and does not alter our concerns or objections to this application as previously submitted (29/12/17).

Previous comments: Object. The reduction in units from 139 to 118 and the amended layout does not remove previous concerns and objections about the need for towpath improvements, inadequate road access, traffic on unsuitable roads, inappropriate design, lack of leisure facilities, unsustainable location and planning status still apply unaltered (17/10/17).

Previous comments: Whilst the direct impacts on the canal may be limited, there are a number of concerns about indirect impacts including towpath maintenance, access to the marina and road traffic safety issues. The application is not in an obvious holiday destination. Other than the nearby canal, there are no tourism attractions in the vicinity readily accessible by walking or cycling. The two main routes to the site from the A38 both involve crossing narrow hump-backed canal bridge and there is concern that significant increases in traffic will compromise safety at what are already inherently dangerous locations. The land is not allocated through the planning system. The design of the proposed buildings and their high density of their layout appears more like a housing estate, with timber cladding, than a typical holiday lodge development. This would normally be single storey buildings in a more spacious woodland and landscaped setting with extensive facilities on site or in the immediate vicinity. There is no reference to any time limitation on occupation of the lodges and whilst this could be covered by condition, such restrictions on caravan and mobile home sites have been relaxed or removed allowing near year-round occupation rather than short period holiday lets (24/01/2017).

Lichfield Civic Society – No comments received.

Network Rail – No objection. Neither the Brookhay Level Crossing or Hollands Level Crossing will be impacted by the proposal (08/03/17 & 16/02/17 & 21/02/17).

Open Space Society – Has commented that a footpath crosses the site, which may need to be diverted or will it remain on the same line? (19/1/17)

Ramblers Association – No objection, provided that there is no interference with public use of Footpaths No. 14, 15 and 0.492 Whittington Parish (17/01/18 & 22/10/17).

Severn Trent Water – No objection, subject to condition in relation to drainage plans for the disposal of foul and surface water flows (28/12/18).

LETTERS OF REPRESENTATION

76 letters of objection have been received in relation to this application. Their comments are summarised as follows:

Principle

- Green Belt land should not be built on until all brownfield sites have been exhausted;
- The plans are in direct contravention to the District Local Plan and the NPPF;
- Clearly going to be a housing development, rather than the suggested 'eco lodge; destination;
- It is premature as Whittington village is in the final stages of developing its own neighbourhood plan;
- According to the LDLSPP the site hasn't been identified as suitable for rural development;

Design

- Scale coupled with its visual impact would be detrimental to the surrounding countryside;
- Scale is larger than the host village of Huddlesford;
- 2 storey lodges do not blend into the surroundings;
- The building design is not in keeping with the local area particularly when areas of the village are in a Conservation Area;
- The development is a covert housing estate rather than a holiday park;
- Proposed buildings are out of place in a rural, agricultural area like Huddlesford;

Location

- Negative effect on the village;
- Negative effect on the community;
- Huddlesford is not a holiday destination;
- No areas of interest in the area;
- No local facilities to cope with the increase in tourism. Huddlesford has one small pub, no shop or other facilities;
- The location is unsuitable for holiday development as in close proximity to noisy rail lines, the busy A38, a vast pylon in and near them and located on a floodplain;
- The canal is cited as a reason to visit despite the fact that there is no access to the canal from the proposed site;
- Negative impact on the village of Whittington;
- Not accessible to local services;
- Will not support economic growth as it is aimed at tourists and tourists only. Nothing to amuse tourists apart from the nearby canal and marina;

Highways / Transport Issues

- Existing road infrastructure is not adequate;
- The route down Broad Lane is single track and used by local farming community and can get very dirty and therefore could be a hazard;
- Impact on highways;
- Additional traffic that local roads, including two canal bridges with 7.5 tonne weight limits, were not designed to cope with;
- Safety issues for pedestrians and cyclists as roads are narrow with no passing places and no footpaths;
- Many potholes along broad lane making walking, cycling and driving dangerous;
- The listed local tourist attractions require vehicular access, some considerable journeys;
- Will be close to the A38 and proposed HS2 route;
- Surrounding roads are also not suitable for walking and cycling due to speed in which cars travel;
- Brookhay rail crossing is already classified as 'combined risk 4' which is high and is noted as already having high volumes of traffic;

- General access is very poor due to narrow and weak bridges;
- HS2 will impact the site;
- No public transport to the site;
- Huddlesford and surrounding area used by many cyclists, walkers and horse riders, the significant increase in road traffic can only have a negative effect on the safety of our more vulnerable road users;
- Cycling, electric cars and many other local attractions are promised, yet the roads are certainly not safe;
- The proposal includes bike hire, however the nearest public access to the towpath is at Huddlesford. Bicycles would therefore have to use the single track road;

Natural Environment

- Permanent loss of productive and classified agricultural land;
- Detrimental impact on the wildlife in the area;
- Impact on landscaping;
- Valuable pasture land;
- All birds, their nests and eggs are protected by law. Badgers are also protected which includes their burrows and setts;
- Staffordshire Ecological Record was queried for records of protected species so it seems a proper site survey wasn't done. It isn't a true picture of protected species in the area;
- The area should be preserved and protected;
- Building on grade 3 land is not enhancing the natural environment;
- Closest areas to highway should have fully matured trees planted;
- Site is on a flood plain and will increase flood risk;
- Newts present on the land;
- Bats, badger, butterflies and bees and many variety of birds present;
- Increase in noise, air and light pollution;
- Poor drainage of the verges on Broad Lane;
- Buildings will negatively impact the natural landscape and are in no way sympathetic to the historic heritage of the local area;
- The proposed development is adjacent to Mare Brook. The only evidence of a system to deal with effluent is a note about a 'Klargester or similar treatment plant'. Such a system would be vulnerable to ground water flooding which would lead to overflow and contamination of Mare Brook as well the groundwater in the river;
- Impact on the SAC;
- Land nearby is of high risk flooding and as such the development could pollute nearby waterways when under construction. Also neighbouring properties could flood due to surface water runoff from the proposed site;

Other

- Reduction in house values;
- Litter will spoil the visual look of the countryside and present an increased danger to live stock and farm machinery;
- An increase of 100% to the local infrastructure and population;
- Threat to public health;
- Disruption during construction;
- No information on the length of time that people can inhabit these dwellings which means they can be used as a more permanent accommodation;
- Wouldn't be safe for children;
- Will coincide with the upheaval of HS2;
- The construction method is not in keeping with the properties in the local surroundings;
- Disrupt and upset the local community;
- Developers brochure points out there is a school in Whittington and that the school bus does service Broad Lane. Why would holiday makers need to know this?;

- Holiday Park available at Wychnor which is not utilised to capacity;
- More pressure on already stretched services i.e. GP services and/or hospitals, dentists, refuse collection;
- More waste will be created as visitors will have to buy a food shop which creates more waste to end in landfill;
- There is no requirement for a holiday park;
- Will increase incidents of anti-social behaviour such as littering, increased noise levels, increased traffic and potentially more sinister probabilities of burglaries and car accidents;
- Police time will be diverted. A site like this is bound to bring an increase in some level of criminal activity, on it or off it;
- Loss of privacy;
- Connected interests - the applicant is related by family to the land owner;
- No natural gas, no proper sewerage;

7 letters of support have been received from residents, their comments are summarised as follows:

- Profound benefit to the immediate area and Lichfield city as a much needed tourism boost economically and environmentally;
- Nearby marina would relate well to the scheme;
- Employment generation;
- Will enhance the local countryside;
- The infrastructure is accessible to many people and the added amenities will be a benefit to local people young and old;
- Will allow access to the countryside for more people;
- Kerdene do things properly and conduct themselves morally. All stakeholders will benefit from what they can offer;
- Great asset to the area;
- Will be good for the surrounding local public houses and the village shops;
- Would become a tourist attraction for Lichfield;
- The measures proposed regarding nature will enhance the local wildlife;
- It is not anticipated there would be any traffic problems arising as the lane is very quiet;
- It would provide a lot more facilities for boat occupants, more walks and will complement the existing marina;
- The project is holiday orientated so will not impact rush hour traffic and once settled in their holiday home would most likely travel on foot or use bicycles;
- Neither sites are visible from nearby road and does not affect the scenery;
- Impact on local and surrounding communities would be minimal as this development can only enhance and build on what is already there;
- For Lichfield Council this will generate more income and revenue;
- Impact on the environment will be made minimal as every new project of this magnitude is very closely governed to keep trade local;

OTHER BACKGROUND DOCUMENTS

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

Visual and Landscape (Impact) Assessment
 Tree Report/Impact Survey (received 20/02/17)
 Design and Access Statement
 Preliminary Ecological Appraisal
 Biodiversity Accounting
 Planning and Local Economic Benefits Statement
 Cannock Chase Area of Conservation (SAC) Impact Assessment
 Travel Plan
 Flood Risk Assessments
 Transport Statement

OBSERVATIONS

Site and Location

The application site is currently two agricultural fields which lie to the north-east of Lichfield, approximately 500m directly to the north of Huddlesford. The site is in a rural location and comprises farmland bounded on three sides by hedgerow and sporadic tree growth. The site does not lie in the Green Belt which is to the south of the West Coast Mainline. The interior of the site is largely void of any landscape features. To the west is Kings Orchard Marina and the Coventry Canal with the canal travelling in a southerly direction and being approximately 200m south of the application site. A large electricity pylon and associated cabling run along the southern boundary of the site.

The site is accessed from a track leading from Broad Lane, which is also the primary vehicular access for users of the adjacent marina. To the north-east of the access is a residential dwelling which is approximately 450m distant.

Proposals

The application proposes the construction of 118 two, three and four bedroom timber clad holiday and leisure lodges; the layout and construction of internal site roads and parking areas; creation of play areas and internal footpaths; layout and creation of two balancing ponds; construction of a reception building with meeting space, office, fitness suite, toilets and bike hire; and laying out of 2.5ha greenspace for nature conservation and leisure, including nature trail and dog walk, extensive tree planting and creation of species rich flower meadow.

The site consists of two parcels of land to the north and south of the access track. The northern parcel would have 50 lodges and associated facilities and the main reception building, whilst the southern area would have 68 lodges and the principal green space for the development. Both parcels would have balancing ponds, parking and play areas.

In terms of lodge designs, the two and three bedroom lodges would have a height ranging between 4.3m (for a single storey unit) and 5.8m (for a two storey unit) and would be cedar clad with green roofs, whilst the 4 bedroom lodges would have a maximum height of 6.3m and would be cedar clad with green roofs. Footprints range from 49sqm for a 2-bed unit to 79sqm for a 4-bed unit. The reception building would be 2 storey in height, with a footprint of approximately 230sqm and would be mainly cedar clad and glazed with a large green roof and solar panel, such that it would appear single storey from the rear. The building would provide ancillary facilities for the site including work shop facilities, bike hire, on site shop, meeting rooms, site office, toilets and a small kitchen.

Vehicular access to the site will utilise the existing surfaced lane and access from Broad Lane and will be shared with access to Kings Orchard Marina. There is a wide open entrance from Broad Lane and the unadopted lane is, in the main, single track with two passing bays. Two further passing bays are proposed as part of this application. Each lodge will be provided with at least one parking space in shared green parking areas with visitor parking available adjacent the reception building.

Determining Issues

1. Policy and Principle of Development
2. Visual Impact on Existing Landscape Features And New Landscape And Planting
3. Design and Layout
4. Highways Issues, Including Access, Parking and Impact on Highway Network and Connectivity
5. Environmental Health Issues
6. Flood Risk and Drainage Issues
7. Ecological and Biodiversity Impacts and Cannock Chase SAC

8. Other Issues
9. Human Rights

1. Planning 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 and any relevant neighbourhood plan, in this instance the Whittington and Fisherwick Neighbourhood Plan (2018).
- 1.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and within the Ministerial Foreword, it states "*development that is sustainable should go ahead, without delay*". Therefore, consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 Paragraph 7 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 Local Plan Strategy, Strategic Priority 7: Economic Prosperity and Core Policy 7 both encourage economic rural development, subject to there being no conflict with other Local Plan Policies. Policy CP7 states that: "*proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies.*"
- 1.5 Strategic Priority 8: Employment Opportunities seeks to ensure that employment opportunities within the District are created through the development of new enterprise and the support and diversification of existing businesses, to meet the identified needs of local people.
- 1.6 Paragraph 20 of the NPPF states "*to help achieve economic growth, local planning authorities should plan proactively to meet development needs of business and support an economy fit for the 21st Century*". Paragraph 28 of the NPPF states that "*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*". In addition, it is advised that Local Planning Authorities "*support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings*".
- 1.7 Core Policy 9: Tourism supports the growth of sustainable tourism in the district in line with the principles of CP3. To help support the local economy, a variety of types of additional overnight accommodation will be encouraged increasing overnight visitor capacity and enabling longer tourist stays. More overnight capacity and longer stays within the district will benefit the local economy.
- 1.8 The site lies in open countryside outside of any settlement boundary and therefore also falls to be considered under Policies CP3 and NR1 of the Local Plan Strategy. Strategic Priority 12: Countryside Character seeks to protect and enhance the quality and character of the countryside, its landscapes and villages by ensuring that development which takes place to meet identified rural development needs contributes positively to countryside character through enhancements to the local environment.

- 1.9 Policy CP3: Delivering sustainable development states that development should address a number of issues, the key ones relevant to this application being:
- *Protect and enhance the character and distinctiveness of Lichfield District*
 - *Assist in the regeneration and evolution of towns, villages and surrounding areas.*
 - *Be of a scale and nature appropriate to its locality.*
 - *Guide development away from known areas of flood risk.*
 - *Maximise opportunities to protect and enhance biodiversity*
 - *Facilitate energy conservation and the utilisation of renewable energy resources*

- 1.10 The Local Plan Strategy through Policy NR1: Countryside Management also seeks protection of the countryside from inappropriate development and protection of our natural resources. Policy NR 1 states that development will be supported which:

- *Assist in delivering diverse and sustainable farming enterprises.*
- *Deliver/assist in delivering other countryside-based enterprise and activities, including those which promote the recreation and enjoyment of the countryside, such as forestry, horticulture, fishing and equestrian activities and crops for energy generation, which may fall outside the definition of agriculture.*
- *Provide for the sensitive use of renewable energy resources.*

This policy goes on to say within its explanatory text that “The countryside should be protected from inappropriate development which would cause environmental harm (including visual impact)”. Furthermore “new building development away from existing settlements, or those areas designated for development within this local plan will be strictly controlled”.

- 1.11 Further to the above Policy BE1 explains 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.
- 1.12 Whittington and Fisherwick Neighbourhood Plan has a number of strategic aims relevant to new developments. Strategic Aim 2 Design seeks to ensure all new developments are well designed in order to complement and enhance the historic rural character of Whittington and Fisherwick and its landscape setting. Strategic Aim 3: Environment and Landscape - To preserve and enhance wildlife habitats, local landscape character, heritage assets, public open spaces, footpaths, bridleways, and the canal towpath networks. Strategic Aim 4: Traffic and Movement - To ensure that all new development in Whittington and Fisherwick mitigates traffic impact, takes full account of road safety issues and seeks to provide improved pedestrian connectivity. Strategic Aim 7: Landscape - To preserve and enhance landscape character, wildlife habitats, green infrastructure, historic landscape character and the footpath network in Whittington and Fisherwick. Consequently a number of policies are derived from these aims. These are referred to further below.
- 1.13 Given the above policy considerations, it is necessary to weigh the economic benefits of the development against the impact on the rural area. Both Policies CP7 and CP9 seek to support developments where there are positive economic benefits. CP7 also supports proposals for economic development and diversification of the rural economy.
- 1.14 In the case of these proposals, the applicant has put forward a local economic benefits case in support of the application. The district currently has a significant shortfall of overnight tourism accommodation especially self-catering accommodation. The proposal seeks to help address this. It is considered that weight should be given to this circumstance in justifying the scheme.
- 1.15 Holiday and lodge parks contribute around 14% to the UK tourism economy. Holiday accommodation in rural areas can help drive up the overnight tourist spend and supports local businesses. Such land use also generates employment opportunities both directly and

indirectly within a local area, through on site jobs servicing the facility or at local businesses. The development would give rise to increased economic activity and tourist spend in the local area through the additional tourists within the area who would stay at the facility e.g. at local pubs, restaurants, supermarkets. A number of key tourist attractions serving the West Midlands are located within Lichfield District or close by and it is important these are maintained and enhanced where appropriate e.g. Lichfield Cathedral, Drayton Manor Park, National Memorial Arboretum, Cannock Chase. This additional tourism activity would assist in creating further employment opportunities at these facilities. It is considered that great weight should be given to the economic benefits the proposal would have on the local service and tourism economy and to the addressing of tourism accommodation shortfall.

- 1.16 Economic benefits would also be seen by local businesses during construction through the use of local contractors and suppliers and through these workers using local service facilities.
- 1.17 The proposal is supported by the Rural Development SPD which states that within rural areas income from tourism and recreational activities is recognised as an important part of our rural economy. Sustainable tourist development is about making a low impact on the environment and local culture, whilst helping to generate income and employment for local people. Further to this, there is support within the NPPF for economic growth in rural areas. Whittington and Fisherwick Neighbourhood Plan Policy LE&B1: encourages the development of new small businesses and the expansion or diversification of existing business, including farm based operations, where no significant harm arising in respect of highway safety, noise disturbance, or odours; and the proposal demonstrating respect for local character.
- 1.18 As such, with regard to the economic benefits of this proposal, it is considered that weight should be given to these benefits within the planning balance in favour of these proposals. However, in the rural area this needs to be balanced with the need to protect the countryside as an asset in its own right.
- 1.19 When weighing up the protection of the rural area and the tourist and economic benefits such proposals would bring to the local area, it is considered that both national and local planning policies seek to support rural enterprises subject to impacts on the character of a rural area. The design and visual impact is discussed below, but subject to this the principle of development could, on balance, be acceptable subject to meeting the requirements of other relevant development management policies, as discussed below.

2. Visual impact on existing landscape features and new landscape and planting

- 2.1 The scale of development proposed is significant and there will inevitably be an impact on the character of this rural area. A Landscape Visual Impact Assessment (LVIA) has been submitted as part of the proposals to seek to justify the impact caused. This highlights that from long and medium distance views, the site is not visible due to existing landscaping and the topography of the area and site, and that only at a short distances would the site be visible, and only in a limited number of locations from the Coventry Canal towpath.
- 2.2 The Council's Supplementary Planning Document Trees, Landscaping and Development provides guidance on how to successfully integrate existing trees into development and integrate new planting into a scheme to ensure its long term retention. Whittington and Fisherwick Neighbourhood Plan Policy NE&L 1: Landscape Character seeks that larger scale development should take into account a number of landscape features including field patterns, mature trees and historic hedgerows. Furthermore Policy CFOS3 of the Neighbourhood Plan encourages new development to provide suitable green spaces to meet the recreation needs and for the benefit of wildlife
- 2.3 The proposals have been designed such that the scheme would assimilate in to the rural landscape. Extensive planting would be provided around and through the site supplementing

existing vegetation so as to create a green environment for the holiday makers and to screen the buildings. The buildings have been designed with extensive green roofs which extend down the rear of the units. The units will be placed in the main so that they face into the site with the green catslide roofs to the rear providing a green wall when viewed from outside the site and in the context of proposed landscaping. Although 2-storey buildings are proposed, these will be limited to approximately 7metres high (lower than traditional 2-storey dwellings which would normally be approximately 8 metres high). All the communal circulation areas would be landscaped, with green parking provided for the lodges. The proposals would be screened from the public highway by the existing mature boundary treatments and the topography of the local area, which places the site lower than the land to the south and west. The proposed landscaping and green design mitigation would also assist in the developments assimilation. Therefore, over time, it is considered that with the maturity of the landscaping the proposal would assimilate positively in the landscape.

- 2.4 To the south corner of the southern element of the site, a wildlife meadow is proposed, to provide a nature trail and wildflower planted meadow open space area, along with balancing pond. It is considered that this is an appropriate use of this land. However, this is unlikely to be visible from outside the site from the public highway. To support the applicant's intention to create a landscaped screen around the site and to extensively landscape the internal areas of the development, a landscaping condition has been recommended.
- 2.5 Therefore, it is considered, on balance, that due to the existing and proposed landscaping, the topography of the area, and assessment contained in the submitted LVIA, the development would appropriately assimilate into the landscape and as a result it would not cause significant harm to the character of the rural area.

3. Design and Layout

- 3.1 The NPPF (Section 7) 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"*. 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"*.
- 3.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - create and sustain an appropriate mix;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 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"*. Whittington and Fisherwick Neighbourhood Plan Policies D1 and D2: seek design, layout and density of new development to reflect the rural nature of Whittington and Fisherwick through an environmentally sustainable and sympathetic approach which reflects the historic character of the village by actively promoting high quality design of buildings, use of high quality materials, hard and soft landscaping and associated communal spaces. Furthermore new development should relate well to existing pattern of development, integrate into surrounding area including reinforcing connection;

provide convenient access to community facilities and services; create a place with locally inspired or distinctive character; take advantage of local topography and landscape features; and integrate parking within landscaping. Density should normally not exceed the level existing in the village and should be appropriate to the rural location.

- 3.4 The northern portion of the site would consist of 68 units arranged either side of a meandering link road off the main access track, with green parking sited along this road for use by the lodges. The units would in the main face the link road. The units would not have private amenity space, such that all external space would be communal. The communal areas would be extensively landscaped, to minimise any impact of the development on the area and to create a relaxing environment. Within the centre of the north site would be located a large play area, although 3 smaller play areas would be located in the north, east and west of this portion of the site. The western access point of the link road would utilise an existing field access, whilst the southern access would involve the removal of a small portion of hedgerow. At the south east corner would be located the central reception and amenities building, with associated car park for 12 cars and maintenance compound. SuDS features would be created on the west and south of the north site portion. Two refuse collection points are also proposed at either end of the link road.
- 3.5 The southern portion of the site would have two access points off the main access track, which would be linked via a meandering link road. The southern access point would utilise an existing field entrance, whilst the northern access would involve the removal of a limited area of hedgerow. Like the northern portion of the site, 50 units would be arranged off the link road, with green parking for use by the lodges. The units would in the main face the link road. The units would not have private amenity space, such that all external space would be communal. The communal areas would be extensively landscaped, to minimise any impact of the development on the area and to create a relaxing environment. Three play areas with bike storage would be sited within this area. The southern element of this portion of the site would see the creation of a wildflower meadow, with nature trail running through, and a large balancing pond. Two refuse collection points are also proposed at either end of the link road.
- 3.6 The units have been designed with green sedum roofs and horizontal cedar shiplap weather boarding at first floor level and rendered walls at ground floor with aluminium fenestration. The reception building would be constructed of the same facing materials as the lodge buildings but with a higher proportion of glazing to the southern elevation and solar panels on the northern elevation. It is considered that design of these buildings is of a high quality, which would be appropriate for the location. The proposed layout has been designed such that the lodge buildings are formed in blocks of either 1, 2, 3 or 4 units. Although concern has been raised to the creation of blocks of units by the Conservation and Urban Design Manager, it is not considered that this would negatively affect the character of the development, as by grouping some units it allows for increased level of communal space. Such a layout assists in the creation of a low density layout with an organic feel which gives space for extensive landscaping, which helps to integrate the development into its setting, whilst maintaining views through the site to green fields beyond, maintaining the green character of the area.
- 3.7 As such, it is considered that the layout of the site and design of the buildings is acceptable for the type of development and its location. Therefore, subject to conditions, it is considered when weighed against the economic benefits of the proposals, the relatively minimal impact on the character and visual amenity of the rural area, the form and scale of development is acceptable.

4. Highways Issues, including access, parking and impact on highway network and connectivity
- 4.1 Access to the site will utilise the existing single width access track to the Kings Meadow Marina to the west. This track has been improved as part of the implementation of the marina, such that a number of passing bays have been provided. The proposal would increase the number of passing bays, such that the Highways Authority do not consider that the development would cause highway safety / congestion issues on this non adopted track. The current access onto Broad Lane is of such a design that the existing visibility on to the road is acceptable for the speed of traffic Neighbourhood Plan polices T&M 1 and T&M2 encourage where a development would generate a significant amount of movement or would potentially affect a known and evidenced traffic hazard, they should be supported by realistic measures to maintain highway safety and avoid vehicular/pedestrian conflict. The plan also encourages the extension and/or improvement of routes for pedestrians, cyclists and/or horse riders.. Staffordshire County Council (Highways) are satisfied that the development would not have a detrimental impact on the wider highway network as a result of the addition vehicles using it No objections have been received from Network rail with regard to the impact on the local level crossings with e the cross city rail line. As such it is considered that the proposal is acceptable in this regard.
- 4.2 The NPPF advises that *“local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable”*. The Sustainable Design SPD includes parking standards for new development, but not specifically for the proposed use.
- 4.3 The application proposes the provision of a total of 106 parking spaces to serve the lodges to the north of the site, 7 staff car parking spaces, 12 visitor spaces outside of the reception building and 20 cycle spaces. To the south of the site 75 car spaces for the lodges will be provided along with provision for 10 cycle spaces. The Supplementary Planning Document ‘Sustainable Design’ contains within Appendix D, the Council’s parking standards. Whilst there is no specific parking standards for accommodation or use of this nature it advises that for hotel developments that 1 space per bedroom is provided, plus a space per 3 staff during busy periods and 1 cycle space per 5 staff members. In total across the north and south sites 118 bedrooms are proposed. Therefore, based on the fact that a total of 181 spaces are to be provided, the Local Planning Authority are satisfied a sufficient level of car parking will be provided for the development.
- 4.4 Across the north western side of the site adjacent to the marina and along the access track runs a Public Right of Way. These routes would be maintained as part of the development to provide pedestrian access to the site. The right of way to the north-west crosses the Coventry Canal and A38 and ends in Streethay 0.8km to the west. As such it is considered that safe pedestrian and cycle access to Lichfield and its facilities exist. In addition, the applicant is proposing to include cycle hire as part of the proposals, which could be used along the canal towpath to access recreational amenities along its route.
- 4.5 Therefore, it is considered that given the relatively short walking distance to the proposed local centre facilities at Roman Heights at Streethay, the proposal would be in a relatively sustainable location.
- 4.6 Given the relatively sustainable nature of the proposal the applicant has provided a Sustainable Travel Plan. This promotes the hire of electric cars from the site, coach and rail transfers to the respective local stations, cycle hire and storage, walking maps for the local area and travel awareness packs. Staffordshire Highways have no objections to these facilities being provided and safety utilised. They have recommended that the travel plan should form part of a S106 legal agreement, with associated monitoring fee. This is considered to be a reasonable approach to create a tourism facility within the district.

4.7 Overall, as Staffordshire County Council (Highways) raise no objections to the proposal, it is considered there would be no severe harm caused to the local highway network and the level of parking is considered acceptable. As such the proposals accord with the development plan and NPPF in this regard.

5. Environmental Health Issues

5.1 The NPPF core planning principles includes the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

5.2 Given the nature and location of the development, the nearest residential property would be over 250m to the south of the site, and as such the development would have a minimal impact on its residential amenity, by virtue of due to noise and general disturbance. Due to the nature of the development the matter of noise disturbance between units is not considered to be issue which could be given weight.

5.3 Approximately 500m to the west will be the proposed High Speed Rail route on a raised embankment of between 10m and 15m in height above the existing ground level. Given the recreational nature of the development and the proposed extensive landscaping it is not considered that HS2 would have a significant detrimental impact on amenity on the development by reason of noise and general disturbance. The Environmental Health Officer has no objection in this regard.

5.4 Given the routing of potential visitors to the proposal, the Environment Health team have considered the potential impact on the A38 AQMA (Air Quality Management Area) of those journeys. Following consideration it is not considered that the impact on the AQMA would be significant and as such no objections are raised to the proposals by the Environmental Health Officer.

5.5 As such it is considered that the development would accord with the Development Plan and NPPF in this regard.

6. Flood Risk and Drainage Issues

6.1 The application site is located within Flood Zone 3, which is defined as having a high probability of flooding. Such zones generally comprise land assessed as having a 1 in 100 or greater annual probability of river flooding in any year. The site is also adjacent to the Mare Brook. The applicant proposes to provide a series of sustainable drainage features within the site in the form of swales and balancing ponds.

6.2 During the application process Staffordshire County Council Flood Team requested further details to ensure that the proposed drainage has provision to accommodate the 100yr storm event plus climate change allowance. The applicant submitted additional information to seek to address this concern and no objections, subject to a condition to provide a drainage water strategy are raised. Similarly, Severn Trent Water have no objections subject to a condition relation to the submission of details of surface and foul water drainage.

6.3 The development, subject to conditions would comply with development plan policies and the NPPF in relation to flood risk and drainage.

7. Ecological and Biodiversity Impacts and Cannock Chase SAC

- 7.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 7.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable 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.
- 7.3 The applicant submitted an Ecological appraisal as part of the proposals. This identified that no protected species were found within the site. However the local network of hedgerow and trees could be used for bat foraging and commuting and nesting birds. Appropriate mitigation has been proposed by the applicant to mitigate any ecological impact in this regard. The Ecology Officer has recommended the submission and adherence of a Habitats Management Plan (HMP). An appropriately worded condition has been recommended. As such the development is not considered to have a detrimental impact on protected species. Furthermore to minimise impact on protected species and light pollution in the area, a condition has been recommended requiring the submission and approval of a lighting scheme.
- 7.4 With regard to ecology enhancements for the area, it is considered that a positive ecological impact, as required by Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document and Neighbourhood Plan policy NE&L2 can be achieved within this site through the provision of a wildflower meadow to the south of the southern element of the site, the installation of bat/bird boxes within the development, along with the planting of the landscaping and the adherence with a habitat management plan, which can be secured via condition. This substantial net gain in biodiversity (20.29 biodiversity units) should be attributed appropriate material weight as per the guidance of Paragraph 188 of the NPPF. Therefore subject to compliance with this condition the development accords with the requirements of the NPPF and Development Plan with regard to ecological considerations.
- 7.5 Policy NR7 Cannock Chase SAC is relevant as the application site is within the 0-15km buffer of the Cannock Chase Special Area of Conservation (SAC). Policy NR7 requires before development is permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase Special Area of Conservation (SAC) having regard to avoidance or mitigation measures.
- 7.6 The applicant has submitted a Cannock Chase SAC Impact Assessment as part of the application. This concludes that although the applicant is proposing an on-site area of suitable alternative natural green space (SANG) which would assist with mitigating any impact on the SAC, a suitable contribution to mitigate the wider impact on the SAC is also required. This contribution per lodge would be based on normal mitigation contribution for dwellings within the 0-8km zone and the occupancy rate of such lodges. Subject to this mitigation contribution, Natural England have no objections to this approach. This contribution would be secured via a S106 legal agreement, as recommended.
- 7.7 Therefore, subject to conditions and S106 Agreement it is considered that the proposals accord with the Development Plan and NPPF and as such the proposal is considered acceptable in terms of biodiversity and ecology interests.

8. Other Issues

- 8.1 Given the site's location Staffordshire County Council (Archaeology) have assessed the site for archaeological interest and advise that there is archaeological potential within the area and therefore recommend a condition to secure a written scheme of archaeological investigation. There is no objection to this approach and subject to compliance with this condition, the development complies with the requirements of the NPPF and Development Plan in this regard.
- 8.2 Concern has been raised to the loss of productive farmland. The application site is currently in arable agricultural use. The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor. This site is classed as 3b moderate quality. Therefore the loss of this land from food production would not be of significant concern, such to form a sustainable reason to refuse.
- 8.3 Concerns have been raised by local residents that the scheme is a housing development 'by the back door'. The proposal relates to recreational / leisure accommodation and is not for a residential use. A residential use unconnected to the recreational use would not be acceptable in principle in this location. As such conditions have been recommended to restrict the use of the site to a holiday lodge complex and to restrict the occupation of the units, so they may not be continually occupied by any one party. A further condition has been recommended to restrict the reception building to holiday makers staying within the development, in order to maintain the character of the rural area and to prevent adverse highways conditions.
- 8.4 Issues raised relating to the need for an increased police presence, user safety, and littering are noted, however these matters would be important to the everyday operation of the site as part of providing a safe and tidy site and as such would be for the applicant to address as part of the site management. In relation to concerns raised by local residents not previously addressed, issues regarding house price reduction, alternative accommodation, increase in local population, inaccuracies in marketing brochure, land interests of the applicant, no gas supply, requirement for a holiday park and disruption during construction are noted yet such concerns are not considered to be material planning considerations that could be attributed significant weight in the planning balance, so as to justify refusal. Finally, concerns regarding the lack of medical facilities in the area are noted. However they would be the same as those for surrounding local residents.

9. Human Rights

- 9.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour'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 and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

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, economically the development will facilitate a moderate size development project offering economic and tourism benefits to the sub region, by providing accommodation for tourists, who would contribute to the local economy when utilising local services supporting local tourism facilities and businesses. It would also provide jobs for the local community direct serving the development and associated support services and facilities, and during construction. Socially, the proposal will not cause significant adverse impact upon the amenity of any local residents.

Environmentally, with regard to the specifics of design, layout and existing and proposed landscaping, the application provides a scheme which will, on balance, visually assimilate successfully into the local rural area and context, and would result in a high quality development, which would not cause significant harm to the rural character of the area, nor be detrimental to the Cannock Chase SAC. Furthermore, severe harm would not be caused to highway safety or the amenity of any neighbouring residents, subject to conditions.

In weighing the material considerations attributable to this proposal, in the terms expressed within the development plan and NPPF, on balance, for the reasons set out above, it is recommended that this application be approved, subject to conditions and a S106 legal agreement.

LOCATION PLAN

18/00648/FULM
Liberty Park
Burton Old Road
Lichfield

Scale: 1:5,000

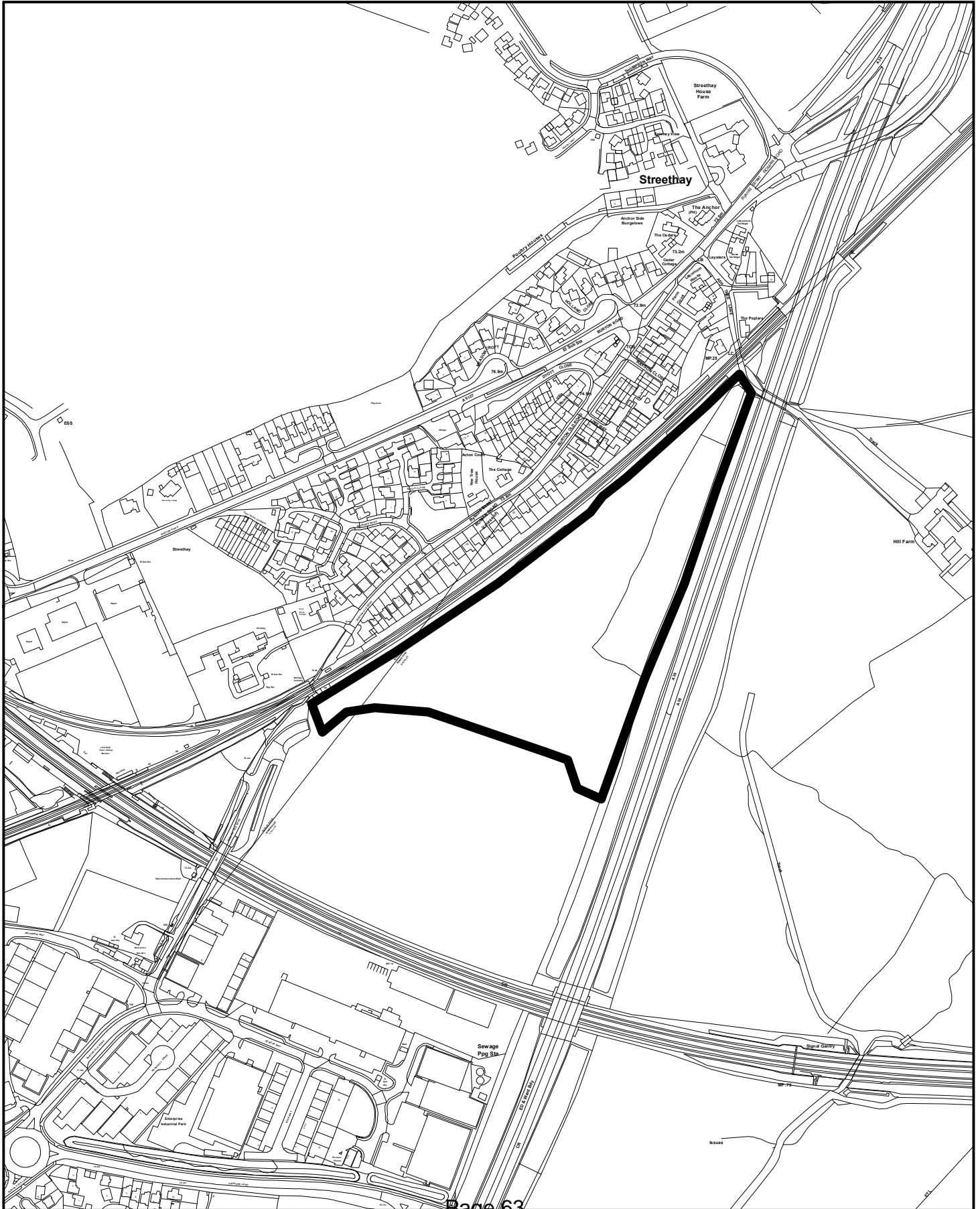
Dated: July 2018

Drawn By:

Drawing No:



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Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

BLOCK PLAN

18/00648/FULM

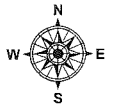
Liberty Park
Burton Old Road
Lichfield

Scale:

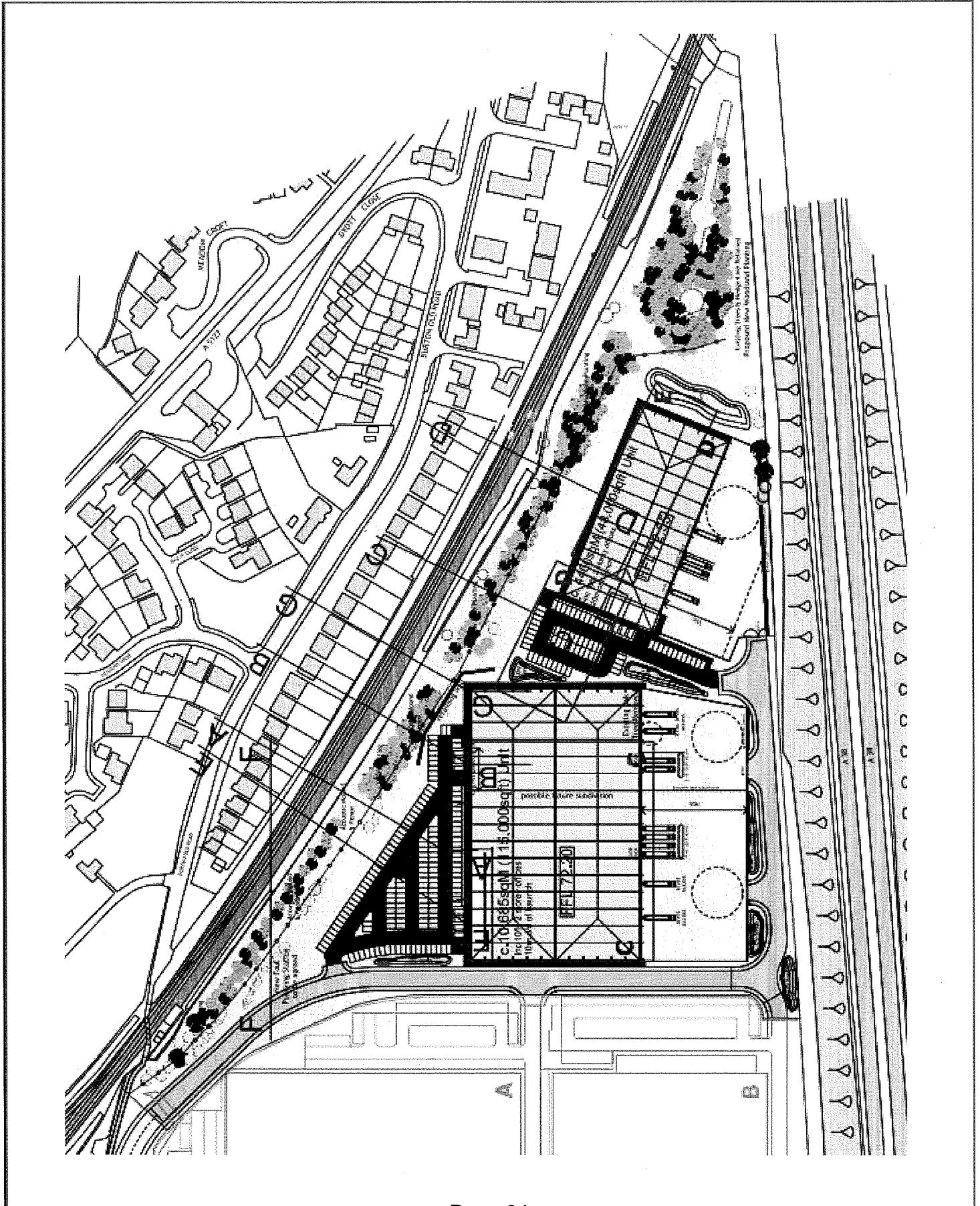
Dated:
July 2018

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18/00648/FULM

ERECTION OF 2 NO. INDUSTRIAL BUILDINGS, EARTH BUND AND ACOUSTIC FENCE, RETAINING STRUCTURES, ASSOCIATED ROADWAYS, YARDS, PARKING, LANDSCAPING, ATTENUATION PONDS AND OTHER RELATED INFRASTRUCTURE.

LIBERTY PARK, BURTON OLD ROAD, LICHFIELD.

FOR: LIBERTY PROPERTY UK LIMITED AND STOFORD DEVELOPMENTS LTD.

Registered 04/05/18

Parish: Fradley and Streethay

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Fradley and Streethay Parish Council relating to the increase in traffic movements and overbearing impact on existing residents, caused by the increased mass of the buildings, when compared against the previously approved scheme. Concerns are also raised regarding noise and light pollution, the suitability of the cladding proposed to be used on the exterior of the buildings and the potential for HGV drivers to park on the surrounding highway network, whilst awaiting entry into the site.

RECOMMENDATION:

(1) Subject to Network Rail withdrawing their holding objection and additional conditions/informatives to address such matters (if subsequently required) and, 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. Highway Improvement Works**
- 2. Pedestrian Infrastructure Improvements; and**
- 3. Travel Plan Monitoring Sum.**

(2) If the S106 legal agreement is not signed/completed by the 30 October 2018 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.

Approve subject to the following conditions:

CONDITIONS

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

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

- 3** Notwithstanding the submitted details, before the development hereby approved is commenced, full details of the proposed finished floorscape within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 4.** Before the development hereby approved is commenced, full details of protective fencing and/or other protective measures to safeguard existing trees and/or hedgerows on the site and shall be submitted to and approved in writing by the Local Planning Authority. The

agreed tree / hedge protection measures shall thereafter be provided in accordance with the British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

5. Before the development hereby approved is commenced, a Construction Vehicle Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The management plan shall:
 - i) Specify details of the site compound;
 - ii) Specify the delivery and working times;
 - iii) Specify the types of vehicles;
 - iv) Specify noise and dust control;
 - v) The management and routing of construction traffic;
 - vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - vii) Provide for the loading and unloading of plant and materials; and
 - viii) Provide for the storage of plant and materials used in constructing the development.

The development shall thereafter be carried out in accordance with the approved details and thereafter adhered to throughout the construction period.

6. Before the development hereby approved is commenced, details of the following off-site highway works shall be submitted to and approved in writing by the Local Planning Authority:
 - i) The provision of a Toucan Crossing on Cappers Lane;
 - ii) Improvements to the bus stops, including new shelters on Cappers Lane; and
 - iii) Site barrier and provision of a turning area, which delineates the extent of adopted highway.

The off-site highway works shall be completed in accordance with the approved details, prior to the first use of the units hereby approved and shall thereafter be retained as such for the life of the development.

7. Before the development hereby approved is commenced, full details of a scheme of foul drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
8. Before the development hereby approved is first brought into use, full details of secure weatherproof cycle parking facilities and shower/locker facilities for staff, shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall thereafter be provided prior to the development being first brought into use and thereafter be retained for the life of the development.
9. Before the development hereby approved is commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved details.

10. Before the development hereby approved is commenced, details of ground levels, earthworks and excavations to be undertaken as part of the development process shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
11. Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) and/or a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works and sustained good management thereafter, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
 - i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
 - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
 - iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
 - iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
 - v) Assurances of achievability;
 - vi) Timetable of delivery for all habitats; and
 - vii) A timetable of future ecological monitoring to insure 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.

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

12. Before the development hereby approved is commenced, a Site Noise Management Scheme, which shall include (but not be limited to) all of the measures identified within Hoare Lee Acoustics report Revision 3 dated 26 March 2018,, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Noise Management Plan shall thereafter be implemented site wide, prior to the first use of the development, and thereafter be retained in use for the life of the development.
13. Before the development hereby approved is commenced, full details of the acoustic fencing and any other walls, fences or other means of enclosure to be erected on the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic fencing shall be provided before any development commences on the site, and shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority. Any other walls, fences or other means of enclosure shall be erected in accordance with the approved details prior to the first occupation of the respective building they serve.

All other CONDITIONS to be complied with:

14. Before each of the units hereby approved are first occupied, a Vehicular Routing Management Plan to determine details of the management and routing of all HGV movements to and from that approved industrial unit, shall be submitted to and agreed in writing by the Local Planning Authority. The Vehicular Routing Management Plan shall propose details of how HGV movements on Burton Road associated with the development

will be managed. The businesses operating from the approved units shall thereafter operate in accordance with the approved details.

15. The development hereby approved shall only be carried out in accordance with the approved Drainage Strategy reference number 20965/07-17/3976 Rev C and the following mitigation measures detailed within the Flood Risk Assessment:
 - i) Limiting the surface water run-off discharged from the site to a maximum of 25 l/s so that it will not increase the risk of flooding off-site;
 - ii) Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100 year + climate change standard; and
 - iii) Confirmation that the 450mm culvert under the A38 will be jetted and cleaned before the first occupation of either building.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

16. Prior to any vibro-impact works being undertaken within the site, a risk assessment and method statement for undertaking such works shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved documents.
17. Prior to the first use of any external plant or water storage tanks, details of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures to be implemented. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
18. Prior to the first use of the foul pumping station, details of this structure and any associated enclosure shall be submitted to and approved in writing by the Local Planning Authority. Any approved enclosure shall be installed prior to the first use of the foul pumping station and shall thereafter be maintained for the life of the development.
19. Within 6 weeks of the completion of the shell and core works of each unit, a certificate of compliance from an accredited assessor confirming that the unit has achieved the required BREEAM rating of Very Good shall be submitted to and approved in writing by the Local Planning Authority.
20. Before the development hereby approved is first brought into use, the site access road, footway, servicing and turning areas and parking areas as shown on the approved plan 7747 P18/03 shall be provided and surfaced in a porous bound material, with the individual parking bays clearly delineated and thereafter retained for the life of the development.
21. The external lighting scheme shown on the approved plan reference ESC1180/E/001 Revision P4, shall be implemented and installed prior to the first use of the unit to which it relates and shall not thereafter be amended or altered without the prior written approval of the Local Planning Authority.
22. The development shall be carried out in accordance with the noise mitigation measures identified within Hoare Lee Acoustics report Revision 3 dated 26 March 2018, which shall include the formation of the 6 metre bund and acoustic fence detailed in Appendix 2. The mitigation measures shall be implemented in full, prior to the first use of the development and thereafter be maintained for the life of the development.
23. The development hereby approved shall be carried out in strict accordance with the methods of working and mitigation recommendations, which are detailed in section 5 of the

Ecological Appraisal produced by FPCR dated March 2018. The measures shall be implemented prior to first use of the buildings hereby approved and shall thereafter be retained for the life of the development.

24. The approved bunding and landscaping to be planted on this feature, as shown on approved plan 7149-L-01 Revision G, shall be implemented before any part of the approved development is first brought into use. The remaining landscaping and planting scheme shall be implemented within eight months of the development being brought into use, with the watering schedule undertaken in accordance with the approved details.
25. Any tree, hedge or shrub planted as part of the landscaping scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
26. No trees, shrubs or hedgerows planted or retained as part of the approved landscaping and planting scheme, shall be topped, lopped or cut down without the prior consent in writing of the Local Planning Authority.
27. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall first be submitted to and approved in writing by the Local Planning Authority. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
28. No materials, plant or machinery of any kind, shall be stacked or deposited in the open within the curtilage of the site.
29. All industrial, workshop or manufacturing processes shall be carried out within the approved buildings and no such works shall be carried out in the open.
30. The buildings hereby approved shall be used only for purposes within Class B1c, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission on application by the Local Planning Authority.
32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external alterations, including the installation of doors or windows to the buildings hereby approved shall occur, without the prior permission on application by the Local Planning Authority.

REASONS FOR CONDITIONS

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

2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Practice Guidance
3. To ensure that the external appearance of the development is in keeping with the surrounding area, in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework, Policy BE1 of the Local Plan Strategy and the Supplementary Planning Document Sustainable Design.
4. To ensure that adequate measures are taken to preserve trees and their root systems, whilst work is progressing on site in accordance with, Policies BE1 and NR4 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
5. In the interests of highway safety and to protect the amenity of nearby residents during the construction period, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
6. In the interests of highway safety and to promote sustainable forms of transport, in accordance with the requirements Policies BE1 and ST2 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
7. To minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
8. To promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
9. To safeguard the archaeological potential of the area and the site and in order to allow a proper record of the site to be made in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Historic Environment and the National Planning Policy Framework.
10. To safeguard the amenities of the occupiers of nearby residential properties, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
11. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Supplementary Planning Document Biodiversity and Development and the National Planning Policy Framework.
12. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

14. In the interests of highway safety and to safeguard and the amenity of nearby residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
15. To ensure the satisfactory drainage of the site, to minimise flood risk and pollution of underlying aquifers and to prevent any impact on the operation of the Strategic Road Network, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
16. To safeguard the adjacent rail track from land instability, in accordance with the requirements of the National Planning Policy Framework.
17. To ensure the amenities of nearby residents are adequately protected and to safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
18. To safeguard the character and appearance of the area in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
19. To ensure that the development is constructed in a sustainable manner in accordance with Government Guidance contained in the National Planning Policy Framework and Core Policy 3 and Policy SC1 of the Local Plan Strategy.
20. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
21. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
22. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
23. In order to safeguard the ecological interests of the site, in accordance with requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Supplementary Planning Document Biodiversity and Development and the National Planning Policy Framework.
24. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way in accordance with the requirements of Policy BE1 of the Local Plan, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
25. To ensure that any initial plant losses to the approved landscaping scheme are overcome, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
26. To ensure that the landscaping scheme is appropriately retained in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.

27. To prevent the pollution of the water environment in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
28. To ensure the amenities of nearby residents are adequately protected and to safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
29. To ensure the amenities of nearby residents are adequately protected and to safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
30. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
31. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
32. To safeguard the amenity of nearby residents, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

- 1 The Development Plan comprises the Lichfield District Local Plan Strategy (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and Emerging Local Plan Allocations 2008-2029 Proposed Submission Document.
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
- 3 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on 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.
- 4 The revised northerly turning head required by condition 6, will require approval from Staffordshire County Council under Section 7 of the Staffordshire Act 1983 and will also require a Section 38 of the Highways Act 1980. The applicant is therefore advised to contact Staffordshire County Council to ensure that approvals and agreements are secured prior to the commencement of works.

5. The off-site highway works required by condition 6 will require a legal agreement with Staffordshire County Council (Major Works) and the applicant is therefore requested to contact Staffordshire County Council in respect of securing that agreement.
6. The applicant is advised that Staffordshire County Council will not be formally adopting the proposed development. However the development will still require approval under Section 7 of the Staffordshire Act 1983 and this permission does not constitute a detailed design check of the proposed access road construction, drainage and any street lighting. The applicant is thereafter advised to complete the necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development.
7. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer dated 24/05/18. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
8. The applicant is advised to note and act upon as necessary the comments of the Environment Agency dated 18/05/18.
9. The applicants' attention is drawn to the attached comments from the Council's Operational Services Customer Relations and Performance Manager specific to waste services dated 08/05/18.
10. The applicant is advised that there may be a public sewer within the application site. Sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is therefore advised to contact Severn Trent Water to discuss the proposals.
13. The applicant is advised that the Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which the Environment Agency will issue. Groundwater activity includes any discharge that will result in the input of pollutants to groundwater. Further information regarding groundwater policies can be found on the Environment Agency's website.
14. The applicant is advised that in discharging condition 17 no external plant or machinery will be permitted on the elevations of those buildings facing the residential properties in Burton Old Road.
15. The applicant is advised that in discharging condition 13 palisade fencing will not be considered as an appropriate boundary treatment, rather paladin fencing finished in a dark colour will be considered appropriate for this site.
16. The applicant is advised that part of the application site is located immediately adjacent to HS2 Limits of Land to be Acquired & Used and as such are advised to follow the progress of the HS2 programme. More information can be found at www.hs2.org.uk.
17. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.
18. The applicant is advised that when seeking to discharge condition 5, the Council's Environmental Health Manager recommends that no works including deliveries should occur outside of 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays and no working on Sundays, Bank and Public Holidays.

19. The applicant is advised that when seeking to discharge condition 12 the sound reduction characteristics of the warehouse buildings should provide a sound reduction Rw of at least 27/mean 25dB. Furthermore all internal noise limits should be limited to 80dB LAeq (1 min).
 20. The applicant is advised to consider installing the infrastructure (cabling etc) to facilitate the future provision of Vehicle Recharging Points within the site.
 - 21 The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF
-

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 7 – Employment & Economic Development

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built & Historic Environment

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy BE1 – High Quality Development

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy Lichfield 3 – Lichfield Economy

Saved Local Plan

Policy EMP2 – Existing Industrial Areas

Policy L9: Extension to Boley Park Industrial Estate.

Local Plan Allocations (Focussed Changes) (Emerging)

ST4 – Road and Junction Improvements – Lichfield City

EMP1 – Employment Areas & Allocations

Supplementary Planning Document

Sustainable Design

Biodiversity and Development

Historic Environment

Trees, Landscaping and Development

Developer Contributions

Other

Natural Environment and Rural Communities Act 2006

The Conservation (Natural Habitats, &c.) Regulations 1994

Lichfield Employment Land Review (2012)

Fradley and Streethay Neighbourhood Plan (Emerging)

RELEVANT PLANNING HISTORY

16/00266/FULM – Erection of 3no industrial buildings, earth bund, associated roadways, yards, parking, landscaping, attenuation ponds and other related infrastructure – Approved – 22/11/17.

14/00974/FUL – Construction of temporary haul road required to facilitate the delivery of construction materials to Lichfield Park – Approved – 24/11/14.

14/00964/FULM – Variation of conditions no 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16 and 17 of application 11/00928/OUTM relating to timescale for compliance – Approved – 25/11/14.

14/00799/REMM – Employment development comprising office, light industrial, storage and distribution, general industry and associated works (reserved matters application) Approved 4/11/14

11/00928/OUTM – Employment development (B1(a), office, (B1(c) light industrial, B8 storage and distribution, B2 general industry and ancillary offices, access improvements and associated landscaping and engineering works (Extension of time for application 08/00954/OUTM) – Approved – 28/11/11.

08/00954/OUTM – Employment development (B1(a), office, (B1(c) light industrial, B8 storage and distribution, B2 general industry and ancillary offices, access improvements and associated landscaping and engineering works – Approved – 22/10/08.

07/00568/OUTM – Employment development (B1(c) light industrial, B8 storage and distribution, B2 general industry and ancillary offices), access improvements and associated landscaping and engineering works – Refused – 24/04/09.

97/00933/OUT – Outline application for development within classes B1, B2 and B8 and highway improvements – Approved – 13/06/06.

CONSULTATIONS

Fradley and Streethay Parish Council – Object. Advise that there are a number of areas of concern.

- Several applications have already been submitted for this site and various arguments put forward with regard to traffic movements, height and size of buildings etc and this application appears to ignore all previous comments raised by Parish Councillors and residents alike;
- The current proposal is closer to houses than previous approved applications, plus the height is substantially higher and it is likely that there will be an increase in noise and light pollution;
- The proposal being so close to the houses is not suitable for a 24-hour operation, particularly with forklift movements and reversing lorries with rear reverse soundings during the night-time;
- There are no lorry parking or driver facilities which will encourage drivers to take their rest periods on side roads nearby. This will exacerbate an ongoing problem currently experienced at both Fradley Park and Britannia Park; and
- The external cladding colour is unacceptable. It would be preferable if it were altered to match the Amazon warehouse at Rugeley or similar (10/05/18).

Arboricultural Officer – Earlier comments have now all been addressed (04/07/18)

Previous Comments: The changes to the planting schedule are welcomed, with one further alterations recommended, given the species chosen is susceptible to climate change. Requests alterations to the submitted watering schedule (26/06/18).

Recommends amendments to the landscaping scheme in order to remove species with a short life span and increase the density and introduce taller planting within the area adjacent to the retaining wall. Landscaping within the car parking areas and adjacent to the internal roads should be amended to introduce larger long lived trees. Notes that a watering schedule is required (21/05/18).

Ecology Team – No objection. Concurs with the findings of the submitted Ecological Appraisal, which demonstrates that the development will not have an adverse impact upon European Protected Species or their habitat. Recommends a condition to ensure that the development is undertaken in accordance with the mitigation measures identified within Section 5 of this document.

The quantitative assessment of habitat value submitted with the proposal demonstrates that the development will deliver a net gain to biodiversity value, which ensures the proposals compliance with the requirements of Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document.

Requires the submission and approval, prior to the commencement of development of a Construction Environment Management Plan and / or a Habitat Management Plan, detailing in full, the future habitat creation works and sustained good management thereafter (11/07/18).

Environmental Health Manager – No objections (04/07/18).

Previous Comments: The submitted lighting scheme is acceptable. Recommends a condition to secure its implementation (07/06/18).

No objection in principle but requests additional information specific to points raised within the Noise Assessment. Offers 7 potential conditions for consideration (21/05/18).

Operational Services Manager – Set out general requirements in relation to refuse collections (08/05/18).

Staffordshire County Council (Flood Risk Team) – No objection, subject to a condition, requiring that the development be undertaken in accordance with the Sustainable Drainage scheme identified within the Flood Risk Assessment (25/05/18).

Previous Comments: Recommends refusal as unable to locate details of the Sustainable Surface Water Drainage Strategy (25/05/18).

Severn Trent Water – No objections, subject to a condition requiring the submission and approval of a foul and surface water drainage scheme (22/05/18).

Police Architectural Liaison Officer – No objection but stress the importance of not promoting crime through unnecessary permeability. It is important that a high level of physical security is incorporated in these proposals. Draw the applicants' attention to the Secured by Design Website (24/05/18).

Environment Agency – No objection subject to conditions requiring the submission and approval of a ground and surface water drainage scheme and details of bunding of tanks (27/06/18 18/05/18).

Staffordshire County Council (Highways) – No objection, subject to conditions to secure, prior to the commencement of development, details of a toucan crossing to be installed on Cappers Lane, improvements to bus shelters on Cappers Lane and details of a site barrier and provision of a turning area, which delineates the extent of adopted highway. The measures so approved shall be installed prior to the first use of the buildings. In addition requests the submission, approval and subsequent implementation of cycle storage facilities for each unit, the implementation of the road, footway, parking, servicing and turning areas and the approval of a Construction Management Plan.

Requests a Section 106 agreement to secure contributions towards improvements to the Trent Valley Roundabout, a maintenance payment for the Toucan Crossing, a monitoring sum for the Framework Travel Plan and a routing agreement for HGV movements (17/05/18).

Network Rail – Holding objection to the proposal, due to the need to agree the form and appearance of the bund and acoustic fence. In addition raise concerns regarding the proximity of the surface water attenuation pond to the railway and request details of any likely uplift in pedestrian movement resulting from the development over the level crossings at Hollands (Streethay) and Lichfield Trent Valley High Level (12/07/18).

HS2 – No response received.

Staffordshire County Council (Archaeology) – No response received.

LETTERS OF REPRESENTATION

21 letters of objection have been received from neighbouring nearby residents. The comments and concerns raised are summarised as follows:

Visual Impact

- The units, given their height of 14 metres, will be visible from throughout the village.
- The development will require the removal of a high quality English Oak tree.
- The development is disproportionate in massing with surrounding built form.

Economic Impact

- The developer has benefited from £5 million of taxpayers investment within the scheme and has failed to deliver a viable scheme for the market to occupy the site.
- Government funding was provided on the basis that the site would deliver up to 1,100 jobs. Given that only two units are now proposed has this number been reduced?
- Whilst the developer claims to have an occupier agreed for the site, the Planning Statement advises that Unit C has the capability to be subdivided. This would seem to evidence that no user has been secured.
- It would seem unlikely that the commercial market has altered so significantly since November 2017, when the last iteration of this scheme was approved, so as to necessitate this latest application.

Impact on Neighbours Amenity

- The applicant through failing to secure tenants for the site has since 2006 continued to cause local residents anguish due to re-applying to vary the scheme every 3 years or so.
- Without knowing who the future occupants of the units will be, it is difficult to understand the likely impact upon the amenity of neighbouring residents. This information should be supplied by the applicant, prior to the determination of this application.
- The units are now larger and closer to existing residents than those permitted in previously approved applications, thereby increasing noise, light and air pollution impact, thereby raising potential health risk for residents.
- One of the units is proposed to be used for manufacturing which would, given its proximity to existing residents, have a significant noise impact.
- The greater height of the units, given the inability to increase the height of the bund, will have an overbearing impact upon existing residents.
- The increased height of the building will enable the installation of a mezzanine floor within the units, wherein activities within the structure could be raised above the mitigation measures to be installed within the site. Has this been satisfactorily assessed within the noise statement submitted with the application?

- Given the number of dwellings within Streethay has increased dramatically in recent years it is irresponsible to subject residents to the increased noise and air pollution associated with this development.
- Noise from manoeuvring vehicles at Tippers Merchants and the Streethay housing site are audible for residents currently. These sites are located further away than this site and therefore noise pollution will be far more significant.
- Further details are requested regarding the hours of operation of the units, the type of vehicles operational from the site, the level of noise pollution to be generated and what emissions may arise.
- What measures are in place to ensure that existing businesses are not adversely affected by vibration, vehicle fumes and other air quality issues during and post development.

Environmental Impact

- Have opportunities to enhance areas within the site been taken, such as the balancing ponds and green areas to offer improved habitats?
- Any tree planting should be semi-mature when planted and of an evergreen type to ensure that the visual screen achieves maturity in a reasonable timescale and offers a screen throughout the year.
- What sustainability measures are to be introduced to the buildings in order to reduce carbon emissions and the impact of climate change?
- The Flood Risk Assessment advises that surface water will be drained through the existing culvert under the A38. This structure is full of debris and currently unused. In addition there is no ditch within the field to direct water when it passes through the culvert.

Highway Impact

- Traffic within the area has increased since approval for this site was originally issued, primarily due to the new housing being built off Burton Road. This development would further exacerbate congestion on the surrounding highway network.
- The planned works at the Trent Valley roundabout will be insufficient to accommodate the additional traffic created by this and surrounding developments.
- Employees of the units are likely to park within surrounding residential streets in order to avoid navigating the Trent Valley and Cappers Lane roundabouts resulting in congestion issues and potential disputes with residents.
- The number of off street car parking spaces within the site have been increased by 13% since the previous application, but the Transport Assessment states there will be minimal alterations in trip generation. As such how is this justified?
- Is the number of off street car parking spaces to be provided within the site sufficient to ensure no overspill onto surrounding roads?
- In order to prevent the use of Burton Road by HGV's it should be closed to all traffic except for access. This would aid to mitigate the harm of the development on existing and future residents.
- Are cycling / walking lanes to be provided through the site in order to encourage employees to access the site sustainably?
- Existing on street parking issues occur due to users of Trent Valley Railway parking their vehicles on existing roads within Britannia Park, which causes existing access issues for HGVs. Liberty Park will suffer from similar issues and likely accentuate this problem if this is not suitably addressed. Appropriate mitigation may be to apply parking restrictions all along Europa Way.
- What measures are in place to ensure that emergency services can access the site should the area become gridlocked?

Other Matters

- The application should be the subject of a peer review by an independent third party.

- The Planning Statement advises that there are no archaeological implications associated with the application but the Trial Trench Evaluation Report advises that pottery dated between the 12th and 14th Century were recovered from the site.
- The applicant does not appear to have a coherent plan for developing this site and rather is throwing ideas into the sky.
- The development will reduce the value of surrounding properties.
- How will local residents be compensated for living with this development given currently there is a seldom used railway line and a field?
- There are empty industrial units available in Fradley, which could accommodate businesses, which may seek to occupy these buildings and therefore there is no need for this scheme to proceed.
- Section 6.7 of the Planning Statement advises that the Parish Council are “*satisfied that the proposed scheme reflects that approved*”. After attending the pre-submission meeting between the Council and the applicant this was not the response provided and rather an objection was raised to the scheme.
- Over the years thousands of objections to the development of this site have been made, with a 3,000 signature petition also collected yet these have all been ignored by the planning department and Councillors.
- The properties at 64, 68 and 70 Burton Old Road, which were erected 20 years ago are missing from many of the site layout plans, which must undermine the integrity of the noise and visual impact assessments.
- How many applications is the applicant allowed to submit for this site?
- The developer has hoodwinked the Council into believing this site is deliverable and are likely to be falling over themselves laughing at your incompetence. Given there will be pressure to ensure something gets built on the site resident’s concerns are likely to be ignored.

OTHER BACKGROUND DOCUMENTS

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

Design and Access Statement
 Trial Trench Evaluation (Archaeology)
 Flood Risk Assessment
 Drainage Investigation Report
 Arboricultural Assessment
 Ecological Appraisal
 Transport Statement
 Noise Impact Assessment
 Planning Statement

OBSERVATIONS

Site and Location

The application site, 6.23 hectares in size, comprises agricultural land to the north of Britannia Park industrial site on the eastern side of Burton Old Road. The site forms part of a wider parcel of land broadly triangular in shape, known as Liberty Park. The site, is bounded to the east by the A38 trunk road, to the west and northwest by the western edge of Burton Old Road and by the Lichfield/Derby railway line, beyond which is residential development in the village of Streethay and to the south by the West Coast Mainline railway. The site is largely open and bounded by a number of hedgerows and trees. There are, in addition, some hedgerow trees within the site. The application site includes part of Burton Old Road, which runs northwards from Britannia Way as far as the Lichfield/Derby railway line and the railway bridge over the West Coast Main Line together with land either side. On

the opposite side of Burton Road is a recently constructed car park to Trent Valley Station and storage uses.

Background

The site was allocated for employment purposes in the draft Lichfield District Local Plan (1998) and objections to this allocation were considered at the Local Plan Local Inquiry held between 1995 and 1996. The Local Plan Inspector supported the allocation, and recommended only minor changes to the wording of the policy. These changes were incorporated into the adopted version of the Local Plan, June 1998 under Policy L9. The designation of the site for employment purposes has been in place since that date, and Policy L9 was one of the 'saved' policies in 2007.

An outline planning application was submitted in 1997 (97/00933/OUT) for employment development (B1, B2 and B8 uses) on approximately half of the allocated site (5.5 hectares). The application attracted significant comment. The Council's Planning Committee resolved to approve the outline planning application, subject to a Section 106 Agreement on 29 June 1998. Following that date, the application was the subject of substantial drawn out negotiations with various landowners, which delayed the completion of the Section 106 Agreement. In 2005, the applicants indicated that they were in a position to finalise the Agreement, but given the time lapse between the previous Committee resolution and potential date for signing the Agreement, an updated report was considered by Planning Committee on 28 November 2005; as is good practice when such delays have occurred. Members endorsed their previous resolution to approve, subject to the completion of an updated Section 106 Agreement. This Agreement was subsequently completed and planning permission was issued on 13 June 2006. Consequently, part of the site benefited from outline planning permission for B1, B2 and B8 purposes (although this has subsequently lapsed and has been superseded by a wider outline permission as set out below).

In February 2006, the current applicants submitted a screening opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for the proposed development of the whole of the allocated site. The Council issued a formal screening opinion on 24 March 2006 to the effect that an Environmental Impact Assessment was not required. However, the applicants were advised informally that any planning application would need to be accompanied by sufficient information to enable the Council to assess the potential impact of the development on the environment in terms of, for example, visual impact, traffic, noise and other pollution, ecology and flood risk.

In line with the Council's Statement of Community Involvement and the Government's good practice guide on community involvement in planning, the prospective applicants were encouraged, prior to submission of the 2006 application, to carry out a pre-consultation exercise with local residents and consultees. In this respect, the applicants organised and hosted an exhibition of their proposals, which took place at St Michael's Church Hall in June 2006.

An outline planning application was submitted to the District Council for employment development on the whole of the allocated site in August 2006 (06/00788/OUTM). The proposals included a mix of employment uses, namely light industrial (B1), general industrial (B2) and storage and distribution (B8) with ancillary offices. Access to the site was from Burton Old Road via Britannia Way and the Boley Park industrial site and the proposals involved the widening of both Burton Old Road and the railway bridge over the West Coast Main line. The consultation exercise resulted in the submission of a significant number of representations from local residents. It became apparent, during the consideration of the application, that there were a number of issues of concern, which could not be easily resolved to the satisfaction of the Council, within the prescribed timescale for the determination of the application. In the circumstances, the applicants withdrew the application and prepared an amended scheme. These concerns related primarily to impact of the proposals on neighbouring residents in terms of noise and outlook, and traffic issues.

Application 07/00568/OUTM sought to overcome issues of concern raised in relation to the 2006 application. It again proposed a mix of light industrial, general industrial and storage and distribution uses. The main changes from the previous application were a reduction in overall floorspace by 2,647sq.m; an overall reduction in the number of units by one with 2 large and 1 smaller unit at the northern end of the site being replaced by 2 much smaller units, which were subdivided into 8 smaller units; the units at the northern end of the site being moved further from the western site boundary; the heights of the 4 units closest to residential properties being reduced and an increase in width of the landscaped buffer. Like the previous application, it attracted a large volume of objections from local residents and at Planning Committee on the 15th October 2007, members resolved to refuse the application. The reason for refusal was as follows:

“The mixture of uses and scale of development proposed would result in inappropriate increased levels of general disturbance, particularly from the movement of HGVs and light pollution outside normal working hours and loss of outlook, to the detriment of neighbouring residential amenity...”

The applicants subsequently appealed against this decision, to the Planning Inspectorate and this was due to be considered at a Public Local Inquiry. However, the applicant also amended the proposal, seeking to take account of the previous concerns and submitted a further planning application (08/00954/OUTM). This was approved subject to a Section 106 Agreement, at Planning Committee on 3 November 2008, and a permission issued on 28 November 2008, following which, the appeal was withdrawn.

Planning permission was granted on 28th November 2011 to renew this outline permission (11/00928/OUTM). This permission was for the same form of development as the previous outline permission (08/00954/OUTM).

A Compulsory Purchase Order (CPO) was used to acquire land necessary for the approved widening works to Burton Old Road, including the widening of the railway bridge over the West Coast Mainline railway. In this respect, a CPO Inquiry took place in August 2014 although outstanding objections were withdrawn before the conclusion of the Inquiry. The CPO was confirmed in October 2014 and the bridge has recently been completed.

An application for Reserved Matters approval (14/00799/REMM), relating to the design and appearance of the units, the layout of the site and landscaping was approved at the planning committee meeting on 3rd November 2014, whilst a number of conditions relating to the 2011 outline consent were also varied on 25th November 2014.

The off-site bridge works were part of the application approved under the outline and reserved matters consent granted in 2008 and 2011. As such, these permissions are now extant. Thus, this site, in addition to being allocated within the Local Plan for employment use has permission in perpetuity for an approved employment development.

Application reference 16/00266/FULM was approved following consideration by the Planning Committee in November 2017, which amended the 2014 consent, permitting the erection of 3 industrial units, an acoustic bund and fence, access roads and associated development. The units were permitted to operate 24 hours a day and be used in connection with B1c, B2 and / or B8 uses (office, general industrial and storage and distribution).

The applicant commenced marketing the site through commercial agents following the issuing of the 2017 permission and has secured interest in one of the units from a local occupier. Market conditions have further evolved in the past year with greater interest in speculative units which offer flexible floor plates and layout.

Proposals

The proposal relates to the erection of 2 industrial units, an acoustic bund and fence, access roads and associated development. The units are proposed to operate 24 hours

a day and be used in connection with B1c, B2 and / or B8 uses (office, general industrial and storage and distribution). The northernmost of the buildings, noted as Unit D on the submitted plans is proposed to have a gross internal floor area of 4,460 square metres, with a height to eaves of 12.0 metres and a height to ridge of 13.27 metres. Unit C, proposed adjacent to the southern boundary of the site, is shown to have a floor area of 10,685 square metres, with a height to eaves of 12.0 metres and a height to ridge of 13.64 metres.

Each of the two units will be served by a service yard with a total of 230 off street car parking spaces provided across the site. In addition, one balancing pond is proposed, adjacent to the north eastern boundary.

The bund is proposed to run along the western boundary of the site and be topped with an acoustic fence which combined are shown to be a minimum of 6 metres high, planted with a mixture of trees and hedge species.

The site will be served via a new length of adopted highway and bridge that has recently been completed over the West Coast Mainline. The application proposes a further length of private road to adjoin this access, which will run south and serve the units.

Determining Issues

1. Policy & Principle of Development
2. Loss of Agricultural Land
3. Design and Appearance
4. Residential Amenity
5. Access, Off Street Car Parking and Highway Safety
6. Flood Risk and Drainage
7. Trees and Landscaping
8. Ecology and Biodiversity
9. Archaeology
10. Sustainability
11. Other Issues
12. Financial Considerations
13. Human Rights

1. Policy & Principle of Development

- 1.1 The National Planning Policy Framework (NPPF) advises local authorities to approve development proposals that accord with the development plan without delay. Where development plan policies are out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 1.2 The NPPF seeks to proactively drive and support sustainable economic development to deliver homes, business and industrial units and infrastructure. The NPPF outlines that a key component of delivering sustainable development is through Local Planning Authorities planning proactively to meet the development needs of businesses.
- 1.3 Paragraph 18 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through Paragraph 19 of the NPPF, which advises that *“significant weight should be placed on the need to support economic growth through the planning system”*, whilst Paragraph 21 states that planning policies should recognise and seek to address potential barriers to investment.

- 1.4 Core Policy 1 of the Local Plan Strategy aims to build on the strengths of the local economy and this is further expressed within Core Policy 7 (Employment & Economic Development), which offers support for economic development in appropriately sustainable locations.
- 1.5 The site lies within the Lichfield Urban Area and is sited within an allocated Employment Zone, as indicated on the Local Plan Strategy Policy Map 13.2. Policy Lichfield 3 makes it clear that new employment uses will be focused in the Burton Old Road / Streethay area, with further consideration of the site given within the emerging Local Plan Allocations document. Local Plan Saved Policy L9: Extension to Boley Park Industrial Estate, identifies that this site is to be *“developed for uses as defined by Classes B1, B2 and B8 of the Town and Country Planning (Uses Classes) Order 1987, with the exception of the northern part of the site as shown on the Lichfield Inset Plan, which shall be developed for B1 uses only”*.
- 1.6 The northern part of the site covers a triangular parcel of land covering an area adjacent to 63 Burton Old North. The proposed scheme indicates that the buildings within this area, namely units D and E are to have an open office, general industrial and storage and distribution use (B1(c), B2 and B8). The scheme would not wholly comply with Saved Policy L9 therefore, but given that the extant permission restricted buildings in this area to B2 usage, a precedent for both office and industrial use has been set. Notwithstanding this point however, the justification for this requirement within the Policy, is in order to protect the amenity of neighbouring residents, and as such, the acceptability of uses within this location should now, given the time passed since the adoption of the Saved Local Plan, be dependent upon an up to date noise assessment.
- 1.7 The Local Plan Allocations (Focussed Changes) document has now been submitted to the Secretary of State for consideration following public consultation. As such this document now carries some, although minimal, material planning weight. Policy EMP1 will replace Saved Policy L9 and advises that allocated sites, such as Liberty Park, will contribute towards the delivery of an identified need for 79.1ha of employment land for B1, B2 and B8 uses, within the District.
- 1.8 The development of this site for employment purposes is therefore, in principle terms, in accordance with the Development Plan and the NPPF.
2. Loss of Agricultural Land
- 2.1 The application site was historically in pastoral agricultural use.
- 2.2 The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor.
- 2.3 Paragraph 112 of the NPPF states that *“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*.
- 2.4 Natural England Guidance produced in 2010 identifies this site as falling within an area of Grade 2 Agricultural Land. The loss of this versatile soil will have been considered and weighed when the site allocation was designated, whilst the aforementioned extant permission further degrades any perceived harm resulting from its loss and as such, this consideration carries little material planning weight.

3. Design and Appearance

- 3.1 The site itself is presently rural in character. The area surrounding the site however contains a mixture of built form character. To the west there is a linear housing development sited along Burton Old Road, with the majority of properties being detached structures evidencing 1980s architectural details. To the south west of the site is a car park associated with the nearby Trent Valley Railway Station and beyond the Boley Park Industrial Estate. This area contains a variety of predominantly small scale units erected between the 1980s and 1990s.
- 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 The NPPF (Section 7) 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”*. 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”*.
- 3.4 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.5 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”*.
- 3.6 This site, being located immediately adjacent to the highway interchange of the A38 at Streethay, will be readily visible from the Strategic Highway Network. As such it is important to ensure that high quality design is achieved.
- 3.7 The Design and Access Statement submitted with this application makes references to the extant 2008 outline application, wherein a number of design principles, which sought to respond to concerns raised by local residents, were approved. This document set out the need to incorporate a strong landscaped buffer on the western side of the site; the need to orientate buildings with entrances/main areas of activity including service yards away from the boundary facing residential properties; and to site the largest buildings in the southern part of the site furthest from residential properties, with the units closest to existing dwellings being smaller and lower in height. The document also advises that the buildings across the site will be designed with clean lines and a limited architectural palette of materials, to create a simple image along the access roads.
- 3.8 The Design and Access Statement also provides an assessment of the surrounding built form context, noting that industrial buildings within the Boley Park Industrial Estate are of a mixture of styles, size and ages. However, there is some uniformity across the area, given the majority of buildings are 2 storey in height and are of brick base and profile metal construction, with shallow pitched roofs.

- 3.9 Unit C of the consented 2017 application was to have a height to eaves of 11.5 metres and a height to ridge of 14.0 metres. The units within the extant permission proposed within the area of Unit C, had a height to eaves varying between 7.0 metres and 9.0 metres and a height to ridge of between 10.2 metres and a 12.0 metres. The building now proposed to be erected within this location is to have a height to eaves of 12.0 metres and a height to ridge of 13.64 metres.
- 3.10 Unit D of this proposed scheme is proposed broadly in the location where units D and E were previously proposed in the 2017 permission. Within the extant permission Units K and L occupied this location and had a height to eaves of 7.0 metres and a height to ridge of 10.2 metres. Units D and E had a height to eaves of 9.5 metres and a height to ridge of approximately 11.5 metres, whilst the now proposed Unit D is shown to have an eaves height of 12.0 metres and a height to ridge of 13.27 metres.
- 3.11 Given the above assessment, it is evident that the alterations in terms of height, will be broadly reflective of the previously permitted schemes for Unit C, with the height to ridge actually reducing slightly, whilst for Unit D, there will be a height increase, to ridge, of 1.77 metres. Within the wider context, the scale of buildings, given the relative land levels, are such that they will integrate appropriately within the adjacent industrial area and would not form an unduly prominent gateway to Streethay from the adjacent A38 junction. In addition the land levels proposed for the buildings and relative heights are such that in wider landscape terms the impact of development will be limited. The impact of this height alteration upon neighbour's amenity is discussed below.
- 3.12 The overall mass of the buildings within the site, will be broadly comparable to the permitted scheme, with the floor area increasing from 14,966 sq m to 15,145 sq m, a 1.2% increase of 179 sq m. However, unlike with the 2017 permission, this mass will be confined to 2 rather than 3 structures and therefore each building individually will have a greater visual bulk. Although, it will not, given the close relationship of the 3 units previously permitted, have a significant visual impact, given views through the built form were purely localised previously. Thus, in visual terms, the scale of the development is considered acceptable.
- 3.13 In terms of elevation detail, the roller shutter doors, office elements and profile cladding system add vertical emphasis to break up the visual mass of each facade, whilst the use of brise soliels and entrance features, which protrude from the front elevation, add depth and shadow.
- 3.14 Full specifications of the external materials proposed to be used in the construction of the units have been provided. The materials include, a composite roof cladding system in Goosewing Grey, profile cladding panels in Alaska Grey, Anthracite and Albatross for the walls. This palette of materials and colours is appropriate to the nature of the development being proposed and will ensure the development's successful integration into the character of the Boley Park Industrial Estate. The comments of the Parish Council regarding a preference for a colour graded elevation are noted, however the scale of the units and their setting within the landscape, unlike for the exemplified Amazon Unit, makes this material approach unnecessary.
- 3.15 The block plan indicates that a foul water pumping station will be erected within the site. No elevation details of this structure have been submitted as part of the application process. In addition, although the end users are yet to be confirmed, it is possible, due to health and safety requirements, that an external water tank will be required. Conditions to secure the submission and approval of both features, and appropriate screening should the tanks to be visually prominent within the site are recommended.

3.16 Given the above assessment, it is evident that the design and appearance of the buildings are appropriate to their context and will sit comfortably within the wider landscape. Therefore, it is advised that the development complies with the requirements of the Development Plan and NPPF in this regard.

4. Residential Amenity

4.1 Paragraph 109 of the NPPF advises that *“the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.

4.2 Paragraph 123 of the NPPF advises that planning decisions should *“avoid noise from giving rise to significant adverse impacts on health and quality of life”* and *“identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”*.

4.3 Local Plan Strategy Policy BE1 states that new development should avoid causing disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

Noise

4.4 A Noise Impact Assessment document has been submitted with the application. The document surveys the existing ambient and background noise climate for the site and then assesses the potential noise impact of the proposed development on surrounding dwellings. The report concludes that the existing noise climate is dominated by traffic movements on the A38, created primarily through tyre roar. Additional short term peaks in noise levels are created by the West Coast Mainline and the freight line, both of which operate 24 hours a day.

4.5 The report advises that noise from external plant and breakout noise from within the proposed buildings will be compliant with the Council’s criteria, whilst noise levels from traffic using the new access and vehicles manoeuvring through the site would remain below the lowest measures daytime and night time background noise levels at the nearest dwellings. Mitigation measures are proposed in order to ensure noise issues do not arise: none of the units have openings facing towards the existing dwellings; the acoustic barrier has a minimum density of 10kg per square metre; and that a noise management scheme be adopted for the site. It should be noted that the bund and fence are proposed to provide further noise mitigation over and above that identified as being necessary within the report.

4.6 The Council’s Environmental Health Team have considered the noise report, its findings and recommendations and advise that they consider it an accurate worst case scenario and therefore, state that the development will not adversely impact upon the reasonable amenity of neighbouring residents, subject to conditions.

4.7 It is noted that currently no details of external plant have been submitted as part of this application, given that exact end users are yet to be determined. As such a condition to require the submission and approval of such features, given that they have the potential to generate a low level of noise, is recommended.

4.8 A number of objections were received regarding the use of the site for 24 hours a day. The extant permission allowed for such an operation and therefore sets a precedent for this site. The noise assessment however, demonstrates that such usage, given the prevailing noisescapes and mitigation measures proposed, will not adversely impact upon the amenity of local residents. In addition should a mezzanine be installed into the buildings, the

identified noise condition will continue through limiting levels within the structure to protect the amenity of residents and therefore the proposal will comply with the requirements of the Development Plan and NPPF in this regard.

Construction

- 4.9 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.

Contaminated Land

- 4.10 Paragraph 120 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 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being out at an unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
- 4.11 Given the historic use of the site for arable agricultural practices it has not been considered necessary by the Council’s Environmental Health Manager to require the submission, via condition, of a contaminated land report.

Air Quality

- 4.12 During the construction phase of development there is the potential for some dust soiling effect to neighbouring properties. This however can be addressed via the adoption of suitable mitigation measures, which are recommended to be secured via the use of a condition. The likely increase in traffic movement will not however be significant enough to impact upon air quality, nor will the future uses impact upon pollution concentrations within the area. The proposed development is therefore expected to comply with all relevant air quality policies, including the National Planning Policy Framework, as it will not expose any new or existing receptors to an unacceptable level of pollution.

Artificial Lighting

- 4.13 The applicant has submitted a lighting scheme with the application, which identifies the location of lighting columns and their brightness. The scheme shows that all lighting within the site along the northern boundary, will face away from properties on Burton Old Road. Lighting is proposed within the car park to serve unit C, but the level of illumination has been restricted to that which would provide sufficient for pedestrian movement only. The lights are proposed to be focussed types, which shine directly onto the ground rather than at wide angles. This will reduce light spill and ensure that there will be no light spill from the site into the curtilages of the adjacent residential properties. The scheme has been assessed by the Council’s Environmental Health Team who conclude that it would not cause an impact upon neighbouring residents, primarily due to the screening effect of the bund and as such, subject to a condition to secure its implementation and retention, as submitted, it can be considered acceptable.

Overbearing Impact

- 4.14 The Council’s Supplementary Planning Document ‘Sustainable Design’ advises that *“new development... should not be of a size that results in an overbearing impact on neighbouring residential property. The Council applies the 45 degree and 25 degree Daylight ‘Rules’,*

guidance for new buildings and the effect on existing buildings, as set out in the British Research Establishment (BRE) Digest 2009”.

- 4.15 The nearest residential neighbours to this development will be dwellings on Burton Old Road, with no.65 being located approximately 65 metres away from the rear of unit C. This unit, will as a result of the proposed amendments, be located 10 metres closer to the rear of this unit than the extant approved scheme.
- 4.16 Proposed unit D will be located 75 metres from the nearest property on Burton Old Road. This circumstance replicates the distance previously evident under the 2017 permission for approved units D and E. However, the removal of one unit from the site will reduce the built form evident immediately to the rear of 47-53 Burton Old Road.
- 4.17 The above measurements demonstrate that in terms of building footprint, the built form would not be materially closer to the adjacent residential properties, specifically to 65-69 Burton Old Road, than the extant permission and as such can be considered acceptable.
- 4.18 The bund and acoustic fence are similar to that approved in 2017, with any alterations limited to the area immediately to the rear of proposed unit C, where, given the unit will extend closer to the boundary, a retaining wall is to be installed so as to allow for the profile of the bund, to the railway side, to remain unaltered. The purpose of the bund is to screen the site from the view of surrounding properties and limit any noise emanating from the site.
- 4.19 The applicant has submitted with the application, section drawings through the site to demonstrate what residents of these properties will see from their rear gardens, when viewing the proposed buildings. These drawings demonstrate that, not taking into account the landscaping features to be planted on the bund, only glimpsed views of the roof of the units will be available from the rear gardens of these dwellings. This assessment has been reached due to the datum levels between the site and these dwellings, post excavation works, now being accurately mapped and amendments to the separation distances between the buildings, as evidenced above. Thus, whilst there will be an acknowledged increase in height to eaves and ridge evidenced between the extant, previously approved and now proposed scheme, it is considered that, given the evidence provided by the section drawings and the future screening benefits that will be secured by the landscaping scheme, the development will not have an adverse impact upon the reasonable amenity of neighbouring properties, through an overbearing impact.
- 4.20 As with the previous permissions to develop this site, a condition is proposed to secure the delivery of the bund and its associated landscaping prior to the first use of either of the buildings. The material proposed to form the bund will largely come from within the site and therefore it would not be reasonable or possible to require the delivery of this feature earlier within the development process.
- 4.21 Overall, it is considered that the proposals will not have a detrimental impact on local residential amenity and as such, will accord with the Development Plan and the NPPF in this regard.

5. Access, Off Street Car Parking and Highway Safety

- 5.1 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 the residual cumulative impacts of development are severe.

Off Street Car Parking

- 5.2 The application has been accompanied by a Transport Statement, which specifies that the site is sustainably located, given its proximity to a number of bus stops and the Lichfield Trent Valley Train Station. In addition it is argued that the site has good pedestrian and cycle links, which will be brought into the site, via the provision of the footpath adjacent to the private access road.
- 5.3 There are 230 off street car parking spaces proposed throughout the site. The parking spaces will be provided within dedicated areas to the west of unit D and to the south of unit C.
- 5.4 The maximum off street car parking levels set out in the Council's Sustainable Design SPD is 1 space per 45 square metres of gross floorspace for B2 use, 1 space per 25sqm for B1 use and 1 space per 90 square metres for B8 use. As such, if this entire site were to be used for B2 use, the maximum number of parking spaces required would be 337. If the site were used entirely for B8 use then the maximum requirement would be for 168 spaces. The parking requirement for B1 office use would equal 605 spaces. However, the office use within this site will be wholly ancillary to the main industrial use and therefore this level of requirement is unrealistic for this site. The number of spaces proposed is within the parameters identified by the aforementioned document. The Highways Authority have considered the suitability of the level of provision and deemed it acceptable. This conclusion has no doubt been reached given the abovementioned sustainable location of the site, and therefore the level of off street car parking is considered acceptable.
- 5.5 The Sustainable Design SPD also provides requirements for secure weatherproof cycle storage facilities. The scale of these facilities will be dependent upon the use of the building, with 1 space required per 200 square metres of B1 use, 1 space per 300 square metres for B2 use and 1 space per 500 square metres for B8 use. A condition to secure an appropriately scaled facility for each unit, along with suitable shower and locker facilities, is recommended to ensure compliance with these requirements and the promotion of sustainable transport methods.
- 5.6 Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development will have regard to the *"provision for alternative fuels including electric charging points"*. A note to applicant to advise that the installation of such provision is therefore recommended.

Highway Impact

- 5.7 The Transport Statement submitted with the application considers trip generation from the scheme, comparing the total number of consented trips from the 2017 permission, against the total number of trips to be generated by this scheme.
- 5.8 The extant permission (14/00799/OUTM) included a mix of B1(c) light industry, B2 industrial units and B8 warehousing uses totalling 37,807 sq m within 13 units and 3158sqm of B1(a) office in a further unit. Should the applicant have implemented the scheme with the majority of units in B1 or B2 use, there would have been up to 18 AM two-way peak HGV movements and up to 10 PM two way peak HGV movements. This would result in 191 two-way HGV movements between 7am and 7pm (average 16ph). Should the applicant have implemented a majority B1a/B8 scheme, there would be up to 36 AM two-way peak HGV movements, with 31 two-way movements in the PM peak. This would have resulted in up to 424 two way HGV movements between 7am and 7pm (average 35.3ph).

- 5.9 For the 2017 permission, it was calculated that there would have been up to 18 AM peak HGV movements and up to 10 PM Peak HGV movements. This would result in 197 HGV two way movements between 7am and 7pm (average 16.4ph). Overall for a B1c/ B2 use there would be a negligible increase in two-way HGV movements. In terms of the worst case scenario, a pure B8 development, there would be up to 38 AM two way peak HGV movements, with 33 two way movements in the PM peak. This would result in up to 455 two way HGV movements between 7am and 7pm (average 38ph).
- 5.10 The analysis provided by the applicant for the latest scheme for this site, demonstrates that the proposed development is forecast to generate an additional two vehicles during the evening peak period, whilst the trip generation of the morning peak period will not change compared to the consented traffic generation. An increase of a single HGV is to be generated by the revised proposals during the evening peak period, whilst, the morning peak period is to generate one less HGV than the consented development.
- 5.11 The suitability of this change to trip patterns and vehicle movements to and from the site has been considered by the Highways Authority. No objection has been raised to the proposal, with a note included on the consultation response advising that *“the revised proposals to phase one... does not have a significant impact on the surrounding highway network and will not result in a material increase in forecast traffic flows compared to the previously approved scheme”*. This conclusion is evidently based upon recommendations contained within the consultation response regarding the need to secure via condition the delivery of the new access road, parking, turning and servicing areas. In addition as required by Policy ST4 of the Emerging Allocation Document the traffic model utilised by the applicant identifies the need to secure enhancements to the Cappers Lane / Burton Old Road roundabout. A suitable monetary sum towards securing these enhancements, will as with the previous permissions granted to develop this site, be secured via a Section 106 agreement.
- 5.12 A Framework Travel Plan has been submitted with the application, which identifies a forecast modal pattern for users of the site, both with there being a Travel Plan in operation and without. The document demonstrates that a Travel Plan will increase employees use of sustainable transport modes and therefore, the use of such a Framework has been endorsed by the Highways Authority and is recommended to be included within the S106 agreement. In addition, in order to further make use of sustainable transport within the area, funding will also be secured from the S106 agreement to secure pedestrian improvements, for maintenance of a toucan crossing to Cappers Lane, which will be delivered by the applicant and secured through a condition and improvements to a bus stops including the provision of new shelters also on Cappers Lane.
- 5.13 It is noted that residents have requested that Burton Old Road not be utilised by HGVs to access the A38 and rather this road be closed and utilised for access to the dwellings it serves only. Evidently such measures would go far beyond reasonable mitigation to address the impacts of this development, as detailed above. However, in order to seek to limit HGV movements along this route condition 14 is recommended to encourage drivers to access the A38 via Cappers Lane. Finally, it is noted that the HGV strategy is recommended to be included within the S106 by the Highways Authority, but given that this matter can be dealt with via condition, as indeed was the case with the 2017 permission, a legal agreement to address this matter is not deemed necessary.
- 5.14 Given the above assessment it is recommended that the proposal accords with the Development Plan and NPPF with regard to access/egress and parking provision, and is therefore acceptable in this regard.

6. Flood Risk and Drainage

- 6.1 Paragraph 103 of the NPPF requires that development be *“appropriately flood resilient and resistant... and it gives priority to the use of sustainable drainage systems”*.
- 6.2 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. The NFFP 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.
- 6.3 The submitted FRA identifies that the scheme would result in additional impermeable areas created within the site. As such, Sustainable Drainage Systems, including a series of storage swales are proposed to mitigate this impact. The measures have been considered to be acceptable by the County Council’s Flood Team and subject to the mitigation measures being secured via a condition, the proposal will comply with Section 10 of the NPPF.
- 6.4 It is noted that concerns were raised by the neighbouring landowner regarding the routing of surface water. The County Council’s Flood Team have advised that the culvert will be cleared as part of this development and should not become blocked in the future, given previously this occurred due to stubble and silt build up associated with agricultural activities. It is for the landowner rather than the developer to ensure that water is routed along the field to the Mare Brook. It is noted however that the applicant has offered, whilst machinery is on-site to redefine the ditch for the neighbour. Evidently this is a private matter rather than a planning issue, but evidences that a suitable drainage solution for the site will be secured, ensuring the proposals compliance with the Development Plan and NPPF in this regard.

7. Trees and Landscaping

- 7.1 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees. Policy NR4 of the Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained unless their removal is necessary.
- 7.2 An Arboricultural Assessment has been submitted with the planning application, which includes a survey and categorisation of the trees within the site, along with the number, type and location of new trees to be planted as part of the proposals. The application has also been submitted with an Arboricultural Impact Assessment, which demonstrates that the design of the scheme allows for the majority of the existing trees within the site to be retained. The document identifies that 3 individual trees and one group will need to be removed. The loss of these trees and replacements proposed, predominantly to the western boundary, have been considered by the Council’s Arboriculture Officer who has advised that there are no objections to the development, given that a suitable landscaping scheme, which includes evergreens, large trees within areas of sufficient scale to accept such and drought resistant varieties, has now been produced, along with a suitable watering schedule. It is noted that no details of tree protection measures for those trees to be retained during the development process have been provided to date and as such, it is recommended that this be addressed by way of a condition. Due to the above assessment, in this regard, subject to conditions, as recommended, the proposal accords with the requirements of the Development Plan and the NPPF.

8. Ecology and Biodiversity

- 8.1 To comply with the guidance contained within Paragraphs 9, 108, 109 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 8.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net gain to biodiversity value is also made a requirement of all developments within Lichfield District.
- 8.3 The applicant has submitted an Ecological Appraisal with the application, which demonstrates that the site, is not utilised by protected animal species as a habitat. Thus, subject to a condition to secure the implementation of the recommendations identified within the document, the Council is able to demonstrate compliance with regulation 9(5) of the Habitat Regulations 1994 (amended 2010).
- 8.4 Local Plan Strategy Policy NR3 and the Supplementary Planning Document 'Biodiversity and Development' requires that development delivers a net gain in biodiversity. The quantitative assessment of habitat value submitted with the proposal demonstrates that a net gain to biodiversity value to be achieved within this proposal, which ensures its compliance with the abovementioned planning policies.
- 8.5 The Council's Ecologist has considered the abovementioned document and concluded that there is no objection to the scheme, subject to a condition requiring, prior to the commencement of development, the submission and approval of a Construction Environment Management Plan and / or a Habitat Management Plan, detailing in full, the future habitat creation works and sustained good management thereafter. Such a condition is considered reasonable and necessary and is therefore recommended, ensuring the schemes compliance with the requirements of the Development Plan and the NPPF in this regard.

9. Archaeology

- 9.1 Paragraph 128 of the NPPF places a duty on Local Planning Authorities to "*require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*".
- 9.2 The County Council's Archaeologist has not responded to this application, but for the 2017 application, advised given the scale of the site and the demonstrable archaeological sensitivity of the area, that a condition requiring the submission and approval of a scheme of archaeological investigation would be reasonable and necessary and this view is concurred with. A condition is accordingly recommended to ensure the scheme's compliance with the requirements of the Development Plan and the NPPF in this regard.

10. Sustainability

- 10.1 Paragraph 96 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 major non-residential development should achieve the BREEAM Excellent standard from 2016.

The applicant has advised within their submission that sustainable building techniques will be achieved within this site, along with other sustainable operational practices.

- 10.2 It is considered reasonable to require that both buildings achieve BREEAM Very Good rather than Excellent given that the evidence base for the abovementioned Policy (Camco Staffordshire County-wide Renewable/Low Carbon Energy Study 2010) is based on 2006 Building Regulations and BREEAM 2008 specifications and therefore do not take into account the latest changes to national policy and Building Regulations.
- 10.3 There have been two further iterations of BREEAM since the evidence base was collated and as a general rule a 2014 BREEAM Excellent requirement is now equivalent to a current BREEAM Very Good requirement. In this context, 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.
- 10.4 The above argument has been discussed with the Council's Spatial Policy and Delivery Team, who advise that this should be a matter of planning judgement. Given that this is the case, it is felt that the abovementioned arguments are persuasive and successfully evidence that a change in guidance has occurred since the evidence base for the Policy was gathered, In addition, the wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition to secure the provision of these matters, the development is considered to be compliant with national policy in terms of sustainable building techniques..
- 10.5 In respect of more general sustainability concepts, as discussed above in the policy section of this report, the site itself and its development promotes good sustainable principles. Firstly, this is an allocated Greenfield site, located on the edge of the community, in relatively close proximity to public transport provision and existing and future communities. In respect of promoting the use of sustainable means of public transport the development is sustainable and accompanied by a Travel Plan, the monitoring sum for which shall be secured via the S106 agreement, and furthermore, in providing job opportunities, the development could reduce the need for local residents to travel by car other areas of employment.
- 10.6 In view of the above, the development is considered to promote sustainable forms of development. However, conditions are recommended to ensure that the developer achieves suitable BREEAM levels within its construction. Subject to the application and compliance with these conditions, the proposal will comply the Development Plan and National Planning Policy Framework in this regard.

11. Other Issues

- 11.1 The objection and concerns raised by Network Rail are noted and the applicant is seeking to provide sufficient information to address these matters. It should be noted that the location and form of the bund and acoustic fence, along with the surface water attenuation pond, are unaltered from previous approvals for this site. Furthermore, the number of employees to use the buildings are near identical across the extant, recently approved and current application and as such, there should be no increase in pedestrian movement across the level crossing, arising from this development, when compared to those previously approved. When previously consulted on application to develop this site Network Rail offered no objections. It is considered that these matters could be resolved and therefore the recommendation is such that, subject to this, the application be approved.
- 11.2 The concerns raised by the Parish Council to the development have largely been considered within the above sections of the report. Of those that remain it is evident that the concerns raised regarding HGV parking on surrounding roads and driver facilities has been

commented on by the applicant who advises that Liberty Trust will be managing the site to seek to prevent such an occurrence. In addition each unit is to be provided with a service yard capable of accommodating HGVs whilst awaiting unloading.

11.3 The concerns raised by neighbours to the site have also largely been considered above, of those that remain, the following is advised:

- The loss in value to a dwelling caused by a development and the availability of other industrial units within nearby villages or towns are not generally held to be material planning considerations and therefore should not be taken into account when determining the suitability of this proposal.
- The applicant advises that the development will deliver approximately 200 jobs. Whilst previous estimates may have been higher this does not impact upon the acceptability or otherwise of the proposal from a planning viewpoint.
- There are no measures within planning law to limit the number of applications an applicant can submit to the Local Planning Authority.
- The Liberty Park Management Company will prevent commuters parking within the private roads within the estate.
- The number of objections raised to this and previous applications to develop the site have been carefully considered by officers when considering and determining the suitability of the various developments.
- Whilst it is acknowledged that 64-70 Burton Old Road are missing from some of the plans submitted with the application, the impact of the development on these properties has been fully assessed within the documents submitted by the applicant and within this report.
- Whilst inevitably there will be some impact upon existing neighbouring businesses from construction traffic and site users upon completion of the site, this impact is not considered, given this an allocated employment site, where highway capacity and pollute on impact have been carefully considered to warrant the refusal of this proposal.

12. Financial Considerations

12.1 Elements of the development may be CIL (Community Infrastructure Levy) liable. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.

12.2 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including for local companies, in the construction industry during construction. The development would also upon completion generate business rates.

13. Human Rights

13.1 The proposals set out in the above report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's/objector'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 has been fully considered within the report and on balance is considered to be justified and proportionate in relation to the provisions of National Planning Policy and the policies of the Development Plan.

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, economically the proposal will enable viable development on a Local Plan allocated employment site, which through bringing additional employees and commercial activity into the area, will have wider benefits. Socially, the proposal has been designed and would be operated to ensure no significant impact upon the reasonable amenity of neighbouring residents and established businesses. Environmentally, the design of the buildings, whilst somewhat utilitarian are appropriate for their siting and context. The scheme would have an acceptable ecological, arboricultural and highway impact. Thus, on balance, given the material weight attributable to the need to support sustainable development, offering employment opportunities and the lack of evidenced harm resulting from the development, subject to the resolution of the holding objection from Network Rail, the abovementioned conditions and the applicant entering into a Section 106 agreement, it is recommended that this application be approved.

LOCATION PLAN

18/00931/FUL
The Old Forge
1 Manor Road
Kings Bromley

Scale: 1:1,000

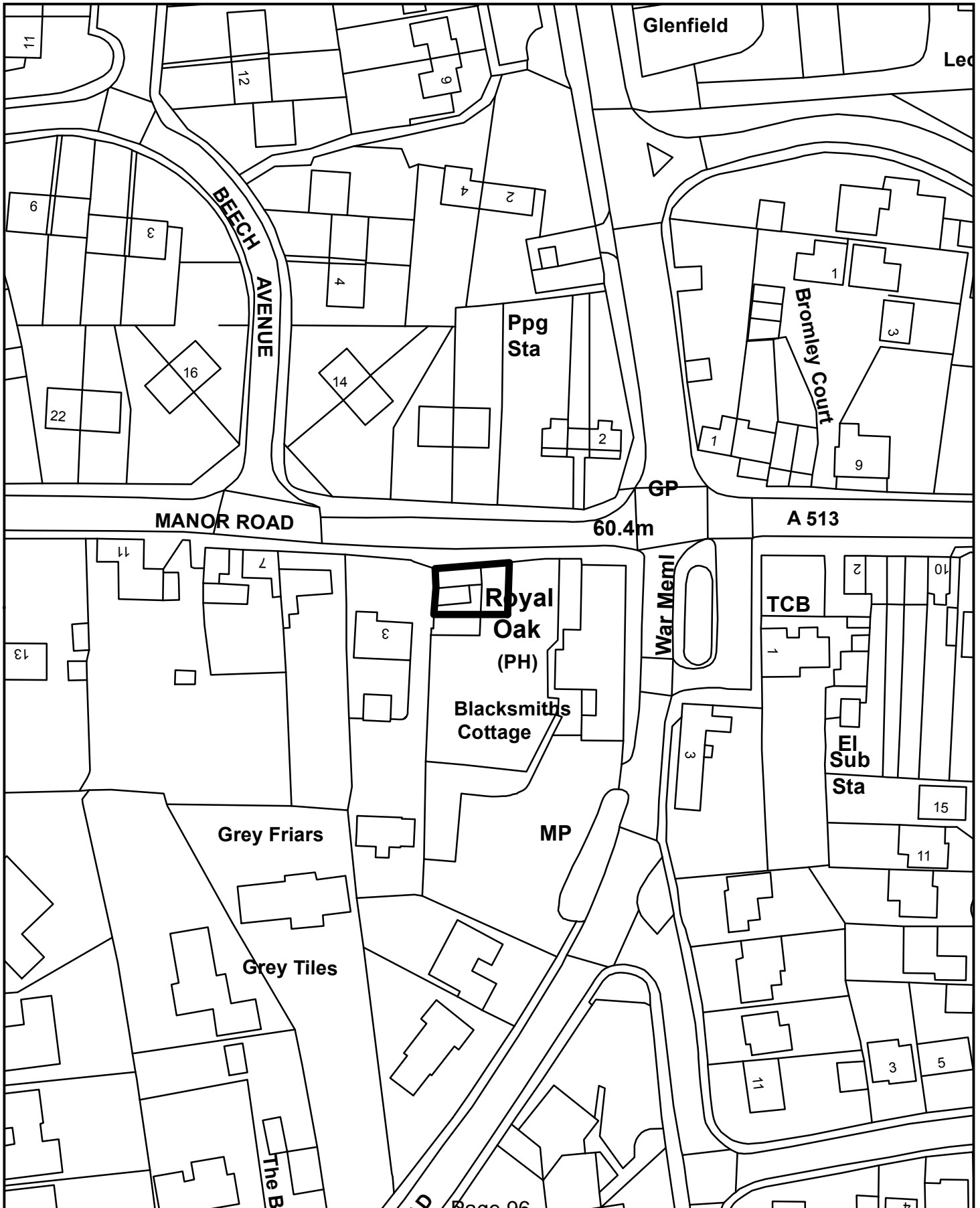
Dated: July 2018

Drawn By:

Drawing No:



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BLOCK PLAN

18/00931/FUL
The Old Forge
1 Manor Road
Kings Bromley

Scale:

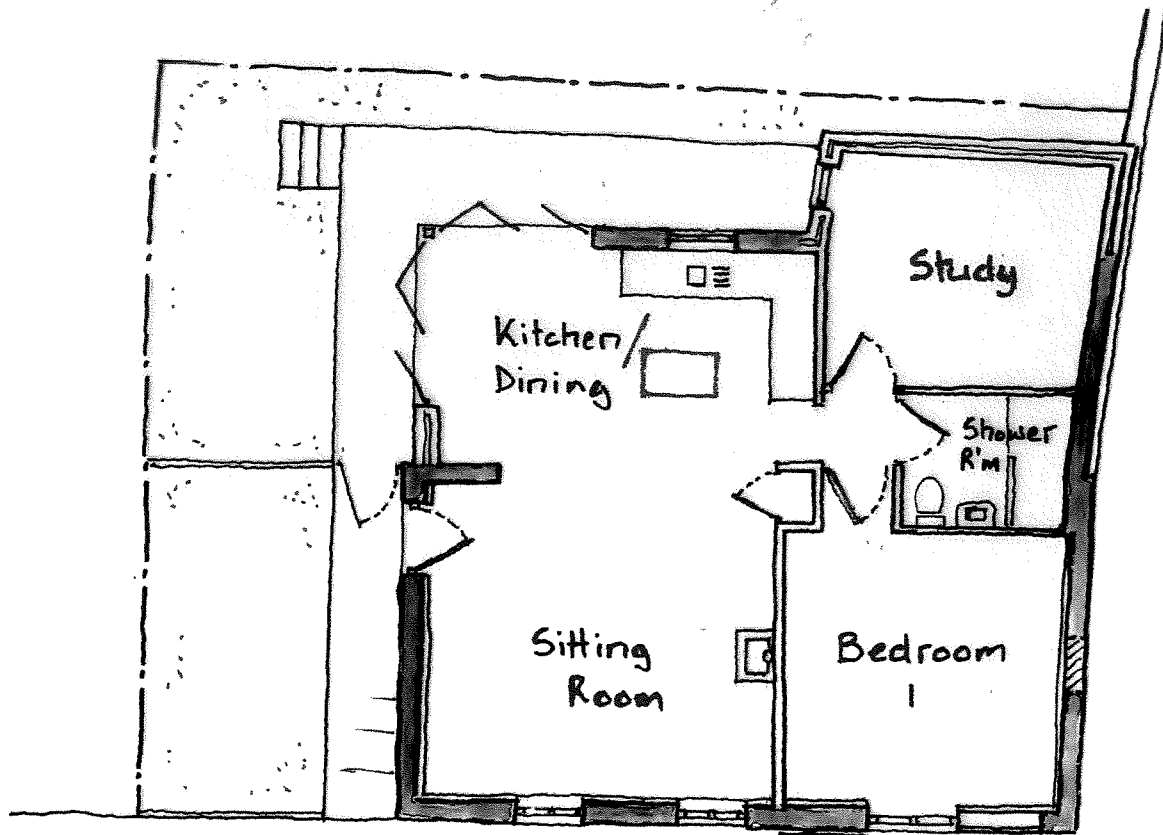
Dated:
July 2018

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Floor Plan / Plot layout

18/00931/FUL

**REMOVAL OF CONDITION 8 AND VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/01366/COU WITH REGARDS TO THE REMOVAL OF 1NO PARKING SPACE
THE OLD FORGE, 1 MANOR ROAD, KINGS BROMLEY, BURTON UPON TRENT, STAFFORDSHIRE, DE13 7HZ
FOR MR J CROCKETT
Registered 25.06.18**

Parish: Kings Bromley

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Kings Bromley Parish Council, in respect of the inadequate on-site parking provision which would result in on-street car parking congestion.

RECOMMENDATION: Approve, subject to the following conditions,

CONDITIONS:

1. The development hereby approved shall be begun before 20th December 2020.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Notwithstanding any description/details of external materials in the application documents, the facing materials to be used for the external walls and roof shall match in colour and texture, those of the existing building.
4. This permission shall relate to the conversion of the building subject of this application only, wholly in accordance with the approved plans and does not imply or grant consent for rebuilding, replacement or restoration of the building, unless as otherwise may be required by other conditions attached to this permission.

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

5. Before the development hereby approved is commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration, rooflights and doors and proposed exterior finish;
 - ii) Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
 - iii) Full details of any alterations to the exterior of the building;
 - iv) Full details of the extent of any rebuilding and re-pointing; and
 - v) Full details of rainwater goods, their materials and designs.

The development shall thereafter be carried out in accordance with the approved details and thereafter retained as such for the life of the development.

6. Before the development hereby approved is commenced, full details of proposed boundary treatments and copings shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment and copings shall thereafter be provided prior to the first occupation of the dwelling and thereafter retained as such for the life of the development.

7. Before the development hereby approved is commenced an appropriate programme of building recording and analysis shall be agreed in writing with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

All other CONDITIONS to be complied with:

8. If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in the context of the scheme shall be submitted for written approval by the Local Planning Authority.
9. Any disturbed work resulting from the approved alterations and/or extensions shall be made good to match the existing building in accordance with details submitted to and approved in writing by the Local Planning Authority.
10. Before the first occupation of the dwelling hereby approved, the recommendations given in paragraph 9.2 of the report by Acute Acoustics Limited (ref. 1609), dated 18th October 2013, submitted with application 17/01366/COU shall be implemented in full and thereafter be maintained for the life of the development.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no development contained in Classes A, B, C, D, E or G of Schedule 2 (Part 1) of the Order shall be carried out without the prior written permission, on application, to the Local Planning Authority.
12. Within one month of the completion of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Saved Policy C2 of the Local Plan,

the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

7. To safeguard the architectural character of this building and in order to allow a proper record to be made of the building in accordance with the requirements of Policies BE1 and CP14 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
8. To safeguard the architectural character of this building in accordance with the requirements of Policies BE1 and CP14 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
9. To safeguard the architectural character of this building in accordance with the requirements of Policies BE1 and CP14 of the Lichfield District Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
10. To safeguard the future occupiers of the residential property from undue noise and general disturbance, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
11. To safeguard the character of the Kings Bromley Conservation Area and residential amenity, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Saved Policy C2 of the Local Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
12. In order to ensure a net gain in biodiversity and to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and the Emerging Local Plan Allocations 2008-2029 Proposed Submission Document.
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on 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.
4. This permission does not absolve the applicant/developer from complying with the relevant law safeguarding protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Planning Circular 06/2005.

5. The proposal is considered to be a sustainable form of development, which complies with the provisions of paragraphs 186-187 of the NPPF.
-

PLANNING POLICY

Government Guidance

National Planning Policy Framework

National Planning Policy 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 14: Our Built and Historic Environment

Policy SC1: Sustainability Standards for Development

Policy BE1: High Quality Development

Policy NR3: Biodiversity, Protected Species and their Habitats

Policy NR4: Trees, Woodland & Hedgerows

Policy NR7: Cannock Chase Special Area of Conservation

Policy H1: A Balanced Housing Market

Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

Policy Rural 1: Rural Areas

Emerging Local Plan Allocations

Policy BE2: Heritage Assets

Saved Local Plan

C2: Character of Conservation Areas

Supplementary Planning Documents

Sustainable Design

Biodiversity & Development

Trees, Landscaping & Development

Rural Development

Historic Environment

RELEVANT PLANNING HISTORY

17/01366/COU - Change of use of the Old Forge to form 1no one bedroom dwelling – Approved 20.12.2017

13/00896/COU - Change of use from industrial to one bedroom dwelling – Approved 30.10.2013

13/00087/COU - Change of use from industrial to one bedroom dwelling – Withdrawn 25.03.2013

L960289 - Barn conversion with garage – Approved 18.08.1996

CONSULTATIONS

Kings Bromley Parish Council – Extremely concerned that if this application is granted it will cause a parking problem in Manor Road outside the proposed new dwelling. Manor Road is already congested with parked vehicles and those parking to attend the local public house. The proposal is close to the

junction with the A515 and further parking in this location can only make the issues worse. It is understood that all proposed development must have at least one off road parking space. (12.07.2018)

Conservation Officer – Further to my previous comments drawing 866-02B includes a schedule of facing materials. The first two items which state that facing brickwork and plain clay roof tiles will match the existing relates to Condition 3. The third item on the schedule of facing materials refers to raised seam zinc roof covering. This would not match the existing as per condition 3 and while there is no objection in principal to the use of this material further information would be required and furthermore its use would require written approval under condition 3. I consider that condition 3 should therefore remain as it specifies that the colour and texture should match the existing, but provides the flexibility to allow alternate materials if suitable. The fourth item states that joinery is to be timber and painted grey. This does not satisfy condition 5i so this condition should also remain on any future approval. (16.07.2018)

Subject to the tree officer confirming that the tree will not be negatively affected, I have no objections to the proposed removal of this condition on the grounds that, as long as the tree is retained, it will not affect the impact that the proposal has on the conservation area. (28.06.2018)

Arboricultural Officer – The application has been amended to include the variation of condition 2, in addition to the earlier removal of condition 8. Arboricultural comments of 26 June 2018 still apply. (06.07.2018)

I refer to the earlier planning history and the arboricultural report 25 May 2018. I am in agreement with the findings and recommendations of the applicant's arboriculturalist, Mr Bennett, in that the excavation for the car parking spaces would cause significant root damage to a substantial and prominent oak tree within the conservation area which could impact upon the future health and retention of the tree. Given the location of the tree in the village centre and the conservation area were alternative car parking arrangements available then these would be supported from the arboricultural view. (26.06.2018)

Ecology Officer – No response received.

Environmental Health – No response received.

SCC Highways – No objections. This is on the basis that although the removal of condition 8 will almost certainly result in additional parking on Manor Road the effect of this parking on the highway is unlikely to be severe. This application has been considered on its own merits and location and is not to set a precedent. (16.07.2018)

Severn Trent Water – No comments to make, and request to be consulted when drainage proposals are provided. (12.06.2018)

LETTERS OF REPRESENTATION

No comments received.

OBSERVATIONS

Site and Location

The application relates to a detached building located on the southern side of Manor Road, Kings Bromley. The building sits right on the back of the footway where it is predominately surrounded by residential dwellings to the north and west. Immediately to the east is the Royal Oak public house and the associated beer garden to the south. Further to the south of the site and the public house is a newly built co-op food store and associated car park. The site is within the Kings Bromley settlement boundary and the Kings Bromley Conservation Area, the building is also locally listed.

Background

Planning permission was granted in December 2017 for the change of use of the Old Forge to form 1no one bedroom dwelling (17/01366/COU). The permission was granted with a condition which requires the 1no parking space as shown on the approved plans to be provided prior to the first occupation of the dwelling (condition 8).

Proposal

The application seeks to remove condition 8 and vary condition 2 of planning permission 17/01366/COU with regards to the removal of 1no parking space. The area of land previously designated as a parking space will be retained in its current form. The removal of the parking space is due to the potential negative impact the formation of the parking space would have on the adjacent mature tree.

The proposal relates to an application for a change of use of this building into a one bedroom dwellinghouse. The dwelling will be served by a courtyard area to the rear and side. It is proposed to replace the existing double doors to the front of the building with a window opening and false door. The building will be extended to the rear by introducing a new roof as replacement of the existing lean to corrugated sheet roof. The overall height of the proposed roof will measure 4m.

Determining issues

1. Principle of Development
2. Design and Appearance
3. Impact on Heritage Assets
4. Residential Amenity
5. Ecology and Arboriculture
6. Parking and Highway Safety
7. Other Matters
8. Human Rights

1. Principle of Development

- 1.1 Core Policy 6 of the Local Plan Strategy expands upon Core Policy 1 with regard to the provision of housing within the District. The policy identifies Lichfield City, Burntwood and the key rural settlements as the focus for residential development. The policy sets out the residential development that will only be permitted in the remaining rural areas, such as, infill development within village settlement boundaries; affordable housing delivered through rural exceptions; changes of use and conversion schemes; small scale development support by local communities, identified through the Local Plan Allocations document or community led plans; agricultural, forestry and other occupational workers dwellings.
- 1.2 The site lies within the Kings Bromley, which is not allocated as a key rural settlement. Policy Rural 1 states that smaller villages will only deliver housing to accommodate local needs. Around 5% of the district's housing need will be met within the village boundaries, through conversion of existing buildings and to meet identified local needs on rural exception sites. Allocations for sites for new rural housing will be considered through the Local Plan Allocations document or through community led plans. Given the scheme relates to a conversion project the development complies with the development plan in this regard.
- 1.3 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. Policy H1 of the Local Plan Strategy encourages smaller (2-3 bedroom) homes, the need for which is identified in the Strategic Housing Market Assessment. The policy does not set out a threshold for the housing mix requirement. Whilst

this is not a two or three bed it is a smaller one bed property offering further choice to the housing market. Given the guidance contained within the NPPF and the fact that only one dwelling is proposed it is considered that the proposed house type would be acceptable and would add to the mix of dwellings within the area.

1.4 Given the above and that the site currently has permission to convert the existing building to a dwelling, which this application seeks to revise, it is considered that the development, would comply with the requirements of the development plan in terms of the principle of development. Matters related to the general development management criteria are discussed below.

2. Design and Appearance

2.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views.

2.2 The NPPF (Section 7) 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”*. 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”*.

2.3 The Rural Development SPD seeks to retain the original character of the existing building. Whilst by definition the existing building is a rural building it is not currently related to an agricultural use. The original building has a distinctive appearance and is of some merit. The change of use has been designed to utilise the existing openings such that the character of the existing building is retained. The proposed dwelling would remain single storey, with a new single storey gable extension to the rear. The design of the extension is simple and in keeping and subservient to the original building and will remove a mono pitch cement sheet roof to its betterment.

2.4 It should be noted that this application seeks the same alterations and design as the conversion previously approved. It is noted that this application has included materials details, which are not considered acceptable by the Conservation Officer. Therefore it is recommended that the previous conditions specific to materials and boundary treatments be reused to ensure the satisfactory appearance of the development.

2.5 Overall, it is considered that the design and appearance will be acceptable and will not detract from the character and appearance of the surrounding area. Therefore, it is considered that the proposal subject to conditions accords with the policies in the development plan and NPPF in this regard.

3. Impact on Heritage Assets

3.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires new development in terms of layout, size, scale, design and public views. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.

3.2 Saved Policy C2 of the Local Plan (1998) seeks to preserve or enhance the special character and appearance of Conservation Areas and states that development will not be permitted where the detailed design of a building does not respect the character of an area.

- 3.3 The emerging Local Plan Allocations Policy BE2: Heritage Assets states that *“Development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.”* The policy continues to advise that *“The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuing harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF.”*
- 3.4 Whilst considering proposals which affect the character of Conservation Area regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to *“have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”*.
- 3.5 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.6 Paragraph 132 of the NPPF then goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* listed buildings, Grade I and II* registered.
- 3.7 Paragraph 135 of the NPPF requires that the effect of an application on the significance of a Non Designated Heritage Asset should be taken into account when determining an application.
- 3.8 The site is located within the Kings Bromley Conservation Area and the building as a Locally Listed Building, is considered a Non Designated Heritage Asset (NDHA). The proposed works are considered to have a minimal visual impact and will not harm the character and appearance of the Kings Bromley Conservation Area or the Locally Listed Building. As such the proposal, subject to conditions, therefore accords with the Development Plan, the Historic Environment SPD and NPPF in this regard.

4. Residential Amenity

- 4.1 The NPPF core planning principles includes the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. This Policy is supplemented by the Council’s Adopted Supplementary Planning Document: Sustainable Design which sets out the Council’s guidelines for ‘Space about Dwellings’.
- 4.2 The Sustainable Design SPD guidance recommends that 45m² of private amenity space is provided for a one bedroom dwelling. It is also noted that the SPD states that these guidelines

can be applied flexibly for conversion schemes, depending upon the individual merits of the development proposal, including the proximity to existing public open space. The dwelling would have approximately 30m² of private amenity space, this is considered to be sufficient amenity space for future occupiers.

- 4.3 The conversion of this building will not result in overlooking of neighbouring properties. A condition is recommended to remove permitted development rights for further extensions including dormer windows to ensure that no future overlooking of neighbouring properties occurs.
- 4.4 With regard to noise from the adjacent convenience store and public house, it is considered reasonable, in order to protect the amenity of future residents, to require the implementation of mitigation measures identified within the noise report as submitted with the original application. It is recommended that this is secured via condition.
- 4.5 Given the above, it is considered that the proposal will not have an impact upon neighbouring properties, and will provide acceptable standards of living for future and existing residents of the locality. As such the development would accord with the Development Plan and the NPPF in this regard.

5. Ecology and Arboriculture

- 5.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.2 A positive ecological impact, as required by Local Plan Strategy Policy NR3 and the Biodiversity and Development Supplementary Planning Document can be achieved within this site through the installation of bat/bird boxes within the development, which can be secured via condition. The net gain in biodiversity should be attributed appropriate material weight as per the guidance of Paragraph 188 of the NPPF. Subject to compliance with this condition the development accords with the requirements of the NPPF and Development Plan with regard to ecological considerations.
- 5.3 With regard to arboricultural matters, the site falls within the Kings Bromley Conservation Area and the oak tree adjacent to the site therefore forms a material consideration in the determination of this application. The original permission included an area of car parking to the east of the property. It is considered that the creation of this parking area, which would include the removal of land in order to create a level surface, would have a significant impact upon the roots of the oak tree to the detriment of the trees health. As such, the removal of the parking area from the scheme is supported as it would ensure that there is no detrimental impact upon the oak tree.
- 5.4 In conclusion, it is considered that subject to appropriate conditions, there would be no harm to biodiversity and arboricultural interests. The proposal therefore accords with the Development Plan and NPPF in this regard.

6. Parking and Highway Safety

- 6.1 Policy ST2 states that development must have appropriate provision for off-street parking in accordance with the standards set out in the Sustainable Design SPD. The SPD recommends that one bedroom dwellings provide 1no off-street vehicle parking space. The SPD also states that these standards will however be applied in a flexible manner in having regard to the location and needs of the development/end user.

- 6.2 The proposal seeks to remove the requirement for the provision of 1no off-street parking space, due to the impact the parking area will have on the adjacent tree. Manor Road does not have any on-street parking restrictions, as such it is assumed the occupier would park on the road outside the property. The Parish Council's comments are noted. SCC Highways have not objected to the scheme as it is considered that the additional parking on Manor Road resulting from this development is unlikely to have a severe impact upon highway safety. It is also noted that Kings Bromley is served by public transport (bus). The NPPF specifies that for a development to be refused on highway grounds any impact must be severe. Given the limited impact the development would have upon highway safety, it is not considered reasonable to refuse the application based on the lack of off-street parking provision.
- 6.3 Therefore, on balance it is considered that the removal of the parking space is acceptable with regard to highway safety and that the development therefore complies with the Development Plan and the NPPF in this regard.

7. Other Matters

- 7.1 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 satisfactory 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. As the proposal lies outside the 8 kilometre buffer of the Cannock Chase Special Area of Conservation, a financial contribution is not required.
- 7.2 Severn Trent Water have offered no objection to the scheme and as the proposal will have a minimal impact upon the public sewerage they do not require a drainage condition to be imposed.
- 7.3 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities during construction, would generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.
- 7.4 The Council's Supplementary Planning Document Developer Contributions details the council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. An informative noting the need to resolve CIL payment for this development should be attached to any permission.

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 and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

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, economically the proposal will provide a small scale development project. Socially, the proposal will not impact upon

the amenity of neighbouring properties and will provide one additional small dwelling within a sustainable settlement. Environmentally, the proposal will not have a detrimental impact upon the character of the Locally Listed Building or the character of the Kings Bromley Conservation Area. The proposal will also deliver a net gain to biodiversity within the site. The proposal will not provide off-street parking however this is not considered to have a severe impact upon highway safety. The removal of the parking space will ensure that the visually important tree adjacent to the site is not adversely affected by the development and is retained.

In having regard to the material weight attributable to each consideration, on balance for the reasons set out above, it is recommend that this application be approved subject to conditions.

Agenda Item 5 Report to Planning Committee

30 July 2018

Agenda Item No. 5

Contact Officer: Nick Cox

Telephone: 01543 308181

Report of the Director Of Place And Community

ISSUES PAPER – PLANNING APPLICATION REF. 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 ACCSS).

LOCATION: LAND OFF BROWNS LANE, TAMWORTH

1. Purpose of Report

1.1 To inform Members that an outline planning application (ref: 18/00840/OUTMEI) has been received for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure.

The application is submitted in outline with all matters except for means of access reserved for future consideration.

1.2 The purposes of this 'Issues Paper' is to highlight to members the fact that a strategic major application has been recently submitted to the Council and explain the process in terms of consultation and publicity. In addition, the paper will highlight the key planning issues, which will need to be considered when the full report comes before the Committee for their determination. This will allow an opportunity for Members to raise key planning issues that either they wish to be expanded upon or added to in the full report at the decision making stage. This report is therefore a precursor to the main report, which will be presented at the end of the planning application process - it is not a report for debate or decision making, but rather an opportunity to raise issues.

2. Site and Location

2.1 The site is located to the north of Tamworth and south east of the village of Wigginton and currently comprises an agricultural field which is boarded by Browns Lane to the south, the new development of Chestnut Walk to the southeast and the railway line further to the east and the village of Wigginton to the north west. A public footpath exists towards the west part of the site and runs from north to south. Further agricultural fields exist to the north of the site. The application site amounts to a total of 12.65 hectares of land.

2.2 Members will note that the site lies outside of but adjacent to the designated village settlement boundary of Wigginton and outside of the Broad Development Area identified within the Local Plan

Allocations Document (emerging – submitted for examination). In addition, the application site falls within the Wigginton, Hopwas and Comberford Neighbourhood Plan Area. The proposal therefore falls to be considered under the Policy Rural 1: Rural Areas of the Local Plan Strategy and Policy W1 – Coalescent with Tamworth as well as other more detailed policy considerations.

3. Summary of Proposals

3.1 The application was registered on 31 May 2018. Appendix 1 describes the site and proposals in more detail. In summary, the application comprises an outline application for the erection of up to 210 dwellings including public open space, landscaping, sustainable urban drainage, access and associated infrastructure. All matters are reserved for future approval apart from access which is intended to be gained off Browns Lane through an existing piece of land located between No's 60 and 68.

3.2 As required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017), a Screening Opinion and subsequently a Scoping Opinion was undertaken, prior to the submission of this application, which determined what was to be contained within the submitted Environmental Statement (ES). The ES, which accompanies the application, contains reports specific to Landscape and Visual Effects, Transport and Access, Air Quality, Agricultural Land and Farming, Ecology, Archaeology and Heritage and Socio-Economic impacts.

3.3 The application, in addition to the Environmental Statement, is supported by a Planning Statement, Design and Access Statement, Preliminary Ecology Report, Air Quality Report, Flood Risk Assessment and Drainage Strategy, Phase 1 Geo-Environmental Desk Study, Transport Assessment, Utilities Technical Note, Draft Noise Screening Report, Statement of Community Involvement and a Design and Access Statement.

3.4 The application has also been accompanied by a Preliminary Indicative Master Plan which shows how the site could be developed. The plan shows the residential properties heavily weighted towards the east side of the site with a large area of open space providing a buffer between the properties and the existing dwellings of Wigginton. A large landscape belt is shown to seek to screen the proposed dwellings from the village. The indicative residential layout shows a mixture of property sizes served by a variety of road typologies including private drives and courtyards.

3.5 A copy of the proposals will be available for viewing in the lobby area to the Council Chamber from 5.30pm onwards on the evening of your Committee on the 30 July 2018. In addition, the plans and all associated documents are available on the Council's website by visiting the planning application search page at www.lichfielddc.gov.uk (viewed by entering the application number).

3.6 Members are invited to raise issues in relation to the current application, which they may feel require further clarification or detail when the application is reported to you in full for determination.

3.7 Members are also invited to discuss the application further with either Nick Cox (Planning Case Officer) or Claire Billings (Planning Development Manager) outside of the Committee meeting, if there are specific issues of detail on which you require further clarification.

4. Consultation and Process

4.1 The applicant has undertaken a pre-application public consultation exercise in the form of a public exhibition at Tamworth Town Hall, Market Street, Tamworth, on 14 June 2017. A summary of the comments relate to;

- Infrastructure

- Foul Drainage
- Lack of Space at schools and doctors
- Traffic and Highway Safety
- Amenities for children
- Lichfield – Tamworth Border
- Number of Houses
- Design of Development
- Access Road
- Social Housing

4.2 Following receipt of the planning application, the Council, as Local Planning Authority, has undertaken extensive consultation, including with statutory and non-statutory consultees. This consultation has included the appropriate Parish Council and Tamworth Borough Council. A notice was published in the local press on the 14 June 2018 and a site notice has also been displayed adjacent to the site. In addition individual notification letters have been sent to properties in the vicinity of the site.

4.3 The application site crosses both Lichfield District and Tamworth Borough Council’s boundaries and therefore a planning application has been submitted to both authorities. Tamworth Borough Council will also be carrying out their own appropriate consultations in respect of the application.

5. Recommendation

5.1 The Planning Committee are recommended to note the item for information and raise any relevant planning issues on which they require further clarification and which are requested to be addressed in the subsequent report to Planning Committee when this application is formally considered.

APPENDIX 1

SUMMARY OF SITE AND PROPOSALS

Site and Location

The site is located to the north of Tamworth and south east of the village of Wigginton and currently comprises an agricultural field which is boarded by the rear of residential properties which front onto Browns Lane to the south, the new development of Chestnut Walk to the southeast and the railway line further to the east and main road to the west with the village of Wigginton to the north west. A public footpath exists towards the west part of the site and runs from north to south. Further agricultural fields exist to the north of the site. The application site amounts to a total of 12.65 hectares of land. The site is generally well screened from Main Road by the existence of large mature hedgerow yet the site is visible from the railway line to the east.

Proposals

The application comprises an outline application for the erection of up to 210 dwellings including public open space, landscaping, sustainable urban drainage, access and associated infrastructure. All matters are reserved for future approval apart from access which is intended to be gained off Browns Lane through an existing piece of land located between No's 60 and 68.

The application has also been accompanied by a Preliminary Indicative Master Plan which shows how the site could be developed. The plan shows the residential properties heavily weighted towards the east side of the site with a large area of open space providing a buffer between the properties and the existing dwellings of Wigginton. A large landscape belt is shown screen the dwellings from the village. The indicative residential layout shows a mixture of property sizes served by a variety of road typologies including private drives and courtyards.

The scheme proposes 40% affordable housing which amounts to 84 units with the remaining 60% for open market sale which amount to 126 Units. The overall housing mix proposed is as follows:

1 Bed	2 Bed	3 Bed	4 Bed
1.9 %	33.8%	39.1%	25.2%

The proposed public open space including the Sustainable Urban Drainage System amounts to 5.5 Hectares and an area of natural play will be provided.

Summary of Key Issues to be considered in the Determination of the Application:

- Policy and Principle of Development (Rural Development and site allocation);
- Loss of Agricultural Land;
- Housing Numbers and Mix;
- Affordable Housing;
- Highways Issues, including accesses and impact on the surrounding highway network including Strategic Network
- Noise and Air Pollution Issues
- Impact on Amenity of Existing and Future Occupiers;
- Impact on existing landscape features and new landscape and planting;
- Impact on the wider landscape setting;
- Impact upon Heritage Assets;
- Education Provision;

- Sports Facilities;
- Refuse Collection;
- Urban Design and Wayfinding;
- Pedestrian and Cycle Connectivity;
- Flood Risk and Drainage;
- Archaeological Impact;
- Waste Management;
- Ecological and Biodiversity Impacts;
- Planning Obligations.

Members are invited to comment on the detail of any of the above issues and to identify any matters, which they consider have not been highlighted at this stage.

Lichfield
district council

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WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

18/00840/OUTME1
Land North Of Browns Lane
Tamworth
Staffordshire

Scale: 1:3,500

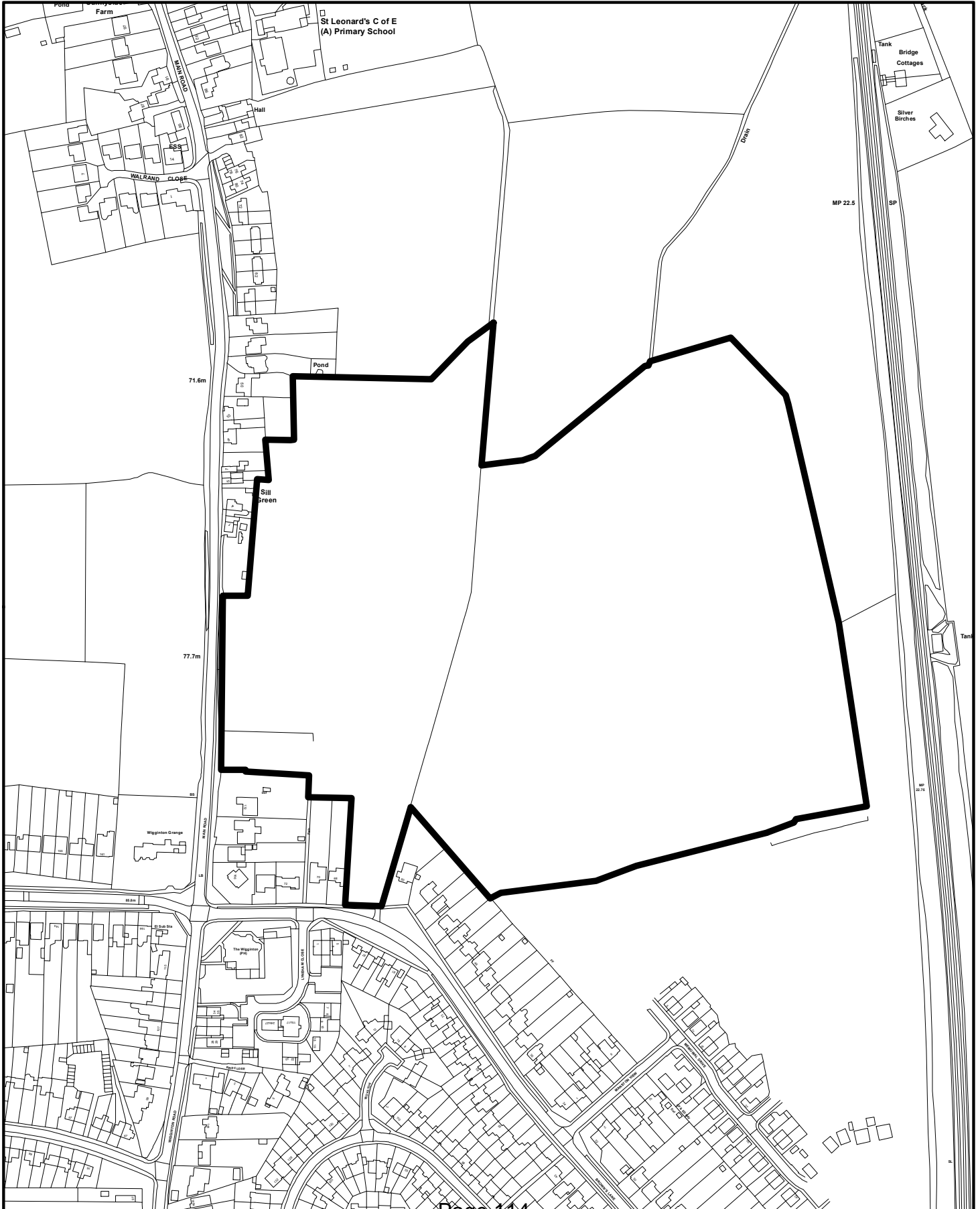
Dated: July 2018

Drawn By:

Drawing No:



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BLOCK PLAN

18/00840/OUTME1
Land North Of Browns Lane
Tamworth
Staffordshire

Scale:

Dated:
July 2018

Drawn By:

Drawing No:



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Tree Preservation Order No 409-2018

Enter title of relevant Cabinet Member

Date: 30 July 2018

Agenda Item: 6

Contact Officer: Gareth Hare

Tel Number: 01543 308207

Email: Gareth.hare@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members
Cllr Brian Yeates.



**PLANNING
COMMITTEE**

1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 409-2018

2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order without modifications.

3. Background

- 3.1 A planning application for a range of works was submitted in January 2018 for a range of works at Homeleigh, Shenstone Woodend, in January 2018.
- 3.2 The works proposed included a spa and garden room and gym/art studio and were planned to be in close proximity to significant trees. These works were assessed as having significant potential to damage or cause the removal of trees within the site and which would affect the amenity provided to the surrounding area.
- 3.3 On assessing the site, it was found that Homeleigh formed a part of a wider site associated with Shenstone House. Shenstone House is a grade II listed building built in the early 19th century. The site surrounding the house has been subdivided into several plots of which Homeleigh is one. Homeleigh appears to have been built in the 1930's.
- 3.4 The wider site (including Homeleigh) contains a substantial population of trees, a few contemporary with the earliest phase of development and many having been planted or arisen at a later date. Regardless, the trees make a substantial impact in terms of amenity. The site is prominent from the adjacent Birmingham Road, an adjacent footpath (Shenstone No 4), the adjacent Lichfield/Birmingham railway and surrounding open farmland. A decision was taken to make a tree preservation order on the wider site (including Shenstone House, Homeleigh and a number of other properties). The grounds for the order, schedule and plan are at **Appendix A**
- 3.5 Following the service of the order, a letter from the applicant's agent was received which detailed two objections to the order. These are:

The trees on site have little public amenity value; the site is largely hidden from public view and the trees only contribute towards the private amenity of the property.

Individual trees on the site of Homeleigh are not of exceptional quality and are all common species.

An email was sent to the agent detailing a response to these objections and the Arboricultural officer's response is as follows:

The trees within the site –in the view of the Council- have high public amenity, being prominent in the landscape from the Birmingham Road, an adjoining footpath (Shenstone no4) and the railway line... It is agreed that the dwelling is largely hidden from public view and this by dint of the trees forming substantial boundaries around it and moderating views into the site. Certainly the trees contribute substantially to the private amenity of the property, by contributing significantly to its, privacy and creating buffers between the domestic curtilage and adjacent open farmland.

Some specimens within Homeleigh may not be of exceptional quality. However a tree need not be of exceptional individual quality if it forms part of an important line or grouping of trees which itself forms an important feature. Trees which have irreparable defects, pose an immediate risk of harm or are otherwise compromised may be dealt with via the appropriate application or exception process. It is intended that the order be varied from an Area designation to that of Groups and Individuals (G or T categories respectively) in due course (it was originally intended to modify this prior to confirmation) and this may exclude certain lesser quality trees. Whilst trees within the TPO area may be those commonly found in gardens and grounds, tree preservation orders are not predicated on species. Rather they take into account the amenity that the trees, individually or collectively provide regardless of their species. The very fact that the trees are those expected to be seen at such a site (Lime, Beech, Black Pine, Cedar, Birch etc.) ensure that the site is in context with its' location.

3.6 Applications can be made and determined under the new 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).

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation 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.
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	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.
Crime & Safety Issues	1. N/A

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	High Court Challenge (after confirmation)	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

**LICHFIELD DISTRICT COUNCIL
GROUNDS FOR MAKING TREE PRESERVATION ORDER 409-2018.**

The trees specified in this order stand within the grounds of a number of properties adjacent to the A5127 Birmingham Road at Shenstone Woodend. The properties appear to be Homeleigh, Croft Farm and Shenstone House. The grouping of properties appears to have evolved from Shenstone House and its grounds over the last 100 years or so. There are substantial numbers of trees both on the boundary and within the curtilage of the respective properties. Due to the proximity of the Birmingham Road, Shenstone footpath number 4 and the adjacent railway line, these trees are prominent in the landscape from a number of viewpoints. A recent planning application at one of the properties proposes works within the crownspread/root protection area of a number of the trees. An area designation has been used in order that all the trees within the area are protected on a precautionary basis. It is intended to vary the order prior to confirmation to change the designations to individual trees and groups. It is therefore felt prudent to serve a tree preservation order to ensure that the trees are retained in good condition and continue to afford amenity to the area.

Signed:

.....
G. Hare

Lichfield District Council
 Tree Preservation Order Number 409-2018
 Trees at Homeleigh, Croft Farm and Shenstone House,
 Shenstone Woodend, Lichfield, Staffs, WS14 0LF
 Eastings 410982 Northings 302975

All the trees described in this schedule are situated in the Bourne Vale Ward in the District of Lichfield. All plot numbers referred to are Ordnance Survey numbers on 1:10000 sheets.

TREES SPECIFIED INDIVIDUALLY

Encircled in black on the map

Reference on Plan	Description	Situation
None		

TREES SPECIFIED BY REFERENCE TO AN AREA

Within a dotted line on the map

Reference on Plan	Description	Situation
A1	Trees of whatever species	Homeleigh, Croft Farm and Shenstone House

GROUPS OF TREES

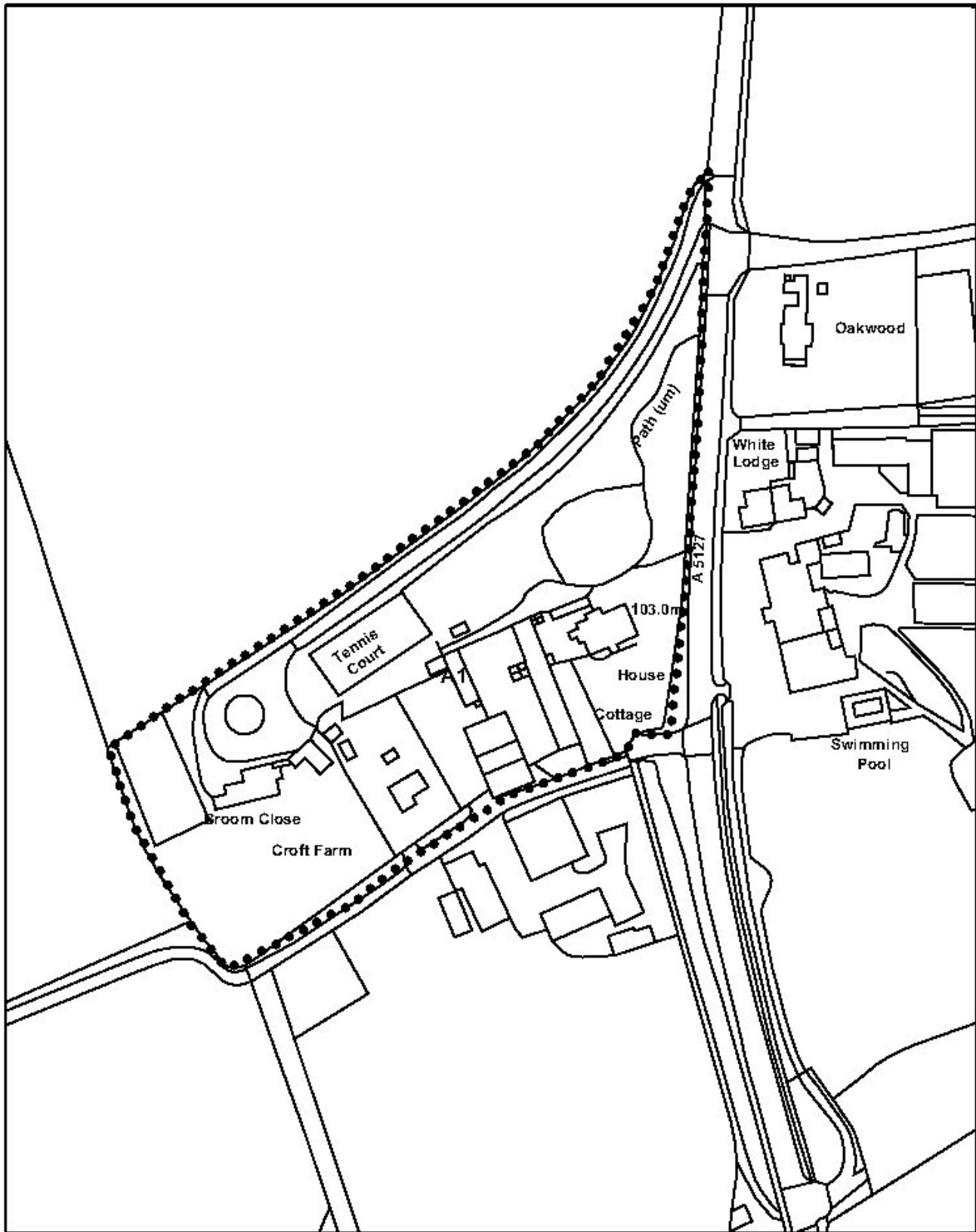
Within a broken line on the map

Reference on Plan	Description	Situation
None		

WOODLANDS

Within a continuous black line on the map

Reference on Plan	Description	Situation
None		



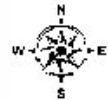

 Lichfield
 district council
 www.lichfielddc.gov.uk
 District Council House
 Frog Lane
 Lichfield
 Staffs
 WS15 8YV
 Telephone: 01543 303000
 enquiries@lichfielddc.gov.uk

Title:
 Lichfield District Council
 Tree Preservation Order No 409- 2018
 Trees at Homeleigh, Croft Farm and
 Shenstone House, Shenstone Woodend,
 Lichfield, Staffs, WS14 0LF
 Eastings 410982 Northings 302975

Scale: 1:1,500 Dated: 05/02/2018

Drawn By: Gareth Hare

Drawing No: 1



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Tree Preservation Order No 412-2018

Enter title of relevant Cabinet Member

Date: 30 July 2018

Agenda Item: 7

Contact Officer: Gareth Hare

Tel Number: 01543 308207

Email: Gareth.hare@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members Cllrs David Leytham, Rob Strachan, Alan White



1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order 412-2018 at Homestead, 8 The Beck, Elford, Staffs B79 9BP

2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation order with modifications.

3. Background

- 3.1 A tree preservation order was made on 1st March 2018 in respect of trees at Homestead, 8 The Beck, Elford, Tamworth, Staffs, B79 9BP.
- 3.2 An objection to the order was received on the 27th of March 2018 on a range of grounds
- 3.3 The objections are reproduced in full at **Appendix A** (save for material redacted for confidentiality reasons on the part of the applicant).

The objections (in italics) are detailed below and dealt with in context for ease of reference:

1. *Within the cover letter dated 1st March 2018, it states that 'The Council have made the order in pursuance of its' powers' but has neglected to give any reason or justification for serving the order.*

Whilst the cover letter states the above, the formal notice of the order (within the pack sent out to all recipients of the TPO) gives the reasons for making the order.

The TPO documents are attached at **Appendix B**.

2. The objection takes issue with the way the trees are described in the reasons for making the order and contends that the description may be '*at best misleading and at worst disingenuous*' and '*fails to recognise the true state of the trees or considers their past management which raises significant doubt over their safety and potential longevity*'.

There is no dispute that the Lime and the Sycamore within the group have been topped/lopped in the past. There is also no dispute that such treatment can lead to eventual branch failure of the growth that such an operation promotes. However this is not automatically the case. In addition it is difficult to attribute the single branch breakage given in photograph 5 of the objection within the sycamore to its previous treatment. Despite the previous works, the Sycamore has re-grown a natural crown shape

and does not appear overly dense. Branch failures attributed to topping would generally occur at the union of old wood and new growth where there is a poor attachment or decay, or as a result of branches growing too long in relation to their diameter. Having inspected the photograph in the objection and having seen the breakage on site it appears that the branch breakage is the result of a weak fork. Many trees have weak forks and suffer breakage as a result. There is no indication that these structures are widespread across the crown of either the Lime or the Sycamore or that they are directly the result of previous topping. Some damage is evident on a few branches which are defined within the objection as 'perennial cankers' attributed to abrasion. Perennial cankers are caused by either bacterial or viral agents and not –as the objection states- caused by abrasion. In any case, minor tree surgery work –crown cleaning- would be all that is required to address these localised issues.

The general information supplied within the objection in relation to the results of topping trees is broadly correct. However, the work was carried out to the trees in the region of 25 years ago and the trees have re-grown a natural looking crown and have largely stabilised in their current form. As this is the case, much of the information relating to topped trees is no longer applicable.

3. *The trees as previously mentioned suffer from significant asymmetry a result of the local growing conditions.*

Asymmetry is not a fault. The reason the trees are asymmetric and the Lime and Robinia lean away from the Sycamore is that the trees have grown as a group. Having grown as contemporaries, the Sycamore has become dominant and the Lime and Robinia, sub-dominant. The trees (as noted in the TPO notice) form a largely common crown. Therefore it is entirely appropriate to use the Group categorisation in this instance.

4. The objection goes further re the group category:

The very fact that three trees are listed as a group suggests that there is a degree of over valuation, when in reality there is no benefit to either party and it would be straightforward to list the trees individually as the order does in its' description. This is contrary to the guidelines in the statutory instrument 2012 No 65 and within the current Planning Practice Guidance, which requires a description of the tree species and advices (sic) a description of the situation "to specify more precisely the position of the trees" which is a further basic error in the drafting of the order.

- a) The statutory instrument requires that trees listed as a group are specified by species and number of trees within the group. This has been done correctly. The objection misinterprets the draft schedule at article 3 of the statutory instrument (**Appendix C**): for all categories it gives the option under 'Situation' (where the trees are located) to: '*complete if necessary to specify more precisely the position of the trees*' i.e. complete this section if it is necessary to provide more information on the location of the trees. There is no mandate to list all trees as individual specimens.
- b) The relevant planning practice guidance (Tree Preservation Orders and trees in Conservation Areas: Ministry of Housing, Communities and Local Government, 6 March 2014) provides this guidance on the use of the group category:

'The group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection.'

The TPO does not depart from this guidance. There is no over valuation in including the trees as a group. The trees have grown together, form a common crown and function as a group. To list them or value them separately would be incorrect.

- c) An error in drafting the order was made in terms of the outline of the group. The group was defined by a dotted line when the line should have been dashed. This was caused by a corrupted file within the computer program used and has since been rectified. The reason for proposing that the order is confirmed with modifications is to allow the boundary of the group to be re-drawn with the correct dashed line. The error is one of drafting and is capable of being simply rectified as indicated. The amended TPO plan is included at **Appendix D**.

5. The objection refers to the phrase within the TPO: ‘affords substantial amenity’ and claims that there was no evidence to support this. However, the whole paragraph within the TPO reads: *‘The trees specified within this order stand within the rear gardens of Homestead, 8 The Beck, Elford. Homesteads rear garden sides onto The Beck and the trees are therefore very prominent in the street scene. The group of trees consists of a Lime, A sycamore and a Robinia and forms a largely common crown. The group (all three trees) are mature, appear in good condition and afford substantial amenity to the area. Given that the trees are likely to have a long life expectancy and contribute amenity to the area for a substantial time it is felt prudent to serve a tree preservation order. This will ensure that the trees are retained in good condition and continue to afford amenity to the area.’*

The objection refers to the common place use of either or both photographic information or a simple amenity valuation methodology to demonstrate the value of the trees and the suitability of the trees for protection by a tree preservation order.

Photographic information is presented at Committee to assist with the decision making process. In the experience of the tree officers it is not common place to include such information within a TPO as all parties are generally familiar with the trees. The paragraph from the TPO (in italics above) constitutes the Arboricultural officers amenity assessment of the trees. The use of formalised amenity valuation systems at LDC has been assessed and discounted as it is felt that whatever system is used it is still solely reliant on the interpretation of the arboriculturalist using it.

5. A component of the objection is the use of a tree preservation order within a conservation area. There is no bar to making tree preservation orders on trees within conservation areas and there are many hundreds of trees within the District within conservation areas which are protected by tree preservation orders. Although the level of protection afforded to trees is similar, a tree preservation order allows an authority to refuse works which it considers damaging, attach conditions to a permission (i.e. that the work is carried out to a suitable standard) and in the event of felling, allows an authority to attach conditions requiring a replacement thus securing continued tree cover to provide ongoing visual amenity. Therefore, whilst a conservation area may afford some protection to a tree, the level of protection afforded by a tree preservation order is more comprehensive.

The objection goes on (variously) to touch upon the general expediency of making the order, the financial implications and the enforceability of the TPO. The Arboricultural officer is satisfied that it is expedient to make the TPO, that the financial implications are no more nor less onerous than making any other TPO and that the TPO is enforceable should such measures become necessary.

- 3.4 Applications can be made and determined under the new 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).

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation 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.

1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.

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.

1. N/A

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	High Court Challenge (after confirmation)	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

c/o Lesley Bennett - Democratic and Legal Services Officer
Litchfield District Council
District Council House
Frog Lane
Litchfield
Staffordshire
WS13 6YX

Our Ref: BA6632

Date: 27/03/2018

By email as a PDF file & by Post

Dear Sir / Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
TREE PRESERVATION ORDER NO.412-2018
HOMESTEAD, 8 THE BECK, ELFORD, TAMWORTH. B79 9BP**

SUMMARY.

From my site visit and assessment of the supplied information in relation to legislative protection of the above-named Tree Preservation Order **TPO 412-2018**, the information provided has a range of technical errors and has been poorly prepared which could significantly complicate future management of the site for both the landowner and the local planning authority, in addition to raising doubt over the worthiness, validity or lawfulness.

The **TPO 412-2018** does not follow the guidelines set out in central government guidelines laid out in **Guidance - Tree Preservation Orders and trees in conservation areas**, which can be accessed at <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>.

Principally, the documentation contains technical errors in the way it is presented and the rationale for serving the order in relation to the Group Order G1 TPO No.412-2018.

- The TPO does not reasonably represent the current state of trees on site.
- The area highlighted G1 includes trees with short safe life expectancies.
- The area highlighted G1 includes trees with structural defects.
- The trees on site are currently protected by virtue of being within a Conservation Area.

OBJECTION

I write as Arboricultural advisors to Mr & Mrs Crutchley, Homestead, 8 The Beck, Elford, Tamworth, B79 9BP, in relation to the Tree Preservation Order (TPO) No.412-2018 referred to above, to which I object, in accordance with the statutory provision set out in regulation 6 of the Town and Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) Regulations 2012.



Barnes & Associates
Rivermead, Skelton Road, Langthorpe, North Yorkshire, YO51 9BZ
Tel: 01423 322 371 Mobile: 07831 530 563
enquiries@barnesassociates.co.uk

Our objection relates to the current condition of the trees and the claims made in the order.

The grounds of our objection are as follows: -

The cover letter dated 1st March 2018, attached **TPO NO.412-2018** states - The council have made the order *'in pursuance of its powers'* but has neglected to give any reason or justification for serving the order.

Within the fourth paragraph of TPO No.412-2018, the order states *'the trees are very prominent from the street scene'*, which is correct bearing in mind two of the trees overhang the highway.

However, the within the fourth paragraph the TPO No412-2018, the order states, *'The group (all three trees) are mature, appear to be in good condition and afford a substantial amenity to the area'* which I am afraid is at best misleading and at worst disingenuous. The trees are mature and by this are large, but size alone does not qualify a tree for protection under the Tree Preservation Legislation. The order fails to recognise the true state of the trees or considers their past management, which raises significant doubt over their safety and potential longevity. The trees closest to the highway have been historically topped/lopped which has left them predisposed to branch failure, evidence of which can be seen in the central Sycamore tree currently. In addition to this the subordinate trees the Lime and Robinia, have developed in a competitive low light environment and as a result suffer from significant canopy asymmetry which in the case of the Lime has forced the tree to develop into the highway. A further issue related to the poor growing conditions has resulted in the Lime and Robinia being supported by main stems which lean significantly away from the dominant Sycamore.

Unfortunately, the TPO No.412-2018 simply claims that the trees *'afford substantial amenity'* appears plausible for the reasons stated above but there is no evidence to quantify these claims. There was no information supplied to quantify this and this statement alone is not sufficient justification for a Tree Preservation Order as outlined in the legislation. As a general point it is common place for a planning authority to issue either or both photographic information or a simple amenity valuation methodology to demonstrate both the value of trees and the suitability of the trees for protection by a Tree Preservation Order – neither appear to have been undertaken or included in this case.

This in addition to other technical issues within the documentation raises significant doubts over the valuation of the trees and both the validity of the TPO and the authority's rationale. The very fact that three trees are listed as a group suggests that there is a degree of over valuation, when in reality there is no benefit to either party and it would be straightforward to list the trees individually as the order does in its description. This is contrary to the guidelines in the **statutory instrument 2012 No. 605** and within the current Planning Practice Guidance, which requires a description of the tree species and advises a description of the situation *"to specify more precisely the position of the trees"* which is a further basic error in drafting of the order.

This error is further compounded by the quality of the mapping which shows the Group G1 outlined by a dotted line, when in fact the map within the order should be drawn with a dashed line (dotted lines are used to identify an Area as set out within the legislation). This error is contrary to the guidelines in the **statutory instrument 2012 No. 605** and within the current Planning Practice Guidance, which is a further basic error in drafting the order and raises significant doubt over the validity of the order.

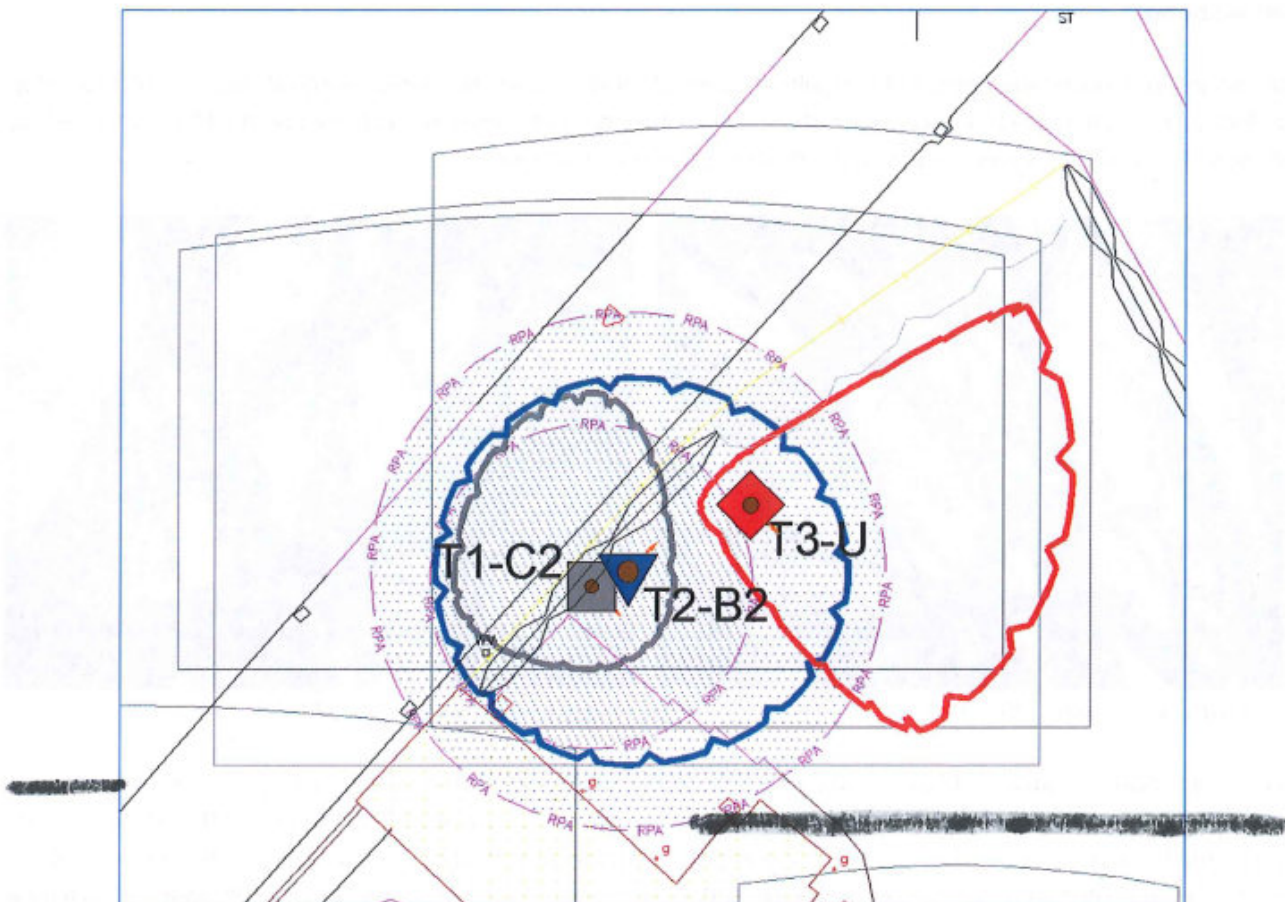
In addition to the technical errors from the Arboricultural aspects, problems within the drafting of the order, the whole principal of serving a Tree Preservation Order on this land appears fatally flawed when the trees are assessed arboriculturally.

The trees as previously mentioned suffer from significant asymmetry a result of the local growing conditions, to give some understanding of this, I have outlined the separate canopies on the photographs 1 and 2 below. The Lime is coloured yellow, Sycamore coloured purple and the Robinia coloured Red. From these photographs it can be clearly seen that the Sycamore is dominate and the Lime & Robinia are subordinate.



Photograph 1 - taken 05/03/2018 looking south west. Photograph 2 - taken 18/03/2018 looking north east.

The issue of dominance of the Sycamore (referred to as T2 below) is further reinforced when looking at the trees in plan view, as shown below which is an extract from a recent BS5837 tree survey plan, which includes the trees referred to a G1.



The Lime and Sycamore have been historically harshly lopped, commonly referred to as being topped. I have indicated the position of this reduction using the dashed red line on photograph 3 opposite.

Topping, often removes 50 to 100 percent of the leaf-bearing crown of a tree. Because leaves are the food factories of a tree, removing them can temporarily starve a tree. The severity of the pruning triggers a sort of survival mechanism that causes a tree to produce multiple shoots below each topping cut and comes at great expense to the tree. These shoots develop from buds near the surface of the old branches. Unlike normal branches that develop in a socket of overlapping wood tissues, these new shoots are anchored only in the outermost layers of the parent branches.



Photograph 3 - taken 18/03/2018

The new shoots grow quickly, as much as three (3) meters in one year, in some species. Unfortunately, the shoots are prone to breaking, especially during windy conditions. The irony is that while the goal was to reduce the tree's height to make it safer, it has been made more hazardous than before and as a result the tree requires periodic assessment and intervention.

The current stage of recovery growth as expected as resulted in branch failures being seen in the canopy, photograph 4 below shows a limb of approximately 150mm in diameter which has failed and is laid in the canopy – indicated by the red arrows below.

In addition, the competitive recovery has resulted in areas of abrasion which has caused perennial open cankers to develop as indicated on photograph 5 below which shows limbs of approximately 250mm – indicated by the blue arrows below, these limbs has open decayed sections and is therefore predisposed to failure.



Photograph 4 - taken 18/03/2018



Photograph 5 - taken 18/03/2018

From conversations with Mr & Mrs Crutchley, I understand that the Tree Preservation Order (TPO), was served [redacted] which is unusual considering the trees and the site are already protected by virtue of being located within the Elford Conservation Area and therefore having very similar levels of protection and potential fines if the Conservation Area is contravened and Mr & Mrs Crutchley, are fully aware of this having previously applied for tree works.

I appreciate, that the protection of trees is a duty of the LPA under the Town and Country Planning act 1990, though this aims to encourage rational discussion and consideration of trees within the design process. Legislation indicates that protection should be used to protect healthy trees that are likely to have a reasonable safe useful life expectancy. Generally, those classified with a condition rating of (A) Excellent & (B) Good (as detailed within BS5837) are typically worthy of TPO protection. Those classified (C) Fair are generally poorer and therefore unlikely to qualify for a TPO on grounds of poor appearance, management issues or unlikely to have a sufficient safe life expectancy. Those trees classified (U) are Unsuitable for retention, as these trees generally contain structural defects, have a short safe useful life expectancy or are dangerous and therefore would not qualify for a TPO as indicated within the legislation.

On a general point the presence of a TPO might be served upon development sites for the above reasons. It can however only be regarded as a material consideration within the planning process, as should in fact any other tree or significant natural feature. The fact a tree has a TPO, within the planning process, cannot be used as a means of preventing development. Any trees protected or otherwise, which are located on or close to the site can be expected to be regarded as a material consideration or offer a design constraint within the development process, though typically constraints can be acknowledged though appropriate site protection or the adoption of appropriate build methods.

Such factors can be detailed within appropriate planning conditions or offset through appropriate mitigation tree planting or other landscaping, which at this early stage would appear to offer opportunities for at least 8 new trees and further landscape improvements to improve the setting and privacy for the site. It is worth noting that even if the Lime and Robinia were removed to benefit the Sycamore which is in keeping with good arboricultural practice, this would provide a replacement to removal ratio of 4 to 1 which by any standard would typically be considered a nett gain in planning and landscape planning terms.

I am currently contracted to provide Tree Protection information to help inform the design through the planning process and this information will be made available and accompany the scheme as the design is finalised, in the meantime I have included for your information, details separately of our Tree Survey & Constraints Plan BA6632TS, which is prepared in line with BS5837:2012.

From my assessment of the site only the Sycamore within G1, would meet the requirement of the legislation in terms of amenity, suitability and longevity. However please note this would only be the case if the tree is formatively pruned and the immediately defective material within the canopy is removed, until then the tree offers a foreseeable elevated risk of harm, through an increased potential for main leader and branch failure.

CONCLUSION

The order appears to have been placed with little consideration of the guidelines given in either the Statutory Instrument, the guidance provided by central government.

In addition, the way in which the order has been prepared and served including the series of errors fatally undermines its validity and its worthiness should be brought into question.

In serving the TPO no. 412-2018, the authority has not followed guidance in the legislation, misinterpreted the state of the trees on site and it has ignored basic arboricultural best practice by disregarding existing structural issues which are clearly visible in the trees.

The TPO G1 412-2018, is expected to significantly complicate site management and appears not to consider the current condition of the trees.

The lack of supportive information detailing either the value of the trees or the threat offered to the trees is of concern and is a requirement, repeatedly referred to within both the legislation and government guidance.

I wonder whether it is expedient in the interests of amenity to serve the order and wonder if the Tree Preservation Order is simply being made from a strategic perspective to gain control over the site, which is beyond the aims of the legislation.

I am sure that you would not wish your authority to stand accused of misusing its statutory powers and, so we are confident that you will realise the difficulties of including the trees listed as G1 within the Tree Preservation Order TPO G1 412-2018 in light of the information within this objection.

The problems associated with this order are of concern in the current financial climate, where such actions prove costly to both the site owner having to object to a tree preservation order which has no legal basis, particularly when there is no supportive information into the value of the trees or a rationale to the order. In addition, this would appear to be an unreasonable cost to the Local Authority, through wasted officer and potentially councillor time.

Considering the foregoing, it is not considered expedient in the interests of amenity to make the order as required by the Town and Country Planning Act 1990 (as amended) or in line with the guidelines set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Accordingly, I ask that the provisional Tree Preservation Order is either allowed to lapse or ideally this should be revoked and removed from public record considering it has no legal status to enable normal management of the trees on site which are currently the subject of protection under the Conservation Area.

Should the authority choose to confirm the TPO, following consultation, could I suggest that the order is reissued with a suitable notice period to identify the worthwhile trees and better represent the state of the tree cover on the site. This will avoid imposing a cumbersome, yet unenforceable Tree Preservation Order which will have significant management difficulties.

Further to the above, I request that you advise me in writing of your authority's procedure and timeline for considering objections to this TPO and confirm that you have taken this objection into account in applying your statutory powers under S.197 & S.198 of the Town & Country Planning Act 1990 (as amended).

Please contact me should you wish to discuss this matter further, or should you have any queries in relation to the foregoing.

Yours Sincerely



Ian Barnes
Arboricultural Association Registered Consultant
Chartered Environmentalist,
Chartered Horticulturalist

Appendix B

Your ref

Our ref TPO 412/2018

Ask for Lesley Bennett

Email lesley.bennett@lichfielddc.gov.uk



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

Customer Services 01543 308000
Direct Line 01543 308072

The Owner/Occupier

Homestead

8 The Beck

Elford

Tamworth

Staffs

B79 9BP

1st March 2018

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012
LICHFIELD DISTRICT (Whittington and Streethay Ward)
TREE PRESERVATION ORDER NO. 412 – 2018
TREES AT: HOMESTEAD, 8 THE BECK, ELFORD, TAMWORTH, B79 9BP

The Lichfield District Council in pursuance of its powers as District Planning Authority under Sections 198 to 201 of the Town and Country Planning Act 1990, has made the above Tree Preservation Order and a formal Notice is enclosed together with a copy of the Order.

Yours faithfully

Lesley Bennett
Democratic and Legal Services Officer

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012

**LICHFIELD DISTRICT COUNCIL
(Whittington and Streethay Ward)**

**TREE PRESERVATION ORDER: 412 – 2018
TREES AT HOMESTEAD, 8 THE BECK ELFORD TAMWORTH STAFFS B79 9BP**

THIS IS A FORMAL NOTICE to let you know that on 1st March 2018 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed copy of the leaflet, *Protected Trees: A Guide to Tree Preservation Procedures*, produced by the Department for Communities and Local Government.

The trees specified in this order stand within the rear gardens of Homestead, 8 The Beck, Elford. Homestead's rear garden sides onto The Beck and the trees are therefore very prominent in the streetscene. The group of trees consists of a Lime, a Sycamore and a Robinia and forms a largely common crown. The group (all three trees) are mature, appear in good condition and afford substantial amenity to the area. Given that the trees are likely to have a long life expectancy and contribute amenity to the area for a substantial time it is felt prudent to serve a tree preservation order. This will ensure that the group of trees are retained in good condition and continue to afford amenity to the area.

The Order will take effect, on a provisional basis, on 1st March 2018. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 29th March 2018 (28 days after notice date). Your comments must comply with Part 2 (6) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr C. N. Turner, Director – Transformation and Resources, Lichfield District Council, District Council House, Frog Lane, Lichfield, Staffordshire, WS13 6YU. All valid objections or representations are carefully considered before a decision on whether to confirm the order is made.

The Council will write to you again when that decision has been made. In the meantime if you would like any further information or have any questions about this letter, please contact Lesley Bennett at the above address – telephone number 01543 308072.

Dated: 1st March 2018

Signed:



Director of Transformation and Resources

COPY OF PART 2 (6) OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6 (1) *Subject to paragraph (2), objections and representations –*

(a) *shall be made in writing and –*

(i) *delivered to the authority not later than the date specified by them under regulation 5(2)(c); or*

(ii) *sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;*

(b) *shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections or representations are made; and*

(c) *in the case of an objection, shall state the reasons for the objection.*

6 (2) *The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.*

LICHFIELD DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012
LICHFIELD DISTRICT
(Whittington and Streethay Ward)

TREE PRESERVATION
ORDER NO. 412 - 2018

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

TREE PRESERVATION ORDER NO. 412-2018

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 (Whittington and Streethay Ward) Tree Preservation Order No. 412-2018**

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 2011.

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, 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.

Dated this 1st March 2018

The Common Seal of the **Lichfield District Council**
was affixed to this Order in the presence of -


.....
MEMBER OF THE COUNCIL


.....
DIRECTOR OF TRANSFORMATION AND RESOURCES



Lichfield District Council
 Tree Preservation Order Number 412-2018
 Trees at Homestead, 8 The Beck, Elford, Tamworth, Staffs,
 B79 9BP
 Eastings 418992 Northings 310439

The tree described in this schedule is situated in the Whittington and Streethay Ward in the District of Lichfield. All plot numbers referred to are Ordnance Survey numbers on 1:10000 sheets.

TREES SPECIFIED INDIVIDUALLY

Encircled in black on the map

Reference on Plan	Description	Situation
	None	

TREES SPECIFIED BY REFERENCE TO AN AREA

Within a dotted line on the map

Reference on Plan	Description	Situation
	None	

GROUPS OF TREES

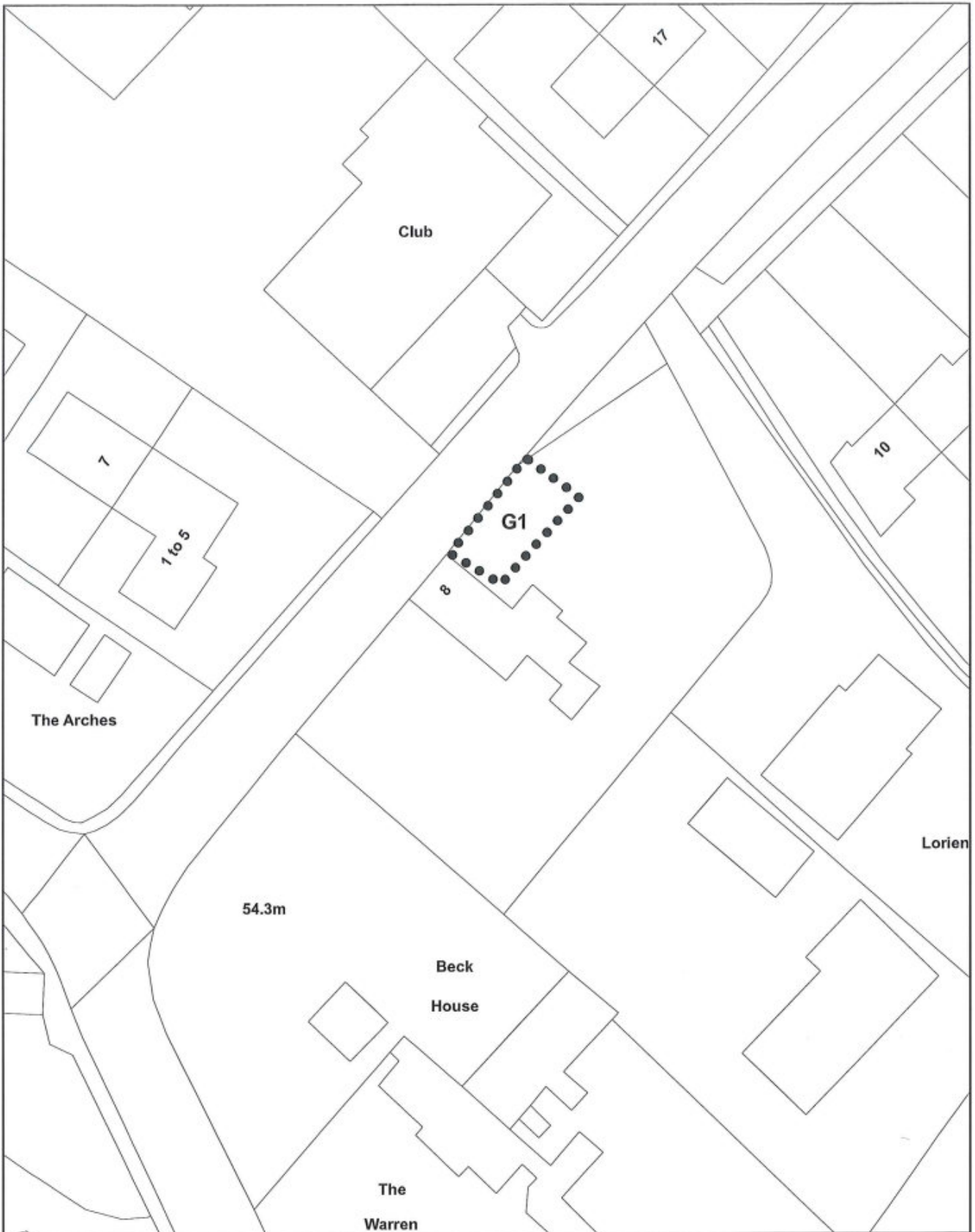
Within a broken line on the map

Reference on Plan	Description	Situation
G1	1 Sycamore, 1 Lime 1 Robinia	Homestead, 8 The Beck, Elford

WOODLANDS

Within a continuous black line on the map

Reference on Plan	Description	Situation
	None	




 Lichfield
 district council
 www.lichfielddc.gov.uk
 District Council House
 Frog Lane
 Lichfield
 Staffs
 WS13 6YY
 Telephone: 01543 308000
 enquiries@lichfielddc.gov.uk

Title:
 Lichfield District Council
 Tree Preservation Order No 412- 2018
 Trees at Homestead, 8 The Beck, Elford,
 Staffs, B79 9BP
 Eastings 418992 Northings 310439

Scale: 1:500 | Dated: 2/02/2018

Drawn By: Gareth Hare

Drawing No: 1



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Appendix C
SCHEDULE Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]	[ash]	[complete if necessary to specify more precisely the position of the trees]

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[A1]	[trees (of whatever species) within the area marked A1 on the map]	[complete if necessary to specify more precisely the position of the trees]
[A2]	[the ash, beech, larch and oak trees within the area marked A2 on the map]	[complete if necessary to specify more precisely the position of the trees]

Groups of trees

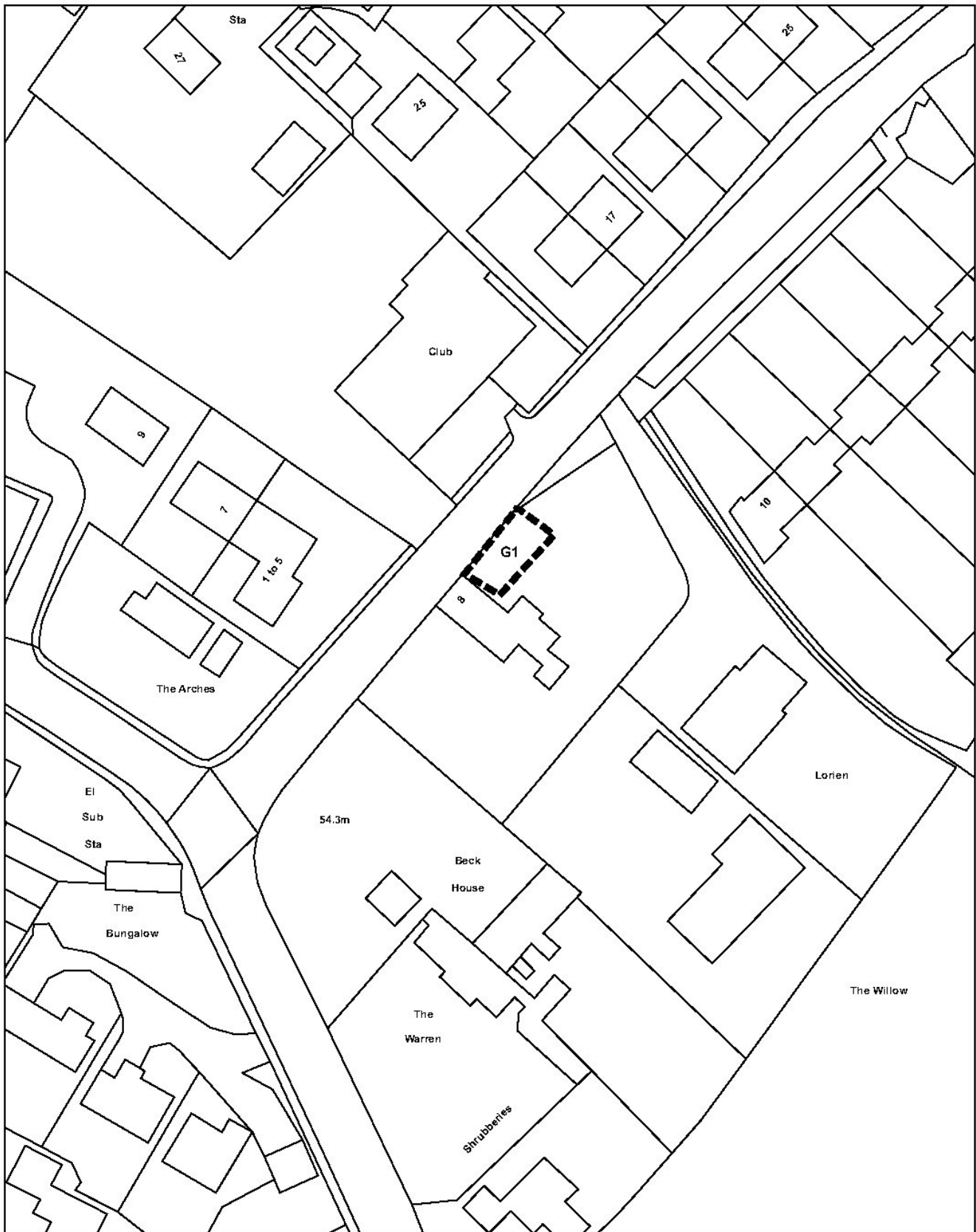
(within a broken black line on the map)


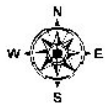
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	[2 ash trees, 3 birch trees and 3 oak trees]	[complete if necessary to specify more precisely the position of the trees]

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[W1]	[mixed hardwoods (mainly oak, ash and alder)]	[complete if necessary to specify more precisely the position of the trees]
[W2]	[mixed conifers and deciduous trees (mainly Scots pine and birch)]	[complete if necessary to specify more precisely the position of the trees]



 <p>www.lichfielddc.gov.uk</p> <p>District Council House Frog Lane Lichfield Staffs WS13 6YY</p> <p>Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p>	<p>Title: Lichfield District Council Tree Preservation Order No 412- 2018 (amended) Trees at Homestead 8 The Beck, Elford, Staffs B79 9BP Eastings 418992 Northings 310439</p>	<p>Scale: 1:500 Dated: 10/07/2018</p>	
		<p>Drawn By: Gareth Hare</p>	
		<p>Drawing No: 1</p>	
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