

# Public Document Pack

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District Council House, Frog Lane  
Lichfield, Staffordshire WS136YU

Customer Services 01543 308000  
Direct Line 01543308075

19 October 2018

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 29TH OCTOBER, 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', is written in a cursive style.

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, 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 - 6
4. Planning Applications 7 - 110
5. Issues Paper - Planning Application Ref. 18/01217/OUTFLM - Hybrid Planning Application comprising outline planning application (with all matters reserved except access points to Cricket Lane) for the construction of up to 520 dwellings, and up to 10.73 hectares for employment uses (use Classes B1/B2/B8), with comprehensive green infrastructure including footpaths, cycle ways, multifunctional open space, children's play areas, open space for sport and sustainable drainage infrastructure including balancing ponds, and other associated ancillary infrastructure and ground remodelling; and full planning application for the construction of a 3,8865 sqm (GEA) class B1C/B2/B8 unit with ancillary office space, access off London Road, including car parking, servicing, drainage works, earthworks and other ancillary works. Location: Land at Cricket Lane, Lichfield 111 - 116
6. Issues Paper - Planning Application Ref. 18/01303/FULM - Proposed gas fired electricity generating facility (generating up to 49.99 MW of electricity) including formation of new access road and associated structures/facilities. Issues Paper - Planning Application Ref. 18/01423/FULM - Formation of new access road to serve proposed gas fired electricity generating facility (generating up to 49.99 MW of electricity). Location: Land North of Bellamour Lane, Colton, Rugeley 117 - 122
7. **Exclusion of Public and Press**  
**RESOLVED:** That, as publicity would be prejudicial to public interest by reason of the confidential nature of the business to be transacted the public and press be excluded from the meeting for the following item of business which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.
8. Enforcement Matters - Update Report 123 - 130



**PLANNING COMMITTEE**

**3 SEPTEMBER 2018**

**PRESENT:**

Councillors Marshall (Chairman), Mrs Bacon, Mrs Baker, Bamborough, Mrs Barnett, Cox, Mrs Evans, Matthews, Pritchard, Mrs Stanhope MBE, Strachan and A Yeates

**17 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Powell (Vice-Chair) and Councillor Drinkwater.

**18 DECLARATIONS OF INTEREST**

Councillor Strachan declared a personal interest in relation to application 18/00979/FUL as the speaker in support is a colleague.

**19 MINUTES OF PREVIOUS MEETING**

The Minutes of the Meeting held on 30 July 2018 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

**20 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 18/00082/FULM, 18/00979/FUL and 18/00983/FUL.

18/00082/FULM – Demolition of 2no existing office buildings (Use Class B1) and erection of 3no storage and distribution units (Use Class B1(C), B2/B8), with ancillary offices, ancillary plant, service yard, access, parking, landscaping and associated infrastructure and works, including the removal of part of Wellington Crescent  
Land at Wellington Crescent Fradley Park, Lichfield  
For: Legal and General UK Property Fund

**RESOLVED:** That planning permission be approved subject to conditions contained in the report of the Director of Place and Community and:

(1) Subject to the owners/applicants first entering into a Unilateral Undertaking under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-

1. Travel Plan and Monitoring Fee

(2) If the Unilateral Undertaking is not signed/completed by the 3 December 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.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MR JOHN JARMAN (OBJECTOR) AND MR TOM ARMFIELD (APPLICANT'S AGENT)).

18/00979/FUL – Retention of alterations to existing outbuilding/annex  
1 The Grange, Upper Longdon  
For Mrs A Steven

**RESOLVED:** That planning permission be approved subject to conditions contained in the report of the Director of Place and Community, including those amended by the supplementary report and additional conditions:-

- 3(i) Within 3 months of the date of this decision, a detailed landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include hedge/screen planting to the north/north west boundary along Upper Way (behind the boundary wall). The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.
- (ii) 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.

Reason: In the interests of the visual amenity of the locality and to ensure that any initial plant losses to the approved landscaping scheme are overcome, in accordance with the provisions of Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

4. 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 or E of Schedule 2 (Part 1) of the Order shall be carried out without the prior written permission, on application, to the Local Planning Authority.

Reason: To ensure that an acceptable level of private amenity space is retained for the property, in accordance with Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MR DARREN JAKEMAN (SUPPORTER) AND MR RUSSELL STEVEN (APPLICANT)).

18/00983/FUL – Raising of roof to first floor section including 4no bedrooms and ensuites, single storey extension to side to extend family room  
Spion Kop, Lichfield Road, Hopwas  
For Mr Paul Gray

**RESOLVED:** That planning permission be approved subject to conditions contained in the report of the Director of Place and Community.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MR CLIVE CHAPMAN (OBJECTOR), COUNCILLOR LEYTHAM (WARD COUNCILLOR) AND MR ROB DUNCAN (APPLICANT'S AGENT)).

(The Meeting closed at 7.50 pm)

CHAIRMAN

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29 October 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**

29 October 2018

#### **CONTENTS**

| Case No.                       | Site Address                          | Parish/Town Council   |
|--------------------------------|---------------------------------------|-----------------------|
| 18/00486/FULM                  | Bridge Farm Bridge Farm Lane Fradley  | Fradley And Streethay |
| 18/01142/OUT                   | Elford Cottage 26 Church Lane Fradley | Fradley And Streethay |
| 18/00625/FUL                   | 15 Fox Lane Alrewas                   | Alrewas               |
| 18/00913/FUL<br>& 18/00914/LBC | 70 Main Street Alrewas                | Alrewas               |

### **ITEM B**

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

#### **CONTENTS**

| Case No.     | Site Address               | Parish/Town Council |
|--------------|----------------------------|---------------------|
| 18/01148/COU | 10 Metcalf Close Burntwood | Burntwood           |
| 18/01372/FUL | 53 The Pines Lichfield     | Lichfield           |
| 18/01206/FUL | 91 London Road Canwell     | Hints And Canwell   |



# LOCATION PLAN

18/00486/FULM  
Bridge Farm  
Bridge Farm Lane  
Fradley

Scale: 1:2,000

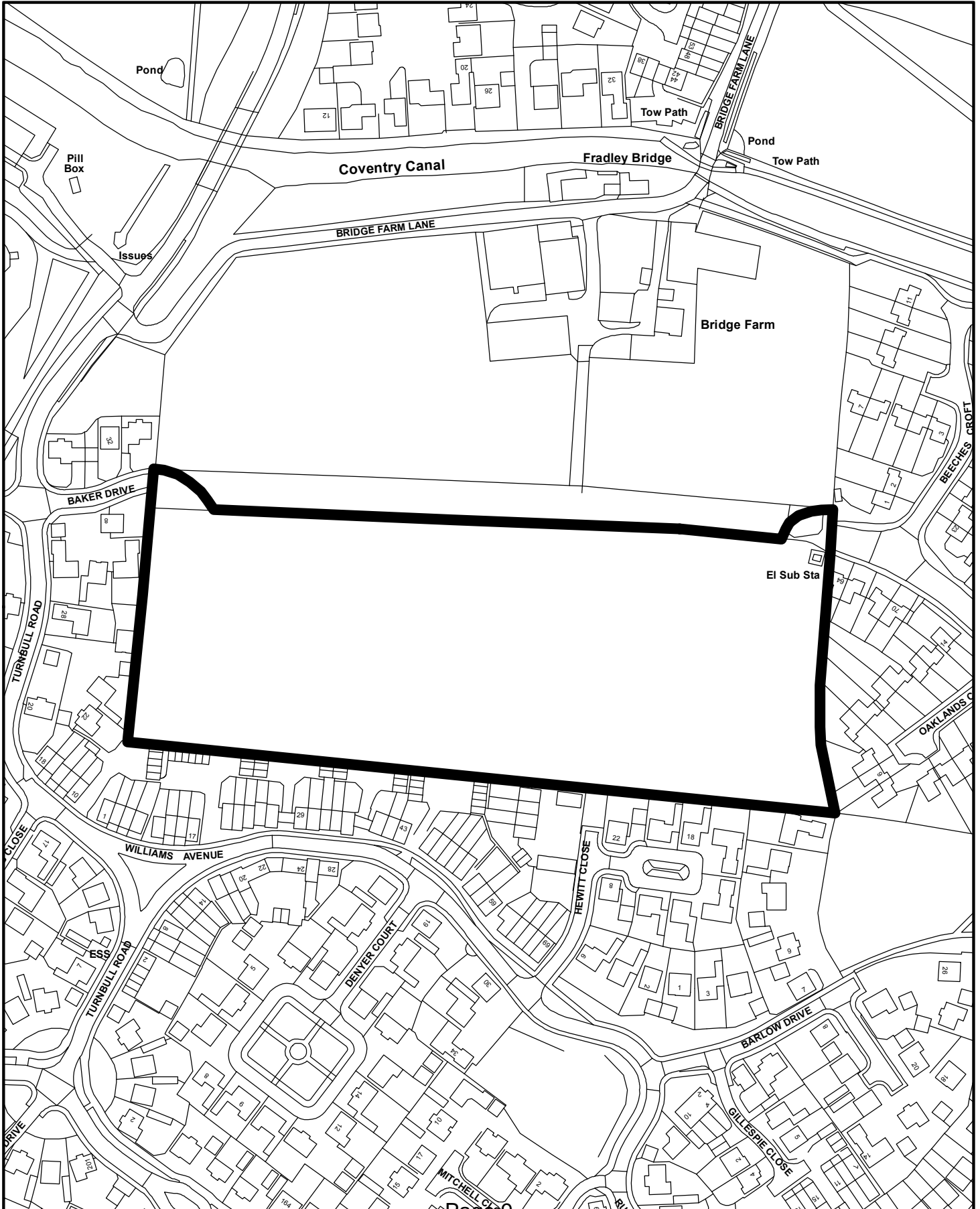
Dated: October 2018

Drawn By:

Drawing No:



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## **18/00486/FULM**

**ERECTION OF 63 DWELLING HOUSES AND A 90 BED RESIDENTIAL CARE HOME WITH ASSOCIATED PARKING, HIGHWAYS, LANDSCAPING AND PUBLIC OPEN SPACE  
BRIDGE FARM, BRIDGE FARM LANE, FRADLEY.**

**FOR: ACCORD HOUSING ASSOCIATION.**

Registered 19/07/18

**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. They are objecting on the following grounds

- The development is served by insufficient off street car parking, leading to on street parking congestion;
- There is a lack of detailed provided regarding improvements to the roundabout access off Baker Drive;
- The applicant advised the Parish Council during pre-application discussions that the dwellings would be easily adaptable for disabled residents in warden controlled / assisted living accommodation. However this is not reflected in the application; and
- The design of the development requires amendment, specifically the play area be relocated and the footpath adjacent to the site's northern boundary be altered.

### **RECOMMENDATION:**

**(1) Subject to the owners/applicants first entering into a Section 106 agreement under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-**

1. The formation of a maintenance management company to maintain the Open Space, Community Areas and any unadopted roads;
2. Contribution towards Primary Education School Infrastructure;
3. Contribution towards enhancement of public transport services; and
4. Framework Travel Plan Monitoring Fee.

**Approve subject to the following conditions:**

**(2) If the S106 is not signed/completed by the 1 February 2019 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.**

### **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, a scheme for the phasing of the development of the site shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter be undertaken in accordance with the approved phasing plan.

4. Before the residential development hereby approved is commenced, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall:-
  - a) Be for affordable housing comprising 23 shared ownership dwellings;
  - b) Provide arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, subject to any restrictions or exclusions as detailed in the approved scheme; and
  - c) Provide occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall thereafter be undertaken in accordance with the approved details.

5. Notwithstanding the submitted details, before the development hereby approved is commenced within each phase of the development (as approved by condition 3), full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - (i) External brickwork; and
  - (ii) Exterior Roof materials.

The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained for the life of the development.

6. Before the development hereby approved is commenced, protective fencing and other protective measures to safeguard existing trees and/or hedgerows on the site, shall be provided in accordance with the details shown on approved plan 10718-ARB-02 and to 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.
7. Before the development hereby approved is commenced, within each phase of the development (as approved by condition 3), a Construction Management Plan for that phase shall be submitted to, and approved in writing by the Local Planning Authority. The management plan shall:
  - i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
  - ii) Specify the delivery and working times;
  - iii) Specify the types of vehicles;
  - iv) Specify noise, air quality 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.

8. Before the development hereby approved is commenced within each phase of the development (as approved by condition 3), drainage plans for the disposal of surface and foul sewage specific to that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter be maintained for the life of the development.
9. Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) expanding upon the information provided within the 'Biodiversity Impact Calculator' dated 26/04/17, 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 7.14 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 (% 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.

10. Before the development hereby approved is commenced, a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme shall include:
  - i. Details of the offset requirements of the development, in accordance with a recognised biodiversity offsetting metric, which has been calculated to comprise 4.3 Biodiversity Units (BU) of appropriate habitat (as detailed within the adopted Lichfield Habitat Opportunity Map);
  - ii. The identification of a receptor site or sites which generates a minimum of 4.3 BU;
  - iii. The provision of arrangements to secure the delivery of offsetting measures, including a timetable for delivery;
  - iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of no less than 25 years from the commencement of the development. The management and monitoring plan shall include:

- v. Description of all habitats to be created/enhanced with the scheme including expected management condition and total area;
- vi. Review of the ecological constraints;
- vii. Detailed designs and/or working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works;
- viii. Type and source of materials to be used, including species list for all proposed planting and abundance of species within any seed mix;
- ix. Identification of the persons responsible for implementing the works;
- x. A timetable of ecological monitoring to assess the success of all habitat creation/enhancement; and
- xi. 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.

The offsetting scheme shall thereafter be completed in accordance with the approved details.

- 11. Before the development hereby approved is commenced within each phase of the development (as approved by condition 3), a scheme for protecting neighbouring existing and proposed dwellings from noise generated by construction works and the operation of the proposed residential care home shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise protection shall thereafter be implemented before the commencement of development and prior to the first use of the care home, and shall be the subject of a validation report which shall ensure that all noise issues on the site have been adequately addressed, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first brought into use. The approved measures shall thereafter respectively be maintained for the duration of construction works and for the life of the development.
- 12.
  - i. Before the development hereby approved is commenced within each phase of the development (as approved by condition 3), a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
  - ii. The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 12 (i).
  - iii. The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 12 (i) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
- 13. Notwithstanding the submitted details before the development hereby approved is commenced within each phase of the development (as approved by condition 3), a detailed landscape and planting scheme for that phase, 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 brought into use, unless otherwise first agreed in writing by the Local Planning Authority.

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

14. Before the residential development hereby approved is first brought into use, a detailed scheme for off-site highway improvement works, for the network north of the junction of Baker Drive with Turnbull Road shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site highway improvement works shall be fully implemented prior to the first occupation of any of these dwellings.
15. Before the residential care home hereby approved is first brought into use, full details of secure weatherproof cycle parking, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking, shower and locker facilities shall thereafter be provided prior to the development being first brought into use and thereafter be retained for the life of the development.
16. Before the development hereby approved is first brought into use within each phase of the development (as approved by condition 3), full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, for the plot to which they relate, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed in accordance with the approved details.
17. Before the residential development hereby approved is first brought into use, the visibility splays shown on approved plan 02933 0325 Revision C, shall be provided and thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway levels, for the life of the development.
18. The approved fences and other means of enclosure shown on approved plan 17-1475 110 Revision A shall be erected in accordance with the approved details, prior to the first use or occupation of the permitted building to which they relate and thereafter be retained for the life of the development.
19. Other than as agreed under the requirements of condition 5, the development hereby approved shall only be carried out in accordance with the approved material specification sheets, reference 17-1475 211 Revision A, 17-1475 212 and 17-1475 308
20. The development hereby approved shall only be carried out in accordance with the approved Drainage Strategy and drawings reference 02933-0168, titled Proposed Drainage Strategy Residential and reference 02933-017A titled Proposed Drainage Strategy Care Home and the following mitigation measures:
  - i) Limiting the surface water run-off discharged from the site to a maximum of 8l/s for the residential area and 5l/s for the Care Home;
  - ii) Provision of an appropriate calculated volume of attenuation flood storage on both parts of the site to a 100 year + climate change standard;
  - iii) Finished floor levels set at no lower than 150mm above local ground level;
  - iv) Confirmation which responsible body will maintain each element of the surface water system over the lifetime of the development in accordance with an acceptable maintenance schedule to be approved in writing by the Local Planning Authority; and
  - v) Details of the sustainable Drainage Water Treatment elements, which are to be submitted to and approved in writing by the Local Planning Authority.

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

21. Before the development hereby approved is first brought into use within each phase of the development (as approved by condition 3), the site access roads, servicing and turning areas and parking areas, to serve that phase, as shown on the approved plans 17-1475 104 Revision E, 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.
22. The development hereby approved shall be carried out in strict accordance with the methods of working and mitigation recommendations, which are detailed in section 4 of the Ecological Appraisal produced by ecus dated March 2018.
23. 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.
24. 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.
25. If during the course of development hitherto unknown sources of contamination are identified then the development shall stop and a revised contamination report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development, unless otherwise agreed in writing by the Local Planning Authority.
26. Before the first occupation of the dwelling to which it relates, a shed shall be erected in the rear garden, and thereafter shall be retained for the life of the development.
27. Before the first occupation of any of the dwellings, details of the play equipment to be installed within the on-site Public Open Space, shall be submitted to and approved in writing by the Local Planning Authority. The play equipment so approved shall be installed prior to the occupation of the 50<sup>th</sup> dwelling within the site and thereafter be maintained for the life of the development.
28. 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.
29. 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.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, no fences, walls or other means of enclosure shall be erected between any elevation of the proposed dwellings and any highway boundary or boundary to a private drive, without the prior written permission, on application to 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 the appropriate timing of delivery of the dwellings and care facility, in accordance with the requirements of Policies BE1 and Frad 4 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
4. To ensure that the development is provided with an appropriate level of affordable housing in order to improve housing affordability, in accordance with the requirements of Policies NR2 and H2 of the Local Plan Strategy and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the nearby Coventry Canal Non Designated Heritage Asset, in accordance with 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. 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.
7. To safeguard the amenity of existing and future residents during the construction phase of development, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
8. 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 the National Planning Policy Framework.
9. 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 Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
10. In order to deliver biological enhancements as part of the development, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
11. To safeguard the amenity of existing and future residents, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
12. 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.

13. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the nearby Coventry Canal Non Designated Heritage Asset, in accordance with Core Policy 14 and Policies BE1 and NR2 of the Lichfield District Local Plan Strategy, the Historic Environment and Trees, Landscaping and Development Supplementary Planning Documents and the National Planning Policy Framework.
14. In the interests of highway safety and to safeguard and the amenity of 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 promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To ensure the satisfactory appearance of the development, to safeguard the character and appearance of the nearby Coventry Canal Non Designated Heritage Asset, to safeguard the amenity of existing and future residents and to preserve the ecological interests of the site, in accordance with Core Policy 14 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, the Historic Environment and Biodiversity and Development Supplementary Planning Documents and the National Planning Policy Framework.
17. In the interests of highway safety in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
18. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the nearby Coventry Canal Non Designated Heritage Asset, in accordance with 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.
19. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the nearby Coventry Canal Non Designated Heritage Asset, in accordance with 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.
20. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
21. In the interests of highway safety and to limit surface water run-off in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
22. 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
23. 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 Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

24. 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 Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
25. To protect the amenity of future residents, in accordance with the requirements of Policy BE1 of Local Plan Strategy and the National Planning Policy Framework.
26. 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.
27. To ensure that the development is provided with satisfactory play equipment in accordance with Core Policy 3 and Policy HSC1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
28. In the interests of highway safety, to ensure the site is served by sufficient off street care parking, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
29. To ensure the satisfactory appearance of the development, to safeguard the character and appearance of the adjacent Coventry Canal Non Designated Heritage Asset, to safeguard the amenity of existing and future residents and to preserve the ecological interests of the site in accordance with Core Policy 14 and Policies BE1 and NR2 of the Lichfield District Local Plan Strategy, the Historic Environment and Biodiversity and Development Supplementary Planning Documents and the National Planning Policy Framework.
30. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the nearby Coventry Canal Non Designated Heritage Asset Area and in the interests of highway safety, in accordance with 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.

**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 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](http://www.lichfielddc.gov.uk/cilprocess).

4. The off-site highway works required by condition 8 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.
5. The applicant is advised that this development will require approval under Section 7 of the Staffordshire Act 1983 and Section 38 of the Highways Act 1980. 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.
6. The applicant is advised that during the period of construction there should be no clearance of vegetation or disposal of other materials by burning due to the proximity of neighbouring sensitive receptors.
7. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 09/05/18. 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 applicant is advised to note and act upon as necessary the comments of the Staffordshire Fire and Rescue Service dated 25/04/18.
10. The applicants' attention is drawn to the comments from the Council's Operational Services Customer Relations and Performance Manager specific to waste services dated 23/04/18.
11. 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.
12. 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.
13. 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.
14. The applicants' attention is drawn to the comments from Cadent Gas dated 27/04/18.
15. The applicant is advised to consider installing the infrastructure (cabling etc.) to facilitate the future provision of Vehicle Recharging Points within the site.
16. The applicant is advised that portable generators should not be used outside of the construction hours to be approved by condition 7.

17. The applicant is advised when seeking to discharge condition 7 to consider the document 'Guidance on the assessment of dust from demolition and construction' from the Institute of Air Quality Management for advice on how dust assessments should be performed. The assessments of the impacts of construction on local air quality should be undertaken following a risk based approach, as outlined in the IAQM document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'.
  18. The applicant is advised that in seeking to discharge condition 7, in relation to the construction traffic routing, this should be via the A38, Fradley Lane, Church Lane, Hay End Lane and Turnbull Road. In addition consideration should be given to restricting the delivery movements of HCVs during the morning and afternoon school run times, in order to reduce potential conflict with parents dropping and collecting children from St Stephens Primary School.
  19. The applicant is advised that when seeking to discharge condition 7 the following hours of works, including delivery times, are likely to be considered acceptable:  
  
08:00 to 18:00 Monday to Friday;  
08:00 to 13:00 Saturday; and  
No working on Sundays, Bank and Public Holidays.
  20. The applicant is advised that pursuant to condition 4, the affordable housing provisions in this planning permission shall not be binding on:
    - i. any mortgagee or chargee or receiver (including an administrative receiver) appointed by a mortgagee or chargee or any administrator (howsoever appointed) including a housing administrator of the whole or any part of the affordable housing dwellings
    - ii. anyone who has acquired the freehold interest of an affordable housing dwelling by virtue of any form of statutory right to buy or acquire or home ownership scheme or staircased to 100% ownership of a dwelling
    - iii. the successors in title to any of the above referred to in 2 and 3
  21. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF
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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Policy for Waste  
Manual for Streets

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 13 – Our Natural Resources  
Policy SC1 – Sustainability Standards for Development

Policy SC2 – Renewable Energy  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR5 – Natural & Historic Landscapes  
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy Frad 1- Fradley Environment  
Policy Frad 2 – Fradley Services & Facilities  
Policy Frad 3 – Fradley Economy  
Policy Frad 4 – Fradley Housing

### **Local Plan Allocations (Focussed Changes) (Emerging)**

Policy ST5: Road and Junction Improvements – Fradley  
Policy NR10: Cannock Chase Area of Outstanding Natural Beauty  
Policy F1: Fradley Housing Land Allocations

### **Supplementary Planning Documents**

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

### **Fradley Neighbourhood Plan (Emerging)**

Policy FRANP1: Fradley Village Settlement Boundaries  
Policy FRANP5: Provision of Play and Youth Facilities  
Policy FRANP6: Character and Design  
Policy FRANP8: Minimising the Land Impact of Development  
Policy FRANP11: Cycling, Walking and Disability Access Routes  
Policy FRANP12: Highway Capacity at Key Road Junctions  
Policy FRANP13: Residential Parking  
Policy FRANP14: Meeting the Housing and Carew Needs of Older People

### **Other**

Natural Environment and Rural Communities Act 2006  
The Conservation (Natural Habitats, &c.) Regulations 1994  
The Conservation of Habitats and Species Regulations 2017  
Lichfield Employment Land Review (2012)  
Staffordshire and Stoke on Trent Joint Waste Local Plan

### **RELEVANT PLANNING HISTORY**

16/00272/OUTM - Erection of up to 80 no. dwellings and associated works. (outline: access) – Approved – 20.09.17.

## **CONSULTATIONS**

**Fradley and Streethay Parish Council** – The design and types of dwellings proposed within the site has not been designed to meet the requirements of the elderly or disabled. Support the comments raised by the Council’s Spatial Policy and Delivery Team (21/06/18).

Previous Comments: Following consideration of further correspondence from the applicant, uphold objections and add that although it is noted that off street car parking levels accord with the Council’s requirements as detailed within the Sustainable Design Supplementary Planning Document, the Parish Council consider such to be inadequate and request that all dwellings have a minimum of 2 parking spaces. Reasserts a requirement for the dwellings within the site to be adapted to suit the elderly and disabled (24/05/18).

Objects to the application on the grounds that the development is to be served by a lack of off street car parking spaces, resulting in on street car parking, leading to future parking congestion issues. Notes that there are dwellings with only 1 parking space, which should be increased, whilst 3 bedroom dwellings need 3 spaces. Further details are required to improvements to the roundabout access in and out of the site from Baker Drive.

At a pre-application meeting the applicant advised the Parish Council that the properties would be easily adaptable for disabled residents in warden controlled / assisted living accommodation. This does not appear to be reflected in the application.

Requests that the play area be relocated to be more central to the site, in order to improve access for children living in the development. Notes that there is no footpath available over the private drives of plot numbers 60 to 63, which could lead to future conflicts between residents and pedestrians. Overall consider that the design of the development is poorly considered and the issues arising from development within Fradley South have not been addressed within the proposal (10/05/18).

**Spatial Policy and Delivery** – The amendments to the development to address earlier concerns regarding affordable housing provision are welcomed and supported. Further comments should however be sought from the Housing Strategy Team.

The housing element of the scheme provides a small overprovision of 2 bedroom dwellings and lacks any one bedroom dwellings. However it is noted that the care home will contain 90 one bedroom units, 67% of which will be affordable rented accommodation (31/07/18).

Previous Comments: The site is located within the settlement boundary of Fradley and therefore there are no objections to the residential element of the scheme. The level of growth from the development would not be contrary to the Local Plan Strategy, although further evidence is required to demonstrate that the 1 bed element supplied within the Care Home meets the needs of the local community, so as to overcome the need to provide such provision within the dwelling mix for the remainder of the site. The dementia care element of the scheme is supported as it offers new and improved facilities to cater for demand within the District. However consideration should be given to the appropriateness of this location, given that Fradley has no GP provision (06/06/18).

**Housing Strategy and Enabling Manager** – The dwellings for sale within the site will cross subsidise the delivery of the specialist dementia care facility. Given this exceptional circumstance and in order to meet the specific need of providing dementia care in the local authority area, the proportion of affordable housing delivered on site can be delivered through shared ownership only, rather than a standard mix of affordable rented accommodation and shared ownership. Notes currently that all 23 dwellings to be offered for shared ownership have 2 bedrooms and would prefer a mix of 2 and 3 bedrooms.

Notes the Fradley Neighbourhood Plans requirement to encourage dwellings to meet the needs of the elderly and disabled and therefore recommends that the dwellings be erected to a Lifetime Homes Standard and that some of the two bedroom properties be altered to bungalows. Recognises however, that the large provision of 2 bedroom starter homes within the site is reflective of Policy Frad4 of the Local Plan Strategy.

With reference to the design of the care home, notes that it has been designed in partnership with the University of Stirling. Recognises that the allocation of units within the facility sits outside of the Lichfield allocation scheme but would welcome assurances that preference for the units will be awarded to those with an identified connection to the District. Finally continue to raise concerns regarding the lack of GP facilities within Fradley (23/08/18).

Previous Comments: Supports the provision of 37% of the 63 open market dwellings to be offered as shared ownership, which will be funded by Homes England (29/06/18).

The explanatory note fails to demonstrate that affordable housing within the development can be delivered solely through the care element of the scheme. Rather should there be a want to provide no affordable housing on-site then a Viability Assessment will have to be submitted with the application (28/06/18).

The housing mix proposed for the dwellings within the application fails to include any one bedroom dwellings, contrary to the requirements of the Local Plan Strategy and Neighbourhood Plan.

Based on existing demand information for the District, incomplete supporting evidence to demonstrate need, a lack of clarity regarding the delivery of the affordable provision and the unsuitable design, do not support the provision of affordable housing, within the care home. Rather requires 23 of the 63 dwellings to be affordable. Accord must become an approved provider of affordable dwellings within the Council should they wish to manage the affordable element of the scheme.

Fradley lacks a GP Surgery with the nearest facility located within Alrewas. The Clinical Commissioning Group have confirmed that it is not part of their plans to provide a surgery within Fradley. The care home is therefore of concern, due to future residents likely to have high levels of care needs. Another concern is the lack of public transport facilities for the village for people wishing to access the community facilities within this building. (22/05/18).

**Arboricultural Officer** – Raises a number of concerns regarding the impact of drainage infrastructure on the landscaping scheme. Continues to request further work on this matter to seek to relocate pipes etc. away from open space in order to be able to accommodate additional tree planting. Happy for landscaping to be conditioned as long as details of drainage is similarly conditioned in order to allow for further discussion on this matter to occur (24/07/18).

Previous Comment: Notes the amendments to the masterplan, which are welcomed. However, previous comments remain applicable (18/07/18).

Notes that the drainage plan has now been submitted. The routes identified for development's drainage pipes, results in areas where large tree planting could have occurred, being sterilised. Therefore recommends further discussions between the applicant's landscape architect and drainage engineer to see whether an improved drainage layout can be designed. To address such, either both the drainage plan and landscaping scheme should be conditioned or agreement between all parties reached, prior to the determination of this application. A number of recommendations to enhance the landscaping scheme identified for the care home, tree pit detailing, boundary treatments and boundary hedgerows identified (02/07/18).



The applicant's approach to retain as many trees as possible to the eastern, southern and western boundaries is welcomed. Advises that it would be prudent, due to future maintenance issues, to fell the group of Aspen trees identified as Group 15. Requests further details of tree pits, proposed for the area adjacent to the highway.

The eastern boundary of the site contains 3 Grade A Oak trees, which may be affected by the extension of Worthington Road into the site and the location identified for the bin store. Requests therefore further information to demonstrate that these elements of the scheme will not have an adverse impact upon these specimens (09/05/18).

**Ecology Team** – The quantitative data is considered accurate, demonstrating the site's current biodiversity value to be 7.94 Biodiversity Units. The likely on-site value, post development is 7.14 Biodiversity Units. As an on-site no net loss to biodiversity is not possible (the applicant has successfully demonstrated that further enhancements on-site are not possible) and to achieve a 20% uplift in value, as require by Local Plan Policy NR3 and the Biodiversity and Development Supplementary Planning Document, an offset of 4.3 Biodiversity Units (to achieve a 20% betterment) must be secured by an appropriately worded condition (10/10/18).

Previous Comments: Insufficient information has been provided to determine the application. Requests the submission of a biodiversity metric to demonstrate no net-loss to biodiversity value, whilst a scheme will be required to demonstrate a 20% biodiversity uplift through the delivery of the development (18/05/18, 25/04/18).

**Conservation and Urban Design** – No objection. Recommends conditions to secure details of materials and the provision of a landscaping area to screen 2m high close boarded fence to the northern boundary of the care home (06/08/18).

Previous Comments: The materials specific for use within the development are acceptable in principle with exact details to be secured by condition. Recommendations made regarding amendments to the boundary treatment scheme (21/05/18).

Following extensive pre-application discussions, the development is largely acceptable and well designed. Requests details of materials be conditioned with the roof tiles being either red or blue / grey in colour. Whilst the street scene plans show the use of chimneys these are not evidenced on the house type plans and as such these documents need to be amended accordingly. Requests further articulation to the front elevations of house types 2, 3 and 5.

The care home elevations show one elevation without window surrounds, which should be amended to replicate the remainder of the structure. Requests further details of the materials to be used.

In certain areas close boarded fencing is proposed in publicly visible locations, which should be altered to brick, whilst the northern boundary should be amended from a close boarded fence to either estate railings or a timber post and rail fence (08.05.18).

**Environmental Health Manager** – No objection, subject to conditions requiring the submission and approval, prior to the commencement of development, of a scheme of noise mitigation, a construction phase management plan (including suitable hours of working) and no use of portable generators (30.04.18).

**Operational Services Manager** – Set out general requirements in relation to refuse collections for residential and commercial properties (23/04/18).

**Staffordshire County Council (Flood Risk Team)** – No objection subject to a condition requiring that the application be erected in accordance with the submitted Drainage Strategy (18/05/18).

Previous Comments: Recommends refusal. The application is not accompanied by a suitable Flood Risk Assessment / Drainage Strategy (08/05/18).

**Staffordshire County Council (Archaeology)** – Notes that there is demonstrable archaeological potential within the area and therefore recommends a condition, to require that prior to the commencement of development, a written scheme of archaeology be submitted to and approved in writing by the Local Planning Authority (08.05.18).

**Severn Trent Water** – No objections, subject to a condition requiring the submission and approval of a foul and surface water drainage scheme (09/05/18).

**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 (09/05/18).

**Staffordshire Fire and Rescue Service** – Provides recommendations regarding the need for appropriate fire safety measures within the development (25/04/18)

**Environment Agency** – No objection. Recommends conditions relating to the requirement to submit additional contaminated land information should any not previously identified be found during the course of construction works. Provides further advice regarding undertaking suitable contaminated land remediation (02/05/18).

**Staffordshire County Council (Highways)** – No objection, subject to conditions requiring the submission and approval, prior to the commencement of development of a Construction Vehicle Management Plan and details of off-site highway improvement works for the area to the north of the junction of Baker Drive and Turnbull Road.

Prior to first occupation the accesses, parking, turning and servicing areas shall be implemented along with the identified visibility splays. All garages shall be retained for the parking of vehicles, whilst cycle parking shall be provided for the care facility. A number of informatives are recommended relating to the offsite highway works, along with detailing the levels of contribution for a Framework Travel Plan and Public Transport Contribution (08.10.18).

Previous Comments: The Visibility Splay Drawing shows a number of visibility splays that are unacceptable, for instance the forward splay going around the corner of plot 32 is not entirely within what will be the adopted highway, rather it crosses into private land. Similarly splays cross private land for plots 46, 47 and 54 (04.10.18).

Requests the submission of revised plans to address concerns regarding the use of the coloured tarmac within the highway, which should be altered to black, discrepancies in driveway and parking space sizes between plans and the enlargement of certain parking spaces to meet minimum standards. Further information is requested through the submission of a Visibility Splay plan, details of bin collection points, a Stage 1 Road Safety Audit and details of an adoption plan (10.09.18).

**Staffordshire County Council (Education)** – No objection. The development falls within the catchments of St Stephen's Primary School and The Friary School, both of which are projected to be full for the foreseeable future. Requests a Primary School contribution for the likely 20 additional pupils resulting from this development of £345,315.80. Secondary school contributions will be sought through the CIL mechanism (10/05/18).

**Cadent Gas** – Although there is a pipeline within the vicinity of the site, the proposed development is outside of the criteria requiring National Grid to carry out any improvements (04.05.18).

Previous Comments: Notes that there are low or medium pressure gas pipes and associated equipment in the vicinity of the site (27/04/18).

**Natural England** – No objection. Notes that the Local Planning Authority as a Competent Authority has undertaken an Appropriate Assessment of the proposal's impact upon the Cannock Chase SAC and concurs with the Council's conclusion that the development's impact on the SAC will be appropriately mitigated (11.09.18).

**Highways England** – No response received.

**NHS** – No response received.

### **LETTERS OF REPRESENTATION**

12 letters of objection have been received from neighbouring occupants. The comments and concerns raised are summarised as follows:

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

- The cumulative impact of all the housing development permitted within Fradley is altering the character of the village to that of a town.
- The scheme proposes an over-intensive use of the site, with insufficient public open space provision.
- The remainder of the site adjacent to Bridge Farm Lane, should be offered for use as public open space.

#### Residential Amenity

- The residential home is of a scale to block light to neighbouring property, and permit residents to overlook currently private rear garden areas.
- The dwellings will overlook neighbouring properties and also reduce the amount of daylight they experience.
- The alterations proposed to the previous permission have led to the removal of an area of sustainable drainage, which previously provided a buffer to the development for neighbouring residents.
- The future sharing of rear boundary fences to the proposed dwellings will be disruptive for existing residents.
- Details of boundary fencing needs to be provided to ensure that these boundaries are secured.
- Further planting to the site's southern boundary is needed in order to offer screening for existing residents.
- The open areas to the rear of the care home will offer opportunity for access to existing rear gardens, increasing the potential for burglary opportunities.
- The car park proposed to serve the care home is located adjacent to the rear gardens of neighbouring dwellings, where it would cause light and air pollution issues to these residents.
- The existing tree belt between the site and Williams Avenue should be retained and enhanced in order to protect the amenity of existing and future residents.
- Construction work should be limited to between 8.30am – 5pm weekdays with no working at the weekends.

## Highway Impact

- The development fails to provide sufficient off street car parking to meet the needs of the care facility. Visitors to the site will inevitably travel by car given that the home will replace 3 existing homes located elsewhere in Staffordshire.
- The development will have a significantly adverse impact upon the surrounding highway network, in particular Turnbull Road, which is unable to accommodate any additional traffic.
- The access into the site from Baker Drive is substandard and its increased usage will create significant highway danger.
- Residents of the dwellings should be able to use both access points to the site.
- Worthington Road is unable to safely accommodate additional traffic generated by the care facility, which will pose a danger to users of the children's play area.

## Flood Risk

- The 2016 planning permissions for this site included an area for above ground sustainable urban drainage systems, recommended via the Flood Risk Assessment submitted with this application. The drainage system proposed for the current application is proposed via storage tanks and oversized underground pipes. What reassurances are there that maintenance of these features will be undertaken? The loss of the above ground features is to the detriment to the character of the area.

## Arboricultural and Ecological Impact

- The Oak trees located on the boundary of the site offer rich habitat for local wildlife, as does the existing agricultural field. The loss of these features will therefore be to the detriment of area.
- The 2016 application previously approved for this site included an area of wildflower meadow, which was to be created to the north of the former runway. The current application does not include this area, which is to the detriment of the ecological value of the area.

## Other Matters

- Fradley does not have sufficient infrastructure available to accommodate additional dwellings.
- The bins storage area for the proposed care facility will be located to the rear of an existing dwelling, which raises concerns due to such impacting upon the health of children occupying this neighbouring dwelling.
- The development will have an adverse impact on views from neighbouring dwellings.
- The development will impact on the value of surrounding property.

Within 10 of the 12 letters of objection, the following comment was made in support of the application:

- The proposed care home will be of benefit to the local community.

A further letter of comment has been received from the Staffordshire County Council Lead Commissioner for the Older People & PD SI Commissioning Team, which states that the County Council has a statutory duty as per the Care Act 2014 to support individuals with their social care needs and to ensure a sufficient marketplace to support the care needs of the ageing population. The number of older people living with dementia in Lichfield District is projected to increase by 90% by 2037. With current nursing care provision this will leave an estimated shortfall of 10% who will

not have access to care facilities within their own District. The proposed facility will provide a much needed extra resource to meet local need.

The care model proposed for this site offers a Centre of Excellence nursing home. The design has been developed based on the University of Sterling Best Practice in Dementia Care recommendations. Currently 61% of the care home provision requires improvements according to the care regulator, care Quality Commission.

The County Council has entered into a Dementia Centres of Excellence Programme with Symphony who are to deliver two new care centres providing 135 units of affordable care within two sites. The first development in Burton upon Trent is due for completion later this year, whilst this scheme would deliver the outstanding units.

It is becoming evermore difficult to locate suitable placements for Staffordshire residents with dementia, the consequence of which is people remaining at home with increase safety risks, increased admissions to hospitals, more older people delayed when they are ready for discharge, causing delays across the urgent care system and an increased requirement for people from South Staffordshire to be relocated to elsewhere within the County to receive care.

60 of the units within this building will be block funded by the Local Authority for customers who meet the eligibility criteria for social care funded services. Homes England is supportive of the model of care being proposed.

#### **OTHER BACKGROUND DOCUMENTS**

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

Affordable Housing Statement  
Arboricultural Survey  
Biodiversity Survey & Impact Calculator  
Design & Access Statement  
Draft Heads of Terms  
Ecological Survey  
Flood Risk Statement  
Ground Investigation Report  
Planning & Sustainability Statement  
Stage 1 Road Safety Audit  
Statement of Community Involvement  
Statement of Suitability – Care Provision  
Transport Statement  
Travel Plan  
Utilities Statement  
Unexploded Ordnance Survey

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#### **OBSERVATIONS**

##### **Site and Location**

The site, which is 2.76 hectares in size, is bounded to the south, east and west by existing residential development and is served by two vehicular access points, one each from Worthington Road and Baker Drive. The site is currently laid to grassland, with minimal level changes and was historically in agricultural use, forming part of Bridge Farm. A tarmac strip, likely to have been a runway associated with Fradley airfield, runs along the northern boundary of the site, crossing east to west. To the north of the site lies further farmland, the Bridge farm house and its associated agricultural

buildings. Further north, beyond the farmhouse runs the Coventry Canal, which is a non-designated heritage asset.

The site is located wholly inside the village settlement boundary for Fradley as defined on inset 12 of the Lichfield Local Plan Strategy 2008-2029.

## **Background**

Prior to its agricultural use, the site formed part of the RAF Lichfield Airbase and it is believed that the tarmac strip, which runs along the northern boundary of the site, is the remains of a taxi way for aircraft.

Outline planning permission, with details of access agreed was permitted by the planning committee in 2017 (reference number 16/00272/OUTM) for the erection of 80 dwellings, with all other matters reserved. The dwellings were to be served from both Worthington Road and Baker Drive, although no through road connection was to be formed.

## **Proposals**

The application seeks full approval for the erection of 63 two storey dwellings at a density of 32 units per hectare along with the erection of a detached two storey building to accommodate a 90 bed specialist dementia care facility. On site open space is proposed to be provided within the site, which will contain a Local Equipped Area of Play (LEAP).

The dwellings within the site are a mixture of 2, 3 and 4 bedrooms, with 23 of the units to be available for shared ownership. The dementia care units are all proposed to be 1 bedroom units, with 60 being available for affordable rent and the remaining 30 private rent.

The care facility will be developed on behalf of Staffordshire County Council as a Dementia Centre of Excellence. The structure consists of 3 two storey clusters, with 15 units proposed for each floor of each cluster, which are to be arranged around a single storey central hub. The hub will contain staff and welfare facilities and a café, which will be available for use by residents, staff family members and visitors. The design employed will adhere to Stirling University Gold Standard accreditation, which is an auditing process to test the quality and success of Dementia design within a scheme. The building layout will therefore assist residents with navigation and movement, with the design being fully inclusive, capable of reducing anxiety and frustrations, whilst maximising independence and well-being.

The dwellings are proposed to be served exclusively via the existing vehicular access from Baker Drive, whilst the Dementia Care Facility will be served via Worthington Road. The proposals do not include a through road to connect Baker Drive with Worthington Road, although pedestrian links will be formed across the entire site.

## **Determining Issues**

1. Policy & Principle of Development
2. Housing Mix and Affordable Housing
3. Loss of Agricultural Land
4. Design, Appearance and Impact upon the Character of a Non-Designated Heritage Asset
5. Amenity Impact
6. Access, Off Street Car Parking and Highway Safety
7. Flood Risk and Drainage
8. Trees, Landscaping and Open Space
9. Ecology, Biodiversity and Impact on the Cannock Chase SAC

10. Archaeology
11. Education
12. Sustainability
13. Other Matters
14. Financial Considerations
15. 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 2008-2029. Two emerging documents also carry some although minimal material planning weight, namely the Allocations Document (Focused Changes) and the Fradley Neighbourhood Plan
- 1.2 Paragraph 10 of the NPPF sets out a presumption in favour of sustainable development stating “*so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development*”. 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.

Residential

- 1.3 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.4 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role –to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will consider how the proposed development fares in terms of these three strands of sustainable development.

- 1.5 The supply of housing land is regarded as having a social and economic role. The NPPF requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.6 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper from July 2018, which states that a supply of 5.6 years can be demonstrated within the District.
- 1.7 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in the first instance, against the Policies contained within the Council's Development Plan.

#### Local Plan Policies

- 1.8 The Local Plan Strategy sets a strategic requirement to deliver a minimum of 10,030 dwellings during the plan period. Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. Core Policy 6 and Policy Frad 4 identifies that Fradley will play a significant role in meeting housing need by providing growth of around 1,250 new dwellings within the community, with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period. Specific details of the sites allocated to deliver this level of housing are identified within Appendix E of the Strategy. The application site does not form part of the allocated sites. This site does however lie within the village development boundary, as identified within the formally adopted Local Plan Strategy. Thus, the residential element of the scheme can be considered as windfall development, which is acceptable in principle, subject to further consideration of the number of dwellings contained within the permitted residential schemes in Fradley.
- 1.9 Current permitted residential developments in Fradley are detailed within the below table:

| Planning App                                   | Site                     | Number of dwellings  |
|--|--------------------------|--|
| 10/01498/OUT<br>16/00001/REMM<br>18/00481/REMM | Fradley Park- Airfield   | 750<br>(First Phase – 216)<br>(Second Phase – 374) –<br>Yet to be determined |
| 16/00646/REM<br>18/00351/FUL                   | Brookfield, Hay End Lane | 70   |
| 13/00633/OUT                                   | Hay End Lane             | 250  |
| 17/00686/OUTM*                                 | Gorse Lane               | 250 or 350   |
| Total  |                          | 1,160 or 1,260   |

\*Approved subject to the signing of a Section 106 agreement. Housing number dependent upon the removal of the cordon sanitaire associated with the neighbouring Midland Pig Farm site.

- 1.10 The development proposed within this site would therefore, should all the outline consents be developed to their maximum, result in a total of either 1,223 or 1,323 dwellings being erected within Fradley.



- 1.11 The proposal could potentially therefore result in an over delivery of housing for Fradley, although it should be noted that the outline consent to develop the site for up to 80 dwellings, remains implementable and therefore, this scheme would reduce housing numbers compared to this existing permission.
- 1.12 The figure of 1,250 dwellings identified within the Development Plan is a minimum figure establishing an appropriate parameter of housing delivery. A potential over delivery of approximately 10% is not therefore considered to be contrary to the provisions of the Plan.
- 1.13 The Local Plan Allocations (Focussed Changes) document has now been submitted to the Secretary of State for consideration, following public consultation and subsequently, an examination in public. As such, this document now carries some, although minimal, material planning weight. Policy F1 allocates this site for residential development beyond the Strategic Development Allocations identified within the Local Plan Strategy. The Policy identifies that the site could deliver up to 80 dwellings, subject to the consideration of the following matters:
- Connectivity to the canal to the north of the site and adjacent residential areas;
  - Access to site to utilise existing highway network;
  - Amenity of adjacent residential areas taken account of in design or proposals;
  - Potential ecological impacts should be considered due to the greenfield nature of the site and its proximity to the canal;
  - Sustainable management of surface water run-off; and
  - Design and scale of development to be considered in the context of the sites location adjacent to the canal conservation area.
- 1.14 The proposed development site is located within the Fradley Neighbourhood Area, which was designated on 9th December 2014, with a pre-submission consultation on the Fradley and Streethay Neighbourhood Plan recently ending on the 15th January 2018. The Plan has now been submitted to the Council and therefore, limited material weight can be given to the document, until it has navigated the full adoption process, which will include a local referendum and becomes Made. Policy FRANP1 advises that *“development in Fradley shall be focused within the village settlement boundaries”*.
- 1.15 Further consideration of the design matters identified within the policy will be undertaken within this report, however, given the above assessment, it is evident that the principle of the residential element of this proposal, accords with the requirements of the Development Plan and NPPF and therefore the principle of residential development within this site is considered acceptable.

#### Care Facility

- 1.16 Of the 12 core planning principles articulated within the NPPF, the following is of relevance *“Promote mixed use developments, and encourage multiple benefits from the use of land”* and further planning should *“Take account of and support local strategies to improve health, social and cultural wellbeing”*.
- 1.17 Section 8 of the NPPF focuses on promoting healthy communities, paragraph 91 states that planning decisions can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 92 places a responsibility on the planning authority to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Local Authorities through plan making are expected to *“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs”*.

- 1.18 The Local Plan Strategy is clear in its role to help people to lead healthier lifestyles in many different ways. Policy H1: A Balanced Housing Market advises that *“The District Council will also promote the delivery of supported housing and care homes to reflect the needs of the changing demographic profile of the District’s population to 2029”*. Core Policy 10: Healthy & Safe Lifestyles states *“Where appropriate the District Council will support the development of new or improved facilities and initiatives which contribute to improved and accessible local health care, the physical and mental wellbeing and safety of the community”*. Therefore, the principle of developing a care facility is acceptable, but consideration must be given to the appropriateness of this specific location.
- 1.19 Policy FRANP14 of the Fradley Neighbourhood Plan advises that the *“provision of facilities in Fradley to support the care needs of elderly people (Class C2) will be supported”*.
- 1.20 The application has been submitted with a supporting note titled “Statement of Suitability – Care Provision”, which advises that the applicant is aware that GP provision in the area poses a concern, given the lack of a GP Surgery within Fradley and the potential impact upon the area arising from the permitted large scale housing development and the combined effect of erecting the Dementia Centre. It should be noted that the need for health provision for the existing and future population within Fradley is reflected within the Infrastructure Delivery Plan for the district.
- 1.21 To seek to address the above issue the applicant has engaged with G.P’s in the Fradley area, visiting the closest facility at Alrewas Surgery. The applicant has committed to working with the local Councils and surgeries to reduce the impact and support services going forward, including offering the use of the hub for onsite surgeries. The service model has been developed using evidence based best practice bringing together the Eden Alternative Philosophy of Care and the Greenhouse model to create a bespoke care model and building design that best meets the needs of people with dementia. The nursing component of the service will be achieved through the development of the Enhanced Care Offer, contracting Virgin Care, St Giles Hospice and South Staffordshire and Shropshire Foundation Trust (SSSFT) to deliver in-reach specialist nursing in place of the traditional nursing model. In addition, community nurses will be onsite 7 days a week conducting proactive ward rounds given that there is strong evidence that such are as a means of improving health outcomes and reducing responsive GP input with the most recent data from the NHS Vanguards indicating a 67% reduction in GP utilisation where a proactive approach is taken.
- 1.22 The above identified model ensures that services are aligned to existing local provision and provides a broad spectrum of specialist nursing, ensuring people with dementia get the best possible care and greatest potential to remain well for longer. In addition to good healthcare people with dementia need access to their communities and families to live and maintain a good quality of life. Evidence suggests that access to family, friends and communities builds resilience and reduces the likelihood of depression, a condition that affects between 20-40% of all people with dementia. This needs to be considered in the development of services, given the older population of Lichfield, challenges of public transport and importance of access to family members, Fradley, is considered to be a suitable location. This of course needs to be balanced with health infrastructure and therefore it is essential that consideration be given to alternative solutions to improve and sustain quality of life for the person with dementia. It is likely that this situation will not be unique to Fradley and with an increasing aging population, significant deficit of nursing care and a rising dementia prevalence, it provides an ideal opportunity to consider alternative approaches to meeting population health needs, specifically access to G.P’s.
- 1.23 It is apparent from the above assessment that the delivery of the Dementia Care Facility is supported by national and local policies, where it can be demonstrated that its siting is

considered sustainable. In this case, the facility would be located to the heart of an existing community with access to necessary services. There is an acknowledged concern regarding the lack of a GP facility within the village and the lack of capacity available within the local survey at Alrewas to meet any increase in demand. To address such concerns the applicant has detailed the working practices that will be implemented within the site, given it will be developed as a Dementia Care Centre of Excellence. The NHS have been consulted on the proposal to gain their informed opinion on the suitability of this location and the impact upon health services. Unfortunately no response has been received. Given this is the case and the argument forwarded by the applicant, it is unclear how impact upon health provision could be considered to be demonstrably harmful, so as to warrant the refusal of this scheme. Given this is the case, the principle of this aspect of the development must be considered appropriate and therefore compliant with the requirements of the Development Plan and the NPPF in this regard.

## 2. Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The housing mix required for new residential development within the Local Plan Strategy, Policy H1, is for 42% two bed, 41% three bed and 12% four bed. This application seeks the erection of 27 (43%) two bedroom, 28 (44%) three bedroom and 8 (13%) four bedroom dwellings. The care facility will contain 90 1 bedroom units. The mix is therefore not wholly compliant with this Policy, but given the greater proportion of small scale property, it is considered to be acceptable, as it will help to deliver the small homes, housing targets of the Strategy and also the aspirations of the Fradley Neighbourhood Plan.
- 2.3 The site is over the threshold for the provision of affordable housing as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report issued in 2018, is for 35% of the units proposed.
- 2.4 Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social rented and managed by a registered provider, although it is acknowledged that the precise proportions will be agreed with the District Council having regard to housing needs within the locality.
- 2.5 In this case, the applicant has indicated that 23 of the dwellings within the site, will be affordable, which equates to 37% (when the on-site affordable housing provision was agreed with the applicant, the 2017 AMR was material, which required an affordable housing provision of 37%). The affordable housing type will be 100% shared ownership, whilst 60 of the care homes units will be available for affordable rent. The Council's Housing Manager has considered the suitability of this arrangement and advised that dwellings for sale within the site will cross subsidise the delivery of the specialist dementia care facility and the affordable units offered therein. Given this exceptional circumstance and in order to meet the specific need of providing subsidised and open market dementia care in the local authority area, this arrangement, in this case, is considered to be acceptable.

- 2.6 The NPPF requires that new developments should create mixed and sustainable communities and so all affordable housing should be indistinguishable from and integrated amongst homes for sale on the open market. Policy H2 of the Local Plan Strategy reflects this and seeks to create a mixed and sustainable community.
- 2.7 The affordable units are all proposed to be 2 bedroom dwellings. Whilst the lack of housing mix for affordable units is regrettable, architecturally there is no differentiation between the shared ownership and open market two bedroom dwellings, whilst the above-mentioned exceptional circumstances of this site, ensure that the lack of mix, in this case, is considered acceptable. The affordable units have been dispersed throughout the development, with the maximum provision in any one area being 12 units and therefore the scheme will successfully integrate these dwellings into the proposed and surrounding existing built form.
- 2.8 Given the above detailed housing mix and affordable housing provision, the development complies with the requirements of the Development Plan and NPPF in this regard.
3. Loss Agricultural Land
- 3.1 The application site was last in use as pastoral agricultural land.
- 3.2 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.
- 3.3 Paragraph 170 of the NPPF states that planning decisions 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.
- 3.4 Natural England Guidance produced in 2010 identifies this site as falling within an area of Grade 3 Agricultural Land. As such, whilst of reasonable quality it is not the best or most versatile and its loss from food production will have to be considered within the overall planning balance exercise, as advised within the above national guidance.
4. Design, Appearance and Impact upon the Character of a Non-Designated Heritage Asset
- 4.1 The site has a residential character established by the surrounding housing estates, located to the eastern, southern and western boundaries of the site, which were erected primarily within the early 2000s. The character to the north of the site is in stark contrast, with open views available over agricultural land leading to the Coventry Canal.
- 4.2 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”*.
- 4.3 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

- 4.4 Paragraph 127 of 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.
- 4.5 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”*.
- 4.6 Draft Policy FRANP6 of the Fradley Neighbourhood Plan advises that new development should contribute towards local distinctiveness, demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design.
- 4.6 The Coventry Canal, located to the north of the site is considered to a non-designated heritage asset. Under the provisions of Paragraph 197 of the NPPF *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 4.7 Policy BE2 of the Local Plans Allocations document advises 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”*.

#### Layout

- 4.8 The scheme has been arranged utilising a series of terraced and semi-detached blocks, with occasional detached 4 bedroom dwellings, with denser residential development located to the western and southern boundaries, with a looser pattern of residential development evident to the centre of the site. The Dementia Care site is located towards the eastern boundary of the site and has been developed using 3 clusters arranged around a single storey central hub containing the staff and visitor facilities. Open space, sited to the west of the care facility, will form a buffer between the residential and care elements of the proposal.
- 4.9 The layout of the proposed development demonstrates an understanding of landscape context, evidenced through the looser pattern of development proposed adjacent to the northern boundary, with open space and pedestrian walkways offering a softer visual edge to the remaining agricultural land, which would remain associated with Bridge Farm. An appropriate contextual analysis is further evidenced through the creation of the near centrally located open space, which will offer views into the site from the non-designated heritage asset, Coventry Canal. The siting of the built form beyond the remaining agricultural land to be retained with the existing farmhouse, further reduces potential impact upon this feature ensuing any visual harm would be less than substantial in nature.
- 4.10 As noted above, the density of residential development across the site, which overall equates to 32dph, has been varied to suit the surrounding built form context and future

characteristics proposed for the site. Thus, densities are reduced in the area around the retained Bridge Farm to reflect the character of this location. Similarly the density adjacent to the existing built form is increased to reflect that evident within the surrounding existing built form.

#### Scale

- 4.11 The development contains solely 2 storey development, which has a height varying between 7 and 10 metres. The surrounding built form contains a mixture of 1, 2 and 2 ½ storey dwellings, which has a maximum height of 11 metres.
- 4.12 Given the above contextual relationship, the height of development proposed within the site is considered acceptable, whilst the variation in roof height evidenced throughout the site is reflective of the surrounding existing built form, also introducing visual interest to the roofscape. In addition, it is noted that the variation in roof height, along with the use of roof furniture, such as chimneys, will create visual interest and texture to the internal street scene views and public views available from the north of the site.

#### Form

- 4.13 Fradley Parish Council have raised concerns specific to the fact that at pre-application stage they were advised by the applicant that the dwellings within the residential part of the site would be easily adaptable for disabled residents in warden controlled / assisted living accommodation, which does not appear to have been reflected in the application.
- 4.14 Draft Policy FRANP14 requires that residential development should “*demonstrably meet the needs of older people or [be] capable of adaptation to meet such needs*”, which is particularly encouraged for 2 or 3 bedroom dwellings. The draft policy continues to advise that if reasonable, provision of such units is not made, then it should be demonstrated why this would make the development unviable or unfeasible.
- 4.15 As advised above, this Policy currently carries minimal planning weight and as such, cannot currently be utilised to warrant the refusal or alteration of a scheme. It is noted that the 63 dwellings do not comply with this Policy. However, the scheme will help to facilitate a 90 bedroom dementia care facility, which will specifically help to meet the needs of older people (although it is acknowledged that not all people with dementia are ‘older people’). Thus, the development as a whole is considered to comply with the requirements of this Policy.

#### Appearance

- 4.16 The design of the dwellings exhibit features typical of the wider area, namely the surrounding housing estate, although utilising a more modern architectural palette. As such, architectural detailing is evidenced through the use of small overhanging porches, projecting square two storey bay windows, contrasting materials, string courses, stacked bonded brickwork adjacent to front doors and Juliette balconies, which are the primary tools used to break up the elevations of the majority of dwellings and the care facility. A number of iterations of the house type pack and care facility elevations proposed for this site have been submitted through the course of the determination of this application, following comments received from the Council’s Urban Design Manager. It should be noted that these amendments have resulted in this consultee now offering no objection to the proposal on design grounds. Thus, the design of dwellings and care facility are now considered to be visually acceptable.

- 4.17 Details of the materials palette to be used within the development have been submitted with this application. The bricks proposed to be used within the site are Red Multi and Red Smooth, whilst chalk and granite render is also proposed for elevational detailing. The proposed roof tiles are proposed to be Slate Grey or Terracotta, Russell Interlocking Concrete roof tiles or similar. The suitability of these materials have been considered by the Council's Urban Design Manager who has determined that they are appropriate to their context and therefore acceptable for use within this development, although exact details are recommended to be secured via the use of a condition.
- 4.18 The applicant has also submitted details of the proposed fencing and walling scheme with the application. The siting of the fences have been appropriately positioned to ensure that they are visually subservient features within the street scene, whilst the majority of prominent boundaries, for instance those facing onto main routes through the site, are proposed to be constructed from brick to a height of 2.1 metres, ensuring that they remain of a high visual quality throughout the life of the development. To define the western and northern boundaries of the care facility, a 1.2m high metal estate railing is proposed, which will ensure an appropriately soft edge to the surrounding open space and rural edge. The 1.8 metre high close boarded fence, proposed to the northern site boundary, will be visually prominent from views to the north, which would include those available from the tow path associated with the Coventry Canal. As recommended by the Council's Urban Designer, to lessen the impact of this feature a landscaping strip will be required.
- 4.19 Given the above assessment, it is considered that the proposed housing, care facility and associated development would be satisfactorily assimilated into its surroundings and would not have a harmful impact in the wider landscape, including the setting of the Non-Designated Heritage Asset. Accordingly, it is considered that the application in this regard is consistent with the Development Plan and the thrust of the guidance in the NPPF.

## 5. Amenity Impact

- 5.1 Paragraph 180 of the NPPF advises that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development"*.
- 5.2 Paragraph 180 advises that planning decisions should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"* and *"identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*
- 5.3 Local Plan Strategy BE1 states that new development should avoid causing disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

### Noise

- 5.4 The application site is surrounded by existing residential properties. To preserve the amenity of these residents, during the construction phase of development and through the ongoing operation of the care home, arising from any fixed plant, the Council's Environmental Health Manager recommends that a scheme of noise mitigation be secured by condition. It is advised that this condition is reasonable and necessary.

## Artificial Lighting

- 5.5 The applicant is yet to provide details of external lighting. Given the surrounding characteristics of the area, namely that the site sits surrounded by residential properties, the levels of illumination and light spill will be such so as to not impact upon the character of the area or amenity of neighbouring residents. To ensure the installation of an appropriate scheme, a condition is recommended. The concern of the neighbouring resident regarding light spill from the care facilities car park into surrounding property is noted, but any impact should not be significant given the fencing and landscaping scheme to be installed which will limit light spill, ensuring that the development complies with the requirements of the Development Plan and NPPF in this regard.

## Construction

- 5.6 In order to identify dust mitigation measures for during the construction phase of this development and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition. In addition, it is recommended that the applicant be advised by means of a note on the decision notice that no clearance of vegetation or disposal of other material via burning will be considered acceptable within this site, whilst a condition is proposed to limit the hours when deliveries and construction occur.

## Contaminated Land

- 5.7 Paragraph 179 of the National Planning Policy Framework states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner”*. Paragraph 170 advises that planning decision should prevent *“new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”*
- 5.8 The applicant has undertaken a Geo Environmental Report, which has been submitted with this application, which confirms that there are unlikely to be any sources of contamination found within the site. This report has been considered by the Council’s Environmental Health Manager and the Environment Agency, who agrees with its findings. Therefore, further contaminated land information need only be submitted to the Local Planning Authority, if during construction works, contamination not thus far identified, is found.

## Unexploded Ordnance

- 5.9 Given the former use of the site as part of RAF Lichfield, the applicant has undertaken an Unexploded Ordnance survey as part of their submission. The document identifies that there are no features of interest under the site, with one slight ferromagnetic anomaly adjacent to the runway, which is likely to be something associated with this feature.

## Residential Amenity

- 5.10 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council’s Sustainable Design Supplementary Planning Document contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principle window and private neighbouring residential amenity space.



- 5.11 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 5.12 Finally the SPD identifies that for 1 or 2 bedroom dwellings a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup> and for 5 bedroom dwellings 100m<sup>2</sup>. All gardens should have a minimum length of 10m
- 5.13 The internal layout of the development complies with the requirements of the SPD, with the minimum separation distances and garden sizes adhered to throughout the scheme. In terms of the location of the dwellings relative to neighbouring existing property, it is evident once more that the development complies with the above identified requirements, with, for instance, there being a minimum 21 metres separation between existing dwellings on Hewitt Close and the southern elevation of the care facility. Similarly a minimum of 10 metres is maintained between this building and the private rear garden areas of neighbouring property, within the above identified street and those also within Oaklands Close. The southern boundary of the site adjoins garage and parking courts associated with property on Williams Avenue, ensuring suitable separation distances are implemented. To the western site boundary, there is a separation of 13 metres between the rear elevation of plots 5 and 6 and the blank side wall of 26 Turnbull Road and 14 metres between the rear elevation of plot 2 and the blank side wall of 6 Baker Drive, once more ensuring compliance with the Supplementary Planning Document.
- 5.14 Overall, it is considered that the proposals will not have a detrimental impact on existing or future local residential amenity and as such, the proposal will accord with the Development Plan and the NPPF in this regard.

## 6. Access, Off Street Car Parking and Highway Safety

- 6.1 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.

### Access

- 6.2 Details of the means of access have been submitted as part of this proposal, with one points of access proposed from Baker Close and a further access from Worthington Road. The suitability of these accesses and the visibility splays they are to be afforded have been considered by the Highways Authority. No objections or amendments are required to Worthington Road, but it is noted that due to the location of the existing rear brick boundary wall of 34 Turnbull Road, restricted visibility would be afforded to future residents exiting the residential part of the scheme from Baker Drive. Whilst this is an existing issue with the road layout, this scheme would increase the use of the roundabout, exacerbating the potential for highway danger. To address this issue the Highways Authority have proposed two solutions. The first is the relocation of the 20mph limit for Turnbull Road further to the north of the site, thereby reducing the speed of traffic as they approach the roundabout. This undertaking will however require a Traffic Regulation Order, upon which there is the possibility for the County Council to receive objections, which could prevent its implementation. As such, a secondary scheme, which has surety of implementation, prior to the first occupation of any of the dwellings, has also been identified. The scheme would see the installation of a build out into the highway, which would also reduce traffic speed, but not require a Traffic Regulation Order. A condition to secure the submission of full details of

these works and the implementation of one of the schemes, prior to the first occupation of any of the dwellings, is recommended for this application.

#### Off Street Car Parking

- 6.3 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, which serve the surrounding housing estates. In addition it is argued that the site has good pedestrian and cycle links.
- 6.4 In terms of off street car parking, a total of 53 off street car parking spaces and 1 drop off space are proposed to serve the dementia care facility. The residential dwellings are all shown to be served by a minimum of 2 off street spaces per plot, with the 4 bedroom dwellings having a mixture of 2 or 3 spaces.
- 6.5 Draft Policy FRANP13 of the Fradley Neighbourhood Plan advises that adequate off street car parking should be provided for new residential development, which should be delivered in accordance with Local Plan Strategy Policy ST2. Policy ST2 provides further clarification through guidelines detailing maximum off street car parking levels, set out in the Council's Sustainable Design Supplementary Planning Document. The document recommends for a care facility that there be off street car parking space per residential staff member, 1 space per 4 beds for visitors and 2 spaces for servicing / emergency vehicles. For the dwellings, it is recommended that there be 1 space plus 1 further space per every 3 dwellings for visitors for the 2 bedroom dwellings and 2 spaces provided for each 3 or 4 bedroom dwelling.
- 6.6 The Highways Authority have considered the suitability of the level of provision and advised that is acceptable across the site. Evidently, in terms of the dwellings, the applicant is slightly over-providing in terms of offering two spaces for every 2 bedroom dwelling and 3 spaces for a number of the 4 bedroom plots. To ensure that the level of parking provision remains at acceptable levels, the condition recommended by the Highways Authority to retain garages for the parking of motor vehicles is considered reasonable and necessary and recommended to be attached to the decision.
- 6.7 The applicant advises that the care facility will be served by an equivalent 43 full time members of staff. No details are provided detailing whether these staff members are to be residential in nature, but no staff sleeping facilities are identified on the floor plans. The applicant does however advise that at any one point a maximum of 45 staff will operate from the site per shift (evidently not all will drive). The visitor parking requirement given the building will contain 90 dwellings equates to 23 spaces. The facility does not fit easily therefore with the figures identified within the SPD. The applicant advises within the submitted Transport Assessment that the number of spaces to be provided have been calculated using TRICs analysis and the applicant has sited other specialist care facilities which have equivalent parking levels and operate successfully. Given this assessment and the lack of objection raised by the Highways Authority, it is considered that the parking provision proposed for the care facility is acceptable. Given this assessment, it is considered that the parking provision across the site, is compliant with the development plan and therefore the objections of the Parish Council on this matter, whilst noted, are not considered to be of merit.

#### Cycle Parking Provision

- 6.8 The Sustainable Design Supplementary Planning Document provides guidelines for securing weatherproof cycle storage facilities. The care facility is recommended to provide 1 space per 5 staff members, which equates to a need for 9 spaces. No details of this facility have yet been provided, although shower and changing facilities are shown within the staff area.

As such a condition to secure the submission of suitable cycle parking details and their subsequent delivery is recommended.

- 6.9 The abovementioned document also requires for dwellings that there be 1 cycle space provided per 2 bedroom dwelling and 2 for 3 or more bedrooms. These spaces will be secured within the garages of the plots where such a structure is available. For the remaining plots, a shed will have to be erected, which is recommended to be secured via the use of a condition.

#### Connectivity

- 6.10 Paragraph 110 of the NPPF advises that applications should, *“give priority first to pedestrian and cycle movements”*. Draft Policy FRANP11 of the Fradley Neighbourhood Plan advises that the *“provision of cycle and pedestrian routes that are physically separated from vehicular traffic will be strongly supported”*, whilst all development should provide safe pedestrian access to link existing footways, whilst proposals to enhance the identified Movement Routes will be strongly supported. The application proposes the formation of a pedestrian link running across the northern boundary of the site, which will offer improved pedestrian permeability for residents on Worthington Walk, seeking access to Turnbull Road and beyond to the nearby Sterling Centre. It is noted that the Parish Council have concerns regarding the use of the private driveway to the front of plots 60 to 63 as a footpath. The use of shared surfaces is standard practice throughout modern residential schemes and future residents will be well aware of this route upon purchasing these properties. Whilst it is noted that strong support will be offered for wholly separate pedestrian routes away from the highway the Policy does not advise that combined routes would not be supported. In addition the path would enhance the identified movement routes within the plan and therefore its provision is ‘strongly supported’.

#### Highway Impact

- 6.11 A Construction Vehicle Management Plan for the development is recommended to be secured by condition, which will also facilitate the delivery of the mitigation measures required by the Environmental Health Manager specific to hours of working and dust mitigation and ensures that the impact upon the surrounding highway network during construction works is acceptable. In addition the document will secure a suitable routing framework for construction vehicles and seek to prevent movement past St Stephen’s School during peak drop off and pick up times.
- 6.12 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 and resident’s 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 promote the creation of additional public transport provision within the area, namely the creation of a bus service to serve the site and surrounding area, a financial sum secured via the S106 agreement is considered reasonable, proportionate and necessary.
- 6.13 Given the above considerations it is considered that the proposal accords with the Development Plan and NPPF with regard to access/egress and parking and cycle provision, and is acceptable in this regard.

## 7. Flood Risk and Drainage

- 7.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk assessment (FRA) is required.
- 7.2 Paragraph 165 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with this application identifies that the scheme would result in additional impermeable areas being created within the site. As such, Sustainable Urban Drainage Systems, including the use of permeable paving shall be utilised within the scheme to mitigate this impact. The measures have been considered to be acceptable by the County Council's Flood Team and therefore, subject to the use of a condition to secure the scheme's delivery, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 8. Trees, Landscaping and Open Space

- 8.1 Paragraph 175 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.
- 8.2 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 a Tree Constraints Plan, 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 8 trees within the site are to be felled, with the majority of trees retained within future rear garden areas. None of the trees to be felled are covered by a protection order. The loss of these trees and proposed replacement landscaping scheme, have been considered by the Council's Arboriculture Officer who has advised that there are no objections to the development. The full suitability of the landscaping scheme currently proposed for the site cannot however currently be judged due to the drainage scheme not yet being fully designed. Evidently the location of underground pipes will impact upon the acceptable siting of certain trees. Therefore a condition to require the submission of a full landscaping scheme is required along with the implementation of the identified tree protection measures during construction. Subject to the application and compliance with these conditions, the proposal will accord with the requirements of the Development Plan and the NPPF in this regard.
- 8.3 The submitted block plan shows the main area of green infrastructure within the development to be formed by a 'village green', located off centre within the site. The level of provision identified complies with that required by Local Plan Strategy Policy HSC1. The area will contain a children's play space, although no specific details of the equipment to be installed have yet been provided and will need to be secured via condition. The location of the open space is considered acceptable as it offers a shared facility for the care home and residents of the dwellings. In addition, it brings an active frontage to the care facility, which offers interest for future residents, whilst also forming a buffer to separate the two uses. Therefore, whilst the concerns of the Parish Council regarding the location of the open space are noted, the area identified by the applicant is considered to be suitable. In addition, it is noted that draft Policy FRANP5 advises that new play facilities will be supported, subject to

acceptable impact upon residential amenity and the site being within the development boundary. In addition this Policy continues to advise that *“the provision of a... Local Equipped Area of Plan that is accessible to... Fradley South will be strongly supported”*. Figure 5.1a provides a plan showing an area within which such strong support would be applicable, within which the Open Space for this site falls. Given this Policy, the comments of the Parish Council would appear to run in conflict with the Policies contained within the Neighbourhood Plan. Although as mentioned above minimal weight can be attributed to this document currently, it is evident that it strongly supports the location identified and the provision of this feature.

8.4 The delivery of the open space will be secured via the S106 agreement, as will its future maintenance by a maintenance management company. Thus the development will comply with the requirements of the Development Plan and NPPF in this regard.

## 9. Ecology, Biodiversity and Impact on the Cannock Chase SAC

9.1 To comply with the guidance contained within Paragraphs 8, 170 and 175 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.

9.2 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 20% net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under the requirements of Local Plan Strategy Policy NR3 and the Biodiversity and Development SPD.

9.3 The Council’s Ecologist has considered the proposal and concluded that the development would not impact upon protected species or their habitats, subject to the development being undertaken in accordance with the recommendations of the document, which includes suitable consideration of protecting reptiles within the site during construction works.

9.4 The fact that the site has been left undeveloped for a number of years has resulted in the formation of a semi-improved grassland habitat being formed, with a Biodiversity Value of 7.94 Units. The applicant’s biodiversity matrix, submitted as part of the proposal, identifies that this scheme will entail the loss of 0.8 Biodiversity units, with onsite landscaping and habitat provision only able to mitigate for 7.14 units. The lost units and 20% betterment (4.3 units), as required by the Biodiversity and Development SPD, will need to be provided off-site and secured by condition, which in this case has been agreed to be acceptable by the Council’s Ecologist. Subject to the application of this condition along with a further condition to secure a Construction Environment Management Plan and a Habitat Management Plan for the habitats to be created in-site, the proposal will comply with the requirements of the Development Plan and NPPF in this matter.

9.5 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Council’s Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

- 9.6 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone and as such is not directly liable to SAC payment.
- 9.7 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.
10. Archaeology
- 10.1 Paragraph 189 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"*.
- 10.2 The County Council's Archaeologist has advised that there is archaeological potential within the site and therefore has recommended that a staged evaluation be undertaken, which is proposed to be secured by condition to ensure the scheme complies in this regard with the requirements of the Development Plan and the NPPF.
11. Education
- 11.1 The development falls within the catchments of St Stephen's Primary School and The Friary School, both of which are projected to be full for the foreseeable future. A Primary School contribution for the likely 20 additional pupils resulting from this development of £345,315.80 has therefore been requested by the Education Authority, which will be secured via a S106 agreement. Secondary school contributions will be sought through the CIL mechanism
- 11.2 Overall, the proposal makes adequate provision for educational requirements arising from the development, in accordance with the requirements of the Development Plan and advice contained in the NPPF.
12. Sustainability
- 12.1 Paragraph 150 of the NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather

Building Regulation requirements will ensure the development of sustainable built form. Therefore no conditions are required to sustainable built technologies within this development.

12.2 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, the site is in 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 will boost the housing market and in terms of the care facility offer local employment opportunities.

12.3 In view of the above, the scheme is considered to promote sustainable forms of development and therefore will comply the Development Plan and National Planning Policy Framework in this regard.

### 13. Other Matters

13.1 The concerns raised by the Parish Council have wholly been considered within the above report. Similarly, the concerns raised by neighbours have largely been addressed. Of those that remain, it is evident that access to the communal gardens for the Care facility will be restricted by the use of boundary treatments, thereby limiting the potential for improved access into the rear gardens of neighbouring property. The location of the bin stores meets the operational requirements of the care facility and have raised no objections from the Environmental Health Team. Finally matters of loss of a view and reduction in house value are not material to the consideration of a planning application.

### 14. Financial Considerations

14.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within the higher charging zone, where the applicable rate is £55 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.

14.2 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 generate New Homes Bonus, Council Tax and Business Rates.

### 15. Human Rights

15.1 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 planning policy.

## **Conclusion**

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental. The NPPF continues to advise that at the heart of the Framework is a presumption in favour of sustainable development. With reference to this

scheme, economically the proposal will enable development on a sustainably located greenfield site, which through bringing additional employees and commercial activity as part of the dementia care home 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. Furthermore, through providing much needed dementia care facilities will provide a service necessary for the District.

Environmentally, the design of the buildings are appropriate to their setting and context and in fact offer architectural betterment. The scheme will also have an acceptable ecological, arboricultural, archaeological, flood risk and highway impact. Thus, 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 abovementioned conditions, it is recommended that this application be approved.



# LOCATION PLAN

18/01142/OUT  
Elford Cottage  
26 Church Lane  
Fradley

Scale: 1:1,000

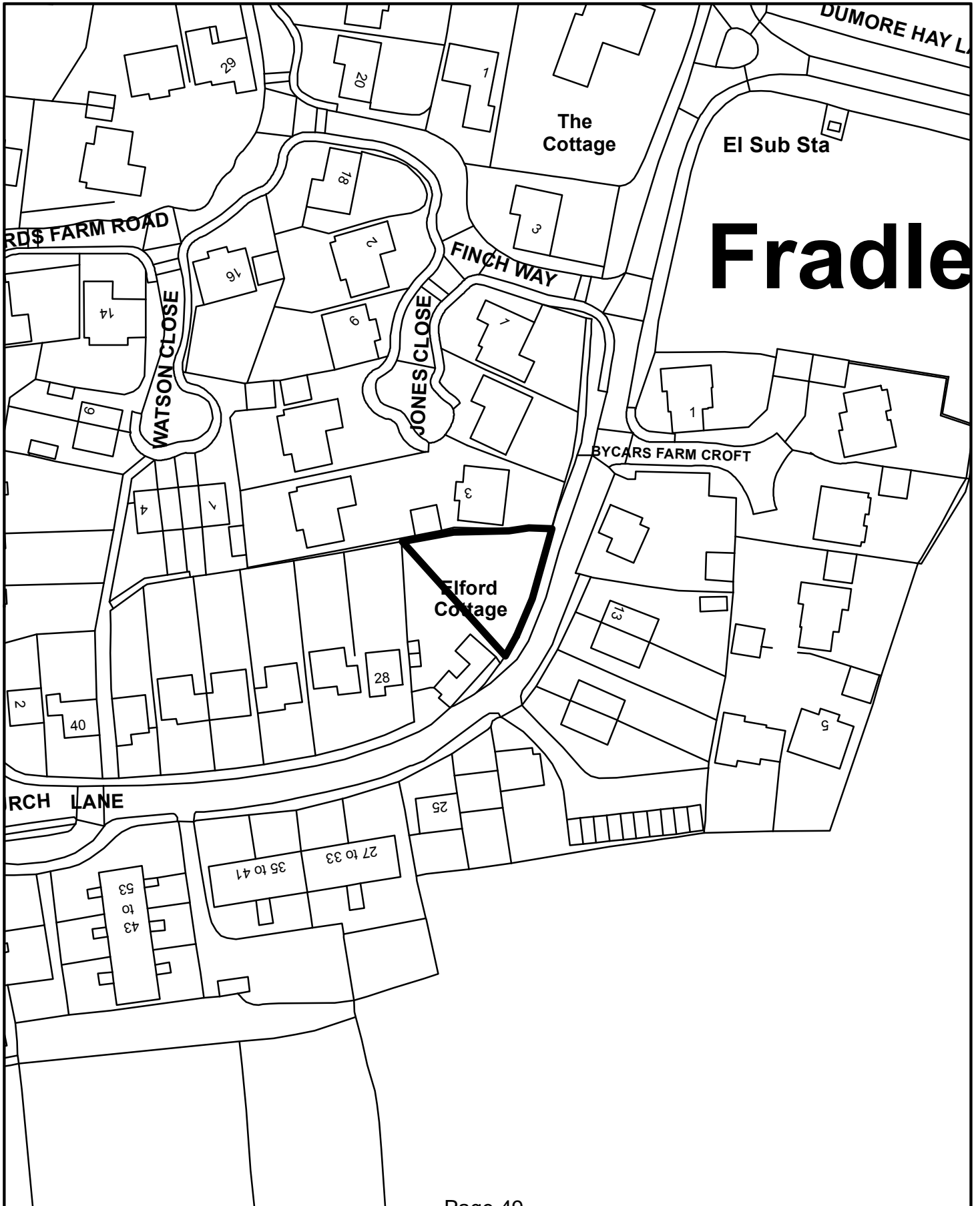
Dated: October 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

18/01142/OUT  
Elford Cottage  
26 Church Lane  
Fradley

Scale:

Dated:

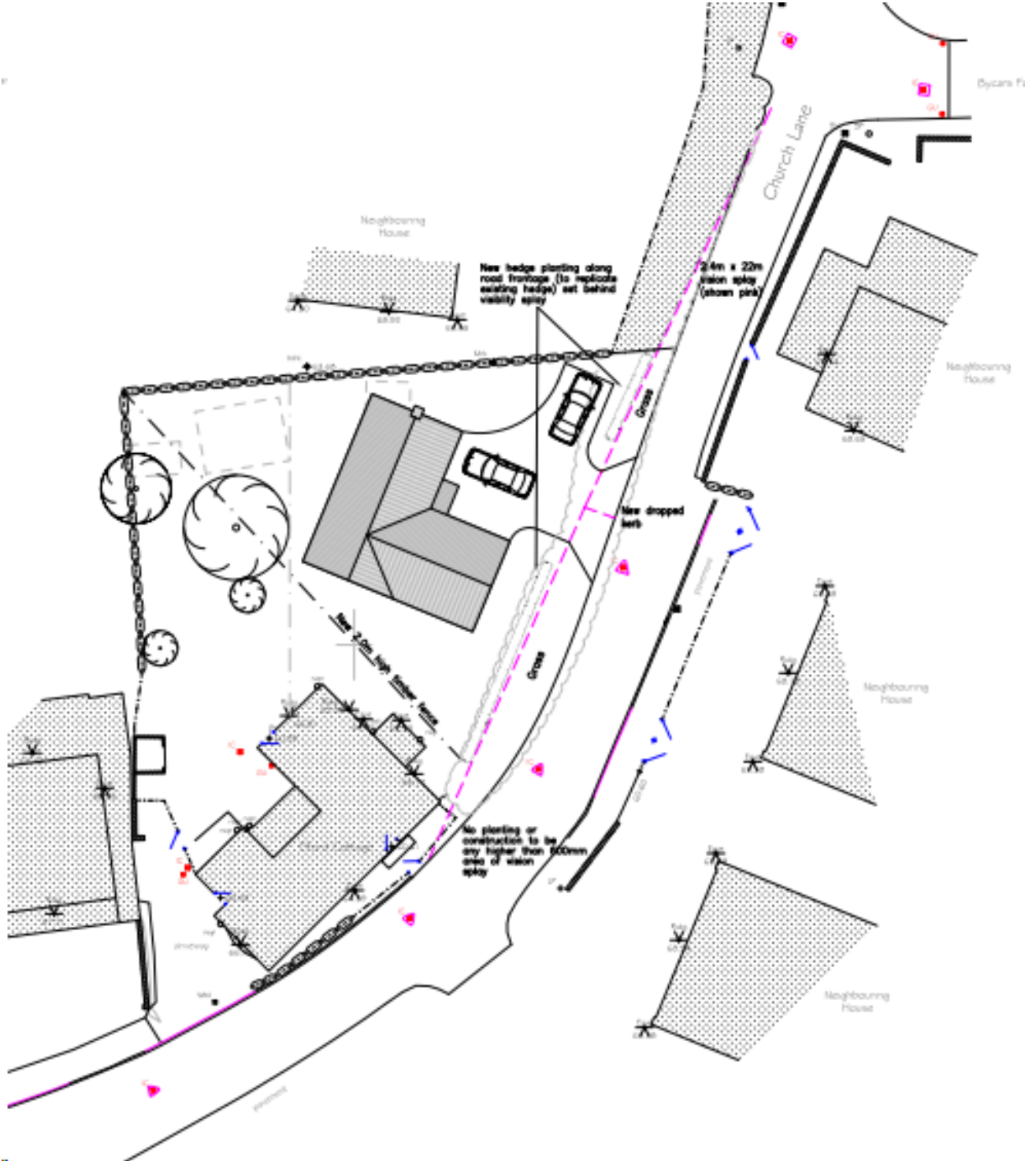
October 2018

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## 18/01142/OUT

**ERECTION OF A DETACHED DWELLING (OUTLINE APPLICATION RELATING TO ACCESS AND LAYOUT)  
ELFORD COTTAGE, 26 CHURCH LANE, FRADLEY  
APPLICANT: MR A HADFIELD & MRS L SEWELL**

Registered 8/08/2016

**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 on the following grounds:

- Highways safety and poor visibility leaving and entering the site with no pedestrian pavement on either side of the road; and
- Insufficient parking and room for manoeuvring for occupiers of the dwelling and visitors

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

**CONDITIONS:**

1. An application for approval of the reserved matters shall be made within 3 years of the date of this decision. The development must be begun not later than 2 years from the approval of the reserved matters or in the case of approval on different dates, the final approval of the last reserved matter.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. This is an outline planning permission and no development shall be commenced until details of the design of the dwelling, the external appearance of all buildings including the materials to be used on all external surfaces and the landscaping of the site have been submitted to and approved in writing by the Local Planning Authority by way of a reserved matters application(s). The development shall then be undertaken in accordance with the approved details.

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

4. Before the development hereby approved is commenced, details of the height, type and position of all site and plot boundary walls, retaining fences and 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 boundary treatments shall thereafter be provided prior to the first occupation of the dwelling.

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

5. Before the development hereby approved is brought into use the access, parking and turning areas, as indicated on drawing number 537 02, shall be provided and thereafter be retained for the life of the development.
6. Prior to first use of the new site access the visibility splays shall be provided and maintained in accordance with details submitted on plan number 20131-01 with nothing placed or retained forward of the splays and the public highway exceeding 600mm in height above the level of the adjacent carriageway
7. The dwelling hereby approved shall be limited to two-storey only.

8. The landscaping scheme submitted in pursuance of Condition 3 shall include the retention of existing trees and the scheme shall thereafter be implemented within 8 months of the first occupation of the dwelling.
9. Any tree, hedge or shrub planted as part of a landscape or 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 similar size and species unless otherwise agreed in writing by the Local Planning Authority.
10. Within one month of completion of the development hereby approved, a bat or bird box shall be installed on each dwelling within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the dwelling shall not be altered or extended, and no buildings or structures shall be erected within the curtilage of the dwelling, unless planning permission has first been granted 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 Lichfield District Local Plan Strategy and the guidance contained with the National Planning Policy Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area in accordance with Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development, to ensure that the external appearance of the development is physically well related to its surroundings, in order to meet requirements of Policies BE1 of the Local Plan Strategy, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
5. In the interests of highway safety and in accordance with Local Plan Strategy Core Policy 5 and Policy BE1 of the Local Plan Strategy, Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
6. In the interests of highway safety and in accordance with Local Plan Strategy Core Policy 5 and Policy BE1 of the Local Plan Strategy, Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and BE1 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, Trees, Landscape and Development Supplementary Planning Document and the National Planning Policy Framework.

9. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area in accordance with Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework
10. 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.
11. To ensure the satisfactory appearance of the development and to safeguard the amenity of future residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Supplementary Planning Document: Sustainable Design 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).
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 endeavor to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess)
4. The applicant is advised that any soakaway should be located a minimum of 4.5m rear of the highway boundary.
5. 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 paragraph 38 of the NPPF.

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## **PLANNING POLICY**

### **National Government Guidance**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy  
Core Policy 2 - Presumption in Favour of Sustainable Development  
Core Policy 3 - Delivering Sustainable Development  
Core Policy 5 - Sustainable Transport  
Core Policy 6 - Housing Delivery  
Core Policy 13 - Our Natural Resources

Core Policy 14 - Our Built & Historic Environment  
Policy SC1 - Sustainability Standards for Development  
Policy ST1 - Sustainable Travel  
Policy ST2 - Parking Provision  
Policy H1 - A Balanced Housing Market  
Policy BE1 - High Quality Development

### **Supplementary Planning Documents**

Sustainable Design  
Trees Landscaping and Development

### **RELEVANT PLANNING HISTORY**

None

### **CONSULTATIONS**

**Fradley and Streethay Parish Council:** Object. The proposed development is sited on a bend with poor visibility with the site providing insufficient parking and manoeuvring. Concerns regarding highway safety of road users and pedestrians (22.08.18)

**Staffordshire County Council Highways:** No objection subject to conditions. (03.10.18).

**Severn Trent Water:** No objections – drainage condition not required (14.08.18).

**Environmental Health:** No objections – (05.09.18)

**Tree Officer:** No objection - Established mixed and single species native hedgerows are a feature within this area of Church Lane. As part of a domestic property there is no restriction on their removal. Therefore were the Council minded to approve the application the proposed replacement planting would be an appropriate form of boundary treatment and sufficient space should be reserved in the final design to allow the planting and long-term retention of a native hedgerow. (14.08.18)

**Natural England –** No objections (04.10.18)

### **LETTERS OF REPRESENTATION**

Seven letters have been received from local residents, which raise the following concerns:

- Highway safety
- Impact on highway during the build
- Visibility splays
- Lack of pedestrian access on either side of the road
- Inadequate manoeuvring within the site for vehicles
- Scale and siting of development within the plot
- Loss of hedge

### **BACKGROUND DOCUMENTS**

None

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### **OBSERVATIONS**

#### **Site and Location**

This application relates to part of the domestic garden of Elford Cottage, Church Lane, Fradley. The site sits between the existing dwellings. The immediate surrounding area is residential in nature with a mix of house types and designs. The proposed dwelling is sited to the north of the existing property and positioned on the inside of the bend in the highway and is bound by mature hedging.

## Proposals

Outline planning permission is now sought for the subdivision of the existing rear garden to erect a single detached dwelling. As this is an outline application only matters of layout and means of access are for consideration at this time. A new access is proposed to serve the new dwelling off Church Lane which would provide parking for two cars. In order to implement this the mature hedging which currently bounds the rear garden of Elford Cottage would need to be removed.

## Determining Issues

1. Principle of Development
2. Layout and Scale
3. Car Parking and Access
4. Residential Amenity
5. Trees and Ecology
5. Cannock Chase Special Area of Conservation
7. CIL
8. Human Rights

### 1 Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 Paragraph 11c of the NPPF sets out a presumption in favour of sustainable development and states that local authorities should be 'approving development proposals that accord with an up-to-date development plan without delay'. Therefore it is the responsibility of the Local Planning Authority to assess proposals against the authority's development plan and the objectives for sustainable development within paragraph 8 of the NPPF.
- 1.3 Paragraph 8 of the NPPF details that there are three dimensions to sustainable development and that these dimensions give rise to the need for the planning system to perform a number of objectives:
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 1.4 This report will consider how the proposed development fares in terms of these three strands of sustainable development.

- 1.5 The supply of housing land is regarded as having a social and economic role and in order to significantly boost the supply of housing, the NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. Policy Frad 4 of the Local Plan Strategy identifies that “*Fradley will play a significant role in meeting housing need*”. To this end, as identified within Core Policy 6, it is proposed to erect up to 1,250 dwellings within the community over the plan period.
- 1.6 Notwithstanding this, the site is within the village boundary and identified within the formally adopted Local Plan Strategy and therefore the principle of residential development within this site is considered acceptable.
2. Layout and Scale
- 2.1 As layout is not reserved for future consideration details have been submitted as part of this application. The layout of the proposed dwelling would be such that it would be visible from Church Lane. The subdivision of the existing garden is such that it naturally accommodates the dwelling and incorporates a layout that sits comfortably with the adjacent dwellings without impact upon the character and appearance of the surrounding area. It is not considered that it would erode the character of the area or introduce an incongruous feature to the street scene. The access is also as such that the parking and access arrangements for Elford Cottage will not be affected by the development.
- 2.2 Whilst there is no indicative design at this stage, the scale and footprint of the property would be consistent with the surrounding area and would sit comfortably within the site without detracting from or dominating the established adjacent properties. In addition, there is no reason why a high quality design appropriate to the character of the area would not be achieved within the confines of the site. As such the proposal accords with the Development Plan and NPPF in this regard.
3. Car parking and access
- 3.1 Staffordshire County Council has raised no objections to the proposal subject to conditions relating to the provision of a new access off Church Lane, car parking, and visibility splays. The plot is capable of providing off street parking for at least two cars.
- 3.2 It is therefore considered that the means of access to the site and the proposed parking provision would be sufficient to satisfy Policies BE1 and ST2 of the Local Plan Strategy in this regard.
4. Residential Amenity
- 4.1 In terms of neighbouring amenity, Policy BE1 states that new development should have a positive impact on amenity and reference should be made to the adopted SPD to ensure that developments do not have an unacceptable impact upon neighbouring residential amenity. Although the detailed design or internal layout of the proposed dwellings is not yet known, should any principal habitable room windows be introduced to the rear elevations of the properties, the authority is satisfied that they would not have a detrimental impact upon the amenity of the existing properties.
- 4.2 The properties would also provide the users of the development with satisfactory levels of amenity, including outdoor amenity space.
- 4.3 Notwithstanding this, a full assessment of the impact of the proposed dwelling on neighbouring amenity will take place at reserved matters stage.



## 5. Trees and Ecology

- 5.1 An existing established hedgerow bounds the site to the east onto the highway. To facilitate the development, the majority of the existing hedging along the boundary of the highway will be removed. It is considered that the removal of these hedges is acceptable to facilitate the development as it does not offer significant visual amenity to the site. The Council's Arboricultural Officer has not objected to the proposal provided conditions are attached in relation to future landscaping on the site. As such, subject to the conditions being adhered to, the proposal would accord with Policy NR4 of the Local Plan.
- 5.2 To comply with the guidance contained within Paragraphs 8, 170 and 175 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.
- 5.3 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 20% net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under the requirements of Local Plan Strategy Policy NR3 and the Biodiversity and Development SPD. As such a condition is recommended requiring the installation of a bat/bird box in order to comply with policy NR3 of the Local Plan.

## 6 Cannock Chase Special Area of Conservation

- 6.1 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.
- 6.2 Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal.
- 6.3 On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations. As such the development accords with the Development Plan and NPPF in this regard.

## 7. CIL

- 7.1 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 lower levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The applicant has submitted with the application a completed CIL form. An informative noting the need to resolve CIL payment for this development has been recommended.

## 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 planning policy.

### Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, environmentally, the development due to its scale and siting will sit well within the plot and the surrounding streetscene. The proposal will also deliver a net gain to biodiversity within the site. Socially, the development would create a new dwelling within a sustainable location. Economically, the development will provide a small scale development project.

Therefore, for the reasons set out above, it is considered that the proposal accords with the Development Plan and NPPF. Therefore it is recommended that this outline application be approved, subject to conditions.

# LOCATION PLAN

18/00625/FUL

15 Fox Lane

Alrewas

Burton Upon Trent

Scale: 1:1,000

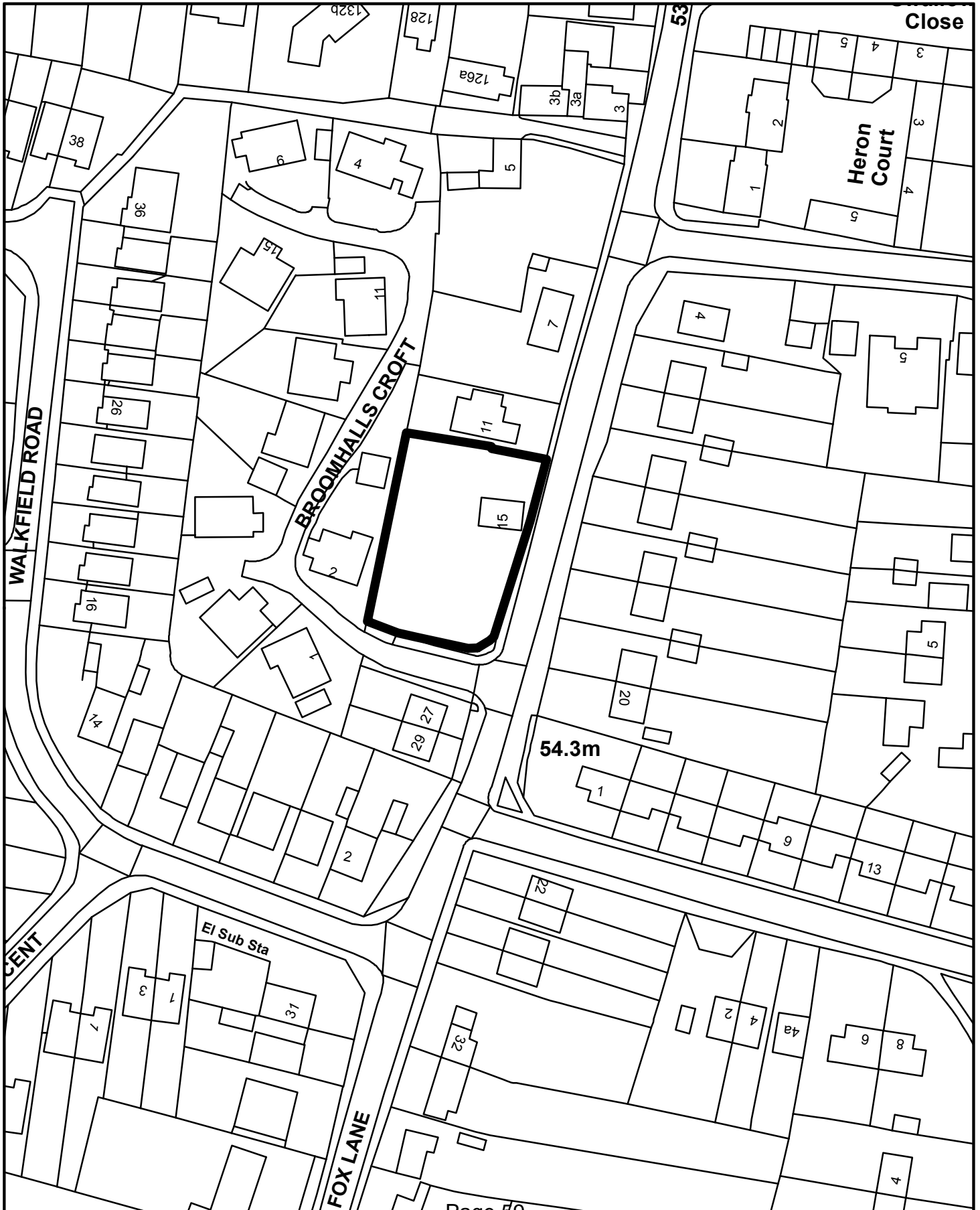
Dated: October 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

18/00625/FUL

15 Fox Lane

Alrewas

Burton Upon Trent

Scale:

Dated:

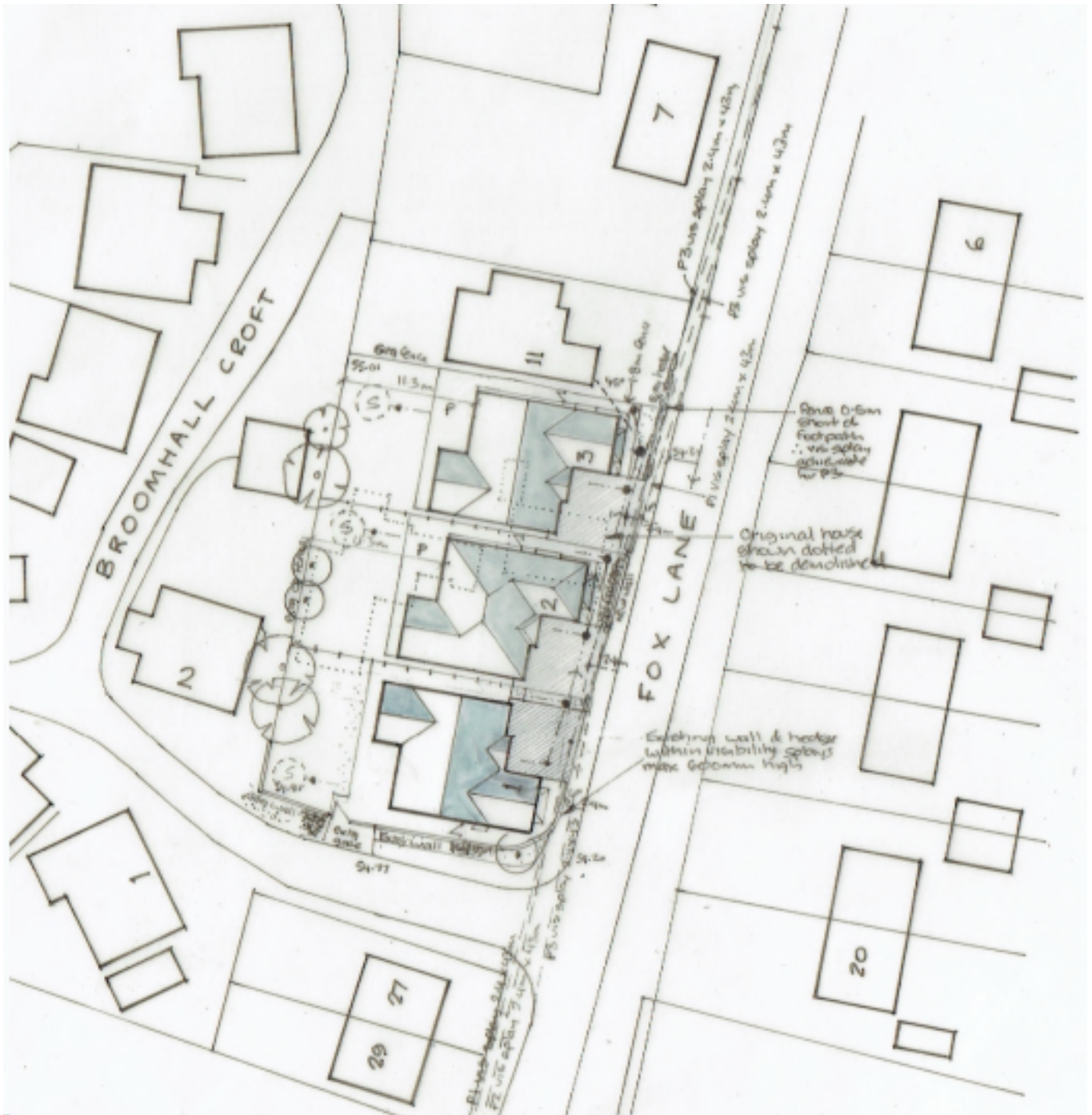
October 2018

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## **18/00625/FUL**

### **ERECTION OF 3NO. FOUR BEDROOM DWELLINGS AND ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING DWELLING**

**15 FOX LANE, ALREWAS, BURTON UPON TRENT, STAFFORDSHIRE**

**FOR: MR G HALE**

Registered 26/4/2018

**Parish: Alrewas**

**NOTE:** This application is being reported to the Planning Committee due to significant objections from Alrewas Parish Council on the grounds that the development is an over intensive form of development for the plot.

**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, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include;
  - a) Arrangements for the parking of site operatives and visitors;
  - b) Loading and unloading of plant and materials;
  - c) Storage of plant and materials used in construction of the development;
  - d) Construction hours;
  - e) Delivery routing and hours; and
  - f) Measures to remove mud or debris carried onto the private road/adopted highway.

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

4. Before the construction of the external walls of the development hereby approved, details of all external materials to be used in the construction of the dwellings 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
5. Before the first occupation of the dwellings hereby approved, full details of the height, type and position of all boundary walls, retaining walls, fences and other means of enclosure to be erected on the site 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 before the development hereby approved is first occupied, unless otherwise agreed in writing by the Local Planning Authority.
6. Before the first occupation of the dwellings hereby approved, the new site accesses, including the visibility splay and parking provisions shall be created in accordance with the approved plans and shall thereafter be retained as such for the life of the development. The

visibility splays of each property shall remain free from any structures or vegetation above 600mm in height relative to the carriageway edge.

7. Before the first occupation of the dwellings hereby approved, the parking provision for the new property shall be provided in accordance with the approved plans and be retained as such for the life of the development.
8. Within one month of the completion of each dwelling, a bat or bird box shall be installed upon each completed dwelling within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
9. Before the first occupation of the dwellings hereby approved, a detailed hard and soft landscape, watering and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape, watering and planting scheme shall thereafter be implemented within eight months of the development being brought into use.
10. The development hereby approved shall be carried out in strict accordance with the methods of working detailed within Page 22 of the Bat and Bird Survey.
11. 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.

#### **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 within the National Planning Practice Guidance.
3. In the interests of highway safety and neighbouring amenity in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
5. In the interests of design and neighbouring amenity in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
6. In the interest of highway safety and to ensure that the existing property is served by adequate parking provision and access in accordance with Policy ST2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interest of highway safety and to ensure that the existing property is served by adequate parking provision and access in accordance with Policy ST2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To safeguard ecological interests and to have an uplift in biodiversity value of the site in accordance with the requirements of Policy NR3 of the Local Plan Strategy.

9. To ensure the long term health and vitality of visually important trees in accordance with the requirements of Policy BE1, NR4, Core Policy 14 of the Local Plan Strategy and the Trees, Landscaping & Development Supplementary Planning Document, and the National Planning Policy Framework.
10. 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 and the Biodiversity Supplementary Planning Document and National Planning Policy Framework.
11. To ensure the long term health and vitality of visually important trees in accordance with the requirements of Policy BE1, NR4, Core Policy 14 of the Local Plan Strategy and the Trees, Landscaping & 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 Alrewas Neighbourhood Plan.
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters.
3. The applicant's attention is drawn to the comments of the Council's Joint Waste Services.
4. The access and off-site highway works shall require a Major Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
5. The applicant is advised that prior to the reinstatement works taking place a Permit to Dig is required. Please contact Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))
6. The application site contains various opportunities for birds to nest. The applicant's attention is drawn to Wildlife and Countryside Act 1981 which states that it is unlawful for bird nest to be destroyed.

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## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework  
 National Planning Practice Guidance  
 Conservation and Habitats Regulations 2010

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 13 – Our Natural Resources  
Policy SC1 – Sustainability Standards for Development  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development

### **Supplementary Planning Documents**

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

### **Alrewas Neighbourhood Plan (Emerging)**

HP1 - Housing Provision

### **RELEVANT PLANNING HISTORY**

None relevant.

### **CONSULTATIONS**

**Alrewas Parish Council** – Recommend refusal due to over intensive development of land. Recommend consideration of 2 properties rather than 3. Comments on the information provided by the agent. Recommends condition requiring parking to remain in the future – (10/8/2018)

Previous comments: - Recommend refusal due to over intensive development of land recommend consideration of 2 properties rather than 3. Comments on the information provided by the agent. Recommends condition requiring parking to remain in the future – (22/5/2018).

**Severn Trent Water** – No objections and no requirement to impose a condition requiring further information – (15/5/2018)

**Staffordshire County Council Highways Department** – No objection to the proposal on highways grounds subject to the imposition of 5 conditions relating to the submission and approval of a Construction Management Plan and the installation of the stated visibility splays, the parking provision and a condition requiring the garages to be retained for parking of vehicles. – (20/8/2018)

Previous comments - The application should be refused due to lack of information, failure to demonstrate suitable visibility splays, access to plot one too close to another junction and failure to provide details on the intensification of use of the side gate to Broomhalls Croft – (17/5/2018)

**Tree Officer** – No objection to the principle of development and offers comments in respect of landscape design. Roots for the holly trees to the rear of the site should be protected during



construction. Most significant vegetation is the hedge adjacent the dwarf wall on Fox Lane. Recommends further planting – (30/4/2018)

**Alrewas Civic Society** – No objection to the proposal however the design proposed means that the front of the property will be close to the back of the pavement, likely to result in the loss of existing hedges and greenery. Concerns about parking provision and parking on the highway – (18/5/2018)

**Environmental Health** – No objection to the scheme but would recommend a limit proposed upon construction hours via condition. – (8/5/2018)

**Ecology** – No objection to the development and the LPA can demonstrate compliance with the Habitat Regulations. However, the site contains numerous medium which could be utilized by birds for nesting. If site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of nesting birds by a suitably experienced ecologist. Adherence by the developer to the stated method of working must become a condition of any future planning approval – (10/10/2018).

**Natural England** – No objection. (10/10/2018)

### **LETTERS OF REPRESENTATION**

Six neighbour letters have been received raising the following points;

- Scale of the development,
- Frontage cramped development,
- Proposed tree planting not within development site,
- Loss of privacy,
- Detrimental to the street scene,
- Concerns about entrance to Broomhalls Croft,
- The height of the buildings ,
- Car parking provision,
- Loss of view and outlook ,
- Highway safety and
- Housing mix

### **OTHER BACKGROUND DOCUMENTS**

Planning Statement  
CIL Form  
Bat and Bird Survey

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### **OBSERVATIONS**

#### **Site and Location**

The application site currently contains a two storey detached cottage and is one of the few remaining plots which has a large side/rear amenity area compared to others within the vicinity. The garden is screened by a dwarf wall and hedging and side access is currently gained from Broomhalls Croft. The site is surrounded by residential properties and the conservation area is 40 metres north of the site. Existing vehicular access is gained via a gate off the private drive of Broomhalls Croft and the site benefits from its own parking provision.

## Proposals

This application seeks full planning permission for the demolition of the existing cottage and the erection of three two storey detached dwellings with ancillary parking and amenity areas. Each property will have an eaves height of 5 metres and a ridge height of 8 metres with a carport, porch structure and bay window. The middle plot, plot No.2 will have a hipped roof.

Vehicular access for each property will be gained directly off Fox Lane and each property will have a small amount of landscaping to the front, with private gardens to the rear. An existing side access of Broomhalls Croft is intended to remain unaltered as is the dividing wall in this location.

## Determining Issues

1. Policy and Principle of Development
2. Design and impact Upon the Character of the Area
3. Impact Upon Residential Amenity
4. Arboricultural Issues
5. Ecological Interests including Cannock Chase Special Area of Conservation
6. Access and Highway Safety Issues
7. Housing Mix and Affordable Housing
8. Impact Upon Heritage Assets
9. Community Infrastructure Levy
10. Other Matters Arising
11. Human Rights

### 1. Policy and Principle of Development

1.1 The Council's Local Plan Strategy Core Policy 6: Housing Delivery, explains the hierarchy of where the Council's housing growth will be directed over the plan period. Alrewas is a key rural settlement which, collectively with the other rural settlements, will provide for approximately 1575 dwellings over the plan period. The emerging Alrewas Neighbourhood plan, which is waiting to be made, identifies that Policy H1 supported new residential development where they lie within the settlement boundary and comply with local and national planning policy, subject to design and amenity considerations. The proposed development falls within the settlement boundary of Alrewas and therefore the principle of residential dwellings in this location is acceptable.

### 2. Design, Impact upon the Character of the Area

2.1 Policy BE1 of the Local Plan Strategy requires development proposals to ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be demonstrated that it will have a positive impact on the significance of the historic environment and reducing carbon emissions. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and developments in terms of layout, size, scale, architectural design and public views must have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The Council's Sustainable Design Supplementary Planning Document (SPD) considers how the layout and density can assist in creating sustainable development, through green infrastructure, standards for parking and spaces around dwellings, utilising sustainable drainage systems, creating walkable communities and energy efficient layouts.

2.2 The existing street scene of this part of Fox Lane contains a variety of residential properties ranging from large two storey semi-detached dwellings, bungalows and detached residence.

Larger dwellings have been constructed adjacent to the site to create a private road called Broomhalls Croft. The properties are set back from the street scene at varying distances.

- 2.3 This application proposes the demolition of the existing cottage and the erection of three larger dwellings. The properties will be sited closer to the highway than the cottage and benefit from off road parking by way of a drive and integral garage. Each dwelling will have a porch canopy and bay window to provide some visual interest in the elevations. Plot No.2 will have a hipped gable roof and all three properties will contain chimney stacks.
- 2.4 The main elevations will be approximately 5 metres deep into the site with each containing a gable features approaching the sites front boundary. The three dwellings are slightly larger than the other dwellings which face onto Fox Lane in this location but the scale and massing are comparable to the properties of Broomhall Croft. Their position within the plot is closer to Fox Lane than the majority of dwellings within this location but comparable to No.11 and 7.
- 2.5 It is accepted that the character of this particular site and this part of the street scene will alter as a result of three larger dwelling being created. However, there are no strong prevailing character or design principles apparent in this part of Fox Lane and the development is therefore considered to have a positive impact upon the public realm and not detract from its current amenity level. Overall the scheme is considered to comply with the Development Plan and National Planning Policy Framework in this regard.

### 3. Impact Upon Residential Amenity

- 3.1 The Council's Supplementary Planning Document – Sustainable Design sets out guidelines in relation to adequate separation, amenity and privacy standards which developments should aspire to achieve.
- 3.2 In relation to this proposal, the SPD requires a minimum of 21m between principle windows. These dwellings have a minimum separation distance of 22m in relation to the properties fronting onto Fox Lane (10-20) and the development is therefore acceptable in this regard.
- 3.3 The rear gardens of the new dwellings range between 10 and 11.5m in depth and are of a size (120m<sup>2</sup>) which exceeds the requirements of the amenity standards (65m<sup>2</sup>). The side elevation of No.11 Fox Lane does not contain any primary windows and the building (plot 3) will not appear overly dominant or overbearing to the outdoor areas of No.11.
- 3.4 The property of No. 2 Broomhall Croft is orientated in such a manner where the side elevation of the dwelling will face the rear gardens of the new dwellings. No windows are present in this side elevation and therefore the property would not have access to intrusive views into the private areas of the new properties.
- 3.5 Having regards to the above, it is considered that the development complies with the Development Plan and National Planning Policy Framework in this regards.

### 4. Arboricultural Issues

- 4.1 There are several small trees and shrubs on the site, although none of them should be regarded as a constraint upon the development. Most of the vegetation is in the form of a hedge above the dwarf wall to the site's frontage.
- 4.2 The proposal seeks to retain some of the trees to the rear of the site, as well as planting a new tree on the corner of Broomhall Croft and two trees in the rear garden of plot 2. Due to the proximity of the dwellings to the highway, only low level landscaping is achievable here.

The applicant has not demonstrated that they own or have control over the land at the corner of Broomhall Croft where a tree is intended to be planted and no information as to the type of frontage planting has been provided. Therefore a condition requesting the submission of a soft landscaping scheme has been recommended to address this issue within land in the applicants control.

- 4.3 Overall the site contains no landscape species worthy of protection and in the absence of details of planting it is considered proportionate and necessary to include a condition requiring the submission of a landscaping scheme to ensure that a degree of planting is secured to the site's frontage to soften the development's appearance within the street scene. Subject to this, it is considered that the development complies with the Development Plan and National Planning Policy Framework in this regard.

5 Ecological Interests including the Cannock Chase Special Area of Conservation (SAC)

- 5.1 To comply with Policy NR3 (Biodiversity, Protected Species & Their Habitats) of the adopted Local Plan Strategy, the development must have a net gain of biodiversity habitats. To achieve this, bat/bird boxes should be installed upon the buildings to re-instate the habitat potentials lost through the development. The application is accompanied by a Bat and Bird Survey which concludes that there is a no bats roosting in the dwelling and there are no roosting opportunities. The site hosts a number of opportunities for nesting birds which are afforded their own protection under Wildlife and Countryside Act 1981 where it is unlawful to knowingly destroy a bird's nest. The applicant will be informed of this as via a note included upon any approval. This approach is considered reasonable and proportionate given the findings of the Ecology Report and subject to the imposition of conditions relating the landscaping (reserved matter) and bird/bat boxes, the development complies with Policy NR3 of the adopted Local Plan Strategy.

- 5.2 The site falls within the Cannock Chase Special Area of Conservation (SAC) and Policy NR7 of the adopted Local Plan Strategy requires developments to demonstrate that alone, or in combination with other developments, proposals will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regards to avoidance and mitigation measures.

- 5.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations.

- 5.4 Overall for the reasons identified above it is considered that the development will comply with the relevant provisions of the development plan and the National Planning Policy Framework in these regards.

6. Access and Highway Safety Issues

- 6.1 The proposed properties are each to benefit from vehicular access off Fox Lane and each will be served by two off road parking spaces to the front of the each dwelling. The proposed

“car ports” are not wide enough to be considered as a useable parking space but do provide secure storage for bicycles. This parking provision is compliant with the Council’s adopted Sustainable Design Supplementary Planning Document’s parking standards.

- 6.2 Each property is to be served by a visibility splay of 2.4x43 metres to ensure that vehicles leaving each dwelling will have adequate visibility of oncoming traffic and pedestrians. The splay will need to remain free from obstruction above the height of 600mm.
- 6.3 The consultation response received from the Highways Authority requests the imposition of conditions relating to the submission of a Construction Management Plan, the establishment of the visibility splays and the securing of the parking provision. These are considered appropriate and acceptable subject to minor rewording. A further condition has been requested requiring the “garages” (carports) to remain available for parking. This is not considered necessary given the carports are not large enough to cater for a parking space. Furthermore, a final suggested condition requires the moving of a lamppost. However, the recommendation of a condition is not considered necessary as the applicant will be required to provide access parking and to do so would require the developer to relocate the lampposts anyway.
- 6.4 Overall, the proposed development would not cause severe harm to highway safety and provides for an adequate level of parking provision and therefore complies with the Development Plan and the National Planning Policy Framework in this regard.

## 7. Housing Mix & Affordable Housing

- 7.1 Policy H2 (Provision of Affordable Homes) of the adopted Local Plan Strategy requires developments of a certain scale to deliver up to 35% of the dwellings as affordable properties. However, the threshold for this requirement within the area of Lichfield District is 15 or more dwellings and therefore this requirement does not apply in this instance.
- 7.2 Policy H1 (A Balanced Housing Mix) seeks for new residential developments to include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. To redress the current imbalance within the district, the Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. However, the scale of development, being for three properties would not be able to achieve this proposed mix and in any event, would make a de-minimis contribution towards addressing the wider need in this respect.

## 8. Impact upon Heritage Assets

- 8.1 The proposed development is not within a designated Conservation Area but is 40 metres south of Alrewas Conservation Area. There are a number of residential properties between the Conservation Area boundary and the application site and being as though the design of development has been found not to detrimentally impact the street scene in this location, it is considered that the setting of the Conservation Area is preserved. When considering the proposal against the provision of paragraphs 193 and 196 of the National Planning Policy Framework, the development would cause less than substantial harm to the significance of the Conservation Area which is outweighed by the delivery of three dwellings within the settlement in a sustainable manner. As this is the case, the development is considered to accord with the Development Plan and the National Planning Policy Framework in this regard.

## 9. Community Infrastructure Levy

9.1 This development is a private market housing scheme and therefore will be liable to contribute towards the Community Infrastructure Levy before development commences on site. As the scheme is located within Alrewas the development is liable for the higher charging amount of £55m<sup>2</sup>.

## 10. Other Matters Arising

10.1 The comments of local residents regarding the access to Broomhall Croft and access to the site from this entrance are noted. However, there is currently a timber gate within the 2 metre wall which features at the entrance to Broomhall Croft and which will form the southern boundary of the site. Broomhall Croft is a private road as is the verge adjacent to the wall. As discussed above, the proposed development is acceptable in access terms from their access directly off Fox Lane and will not, from a highway safety point of view, be required to use that access point. With regards to, the matters raised over financial contributions towards upkeep and maintenance of Broomhall Croft are not therefore material planning considerations in determining this application.

## 11. Human Rights

11.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with a 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 proposed development is considered to be acceptable in principle and it has been satisfactorily demonstrated that the design of the development adequately satisfies the Sustainable Design SPD, the Trees and Development SPD and would not cause significant harm to neighbouring amenity. The proposed access arrangements would not cause a severe detriment to highway safety or harm the setting of nearby heritage assets.

The proposal is considered to represent a sustainable form of development economically, socially and environmentally and therefore, for the reasons set out above, it is considered that the proposal accords with the Development Plan and the NPPF. Therefore it is recommended that this outline application be approved, subject to conditions.

# LOCATION PLAN

18/00913/FUL & 18/00914/LBC  
70 Main Street  
Alrewas  
Burton Upon Trent

Scale: 1:1,000

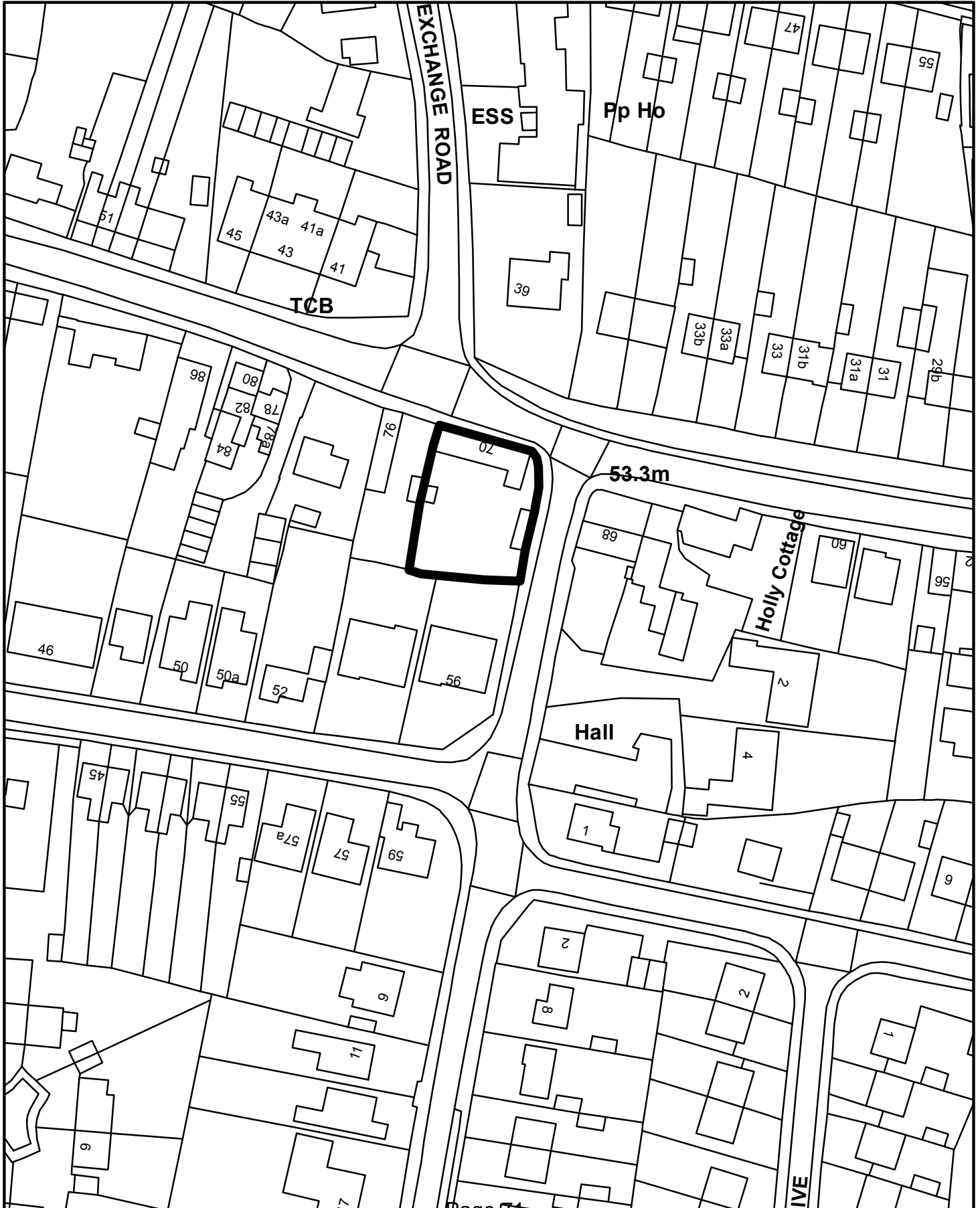
Dated: October 2018

Drawn By:

Drawing No:



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## **18/00913/FUL & 18/00914/LBC**

**REPLACEMENT OF TILED ROOF WITH THATCHED ROOF, REMOVAL OF REAR BAY PORCHES; SINGLE STOREY GLASS EXTENSION TO REAR, INFILLING OF FIRST FLOOR GABLE WINDOW; REPLACEMENT OF TIMBER WINDOW WITH DOUBLE GLAZED TIMBER PAINTED WINDOWS; REPLACEMENT OF 2NO DORMERS TO FRONT ELEVATION AND THE ADDITION OF 1NO NEW DORMER (3 IN TOTAL); CREATION OF NEW ACCESS AND DEMOLITION OF EXISTING CONCRETE OUTBUILDING AND ERECTION OF REPLACEMENT OUTBUILDING TO FORM OFFICE AND STORE.**

**70 MAIN STREET, ALREWAS  
FOR MR AND MRS RYDER**  
Registered 20/06/18

**Parish: Alrewas**

**Note:** This application is being reported to the Planning Committee due to significant objections from Alrewas Parish Council regarding the scale, massing and use of the proposed outbuilding.

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

**18/00913/FUL**

### **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 BEFORE 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:
  - a) The bricks to be used in the construction of any external walls;
  - b) Full details of the frame and glazing to be used in the new extension;
  - c) The exterior roof materials;
  - d) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
  - e) Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
  - f) Full details of the eaves detailing;
  - g) Full details of the phasing of the scheme;
  - h) Full details of the finished floor-scape surrounding the building;
  - i) Full details of rainwater goods, their materials and designs

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

4. Before the commencement of development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:

- a) Arrangements for the parking of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) Construction hours;
- e) Delivery routeing and hours;
- f) Recorded daily inspections of the private road/ adopted highway leading to the site access; and
- g) Measures to remove mud or debris carried onto the private road/ adopted highway.

**Other CONDITIONS to be complied with:**

- 5. Before the removal of the existing trees as shown on Drawing Number 0221-AL(0)-002 Rev D, a scheme for three replacement trees shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall then be planted in the next available planting season, unless otherwise agreed in writing by the Local Planning Authority.
- 6. The development hereby approved shall not be brought into use until the access, parking and turning areas have been provided in accordance with Drawing No. 0221-AL(0) – 002 Rev D and shall thereafter be retained and maintained for the life of the development, with nothing placed or allowed to remain forward of the pedestrian and vehicular visibility splays that exceeds 0.6m in height above the adjacent carriageway.
- 7. The development hereby approved shall not be brought into use until the existing access made redundant as a consequence of the development, which shall include the access crossing between the site and the carriageway edge, shall be permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 8. Before any works of demolition are undertaken the applicant shall secure the stability and safety of those parts of the building which are to remain in a manner to be submitted to and approved in writing by the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the approved details.
- 9. The access to the site shall remain ungated.
- 10. 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. The development shall thereafter be carried out in accordance with the approved details.
- 11. If hitherto unknown evidence of historic character that would be affected by the development hereby approved 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. The development shall thereafter be carried out in accordance with the recommendations.
- 12. The outbuilding hereby approved shall be occupied in a manner which is wholly ancillary to the residential use of the dwelling known as 70 Main Street, Alrewas; and shall not be used, sold or let as a separate dwelling unit without prior permission, on application to the Local Planning Authority.
- 13. 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.

14. Within one month of 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 Policy Framework.
3. To ensure the satisfactory appearance of the development and to safeguard the character of the Grade II Listed Building and Alrewas Conservation Area, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure that the development works do not compromise the safety and or efficiency of the local and strategic road network, and in the interests of safety and to safeguard the amenity of residential occupiers, in accordance with the requirements of Core Policies 5 and 14, and Policy BE1 of the Local Plan Strategy and Government Guidance within the National Planning Policy Framework.
5. To secure replacement tree planting within the Alrewas Conservation Area, in accordance with the requirements of Core Policy 14 and Policy NR4 of the Local Plan Strategy, Saved Local Plan Policy C2, the Trees, Landscaping & Development Supplementary Planning Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
6. To ensure sufficient off road parking and to safeguard highway safety, in accordance with the requirements of Core Policies 5 and 14 and Policy BE1 of the Local Plan Strategy and Government Guidance within the National Planning Policy Framework.
7. In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. To safeguard the historic character of the Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
9. In order to safeguard highway safety, in accordance with the requirements of Core Policies 5 and 14 and Policy BE1 of the Local Plan Strategy and Government Guidance within the National Planning Policy Framework.
10. To safeguard the historic character of the Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

11. To safeguard the historic character of the Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
12. 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 Policy Framework.
13. In the interests of the visual amenities of the locality and in accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and guidance contained within the National Planning Policy Framework.
14. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

#### **NOTES TO APPLICANT**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and 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 Alrewas Neighbourhood Plan.
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. The link below provides a further link to 'vehicle access crossings' which includes a 'vehicle access crossing information pack' and an application form for a dropped kerb. Please complete and send to the address indicated on the application form which is Network Control Hub, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH or email to: [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk) or by visiting: <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
5. Condition 7 requires off-site highway works which shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the

application form or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

6. 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 paragraph 38 of the NPPF.

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**18/00914/LBC**

**CONDITIONS:**

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

**Other CONDITIONS to be complied with BEFORE commencement of development:**

3. Before the works hereby approved is commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) The bricks to be used in the construction of any external walls;
  - b) Full details of the frame and glazing to be used in the new extension;
  - c) The exterior roof materials;
  - d) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
  - e) Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
  - f) Full details of the eaves detailing;
  - g) Full details of the phasing of the scheme;
  - h) Full details of the finished floor-scape surrounding the building;
  - i) Full details of rainwater goods, their materials and designs

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

**Other CONDITIONS to be complied with:**

4. Before any works of demolition are undertaken the applicant shall secure the stability and safety of those parts of the building which are to remain in a manner to be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
5. 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. The works shall be carried out in accordance with the recommendations.

6. If hitherto unknown evidence of historic character that would be affected by the works hereby approved are 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. The works shall be carried out in accordance with the recommendations.

#### **REASONS FOR CONDITIONS:**

1. In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 Policy Framework.
3. To ensure the satisfactory appearance and to safeguard the character of the Grade II Listed Building and Alrewas Conservation Area, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To safeguard the historic character of the Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
5. To safeguard the historic character of the Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
6. To safeguard the historic character of the Grade II Listed Building, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

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

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

The decision to grant Listed Building Consent has also been taken having regard to all relevant material planning considerations, government guidance contained in the National Planning Policy Framework and, to the following relevant policies and proposals of the Development Plan: Core Policy 14 (Our Built & Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015) and Historic Environment Supplementary Planning Document.

#### **PLANNING POLICY**

##### **Government Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

### **Local Plan Strategy**

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 5: Sustainable Transport

Core Policy 14: Our Built & Historic Environment

Policy ST2: Parking Provision

Policy NR3: Biodiversity, Protected Species & their Habitats

Policy NR4: Trees, Woodland & Hedgerows

Policy BE1: High Quality Development

Policy Alr1: Alrewas Environment

### **Alrewas Neighbourhood Plan (Emerging)**

Policy EC1: Protecting and Enhancing the Historic Character

Policy EC2: Protecting and Enhancing the Historic and Natural Environment

### **Saved Local Plan**

C2: Character of Conservation Area - Development Proposals

### **Local Plan Allocations (Emerging)**

BE2: Heritage Assets

### **Supplementary Planning Documents**

Historic Environment

Biodiversity & Development

Trees, Landscaping & Development

Sustainable Design

### **RELEVANT PLANNING HISTORY**

L880845 - Erection of two houses – Approve - 12/12/1988

12/01230/FUL - Erection of 2 no 4 bedroom dwellings with associated works - Approve - 25/04/2013

14/00791/FUL - Erection of 2 no 5 bedroom dwellings with associated works - Approve - 06/03/2015

15/01111/FUL - Variation of condition no 4 of application 14/00791/FUL relating to window treatments – Approve - 26/11/2015

17/01092/LBC - Listed Building Consent to allow replacement of boiler with the same model, including re-positioning of flue further away from the opening for an existing window to meet regulations – Approve - 12/10/2017.

### **CONSULTATIONS**

**Alrewas Parish Council** – Refuse. Recommend refuse as the proposed outbuilding is still too large for the site – especially height. Velux windows in the building should be refused. Recommend that no permission for habitation use or to operate a business in the building should be granted (09/10/18).

There are no objections to the proposals for the changes to the house but the proposed 2 storey building to replace the existing single storey concrete outbuilding is considered unsuitable for this site in the conservation area. This site has already seen significant development and the overall massing has a detrimental effect on the street scene in Wellfield Road. Additional development of this size and scale will impact adversely on the amenity for neighbours.

The revised access will cause a reduction in available roadside parking and additional traffic problems in the area of the village hall. We request that the application is referred for the decision to be made by Councillors (12.07.18).

**Conservation Officer** – No objections. Further amendments have been made to the proposed outbuilding and it is now considered that these alterations have mitigated the previously raised concerns.

- The outbuilding is to be located over 4m further away from the rear wall of the listed building, allowing a greater degree of separation between the two structures.
- The ridge height has been further reduced, and the eaves height of the proposed building will be no higher than the existing concrete and asbestos structure.
- The new outbuilding will be of materials more in keeping with the built form of the conservation area. It will also see the removal of a structure which is not in keeping with the character of the conservation area.
- Alterations have been made to the design to remove the original gable ends, which have been replaced with a half hipped roof. This further mitigates the perceived height of the building, especially as shown on the contextual elevations. This form of roof is present within the village (notably at Cotes' Butchers and Home Farm, both on Main Street).

There are therefore no further conservation objections to the proposed scheme. It is noted that the building is for use purely as an office and store. It should remain as such and not be converted to a separate dwelling. This should be conditioned at the time of determination (21/9/18).

Outbuilding -The scale of the outbuilding has been reduced from the original application and the ridge height reduced. However, whilst it is now smaller, there are still concerns with regard to the scale of the building in association with the Grade 2 listed property. The dormers have been removed and replaced with roof lights which is acceptable, although the number of roof lights will need to be reduced.

There are no objections to the principle of a replacement outbuilding for use as a home office and store, indeed the removal of the mid-20th Century concrete structure would enhance the setting of the listed building.

It would be preferred to see either a reduction in roof height, or an investigation of potential alternative orientations considered. Whilst it is also accepted that the new dwellings to the rear have impacted upon the setting of the listed building, we need to ensure that any future works do not further erode this setting (17/08/18).

Previous comments: Extensions and Alterations - There are no objections to the principle of the proposals, however, there will need to be amendments to some elements of the scheme prior to the determination of the application. The re-instatement of the thatch will allow the removal of unsightly rainwater goods from the property, thus improving its appearance. There are no concerns with regard to the thatching. There are no objections to the addition of the third dormer and blocking of the window in the 20th Century brickwork gable.

The proposed extension will have a frame concealed behind full height glazing. It is felt that this addition will sit well alongside the original, whilst being clearly distinguishable. There are no objections to these proposed alterations. The windows are all later replacements and therefore the replacement with new casements will not impact upon any historic fabric. The proposed works to the listed building will be beneficial to the character of the listed building, conservation area, and setting of adjacent listed and locally listed buildings.



Outbuilding - It is felt that the existing proposed replacement building is too large and will impact directly upon the setting of the adjacent listed building, however it is accepted that the setting of the listed building has been altered by the erection of other dwellings, partially within its original plot. The dormers will need to be omitted, as these create a building that directly competes with the status of the principle dwelling.

The current scale and location of the proposed outbuilding will have a detrimental impact upon the character of the Alrewas Conservation Area, the setting of Grade 2 listed buildings and a locally listed building. Significant alterations will be required to this element of the application prior to determination (12/07/18).

**Arboricultural Officer** – No objections. No objection subject to a landscaping condition to include the planting of 3 trees in the broad location shown on 0221-AL(0)-002 Rev D as replacements for the TPO trees removed as part of the development. Landscaping condition to apply for five years to provide for the establishment of the trees (14/08/18).

Previous comments: Trees on the site are protected by Alrewas conservation area and the conifer trees on the boundary with Wellfield Road are protected by tree preservation order 18-1976. The proposal requires the removal of the TPO conifer trees and additional trees within the conservation area. The applicant needs to demonstrate therefore, prior to determination, how replacement tree planting will be incorporated within site. (02/07/18).

**Staffordshire County Council Highways** – No objections. There are no objections on highway grounds to the proposed development subject to the following conditions being included on any approval: Construction Management Plan, access, parking and turning areas, the existing access to be made redundant and the access crossing reinstated and the development shall remain ungated. (25.09.18)

Previous comments: The site plan 002 A shows gates at the proposed new access site which are unworkable; if cars were parked in the proposed location the gates would not open/close. Further it does not appear that there is sufficient pedestrian visibility, therefore could a revised plan be submitting demonstrating 1.5m x 1.5m pedestrian visibility splays. It would also be helpful to have a plan showing vehicular visibility splays of 2m back from the edge of the carriageway to the junction with Main Street to the north and 43m to the south. (11.07.18)

## **LETTERS OF REPRESENTATION**

16 letters of objection and 3 letters of support have been received during the course of the application. The objections relate only to the proposed outbuilding.

The objections can be summarised as follows:

- Strongly object to another dwelling being built within the garden of 70 Main Street,
- The dwelling will have no parking area,
- There are too many cars on this section of the road,
- We built our dream home 3 years ago to the rear of the site however the construction of the office/garage building will have an adverse impact on our property,
- The outbuilding does not have a 22 metre clearance,
- The outbuilding is too large,
- The proximity of the outbuilding to our property fails planning guidelines and best practice,
- The plans are incorrect,
- Loss of view,
- We had to make reductions to our property behind the site to reduce the massing,
- The appearance on the listed building will be adverse,

- Nursery school close by so the access will be dangerous,
- The use will not be an outbuilding,
- The area is exclusively residential therefore we don't want a business with extra vehicles and clients,
- The building works will cause congestion in the area,
- Two storey outbuilding will be too large,
- Additional roof windows will overlook our property,
- There is a double width access proposed which will set a precedent,
- The available on road parking will be reduced,
- The conservation area will be affected,
- The two storey outbuilding will be overbearing
- The information is misleading within the planning application,
- Loss of trees will be detrimental,
- Overdevelopment of the site,
- The use of the building is not clear,
- My views will be impacted,
- Highway safety will be compromised,
- The building will be an invasion of privacy,
- The scale of the building is out of character with the listed building,
- The outbuilding will overshadow the listed building,
- There will be an increase in traffic.

Further comments were following amendments to the scale of the outbuilding and these are summarised below:

- This house should not be allowed,
- The area is too overcrowded,
- There are problems with parking,
- Why does it have a kitchen and bathroom?
- A single storey building will be less intrusive,
- How many more houses are going to be crammed into small spaces?
- No real material change to the plans,
- We are now lead to believe the outbuilding is single storey,
- No information on its use,
- The massing is still too large,
- The plans are wrong,
- Parking is still a concern,
- We agree with the Conservation Officer in that the building needs reducing further,
- There are still too many windows,
- Why are so many windows needed?

Further comments following amendments to reduce the height and change the design of the outbuilding:

- The outbuilding will be 50cm from my boundary,
- We have no issue with the replacement but it needs to be a similar height and size to the existing,
- It would have a significant impact on the view from our property,
- If it is a home office it should be no more than 2.4m with a flat roof,
- When we built our property at the back we had maximum possible massing so this should be complied with,
- This development will set a worrying precedent for our village,
- The latest plans show artistic impressions and again the plans are inaccurate,

- The parking issues have not been considered.

Three letters of support have been received. These can be summarised as follows:

- A family willing to invest in our village,
- The work is required,
- We face the property more than anyone else,
- It will not cause additional traffic,
- The two modern buildings at the back are not showstoppers,
- Additional planting can be included,
- The access will be an improvement,
- The removal of the asbestos garage is a benefit,
- This tired house will become a beautiful home again.

## **OBSERVATIONS**

### **Site and Location**

This application relates to a detached dwelling sited on the southern side of Main Street, within a corner plot adjacent to Wellfield Road, Alrewas. The dwelling is Grade II Listed and sited within the Alrewas Conservation Area. The dwelling has existing parking for three cars and vehicular access onto Wellfield Road. The dwelling has a medium sized rear garden which is bound by hedgerow, mature trees and 2m high fencing. To the south of the site there are two three storey detached dwellings which have been built on land formerly owned by 70 Main Street (application ref: 14/00791/FUL & 12/01230/FUL).

### **Proposal**

This application seeks a number of improvements and alterations to the dwelling and the demolition of the single storey detached garage, to be replaced with a single storey outbuilding to form home office.

The alterations to the dwelling are a single storey rear extension which will measure 3m in depth, 6.6m in width and 2.7m with a flat roof. Other alterations to the dwelling itself involve the replacement of the existing tiled roof with a thatched roof; the removal of the rear bay porches; the infilling of the first floor gable window; the replacement of timber windows with double glazed timber painted windows; and the replacement of existing 2no dormers and the addition of 1no further dormer.

The extension will be fully glazed. The application also proposes to relocate the access from the corner of Main Street 2 metres south onto Wellfield Road. The access will remain un gated.

The final proposal is for the replacement of the single storey garage with a single storey outbuilding to form home office. The outbuilding will measure 9m x 6m and will be 4.4m in height with an eaves height of 2.2m.

### **Determining issues**

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

1. Principle of Development
- 1.1 The site is located within the sustainable settlement of Alrewas, where the principle of residential development including domestic outbuildings and extensions are considered acceptable.
2. Impact on Heritage Assets & Design
- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in 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”.
- 2.2 The NPPF requires LPA's to take account of the desirability of sustaining and enhancing the significance of heritage assets. Great weight should be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 2.3 Core Policy 14 of the Local Plan Strategy seeks to protect and improve the built environment and identifies that new development must make a positive contribution to the historic environment's local distinctiveness and Saved Policy C2 of the Local Plan (1998) seeks to enhance and preserve the character of the Conservation Area, stating that there will be a presumption in favour of retaining and enhancing buildings, groups of buildings, or other features including open spaces and views through, into or out of conservation areas which contribute to their special character, appearance or interest.
- 2.4 Whilst considering proposals which affect the setting of a listed building 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”.
- 2.5 Paragraph 185 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.
- 2.6 Paragraph 193 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.

- 2.7 The site is located within the Alrewas Conservation Area and the dwelling itself is a Grade II Listed Building. The rear of the existing building has undergone a two storey rear extension (no recorded planning permission) and there is a single storey detached garage to the rear of the site.
- 2.8 **Thatched roof** - It is proposed to reinstate the tiled roof to the main dwelling with a thatched roof. With regard to the thatching, the applicant has sought advice from the Technical Advisor of the North of England and Scotland Master Thatchers Association relating to the method of installing the thatched roof. The Conservation Officer raises no objections to the re-instatement of the thatch to the property. Therefore given the former roofing material, the thatched roof will enhance the setting of the Alrewas Conservation Area.
- 2.9 **Removal of porches, single storey extension and infilling of the first floor gable window** - The property currently has 3no porches to the rear of the property which will be removed (from when the dwelling was in use as multiple properties), and replaced with a contemporary glass extension. This proposed extension will have a frame concealed behind full height glazing. It is considered that the extension will sit well alongside the original, whilst being clearly distinguishable. The infilling of a small window on the western gable will not impact the character or appearance of the listed building as it is a small window of a later addition to the property, and as such this element is acceptable.
- 2.10 **Replacement windows** - The windows within the property are all later replacements, therefore replacing the windows with new timber casements will not impact upon any historic fabric.
- 2.11 **The replacement of 2no dormers and the installation of 1no dormer to the front** - The property currently has two small pitched roof dormers on the front elevation facing onto Main Street. It is proposed to replace these with two new dormers, along with the addition of a third dormer west of the existing on the roof slope. The three new dormers will have cloaked roofs with verge detailing at the bottom of the windows. The replacement of these windows within the new thatch is considered to be a betterment to the overall character and appearance of the property and it is considered the dormers will have a positive impact on the street scene.
- 2.12 Overall, it is considered that the works to the listed building are acceptable and will be beneficial to the character of the listed building and conservation area and to the setting of adjacent listed buildings. As such causing no harm to the listed building. Therefore the proposal is considered to accord with the Development Plan and NPPF in this regard.
- 2.13 **Outbuilding** - Following the submission of the application a number of alterations to the outbuilding have been received. The current structure on site is a garage and is constructed from asbestos and sits adjacent to the pavement on Wellfield Road. The proposed outbuilding which will replace this existing building will be adjacent to the pavement but located 4m further away from the rear wall of the listed building, allowing a greater degree of separation between the two structures. The ridge height of the outbuilding has been further reduced and the eaves height will be no higher than the existing concrete and asbestos structure, in order to retain the existing eaves level height.

- 2.14 The outbuilding will be constructed of materials to reflect those of the local area, therefore it is considered it will not have a detrimental impact upon the setting of the Listed Building. The original proposed gable ends have been replaced with a half hipped roof. This further mitigates the perceived height of the building, especially as shown on the contextual elevations and the view created from this design will not cause harm to the Conservation Area. The Conservation Officer is satisfied that the proposed outbuilding will not harm the setting of the adjacent listed building or nearby locally listed buildings.
- 2.15 With regard to the scale and massing of the outbuilding it is noted that the footprint will be increasing, however as the outbuilding will be single storey it is considered that it will appear subservient to the existing dwelling, as such this is considered acceptable. As the proposed outbuilding will be situated on the eastern boundary adjacent to the public pavement and Wellfield Road, new trees will be reinstated along this boundary line. No objections have been received regarding the principle of new tree planting from the Arboricultural Officer. This landscaping scheme will ensure that the outbuilding will not have a detrimental impact upon views into the Conservation Area.. Lastly the outbuilding will be used ancillary to the residential property as a home office, and as such would not be used as an independent living unit. A planning application would be required to change this to a new residential property.
- 2.16 Overall, the impact of the proposed outbuilding upon the setting of the Listed Building itself has been considered by the Council's Conservation Officer to fall within the lower portion of the less than substantial harm designation (as defined by the NPPF). This conclusion is based on the fact that the works to the outbuilding will facilitate the removal of dilapidated structure and its replacement with a building of the same domestic use.
- 2.17 In this case, the Council's Conservation Officer has agreed, following amendments to the appearance of the building which reduced the height and number of windows, that the design of the outbuilding is of a suitable standard, subject to conditions to secure the use of appropriate materials and joinery. Therefore, the impact on the character of the heritage asset, of this aspect of the scheme, is considered to be limited.
- 2.18 Taking the above into consideration, it is evident that this harm is weighed against the benefits of the overall proposal which is securing refurbishment to the Grade II listed building and enhancing an existing outbuilding which is visible from the conservation area. As such the proposal accords with the Development Plan, the Historic Environment SPD and NPPF in this regard.

### 3 Arboriculture

- 3.1 A number of mature trees within the site and around the curtilage of the property are protected by virtue of their siting within the Alrewas Conservation Area. The conifer trees on the eastern boundary with Wellfield Road are also protected by Tree Preservation Order 18-1976. It is proposed to remove the TPO conifer trees. The proposals include the planting of 3 trees in a similar location as replacements for the TPO trees removed as part of the development. A landscaping condition for the establishment of the trees has been recommended to ensure that if any tree dies, provision for a replacement will be sought.
- 3.2 It is therefore considered that the outbuilding would not have an unacceptable impact upon the trees and hedging within the site. The proposal therefore accords with the Development Plan, the Trees, Landscaping & Development SPD and NPPF in this regard.

### 4 Residential Amenity

- 4.1 Given the nature of the works to the listed building which consist of a new thatched roof, infilling of a gable window, the removal of three porches and the replacement and addition of

dormers it is considered that will not be an impact on the residential amenity of neighbouring occupiers.

- 4.2 With regard to the outbuilding, this will be sited 13m from the nearest dwelling and 7.8m from the host dwelling. Given its position, the outbuilding would not cause any loss of light to neighbouring properties. In addition, the outbuilding meets the minimum distance guidance for principle windows (13m) as set out in the Sustainable Design SPD. As the proposal would be used domestically, the level of noise and disturbance generated from such a building would be similar to that of any dwelling found in the locality. Overall, it is considered that the proposal will not result in a detrimental impact on the amenity of the neighbours. The proposal therefore accords with the Development Plan and NPPF in this regard.

## 5 Parking & Highway Safety

- 5.1 It is proposed to relocate the access 6m south of the existing access to allow a safer entrance and exit onto Wellfield Road. The new access is considered a betterment as the existing access is on the junction between Main Street and Wellfield Road. Staffordshire County Council Highways have no objections to the relocation of this access, subject to conditions outlined in the report. It is therefore considered that this element of the proposal is acceptable.

- 5.2 In terms of parking the site has sufficient hardstanding at present for three cars. The dwelling is providing no additional bedrooms, therefore additional parking is not required. The outbuilding will be positioned in a similar location to the existing garage, therefore still allowing the provision of two/three cars. On this basis it is considered sufficient parking will be provided for the number of bedrooms within the site. As such the proposal is considered acceptable in terms of parking and highway safety and would accord with the Development Plan and NPPF in this regard.

## 6 Other Matters

- 6.1 In accordance with Policy NR3 all developments must deliver a net gain to biodiversity. Given the scale and location of the development a condition is recommended to secure the installation of a bat or bird box to deliver the net gain to biodiversity. Subject to this it is considered the proposals accord with the Development Plan in this regard.

- 6.2 With regard to the issues raised by the neighbours it is considered that these have been covered in the main report above.

## 7 Human Rights

- 7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with 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 proposal will provide a small scale development project. Socially, the proposal will not impact upon

the amenity of neighbouring properties and will provide additional domestic accommodation for the dwelling. Environmentally, the proposal will not have a detrimental impact upon the setting of the Grade II Listed Building or the character of the Alrewas Conservation Area. The proposal will also deliver a net gain to biodiversity within the site.

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



## **ITEM B**

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

**29 October 2018**

#### **CONTENTS**

| Case No.     | Site Address               | Parish/Town Council |
|--------------|----------------------------|---------------------|
| 18/01148/COU | 10 Metcalf Close Burntwood | Burntwood           |
| 18/01372/FUL | 53 The Pines Lichfield     | Lichfield           |
| 18/01206/FUL | 91 London Road Canwell     | Hints And Canwell   |

# LOCATION PLAN

18/01148/COU  
10 Metcalf Close  
Burntwood

Scale: 1:800

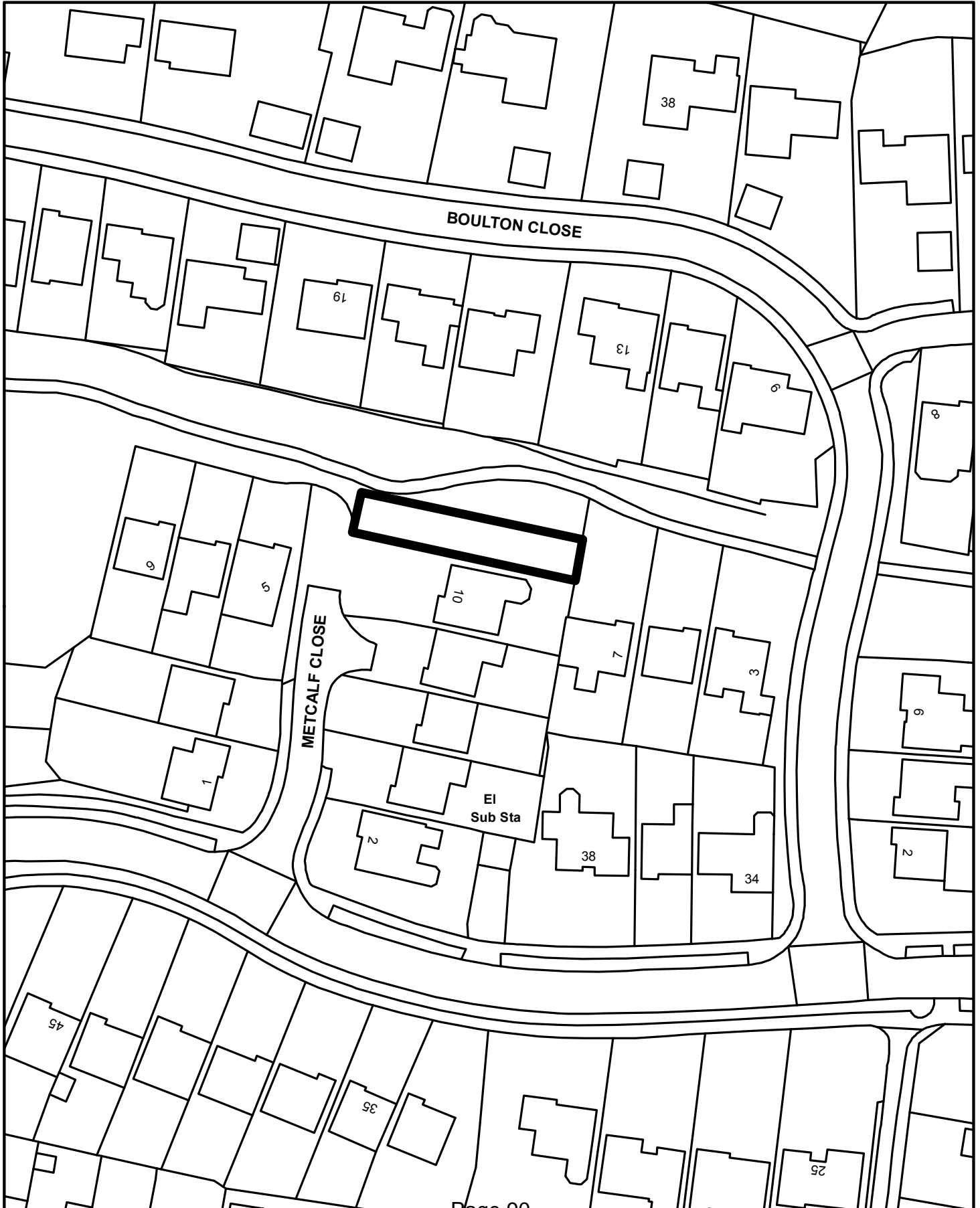
Dated: October 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

18/01148/COU  
10 Metcalf Close  
Burntwood

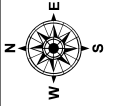
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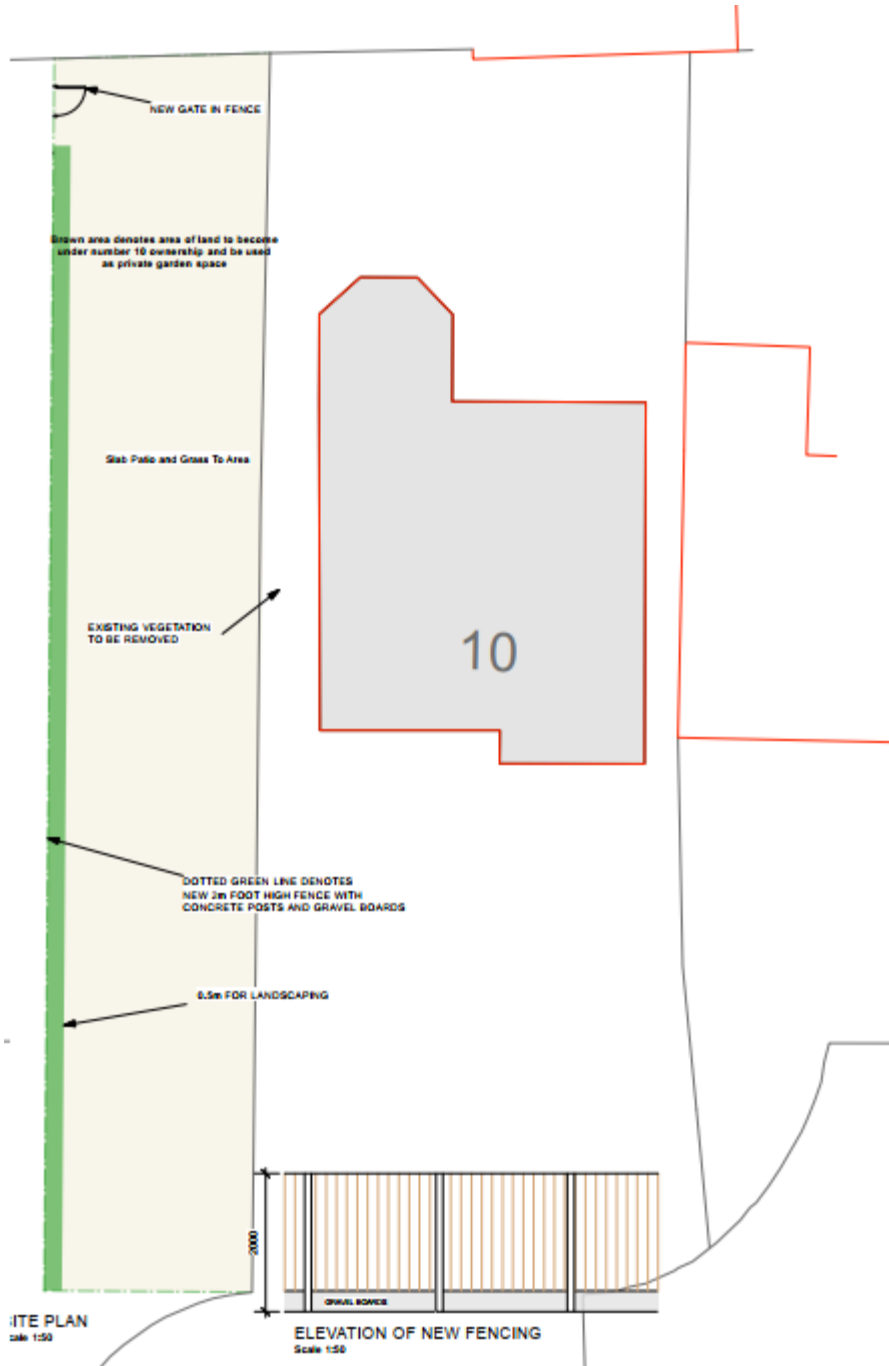
October 2018

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## **18/01148/COU**

### **CHANGE OF USE OF LAND TO BECOME ADDITIONAL GARDEN SPACE**

**10 METCALF CLOSE, BURNTWOOD**

**FOR MR & MRS COCKERILL**

Registered on 31/07/18

**Parish: Burntwood**

**Note:** This application is being reported to the Planning Committee as the land subject to the application is owned by Lichfield District Council.

**RECOMMENDATION: Approve**

#### **CONDITIONS:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. Before the removal of the existing fence, a landscape and planting scheme to screen the fence hereby approved, including a watering and maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
4. 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.

#### **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 guidance contained within the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development, in accordance with Policy BE1 of the Local Plan Strategy.
4. To ensure the satisfactory appearance of the development, in accordance with Policy BE1 of the Local Plan Strategy.

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#### **PLANNING POLICY**

##### **Government Guidance**

National Planning Policy Framework

National Planning Policy Guidance

### **Local Plan Strategy**

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 14: Our Built & Historic Environment

Policy BE1: High Quality Development

Policy NR3: Biodiversity, Protected Species & their Habitats

Policy NR4: Trees, Woodland & Hedgerows

Policy BE1: High Quality Development

### **Supplementary Planning Documents & Other**

Sustainable Design SPD

Biodiversity & Development SPD

Trees, Landscaping & Development SPD

### **RELEVANT PLANNING HISTORY**

N/A

### **CONSULTATIONS**

**Burntwood Town Council** – Strong Objection - The proposal detracts from the openness and character of the area. Members made reference to the proposed Burntwood Neighbourhood Plan which highlights the need to maintain public space (17.08.18)

**Arboricultural Officer** – No objection (13.08.18)

**LDC Estates Manager** – No objections. The applicant has approached LDC as the landowner regarding the purchase of the land. Any conveyance of the land will include a clause to ensure that the land is only used for private garden and cannot be built upon (20.08.18).

### **LETTERS OF REPRESENTATION**

Two letters of representation have been received which can be summarised as follows:

- There will be a detrimental impact on the character of area,
- There will be an impact on landscaping,
- Loss of privacy,
- Reduction in house value,
- The land should not be allowed to be built upon,
- There will be encroachment onto the footpath,
- The proposal will result in noise and spoil views,
- This will allow others to buy land for their garden,
- The size of land is too big,
- The land is used by the public and young children,
- This application would allow exclusive use to current owners and no one else,
- This application is undesirable and should be resisted.

### **BACKGROUND DOCUMENTS**

N/A

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## **OBSERVATIONS**

### **Site and Location**

This application relates to an area of land to the north of Metcalf Close, Burntwood. The property itself is a detached dwelling sited to the north-east of Metcalf Close. The land to the north of the site subject to this application is public open space owned by Lichfield District Council. There is a footpath which runs east-west through the public open space. The open space is mainly bound by mature hedging.

The dwelling has a driveway to the front and garden to the rear which is bound by hedging and timber fencing on the northern boundary.

### **Proposal**

This application seeks to change the use of a proportion of the public open space to the northern boundary of 10 Metcalf Close, Burntwood between the existing boundary treatment and public footpath to create additional residential curtilage for 10 Metcalf Close. The area of land subject of an application measures approximately 3m by 17.4m (52.2m<sup>2</sup>). The land will be enclosed by a 2m high timber fence with a pedestrian gate onto the public open space at the western end. Landscaping is proposed on the northern side of the fencing to soften its appearance on the wider public open space.

### **Determining Issues**

1. Policy / Principle of Development
2. Design and Appearance
3. Landscaping / Trees
4. Other Issues
5. Human Rights

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

- 1.1 At the heart of the NPPF is the presumption in favour of sustainable development. For decision-taking, this means that proposals that accord with the development plan should be approved without delay. Also, 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 development to respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 1.2 The proposal relates to an alteration to the curtilage and boundary of an existing residential property within a residential area of Burntwood. The public open space is not protected open space, therefore the principle of such development is generally acceptable within a residential area.
- 1.3 However, in terms of this application, the proposal seeks to change the use of public open space to private residential garden. The public open space begins to the east of Boulton Close and continues in a linear fashion west along the rear of the properties on Boulton Close and Bramble Lane. The public open space ends to the west at Huntsman Gate. A public footpath runs through the middle of the grassed area. Mature trees and shrubs can also be found in this area.

1.4 The main public open space area expands at the north west of Metcalf Close. As such it is considered that the loss of a small area of underused public open space to the north of the dwelling is acceptable in principle for use as part of a domestic curtilage, subject to not affecting the appearance of the area, as discussed below.

## 2. Design and Appearance

2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views. The Policy states that new development should have a positive impact on the public realm and should have a positive impact upon public safety, including the latest 'designing out crime' principles. It also states that development should have a positive impact upon the natural environment and that hard and soft landscaping, including tree planting, is required.

2.2 The character of the surrounding area is formed by open frontages and footpaths within landscaped areas. The public realm comprises of numerous trees and shrubs and boundaries around properties consist predominantly of tall hedging, however timber fencing can be found as boundary treatment to properties to the west of the site.

2.3 Consequently, the proposed 2m high wooden boundary fence sited adjacent to the public open space, with landscaping to screen it, is considered to be in keeping with the surrounding character of the area and would not be to the detriment of the appearance and visual amenity of the public footpath or open space. Furthermore, the extension of the garden is unlikely to impact on surveillance or safety of the public footpath as the boundary line is being brought closer to the footpath, reducing opportunities for anti-social behaviour. As such the proposal accords with the Development Plan in this regard.

## 3. Landscaping / Trees

3.1 The proposal includes the removal of a tall hedge along the current northern boundary which is within the applicant's ownership. Policy BE1 states that development should have a positive impact upon the natural environment and that hard and soft landscaping, including tree planting, is required. The Arboricultural Officer has no objections to the removal of this hedge. A landscaping scheme along with watering schedule has been requested to be submitted prior to the fence being erected and approved by the Local Planning Authority in order to mitigate the visual impact of the fencing from the public open space. As such subject to the condition, the proposal accords with the Development Plan and NPPF in this regard.

## 4. Other Issues

4.1 Burntwood Town Council consider the proposal to be detrimental to the openness and character of the area. The comments make reference to the proposed Burntwood Neighbourhood Plan which highlights the need to maintain public open space. Burntwood Neighbourhood Plan is pre referendum and as such is not adopted, therefore holds little weight in determining this application.

4.2 Neighbours also raise that the public open space should be retained for public use only for the benefit of the whole community. The overall area of public space is large, therefore it is considered that the area of approximately 52.2m<sup>2</sup> of underused public open space to form

garden area would not have a detrimental impact or cause the loss of a significant amount of open space. Furthermore the land will not encroach onto the footpath which runs through the public open space.

- 4.3 There is unlikely to be any detrimental impact on landscaping of the area as the public open space itself features significant mature landscaping and the boundary fencing will have landscaping on the outside of the fence to soften its appearance. This will also help the overall appearance and is unlikely to detract from the area. The proposal therefore accords with the Development Plan and NPPF in this regard.

## 5. Human Rights

- 5.1 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

Overall, it is considered that the change of use of this piece of underused public open space to domestic garden is acceptable as it would not result in the loss of a significant amount of open space. With regards to the proposed boundary treatment, the proposed fencing will follow the boundary line of properties opposite the site, therefore creating a uniformed line of residential gardens. When combined with landscaping to mitigate any visual impact of the development it is not considered that there would be a detrimental visual impact on the streetscene.

Consequently it is considered that the development is acceptable, and as such would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, the application is recommended for approval.



# LOCATION PLAN

18/01372/FUL  
53 The Pines  
Lichfield

Scale: 1:800

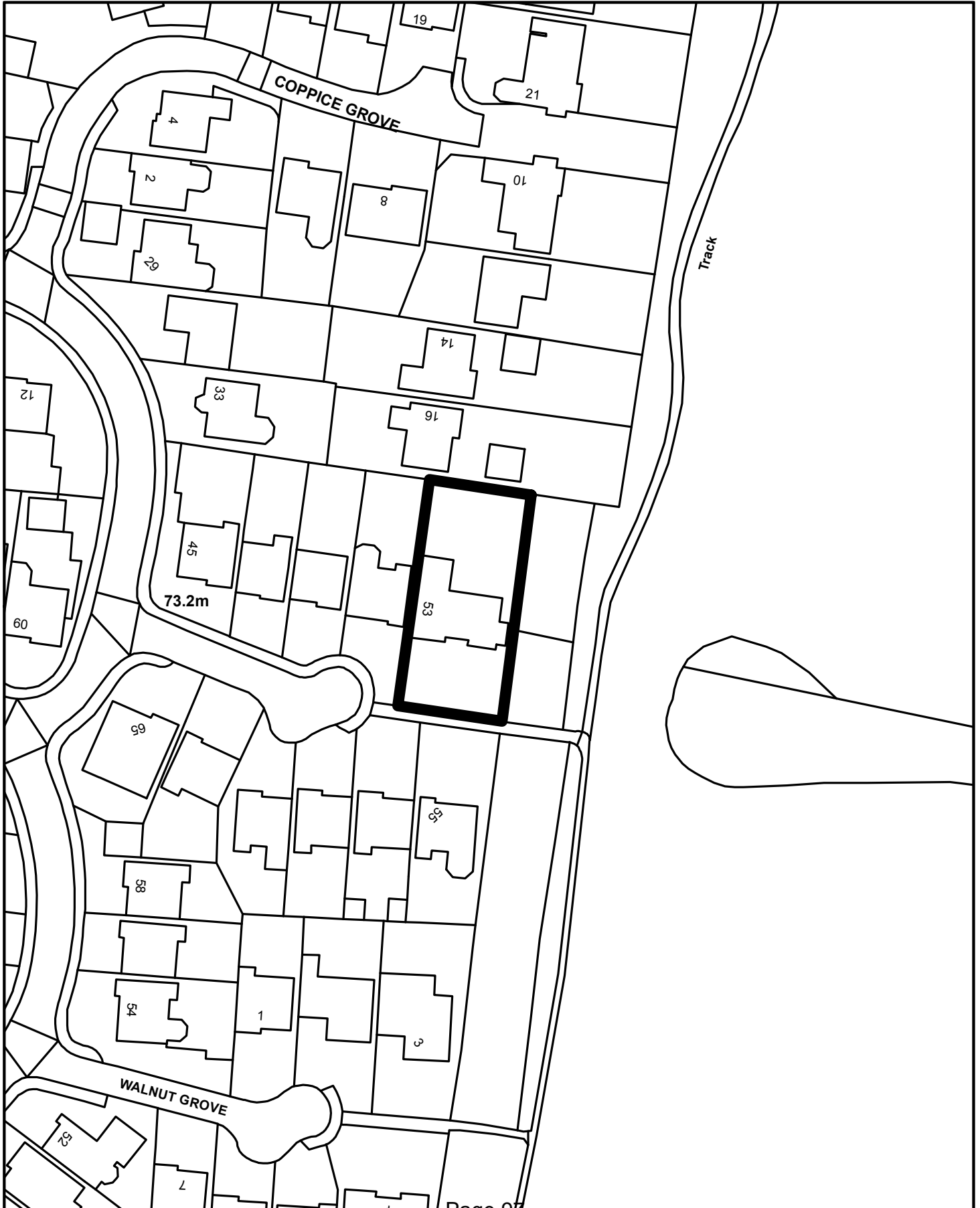
Dated: October 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

18/01372/FUL  
53 The Pines  
Lichfield

Scale:

Dated:

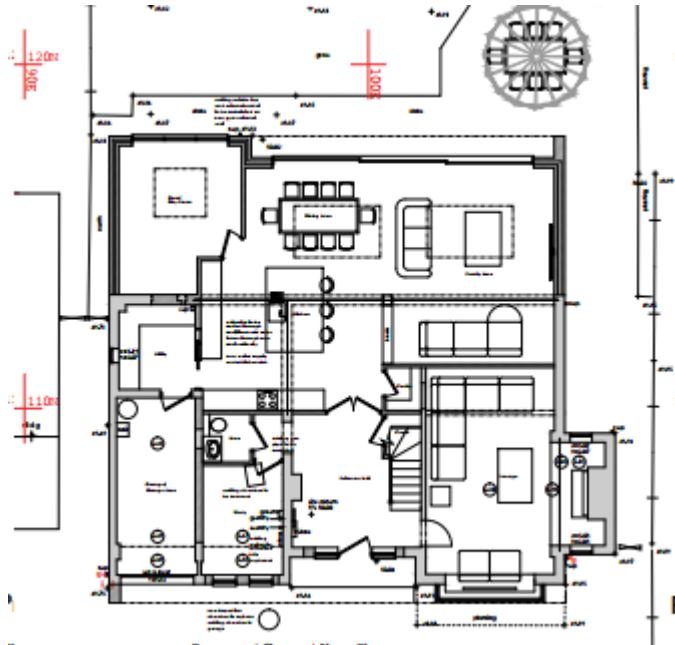
October 2018

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## **18/01372/FUL**

**SINGLE STOREY EXTENSION TO REAR TO FORM GYM, DINING AREA AND FAMILY AREA WITH INTERNAL ALTERATIONS AND REMODELLING.**

**53 THE PINES, LICHFIELD.**

**FOR MR A WHITE.**

Registered on 17/09/18

**Parish: Lichfield**

**Note:** This application is being reported to the Planning Committee as the applicant is a Councillor of Lichfield District Council.

**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.

### **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 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 Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, 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 Local Planning Authority will endeavour to discharge all conditions within 28 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement

Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

4. 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 area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
5. 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 paragraph 38 of National Planning Policy Framework (2018).

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## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

### **Local Plan Strategy**

Core Policy 3 – Delivering Sustainable Development  
Policy BE1 – High Quality Development

### **Supplementary Planning Documents**

Sustainable Design

### **Lichfield City Neighbourhood Plan**

## **RELEVANT PLANNING HISTORY**

L10033 – New utility room, new bedroom, bathroom and sitting room – Approve 13.07.83

## **CONSULTATIONS**

**Lichfield City Council** - No objections (28.09.18)

**Severn Trent Water** – No objections. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. (02.10.18)

## **LETTERS OF REPRESENTATION**

No comments received

## **BACKGROUND DOCUMENTS**

None

## **OBSERVATIONS**

### **Site and Location**

This application relates to a detached two storey dwelling located on the north-eastern side of The Pines which is situated within the Boley Park area of Lichfield City. The dwelling has neighbours to the north and west and there is a tall conifer hedge to the front of the site which separates Number 53 from Number 55. There is a public footpath which runs behind the conifer hedge which links The Pines with Darnford Park. The driveway is ungated and leads to a large area of paved hardstanding and to the rear of the dwelling there is a private enclosed garden area.

### **Proposal**

The application seeks to remove the existing single storey rear extension which will be replaced with a larger single storey rear extension. The application also seeks to remodel the existing dwelling by altering the front elevation dormers from pitched roofs to flat roofs, along with rendering and cladding the front elevation, and rendering the side and rear elevations.

The rear extension will measure a maximum of 4.6m in depth and a maximum of 3m in height with a flat roof. The existing extension footprint will be incorporated within the new extension and will be clad in stone cladding. The remaining extension will measure 2.6m in height and will be rendered along with zinc cladding to the side elevation. The extension will be finished with 3no roof lights and bifold doors.

With regards to the front elevation, the 3no pitched roof dormers will be replaced with flat roofs and the existing single storey level canopy above the double garage and porch will be replaced with a flat roof.

Lastly, one of the double garage bays will be converted to a study with the right hand side door being replaced with a brick wall and 3 pane window. The left hand side garage door will be replaced and this will remain a garage.

### **Determining Issues**

1. Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Other Matters
5. Human Rights

#### **1. Principle of Development**

- 1.1 The proposal relates to the extension and remodelling to an existing residential property within a residential area of Lichfield City. Therefore the principle of such development is acceptable in this sustainable area.

#### **2. Design and Appearance**

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires

that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.

- 2.2 Whilst the proposed rear extension will not be visible within the street scene, the external remodelling and exterior material alterations to the frontage will be visible. However, the changes are not considered to be incongruous additions that will detract from the character and appearance of the street scene. Render is seen on a number of dwellings within the immediate area and the stone cladding is not considered to detract from the property or the street scene. The extension to the rear will be subservient to the main dwelling and constructed of materials to match the remainder of the dwelling. As such, the proposal is considered to be in keeping with the design and character of the host dwelling and street scene.
- 2.3 Overall, it is considered the proposals accord with the Development Plan with regard to design and appearance.

### 3. Residential Amenity

- 3.1 When assessing the potential for loss of light to neighbouring properties, the BRE 25 and 45 degree guidelines are used, as set out in the Sustainable Design SPD. The neighbouring property, number 51 The Pines has a glazed door adjacent to the existing single storey rear extension. The proposed single storey rear extension will project no further than the existing and is smaller in overall height, therefore there will be no impact on light to this property.
- 3.2 In addition, there are no principal habitable windows facing the rear of the dwelling, therefore minimum distance separation requirements for principal windows as set out in the Sustainable Design SPD do not apply. It is considered the proposal will not result in any detrimental impact on the amenity of neighbours, therefore accords with the Development Plan in this regard.

### 4. Other Matters

- 4.1 The proposal does not alter the number of bedrooms within the dwelling, as such there is no requirement for additional parking spaces in accordance with the Sustainable Design SPD. The level of parking provided is therefore acceptable, in accordance with the Development Plan.

### 5. Human Rights

- 5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998, as no interests giving rise to rights protected under the Act have been identified in this application.

## **Conclusion**

It is considered that the proposed extension will assimilate successfully with the dwelling, whilst not detracting from the surrounding streetscene. Also, the proposal will not have a detrimental impact on neighbouring amenity.

As such, the development would accord with the requirements of the Development Plan and the NPPF. Accordingly, approval is recommended, subject to conditions.

# LOCATION PLAN

18/01206/FUL  
91 London Road  
Canwell

Scale: 1:800

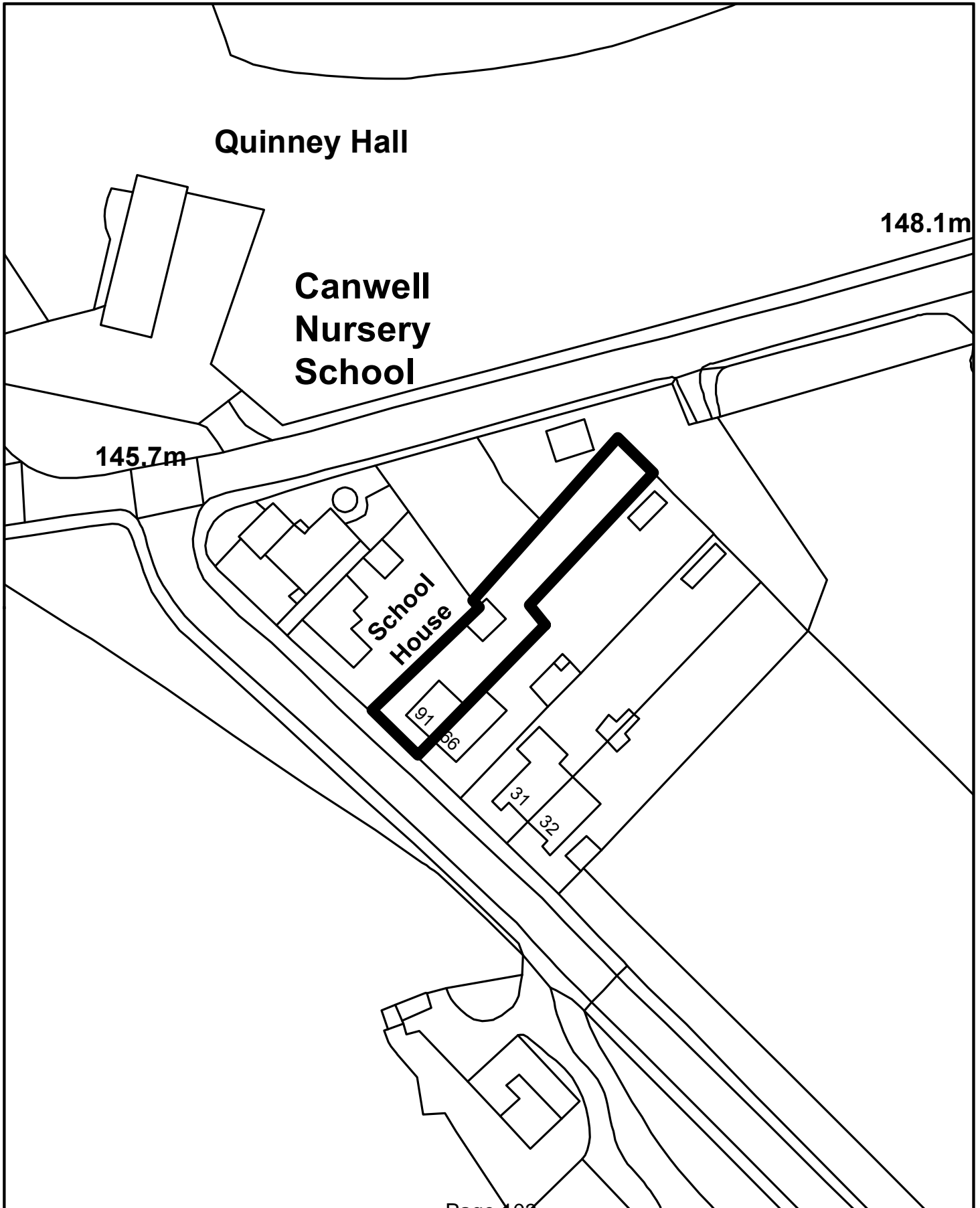
Dated: October 2018

Drawn By:

Drawing No:



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# BLOCK PLAN

18/01206/FUL  
91 London Road  
Canwell

Scale:

Dated:

October 2018

Drawn By:

Drawing No:



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## **18/01206/FUL**

**SINGLE STOREY EXTENSION TO REAR TO FORM LIVING ROOM.  
91 LONDON ROAD, CANWELL.  
FOR MR A YEATES.**

Registered on 23/08/18

**Parish: Hints and Canwell**

**Note:** This application is being reported to the Planning Committee as the applicant is a Councillor of Lichfield District Council.

**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.

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

Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

4. The proposals are a sustainable form of development, and as such the proposal complies with the provisions of paragraph 38 of National Planning Policy Framework (2018).

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## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

### **Local Plan Strategy**

Core Policy 3 – Delivering Sustainable Development  
Policy NR2 – Development in the Greenbelt  
Policy BE1 – High Quality Development

### **Supplementary Planning Documents**

Sustainable Design

## **RELEVANT PLANNING HISTORY**

99/01082/FUL - Side porch and kitchen, rear conservatory extensions – Approved – 10/03/2000

## **CONSULTATIONS**

Hints and Canwell Parish Council - No objections (12/09/18)

## **LETTERS OF REPRESENTATION**

No comments received

## **BACKGROUND DOCUMENTS**

None

## **OBSERVATIONS**

### **Site and Location**

This application relates to a semi-detached two storey dwelling located on the north-eastern side of London Road, which is situated within a small linear development of 8 houses and a nursery school within the area of Canwell. The dwelling has neighbours to the north-west and south-east and the A38 is located to the west. There is a tall hedgerow to the front side boundary of the site which separates Number 66 from Number 91. The driveway is un gated and leads to a small area of paved hardstanding. To the rear of the dwelling there is a private enclosed garden area and outbuilding.

### **Proposal**

This application seeks to erect a single storey rear extension to form an extended living room. This will be facilitated by the remove of an existing single storey rear conservatory. This proposal would join an existing single storey rear extension creating a wrap-around extension forming a large open plan living area.

The rear extension will measure of 3.35m in depth by 8.35m in width and a maximum height of 3.5m with a combination flat/mono-pitched roof. The existing side extension would be linked with the proposal. The extension will be finished with materials to match those of the existing dwelling with 3no 3 pane bi-fold doors on the northern elevation.

## **Determining Issues**

1. Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Other Matters
5. Human Rights

### **1. Principle of Development**

- 1.1 The application site is located within the West Midlands Green Belt and therefore is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt.
- 1.2 The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
  - a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application should be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 1.3 The NPPF states in paragraph 143 that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 144 states that LPA's should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 145 states that LPAs should regard construction of new buildings as inappropriate in the Green Belt. It then lists exceptions to this and in paragraph 90 lists other forms of development in the Green Belt that are not inappropriate, subject to preserving openness.
- 1.4 The proposed development has been considered with regard to the third exception to inappropriate development in the Green Belt as listed in paragraph 145 of the NPPF, namely any extension or alteration of a building is considered appropriate provided that it does not result in disproportionate additions over and above the size of the original building. The original building is considered to be the building as existed on 1st July 1948, as stated within the glossary of the NPPF.
- 1.5 In planning there is no definitive meaning of disproportionate. The dictionary definition of disproportionate is "too large or too small in comparison to something else". Whether something is disproportionate therefore is a matter of judgement. There is no definitive policy within the NPPF or the Local Plan Strategy which sets out any prescriptive volumes or area increase. The Council did previously have a policy (Policy DC5 of the old 1998 Local Plan) which related to extensions to dwellings in the Green Belt which prescribed a 30% increase in volume

or 50% floor area. This remains a good rule of thumb, in determining whether any proposal is proportionate.

- 1.6 The dwelling first appears on the Council's historical mapping in 1882. Using the Council's historical mapping and the plans received by the Council in 1999 as part of a previous application for a small side extension, the original dwelling had a footprint of approximately 49.6m<sup>2</sup> and volume of approximately 121.8m<sup>3</sup>.
- 1.7 The resultant dwelling combining the existing extensions and the addition of the proposal subject to this application, would have a footprint of approximately 103.26m<sup>2</sup> and volume of approximately 141.18m<sup>3</sup>. This represents a footprint increase of approximately 107% but a volume increase of only 35%, when compared with the original dwelling. Consequently, given the limited cumulative increase in volume, and the small scale nature and context of the works, the proposal is considered to be a proportionate addition under Paragraph 145 of the NPPF.
- 1.8 With regards to the impact of the development on the openness of the Green Belt, the proposal would remove an existing conservatory which is on part of the footprint of the proposed extension, whilst also infilling the remaining undeveloped rear corner of the building, with a single storey extension. Consequently, it is considered that any impact on the openness of the Green Belt would be negligible. Therefore it is considered that the principle of development in this instance is acceptable and would accord with the Development Plan and NPPF in this regard.

## 2 Design and Appearance

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings, to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 2.2 The proposed rear extension due to its location would not have a detrimental impact on the street scene. Furthermore due to its scale, massing and materials, the proposal is not considered to form an incongruous additions that will detract from the character and appearance of the dwelling. The neighbouring property at no 66 has carried out similar extensions, which also when viewed cumulatively the proposal would be acceptable. Overall, it is considered the proposals accord with the Development Plan in this regard.

## 3 Residential Amenity

- 3.1 When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design SPD. Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive sunlight and daylight.
- 3.2 Given the relative distances to adjacent properties and intervening structures, (only the semi detached neighbour is sufficiently close to be affected) it is considered that the proposed extension would not cause a significant loss of light to the principle habitable windows of the neighbouring properties. With regards to separation distances, the proposal meets the minimum distance requirements for principle windows as set out in the Sustainable Design SPD. It is therefore considered the proposal will not result in a significant detrimental impact

on the amenity of the neighbours. As such it is considered that the proposals accord with the Development Plan in this regard.

4. Other Matters

4.1 The proposal does not alter the number of bedrooms within the dwelling, as such there is no requirement for additional parking spaces in accordance with the Sustainable Design SPD. The level of parking provided is therefore acceptable, in accordance with the Development Plan.

5. Human Rights

5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998, as no interests giving rise to rights protected under the Act have been identified in this application.

**Conclusion**

It is considered that the scheme would not result in a disproportionate addition to the original building, and as such is considered to be appropriate development within the Green Belt. Also, the development by reason of its scale and massing would not cause significant harm to the openness and character of the Green Belt. It is also considered that the design of the proposed extension will assimilate successfully with the dwelling and the extended neighbouring property, whilst not detracting from the streetscene. Furthermore, the proposal will not have a detrimental impact on neighbouring amenity,

As such, the development would accord with the requirements of the Development Plan and the NPPF. Accordingly, approval is recommended, subject to conditions.

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# Agenda Item 5 Report to Planning Committee

29 October 2018

Agenda Item No.5

Contact Officer: Helena Horton

Telephone: 01543 308272

## Report of the Director Of Place And Community

### ISSUES PAPER – PLANNING APPLICATION REF. 18/01217/OUTFLM

HYBRID PLANNING APPLICATION COMPRISING OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED EXCEPT ACCESS POINTS TO CRICKET LANE) FOR THE CONSTRUCTION OF UP TO 520 DWELLINGS, AND UP TO 10.73 HECTARES FOR EMPLOYMENT USES (USE CLASSES B1/B2/B8), WITH COMPREHENSIVE GREEN INFRASTRUCTURE INCLUDING FOOTPATHS, CYCLE WAYS, MULTIFUNCTIONAL OPEN SPACE, CHILDREN'S PLAY AREAS, OPEN SPACE FOR SPORT AND SUSTAINABLE DRAINAGE INFRASTRUCTURE INCLUDING BALANCING PONDS, AND OTHER ASSOCIATED ANCILLARY INFRASTRUCTURE AND GROUND REMODELLING; AND FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF A 3,886SQM (GEA) CLASS B1C/B2/B8 UNIT WITH ANCILLARY OFFICE SPACE, ACCESS OFF LONDON ROAD, INCLUDING CAR PARKING, SERVICING, DRAINAGE WORKS, EARTHWORKS AND OTHER ANCILLARY WORKS.

LOCATION: LAND AT CRICKET LANE, LICHFIELD

#### 1. Purpose of Report

1.1 To inform Members that an outline planning application (ref: 18/01217/OUTFLM) has been received for a hybrid application comprising of an outline application (with all matters reserved except access) for the construction of up to 520 dwellings, 10.73 hectares for employment use (within B1/B2/B8 use classes) with comprehensive green infrastructure including footpaths, cycle ways, multifunctional open space, children's play areas, open space for sport and sustainable drainage infrastructure including balancing ponds, and other associated ancillary infrastructure and ground remodelling; and Full planning application for the construction of a 3,886sqm (GEA) Class B1c/B2/B8 unit with ancillary office space, access off London Road, including car parking, servicing, drainage works, earthworks and other ancillary works.

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 south of Lichfield comprising of an agricultural field which is boarded by Cricket Lane to the north west, Tamworth Road (A51) and the canal restoration site to the north east,

London Road to the south west and A38 to the south east. Existing hedgerows bound the entire site from the roads. Land in the southern corner of the site is lower than the adjacent London Road. The application site amounts to a total of 37.48 hectares of land.

2.2 Members will note that site the forms part of the strategic development allocations outlined in the Local Plan Strategy for the south of Lichfield City Centre within Policy Lichfield 6.

### **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 520 dwellings including comprehensive green infrastructure including footpaths, cycle ways, multifunctional open space, children's play areas, open space for sport and sustainable drainage infrastructure including balancing ponds, and other associated ancillary infrastructure and ground remodelling. All matters are reserved for future approval apart from access which is intended to be gained off Cricket Lane for the residential scheme. The outline element of the application also comprises of 10.73 hectares for employment use (within B1/B2/B8 use classes). Full planning is proposed for the construction of a Class B1c/B2/B8 unit with a gross external floor area of 3,886 sqm with ancillary office space with access proposed to the employment site off London Road and includes car parking, servicing, drainage works, earthworks and other associated ancillary works.

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. It was determined by the Secretary of State on the 28<sup>th</sup> March 2018 that an Environmental Impact Assessment was not required.

3.3 The application, is supported by a Planning Statement, Design and Access Statement, Air Quality Impact Assessment, Ecological Appraisal, Floor Risk Assessment, Landscape Visual Impact Assessment, Modelling Report, Noise and Vibration Assessment, Geotechnical Appraisals, Sustainability Statement, Transport Assessment, Travel Plan and a Utilities Report. .

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 northern side of the site with landscape belt buffer between the properties and the proposed employment area, to the south. An area of open space with sports pitches is shown in the north eastern corner of the site alongside two areas proposed as locally equipped areas of play (LEAP).

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 1 October 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](http://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 Helena Horton (Planning Case Officer) or Jon Allinson (Principal Planning Officer) 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 Wade Street Church in Lichfield on the 21<sup>st</sup> April 2016. A summary of the comments relate to;



- Infrastructure
- Drainage
- Lack of Space at schools and doctors
- Traffic and Highway Safety
- Amenities for children
- Type of employment development
- Number of Houses
- Design of Development
- Access Road
- Overlooking
- Noise

A website was also produced and advertised on leaflets for members of the public to access the relevant details provided after the consultation event,

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 Lichfield City Council. A notice was published in the local press on the 23 August 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.

## **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 on the south eastern edge of Lichfield City with the north western boundary adjoining existing residential properties along Cricket Lane. The northern boundary is adjacent to the route of the Lichfield Canal, which is currently being restored, further north is Tamworth Road and existing established residential areas of the city. The south western boundary is formed London Road which is a key route in and out of the city. The A38 bounds the south western boundary of site.

At present the site comprises of a single large agricultural field which increases in height towards the north east. The site slopes to a lower level to the south, sitting at a lower level than London Road. There are a number hedgerows and trees surrounding the perimeter of the site.

#### **Proposals**

The application comprises an outline application for the erection of up to 520 dwellings including comprehensive green infrastructure including footpaths, cycle ways, multifunctional open space, children's play areas, open space for sport and sustainable drainage infrastructure including balancing ponds, and other associated ancillary infrastructure and ground remodelling. All matters are reserved for future approval apart from access which is intended to be gained off Cricket Lane via two vehicular access points for the residential scheme. The outline element of the application also comprises of 10.73 hectares for employment use (within B1/B2/B8 use classes). Full planning is proposed for the construction of a Class B1c/B2/B8 unit with a gross external floor area of 3,886 sqm with ancillary office space with access proposed to the employment site off London Road and includes car parking, servicing, drainage works, earthworks and other associated ancillary works. A single point ghost access is also proposed off London Road for the employment site

The scheme proposes 35% affordable housing which amounts to 182 units with the remaining 65% for open market sale which amount to 338 Units. The overall housing mix has not been provided and would form part of the reserved matters application. The proposed residential area has an indicative density of 34 dwellings per hectare.

The proposed public open space including the Sustainable Urban Drainage System amounts to 7.54 Hectares and an area of comprising of a play pitch and sports facilities will equate to 1.52 Hectares.

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

- Policy and Principle of Development;
- Loss of Agricultural Land;
- Housing Numbers;
- Affordable Housing;
- Employment land proposals;
- Design of the proposed employment building;
- Use of the proposed employment building;
- Highways Issues, including accesses and impact on the surrounding highway network including Strategic Network and pedestrian and cycle connectivity;
- Noise and Air Pollution Issues;
- Impact on Amenity of Existing and Future Occupiers;
- Impact on existing and wider landscape setting and new landscape and planting;
- Impact upon Heritage Assets including archaeology;
- Education Provision;
- Sports Facilities;

- Flood Risk and Drainage;
- 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.

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# Agenda Item 6

## Report to Planning Committee

29 October 2018

Agenda Item No.6

Contact Officer: Mike Brown

Telephone: 01543 308180

### Report of the Director Of Place And Community

#### ISSUES PAPER – 18/01303/FULM

**PROPOSED GAS FIRED ELECTRICITY GENERATING FACILITY (GENERATING UPTO 49.99 MW OF ELECTRICITY) INCLUDING FORMATION OF NEW ACCESS ROAD AND ASSOCIATED STRUCTURES / FACILITIES**

#### ISSUES PAPER – 18/01423/FULM

**FORMATION OF NEW ACCESS ROAD TO SERVE PROPOSED GAS FIRED ELECTRICITY GENERATING FACILITY (GENERATING UPTO 49.99 MW OF ELECTRICITY)**

**LAND NORTH OF BELLAMOUR LANE, COLTON, RUGELEY**

#### 1. Purpose of Report

1.1 To inform Members that a full planning application (ref: 18/01303/FULM) has been received for the erection of a Gas Fired Electricity Generating Facility (generating up to 49.99 MW of electricity) including formation of new access road and associated structures and facilities.

1.2 A further full application has been received (ref. 18/01423.FULM) for the formation of an access road to serve a Gas Fired Electricity Generating Facility (generating up to 49.99 MW of electricity). The road whilst serving the above identified Facility, would also serve a near identical electricity generating facility, sited immediately to the west of this site, known as Rugeley West, which is located within boundary of Stafford Borough Council, who are the determining authority for this application (their reference 18/29199/FUL. Given that the development within Stafford could be developed independently of the Lichfield scheme, a separate full application for the road is necessary.

1.3 The purpose of this 'Issues Paper' is to highlight to members the fact that two major applications have been recently submitted to the Council and explain the process that is to be followed 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 inform members of the process and will also allow an opportunity for them 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 west of Colton Road, Colton where it crosses an existing agricultural field to join onto Bellamour Lane, whereupon it extends onto further agricultural land to the west of this road. The site lies to the west of the village of Colton and totals approximately 5 hectares. The site is bounded by arable agricultural land to the north, east and west, with the West Coast Main line running to the south. To the north of the site, within the agricultural land runs overhead electricity pylons. The application site encloses, or is immediately adjacent to, the residential dwellings known as Rugeley Lodge and Colwich Lodge and also a Sewage Pumping Station and Oil Distribution Depot, the former being on Colton Road and the latter two properties on Bellamour Lane.

2.2 The application site currently contains arable farmland, which is enclosed by a mature hedgerow and several mature trees.

2.3 Members will note that the site lies within open countryside outside of any designated area for development. The proposal therefore falls to be considered under the Policy Rural 1: Rural Areas of the Local Plan Strategy. .

## **3. Summary of Proposals**

3.1 The application for the Gas Fired Electricity Generating Facility (reference 18/01303/FULM) was registered on 18<sup>th</sup> September 2018, whilst the application ofr the associated access road (reference 18/01423/FULM) was registered on the 19<sup>th</sup> September 2018. Appendix 1 describes the site and proposals in more detail. In summary, the applications propose the erection of Gas Fired Electricity Generating Facility (generating up to 49.99 MW of electricity) (known as Rugeley East) including formation of new access road and associated structures and facilities and the formation of the same access road to serve a near identical electricity generating facility, known as Rugeley West, which is located within the boundary of Stafford Borough Council, who are the determining authority for this application.

3.2 As is required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017), a Screening Opinion was undertaken prior to the submission of this application, which determined whether an Environmental Statement was to be submitted with the application. The LPA determined in accordance with national guidelines that an ES was not required to accompany either of these planning applications.

3.3 The application, is supported by an Air Quality Assessment, Arboricultural Impact Assessment, Flood Risk Assessment and Drainage Impact Assessment, Landscape and Visual Impact Assessment, Biodiversity Statement, Ecological Appraisal, Geophysical Report, Archaeological Desk Based Assessment, Emissions Report, Noise Assessment, Construction Traffic Management Plan, Planning, Design and Access Statement, Heritage Statement and a Topographical Survey

3.4 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 29<sup>th</sup> October 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](http://www.lichfielddc.gov.uk) (viewed by entering the application numbers).

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

3.6 Members are also invited to discuss the application further with either Mike Brown (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**

4.1 The applicant has undertaken a pre-application public consultation exercise. A summary of this is provided below:

- A public exhibition was held on 31<sup>st</sup> July 2018 between 5pm and 8pm at the Colton Village Hall, Bellamour Way, Colton.
- Over 1,000 letters were distributed to local residents in July 2018 to advise local residents of the proposal and the public consultation event. In addition, the event was also advertised on the Parish Council's website, social media groups and posters were displayed within the local area.
- Pre-application discussions with the LPA.

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. A notice was published in the local press on the 27<sup>th</sup> September 2018 and 3 site notices have also been displayed adjacent to the site. In addition individual notification letters have been sent to 24 properties in the vicinity of the site.

#### **5. Recommendation**

5.1 The Planning Committee are recommended to note the items for information and raise any relevant planning issues on which they require further clarification and which are requested to be addressed in the subsequent reports to Planning Committee when these applications are formally considered.

## **APPENDIX 1**

### **SUMMARY OF SITE AND PROPOSALS**

#### **Site and Location**

The site is located to the west of Colton Road, Colton where it crosses an existing agricultural field to join onto Bellamour Lane, whereupon it extends onto further agricultural land to the west of this road. The site lies to the west of the village of Colton and totals approximately 5 hectares. The site is bounded by arable agricultural land to the north, east and west, with the West Coast Main line running to the south, beyond which lies further agricultural land. The application site encloses, or is immediately adjacent to, the residential dwellings known as Rugeley Lodge and Colwich Lodge and also a Sewage Pumping Station and Oil Distribution Depot, the former being on Colton Road and the latter two properties on Bellamour Lane.

The application site currently contains arable farmland, which is enclosed by a mature hedgerow and several mature trees. The land forms part of a designated Landscape Park associated with the former Bellamour Hall.

#### **Proposals**

The gas fired electricity generation facility comprises:

- A total of five 10MW gas engine units enclosed in a 37.6 metre wide, by 28.0 metre deep building, which has a height to ridge of 9.5 metres.
- The exhaust gases generated by the engines will be vented via five 12 metre high flues.
- A gas metering compound containing a GRP Kiosk and Boiler house (maximum building height 2.7 metres).
- Five 3 metre high Radiators.
- Substation (maximum height 5 metres).
- Switch House (6 metres wide, 19 metres long, by 4.4 metres high).
- Spare Parts shipping container (2.4 metres wide, 12.2 metres long by 2.9 metres high).
- A gas connection compound, linking into the existing high pressure gas main, which runs under the site. The compound is to be enclosed by a 2.5 metre high paladin fencing.
- Formation of an attenuation pond.
- The formation of an approximately 760 metre long by 4 metre wide crushed stone access track, running from Colton Road across the northern boundary of an existing agricultural field, to link to Bellamour Lane. Whilst the temporary passing places formed adjacent to the road will be removed from site on completion of the development the road itself will be retained to allow for large pieces of electrical equipment to be brought onto the site to replace any failed equipment during its operational life.
- A temporary contractor's compound comprising a crushed stone access track, parking for 13 vehicles and the installation of 10 portable units.
- The realignment of the existing overhead power line and erection of a new 27 metre high tower.

The facility is designed to provide flexible back-up power at short notice to the national grid. Unlike a traditional power station, the engines would be operated as a flexible peaking plant, becoming rapidly operational at times of peak demand. The plant may need to be run up to 2750 hours per year in the future, although current EA permitting guidelines limit the hours of operation to 1500-2250 hours.

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



- Policy and Principle of Development;
- Sequential Assessment (Justification for Location);
- Loss of Agricultural Land;
- Highways Issues, including access, indicative off street car parking provision and impact on the surrounding highway network including Strategic Network;
- Impact on Public Rights of Way;
- Noise, Odour and Air Pollution Issues and Impact on Amenity of Existing Residents;
- Contaminated Land;
- Impact on existing landscape features and new landscape and planting;
- Impact on the wider landscape setting;
- Ecological and Biodiversity Impacts (including impact upon the Cannock Chase and Pasturefields SACs)
- Impact upon Heritage Assets including Archaeology;
- Refuse Collection;
- Urban Design;
- Flood Risk and Drainage;
- Protection of HS2 and the West Coast Mainline;
- Waste Management; and
- Impact upon existing electricity and gas infrastructure.

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.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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