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17 February 2023

Dear Sir/Madam

SPECIAL PLANNING COMMITTEE

A special meeting of the Planning Committee has been arranged to take place **MONDAY, 27TH FEBRUARY, 2023 at 6.00 PM IN THE COMMITTEE ROOM**, District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance and up the stairs.

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

Yours faithfully

A handwritten signature in cursive script that reads 'Kerry Dove'.

Kerry Dove
Chief Operating Officer

To: Members of Planning Committee

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



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AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of Previous Meeting** 3 - 6
4. **Planning Applications** 7 - 34



PLANNING COMMITTEE

6 FEBRUARY 2023

PRESENT:

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

38 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Birch, Leytham and S Wilcox. Councillor Powell arrived late at 6.15pm and did not participate in application no. 22/01533/FUH.

39 DECLARATIONS OF INTEREST

Councillor Checkland declared a personal interest in application no. 21/01956/OUTFLM as he is a member at Lichfield City Council who have raised objections and also a personal interest in application no. 21/01595/FULM as the Applicant's Agent, Christopher Timothy from CT Planning is known to him.

Councillor Matthews declared a personal interest in application no. 21/01956/OUTFLM as he has a close relative living in the adjacent site. He did not participate in the debate and left the room.

Councillor Salter declared a non-pecuniary interest in application no. 22/01533/FUH as he is Chairman of Shenstone Parish Council who have raised objections and he spoke in objection to this application as Ward Councillor. He did not participate in the debate or the vote. He also declared a personal interest in application no. 22/00242/FUL as his wife was the objector speaking as the Clerk of Wall Parish Council.

40 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 9 January 2023 previously circulated were taken as read, approved as a correct record and signed by the Chair.

41 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Chief Executive and any letters of representation and petitions of observations/representations received together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 22/01533/FUH, 18/00840/OUTMEI, 21/01595/FULM, 21/01956/OUTFLM, 22/00242/FUL and 22/01179/FUL

22/01533/FUH - Erection of detached double garage (part retrospective)
9 Foden Close, Shenstone, Lichfield, Staffordshire. WS14 0LE
For: Mr Tom Smith

Following a short adjournment for officers to consider and advise Members on points raised in the public speaking by Mrs R Bews (Objector), legal advice was given that Members could proceed to determine the Application.

RESOLVED:- (1) To rescind the resolution of Planning Committee on the 9th January 2023 to grant planning permission, subject to conditions; and
(2) That this planning application be approved subject to the conditions contained in the report of the Chief Executive.

(Prior to consideration of the application, representations were made by Mrs Rebecca Bews (Objector), Cllr David Salter (Ward Member) and Mr Tom Smith (Applicant)).

18/00840/OUTMEI - Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access).
Land North of Browns Lane, Tamworth, Staffordshire.
For: Summix BLT Developments Ltd

RESOLVED:- That this planning application be deferred to allow consideration of late submissions.

21/01595/FULM - Erection of 30 No. dwellings with access, attenuation basin and associated garaging and works
Land at Burton Road, Streethay, Lichfield.
For: Mr A Maine

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

(1) Subject to the owners/applicants first entering into a S106 to secure the following:

- i. Education Contribution of £420,513.76 (Index Linked to March 2022);
- ii. Offsite Biodiversity Units Contribution of £109,200;
- iii. Provision of affordable housing on site;
- iv. Off-site highway works;
- v. Management and maintenance company for the private internal roads and shared parking areas, public amenity areas and communal areas and drainage system;
- vi. Healthcare Contribution of £18,610 (Index linked to March 2022);
- vii. Cannock Chase SAC- financial contributions towards mitigation of additional visitors to Cannock Chase SAC of £3,195.38 for 11 dwellings (remaining contributions to be collected via CIL).

(2) If the S106 legal agreement is not signed/completed by 9th April 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the

development, without the required contributions and undertakings, as outlined in the report.

(Prior to consideration of the application, representations were made by Cllr Harry Warburton (Ward Member) and Mr Christopher Timothy of CT Planning (Applicant's Agent)).

21/01956/OUTFLM - Full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating 169 dwellings (phase 2A) approved and built under 19/00478/REMM).
Land South of Shortbutts Lane, Lichfield, Staffordshire
For: Persimmon Homes West Midlands

During discussions, the Chair recited standing orders regarding the duration of the meeting and members agreed to continue with the meeting.

The Planning officer presented the report and officers responded to questions and comments from Members.

A motion to refuse the Application based on the overall number of dwellings proposed, the density/design and layout of the development, overall parking provision for the residential development especially where internal garages are provided in phase 2C and the level of parking provision for the sports pitches was lost.

However, Members expressed concerns and sought clarifications on other issues including the following: the impact on 'Berry Hill House', potential flooding in respect to Marsh Lane, adequate space for school drop offs, trigger point for school handover, biodiversity and ecology and management of landscape.

RESOLVED:- That this planning application be deferred and a report be brought back for officers to respond to the concerns and issues raised by Members.

(Prior to consideration of the application, representations were made by Mr Alastair Stewart of Persimmon Homes West Midlands (Applicant)).

22/00242/FUL - Retention of 2 No. doors and juliet balconies to the western elevation of the building
The Trooper Inn, Watling Street, Wall Village, Lichfield
For: Mr C Chance

RESOLVED:- Due to the lateness, this planning application was deferred.

22/01179/FUL - Erection of 1 No. bungalow
121 Highfields Road, Chasetown, Burntwood, Staffordshire
For: Mr A Humphreys

RESOLVED:- Due to the lateness, this planning application was deferred.

(The Meeting closed at 9.58 pm)

CHAIR

Agenda Item 4

Planning Committee

27 February 2023

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of Chief Executive

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

27 February 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
22/00242/FUL	The Trooper Inn Watling Street Wall Lichfield	Wall
22/01179/FUL	121 Highfields Road Chasetown Burntwood	Hammerwich

LOCATION PLAN

22/00242/FUL
The Trooper Inn
Watling Street
Wall Village Lichfield

Scale: 1:1,250

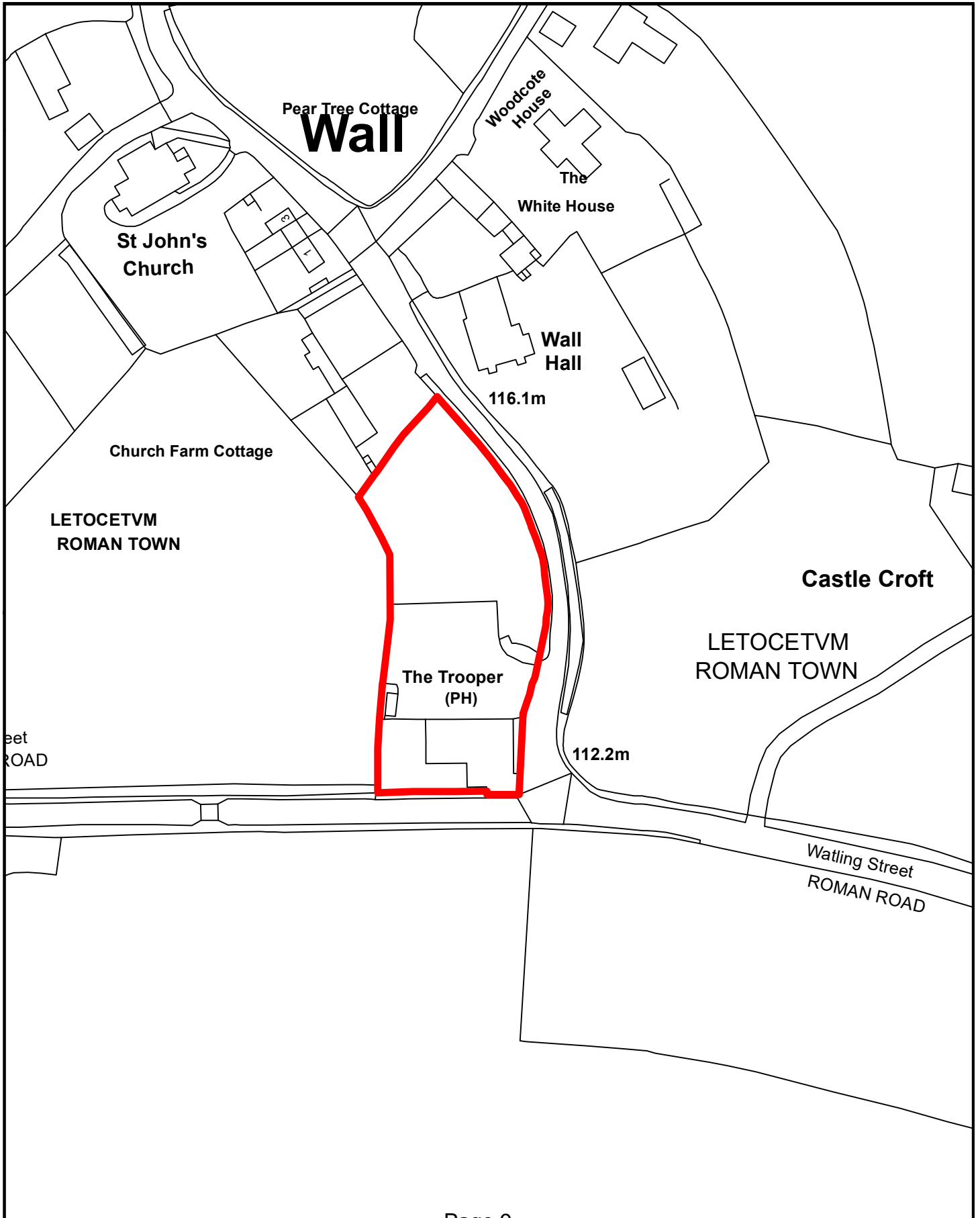
Dated: February 2023

Drawn By:

Drawing No:



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22/00242/FUL

**Retention of 2 No. doors and juliet balconies to the western elevation of the building.
The Trooper Inn, Watling Street, Wall Village, Lichfield
FOR Mr C Chance**

Registered **14/02/2022**

Parish: Wall

Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by Wall Parish Council.

The objections raised by Wall Parish Council are set out as follows:

- This is a retrospective application and the replacement windows that have been installed have uPVC frames. The Heritage Statement that accompanies this application makes no mention of this, nor the fact that the Trooper has been given Local Listing status in the Wall Conservation Area Plan of December 2018.
- A condition of any planning approval should therefore be that the uPVC frames are replaced with timber frames befitting an historic and Locally Listed building in the Wall Conservation Area.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITION

1. The development authorised by this permission shall be retained in complete accordance with the approved plans and specification, as listed on this decision notice.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP4, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, Wall Conservation Area Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Policy CP1 - The Spatial Strategy

Policy CP2 - Presumption in Favour of Sustainable Development

Policy CP3 - Delivering Sustainable Development

Policy CP13 - Our Natural Resources

Policy CP14 - Our Built & Historic Environment

Policy BE1 - High Quality Development

Policy NR2 - Development in the Green Belt

Policy NR7 - Cannock Chase Special Area of Conservation

Policy SC1 - Sustainability Standards for Development

Policy BE1 - High Quality Development

Local Plan Allocations

Policy BE2 - Heritage Assets

Supplementary Planning Document

Sustainable Design SPD

Historic Environment SPD

Other

Wall Conservation Area Appraisal and Management Plan (2018)

It is noted that there is no Adopted Neighbourhood Plan.

EMERGING POLICY

Lichfield District Local Plan 2040

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

Strategic Policy SP1: The Spatial Strategy

Strategic Policy SP10: Sustainable Development

Strategic policy 16 (SP16): Natural and historic landscapes

Strategic policy 17 (SP17): Built and historic environment

Local Policy SD1: Sustainable Design and Master Planning

Local policy NR5: Cannock Chase Special Area of Conservation

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

RELEVANT PLANNING HISTORY

14/00261/FUL- Demolition of existing storage buildings and bottle wash/prep area and erection of an extension to restaurant and the construction of an extension to restaurant and disabled access with revised parking facilities- Approved subject to conditions. 01.05.2014.

11/00925/FUL- Demolition of existing detached storage buildings and bottle wash/prep area and erection of an extension to restaurant and cellar and the construction of a disabled access and revised parking facilities- Approved subject to conditions. 14.11.2011.

98/01034/FUL- Construction of terrace to front of premises to replace existing parking area; Extension of kitchen to incorporate existing free-standing cold store; Modifications to the entrance; Formation of 6 no. car parking spaces- Approved subject to conditions. 09.11.1999.

CONSULTATIONS

Wall Parish Council – Updated- The Councillors unanimously voted to not withdraw previous objections. They are not convinced that the application discloses the full extent and impact of the work already undertaken. (18.01.23)

Initial- Object to the proposal. This is a retrospective application and the replacement windows that have been installed have uPVC frames. The Heritage Statement that accompanies this application makes no mention of this, nor the fact that the Trooper has been given Local Listing status in the Wall Conservation Area Plan of December 2018. A condition of any planning approval should therefore be that the uPVC frames are replaced with timber frames befitting an historic and Locally Listed building in the Wall Conservation Area. (14.04.2022)

Architectural Liaison Officer - No objections, however, recommendations are made regarding amendments to the current alarm systems and CCTV (internal and external) in order to take the proposals into account. (11.03.2022)

LDC Conservation And Urban Design Team- Updated- The application is for the retention of 2 UPVC doors with Juliet balconies. UPVC would not usually be appropriate within a conservation area and scheduled monument setting. However, with this particular example, given the harm caused to the building by previous changes, it is not considered that the introduction of the 2 UPVC doors with balconies would result in further harm. (16.01.2023)

Initial- No objections have been raised to the introduction of the Juliet balconies and the change of existing window openings to inward opening double doors. It is considered that these changes will not cause any visual harm to the appearance of the property. In terms of impact to the scheduled monument it is considered that the proposal will not cause any harm to the setting or historic significance compared to what exists currently. (03.03.2022)

LETTERS OF REPRESENTATION

No responses were received from neighbouring occupiers or local residents.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

- 2191.1 Proposed ground floor plan
- 2191.2 Existing first floor plan
- 2191.3 Existing ground floor plan
- 2191.4 Proposed first floor plan
- 2191.5 Existing and proposed elevations
- 2191.6 Location and block plan
- Heritage Statement

OBSERVATIONS

Site and Location

The application site relates to The Trooper Inn Public House. The Trooper Inn is a locally listed public house (as noted in the Wall Conservation Area Appraisal and Management Plan 2018) located within the Wall Conservation Area. It is located in a prominent position within the Conservation Area and forms a prominent local landmark. As well as being located within the conservation area, the site is

immediately adjacent to the scheduled monument (Roman Letocetum). The site is also adjacent to Watling Street, which was a principal highway within Roman Britain. Letocetum was an important staging post on Watling Street, the Roman military road to North Wales. The road network was crucial to the Romans control over their empire, and at staging posts like Wall Roman officials could find lodging for the night and change their horses. The remains of an inn and public baths are present in an area to the West of the application site. This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it is of national importance.

The nearest residential properties are located in Green Lane to the North (rear) of the site. The Public House benefits from a large car park to the rear and an outdoor terraced area to the side.

The application site is located within the Parish of Wall and the West Midlands Green Belt.

Background

The building is locally listed and is therefore considered as a non-designated heritage asset in itself. However, it is also located within the Wall Conservation Area and therefore constitutes part of a much wider designated heritage asset in this respect.

Planning application 14/00261/FUL in May 2014 permitted the demolition of existing storage buildings and bottle wash/ prep area and erection of an extension to the restaurant with disabled access and revised parking facilities. Condition 2 (i) of this permission required prior approval of sections and details of all external joinery including fenestration and doors and external finish to be submitted to the Local Planning Authority for approval. This permission has been implemented, without discharge of the relevant conditions. The permission resulted in window proportions being altered from those of the original public house to comprise dark grey modern contemporary designs (soft wood materials). Whilst no specific details were submitted for assessment under a discharge of condition application, the design and appearance of the windows and doors installed matched those indicated on the approved plans. Whilst the condition relating to fenestration and door details was not formally discharged, it would not be expedient for the Council to take enforcement action at this stage given the details matched in design and appearance to those set out on the approved plans and were constructed from timber.

In addition, in 2021 the windows on the main front elevation of the building were replaced with UPVC diamond leaded window designs of similar proportions and appearance to the timber framed windows which they replaced. Whilst the windows replaced were timber framed, they were not representative of the original windows of the building. Although, the replacement windows have UPVC frames, these would not have required planning permission, as they reflected the design of the windows they replaced such that the replacement would not have constituted a material change to the external appearance of the building and there is no Article 4 Directive imposed on the Conservation Area preventing such changes.

The elevation adjoining the carpark to the rear of the building retains the original dark grey colour timber leaded windows and there are also two other timber windows at first floor rear level, which may also soon require repair, or replacement.

Proposals

This application is retrospective. It seeks permission for retention of 2 No. UPVC doors and Juliet balconies in the western elevation of the building.

The 2 No. doors windows which are the subject of this application are located on the ground floor on the Western elevation of the building. Previous small casement windows have been replaced with UPVC inward opening patio doors with a wrought-iron Juliet balconies. The patio doors have increased the depth of the original window openings.

The application proposal has been revised to clarify that the retrospective permission is for retention of 2 No. UPVC doors with Juliet balconies only. Re-consultation was undertaken and a revised site notice displayed.

A number of internal changes to the layout have been made. These internal changes do not form part of the application as the works affect only the interior of the building and do not materially affect the external appearance of the building and hence do not constitute development.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon Heritage Assets
3. Residential Amenity
4. Highway Implications
5. Human Rights

1. Policy & Principle of Development

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

1.2 Core Policy CP1 of the Local Plan Strategy sets out the spatial strategy for the District and confirms that in relation to the District's existing settlements, appropriate proposals which contribute towards their improved sustainability, cohesion and community well-being will be supported. Core Policy 3 builds upon this, seeking to improve residents' quality of life through the provision of adequate infrastructure, services and facilities.

1.3 Notwithstanding the above, as the site is located within the West Midlands Green Belt the proposal engages Policy NR2 of the Lichfield Local Plan, which states: -

'Within the Lichfield District portion of the West Midlands Green Belt, as defined on the policies map, opportunities to enhance the beneficial use of the Green Belt will be supported. This may include opportunities to provide access, for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

All development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework. In addition, limited infilling within Green Belt villages will be allowed, with appropriate 'infill' boundaries being determined through the Local Plan Allocations document, which may, where appropriate, be informed by local community-led plans.'

1.4 The exceptions referred to in Policy NR2 are set out in paragraphs 149 and 150 of the NPPF, of which the former relates to the construction of new buildings in the Green Belt. These include at paragraph 149(c) 'the extension or alteration of a building provide that it does not result in

disproportionate addition as over and above the size of the original building'. Given the nature of the proposal it would constitute an alteration of a building which would not result in any significant increase in the size of the building. As such it would constitute one of the exceptions set out in paragraph 149 of the NPPF and therefore would be acceptable in principle.

1.5 However, proposals that are acceptable in principle are still required to meet all other relevant policy tests. This report will now go on to look at those other relevant policy tests.

2. Design and Impact upon Heritage Assets

2.1 The NPPF (Section 12) advises that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" and that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

2.2 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Achieve appropriate densities
- Respond to local character and history, and reflect local surroundings and materials
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and appropriate landscaping.

2.3 In this respect the application site is located within the Wall Conservation Area which is a 'Designated Heritage Asset'. In this respect the proposal engages Section 72 of the Planning Listed Building and Conservation Areas Act 1990 which places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. The proposal also engages the relevant parts of Policies BE1, CP3 and CP14 of the Local Plan Strategy; Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF.

2.4 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should protect and enhance the character and distinctiveness of the District and be of a scale and nature appropriate to its locality. New development should carefully respect the character of the surrounding area.

2.5 Core Policy 14 'Built and Historic Environment' sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2 'Heritage Assets' of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.

2.6 Section 16 (paras 189 to 208) of the NPPF sets out the policy approach to 'conserving and enhancing the historic environment'. Paragraph 195 of the NPPF sets out that local planning authorities 'should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise' adding they 'should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'. Furthermore, paragraph 199 makes it clear that when 'considering the impact

of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' adding 'this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 2.7 The NPPF sets out the policy tests in respect to whether proposal would cause 'substantial harm' or 'less than substantial harm' to a designated heritage asset or harm to a non-designated heritage asset.
- 2.8 Paragraph 200 confirms that any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification.
- 2.9 Paragraph 202 sets out that where 'a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 2.10 Finally, paragraph 203 of the NPPF states '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 directly or indirectly affect 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.'

Assessment

- 2.11 In accordance with Policy BE2 of the Local Plan Allocations Document and paragraph 194 of the NPPF the applicant has submitted a heritage statement. Although this does not include reference to the local listing of the building or the proposed materials, the significance of the heritage assets and the impact of the development on them has been reviewed by the Conservation Officer, who has stated that there are no objections to the proposal on heritage grounds.
- 2.12 The application is for retention of 2 No. UPVC doors and Juliet balconies to a locally listed building located within a conservation area and within the setting of a scheduled ancient monument. An objection has been received from Wall Parish Council regarding the UPVC materials used for the window frames and request they are replaced with timber frames befitting an historic and locally listed building in the Wall Conservation Area. The Parish Council also raise concerns on the grounds of works previously carried out.
- 2.13 In terms of the works previously carried out, although conditions relating to window materials have not been discharged as set out above it is not considered that it would be expedient to take action, given the design of the timber windows installed conformed to the approved elevation plans for Planning application 14/00261/FUL. In respect to the windows on the front elevation, which were replaced in 2021, it should be noted that, despite being constructed of UPVC, these were so similar in terms of their external appearance to the original windows that they did not constitute a material change to the external appearance of the building and therefore did not require planning permission.
- 2.14 In respect to the details of the application that are currently under consideration the applicant has submitted a purported 'heritage statement'. Although this statement fails to recognise that the Trooper is an undesignated heritage asset and does not provide any substantive assessment of the significance of the heritage assets that potentially have been affected it does go on to make the following observations: -

'The footprint of the building will not change internal alterations provide the desired accommodation.

On the whole the external appearance will only change with the introduction of the Juliet balconies and the change of existing window openings to inward opening double doors.

The location of The Trooper does mean these doors and Juliet balconies are visible from Watling Street, but they are not dissimilar in proportion to other windows to the main restaurant area which overlooks the terrace and will not impinge on any important views particularly of that from the ancient Wall site and so the proposals will not detract from their setting or produce any material harm to the significance of the Conservation Area'.

- 2.15 Whilst the purported heritage statement is undoubtedly poor it has been, along with the details of the application, assessed by the Conservation Officer to provide the following advice: -

Impact on Conservation Area

The proposed Juliet balcony will be visible within the street scene and as noted above the Trooper Inn is a prominent building with the Conservation area. The Juliet balcony is not typical of the Wall Conservation Area. However, when assessing the harm it will not be [sic] detract from the quality [sic] of the conservation area.

Impact on Appearance of Property

The biggest change to the external appearance is with the introduction of the Juliet balconies and the change of existing window openings to inward opening double doors. It is considered that these changes will not cause any visual harm to the appearance of the property.

Impact Scheduled Monument Setting

In terms of impact to the scheduled monument it is considered that the proposal will not cause any harm to the setting or historic significance compared to what exists currently.'

- 2.16 Having had regard to the Conservation Officer's comments it is noted that the proper tests in respect to the impacts on the Wall Conservation Area are whether the proposal would fail to preserve the character, appearance and significance of the Conservation Area and not its 'quality'.

- 2.17 In terms of significance the Wall Conservation Area Appraisal and Management Plan (WCA&MP) states the Wall Conservation Area is significant for the following reasons:

- It contains the archaeological remains of the roman settlement of Letocetum. As a site of national importance a large area of the settlement is designated as a scheduled monument.
- The current village of Wall grew up along Watling Street as a continuation of occupation along the former Roman road, which remains an important route.
- The conservation area includes a number of important historic buildings including seven Grade II listed structures dating from the early 18th century to the late 19th century.

- 2.18 The WCA&MP goes on to state 'Originally all the properties would have had wooden windows, a mixture of mainly casements and some sash windows. Some of the properties retain these, although many have lost these traditional features which have then been replaced with poor quality modern replicas'.

- 2.19 With this in mind it is noted that the Trooper Inn has had a range of alterations and extensions to its western elevation including a flat roofed extension to the roof. In addition, at the distance that the alterations would be observed at the use of UPVC would not be readily discernible from the use of painted timber. Against this backdrop the installation of the patio doors and a juliet balcony constitute somewhat minor alterations and do not appear as a

discordant alteration to the locally listed building. Overall they have had a neutral impact on the significance of the building as a locally listed building.

2.20 Furthermore, the alterations, by virtue of their nature has not had an impact on any archaeological remains within the local area and has not resulted in an adverse impact on the Roman heritage of Wall. As such it is concluded that the alterations have not had an adverse impact on, and therefore have preserved, the character, appearance and significance of the Wall Conservation Area' and the setting of the Scheduled Ancient Monuments.

2.21 It is therefore concluded that the retention of the alterations would not be contrary to Policies BE1, CP3, CP14 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF or the design and heritage policies in the emerging Local Plan.

3. Residential Amenity

3.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life.

Assessment

3.2 The proposals have had no impact on the intensify the established use of the premises as a Public House/ restaurant. Furthermore, the proposed doors are located a substantial distance from any neighbouring residential properties and overlook an existing permitted external terrace area/ beer garden. Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

4. Highway Implications

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

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

4.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD.

Assessment

4.4 As set out above, the proposals have not given rise to a significant intensification of the use of the premises. The Public House is served by a large car park to the rear which remains unaffected by the proposals. No changes are proposed to the existing access. The parking requirements as set out in the Sustainable Design SPD are met by the proposals. The proposals are therefore considered to be acceptable in terms of highway implications.

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

Conclusion

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

The proposal does not result in harm to the non-designated, or designated heritage assets. There has been a neutral impact the character and appearance of the conservation area and historic environment or on any of the other acknowledged interests identified in the report. Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

LOCATION PLAN

22/01179/FUL
121 Highfields Road
Chasetown
Burntwood

Scale: 1:1,000

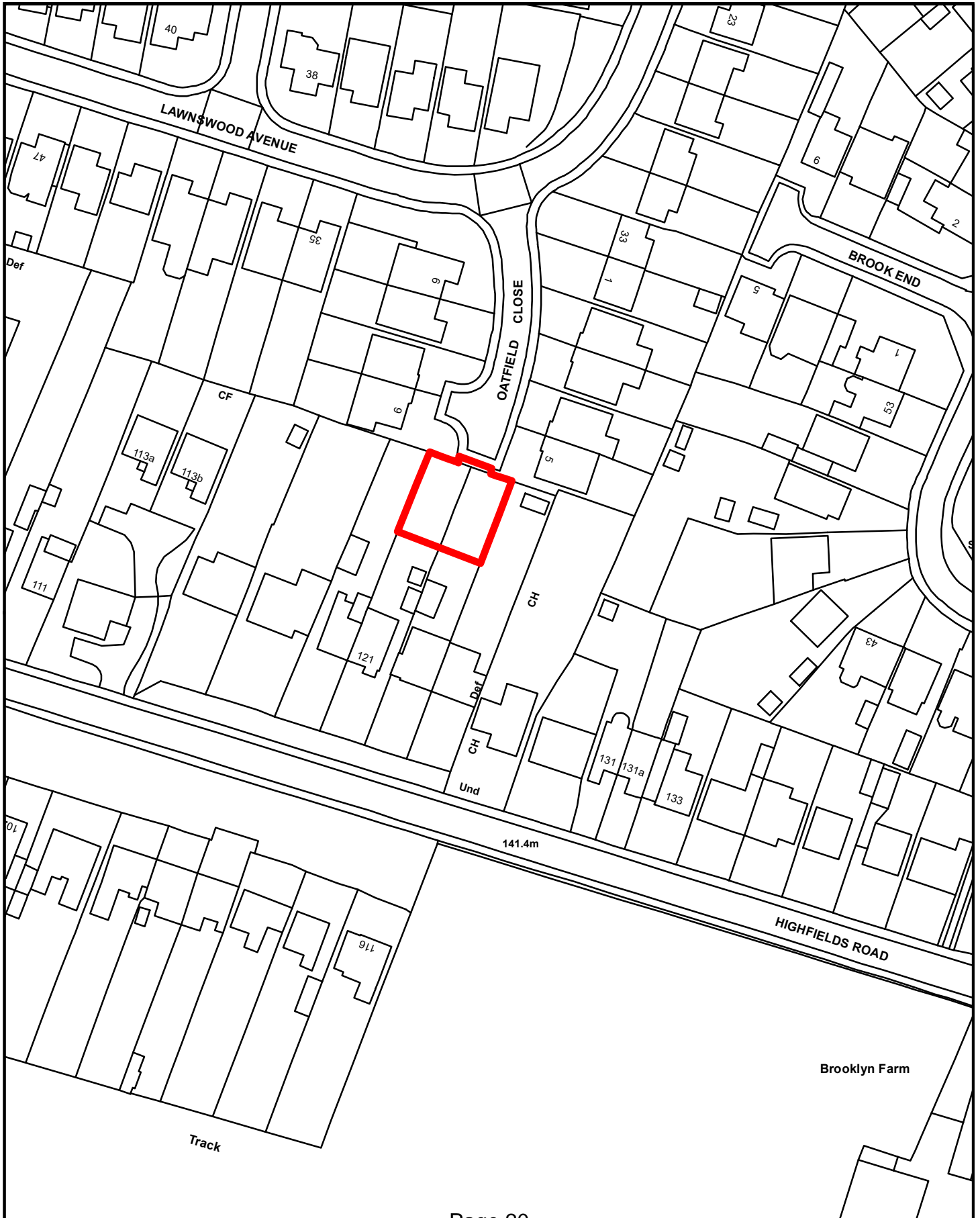
Dated: February 2023

Drawn By:

Drawing No:



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22/01179/FUL

Erection of 1 No. bungalow

121 Highfields Road, Chasetown, Burntwood, Staffordshire

FOR Mr A Humphreys

Registered 15/11/2022

Parish: Hammerwich

Note: This planning application is being reported to the Planning Committee due to planning objections raised by Hammerwich Parish Council, which include:

- Creating parking congestion on Oatfield Close
- The proposal is out of character with the area
- This proposal is back land development, contrary to policy
- Bus services do not adequately serve the site

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

CONDITIONS

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of policies CP1, CP2, CP3, CP5, CP6, CP13, H1, NR3, NR4, BE1, NR7, ST1, ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping & Development SPD, Biodiversity and Development SPD, the Hammerwich Neighbourhood Plan and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced a scheme for construction management during works shall be submitted to, and approved in writing by, the Local Planning Authority for (a) parking of vehicles of site personnel and operatives (b) loading and unloading of plant and materials (c) storage area of plant and materials used during the construction of the development. Each of the facilities shall be provided and maintained during the construction of the development hereby permitted.

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

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

4. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been provided in full in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

5. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans.

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

6. The boundary treatments indicated on the approved plans shall be installed prior to the first occupation of the dwelling house hereby approved. The fencing shall be 'hedgehog' friendly with 13 cm x 13cm holes at ground level within at least one fence panel in each of the boundaries to allow permeability for hedgehogs.

Reason: To protect the amenities of neighbouring residents and to encourage enhancement in biodiversity in accordance with Policies CP3, CP13, NR3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

7. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Policy H2 of the Hammerwich Neighbourhood Plan and the National Planning Policy Framework.

8. A bird box shall be installed as indicated on the approved plans within 1 month of first occupation of the dwelling hereby approved. The bird box shall thereafter be retained as such for the life of the development.

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

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

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities

of the locality and in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development SPD, the Hammerwich Neighbourhood Plan and the National Planning Policy Framework.

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

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

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) , Lichfield District Local Plan Allocations (2019) and the Hammerwich Neighbourhood Plan (2021).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
3. 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.
4. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department.
5. The applicant is advised that the site should be cleared sensitively. Removal of any vegetation possibly utilised by birds must occur outside of nesting bird season between September-February. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance

works. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged. All nesting birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981, and it is thus an offence, with certain exceptions to: Intentionally kill, injure, or take any wild bird. Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built. If any clearance works are to occur, caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. This planning permission does not absolve the applicant from any responsibilities relating to wildlife legislation.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Policy CP13 – Our Natural Resources
Policy H1 – A Balanced Housing Market
Policy NR4 – Trees, Woodland and Hedgerows
Policy NR3 – Biodiversity, Protected Species and their Habitats
Policy BE1 – High Quality Development
Policy NR7 – Cannock Chase Special Area of Conservation
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision

Local Plan Allocations

Policy NR10: Cannock Chase Area of Outstanding Natural Beauty

Hammerwich Neighbourhood Plan

Policy H1 - New Housing Development – Siting And Mix of Housing Types
Policy H2 - Housing Development Design
Policy T1- Increased Traffic from New Developments

Supplementary Planning Documents

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

Lichfield District Local Plan 2040

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

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

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

RELEVANT PLANNING HISTORY

No relevant planning history.

CONSULTATIONS

Hammerwich Parish Council – Objects to the proposals for the following reasons:

- Creating parking congestion on Oatfield Close
- The proposal is out of character with the area
- This proposal is back land development, contrary to policy
- Bus services do not adequately serve the site

(9th September 2022)

Severn Trent Water- No objections raised as the proposal would have minimal impact on the public sewerage system. A drainage condition would not be required. (9th September 2022)

Staffordshire County Council (Highways) – No objections, subject to planning conditions seeking the provision of the access and parking facilities prior to the use of the development. (2nd September 2022)

LDC Tree Officer – Confirmed they have no comments to make on the application. (10th January 2023)

LDC Ecology Team - No objection. No ecology survey work is required. Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. Boundaries and barriers within and surrounding the development, including fencing, railing and gates, should be made to allow movement, such as:

- fence panels with 13 x 13 cm holes at ground level (hedgehog holes)
- leaving a sufficient gap beneath gates
- leaving brick spaces at the base of brick walls

As per the requirements of Policy NR3 in the Local Plan, all development must provide a net gain to biodiversity value. The ecological proposals set out in the submitted landscape/ecology plan must be adhered to in order to sustain and achieve biodiversity value on site (9th September 2022)

LDC Environmental Health Team - No objections. (10th September 2022)

LDC Waste Management – Proposals for individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. The Joint Waste Service offers a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection day and return the bins as soon as possible after emptying (19th August 2022)

LETTERS OF REPRESENTATION

8 letters of representation have been received. The comments are summarised as follows:

- Parking congestion would be increased on Oatfield Close
- The design does not complement the character of the area
- The foundations could impact upon neighbouring tree
- An extra dwelling would further drainage issues on the street
- The proposal is backland development, therefore contrary to policy
- The proposal would have ecological impacts
- The dwelling would create a loss of light and views for neighbouring properties

OTHER BACKGROUND DOCUMENTS

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location Plan	363-001
Site / Location Plan	363-003C
Proposed Elevations / Plans	363-004
Proposed Elevations / Plans	363-005B
Proposed Elevations / Plans	363-006A

OBSERVATIONS

Site and Location

This application relates to a site that makes up partial areas of the gardens of 121 and 123 Highfields Road in Chasetown. No's 121 and 123 Highfields Road are traditional semi detached dwellings which front onto Highfields Road, with rear boundaries adjoining Oatfield Close to the North of the site. Oatfield Close comprises dormer bungalows arranged in a cul de sac. The access to the site would be provided off the hammer head at the southern end of the close. The existing boundaries of the site comprise of 1.8- 2m high close board fencing and there is a tree located within the rear garden of No.125 Oatfield Close.

The site is surrounded by residential properties and the area can be considered as residential in character. The site is located within the zone of influence for Cannock Chase Special Area of Conservation.

Proposal

This application seeks permission for the erection of a bungalow on a site formed from partial areas of the gardens of 121 and 123 Highfields Road.

The proposed bungalow would have rendered elevations with a gable roof over, and gable forward and rear projections. The bungalow would be single storey in height and solar panels are proposed to the South West (rear) roof slope.

Internally, open plan kitchen, dining and living areas are proposed, along with two bedrooms and a family bathroom. A third bedroom/ study room is also proposed.

Vehicular access would be provided off Oatfield Close and two off-street car parking spaces along with a bin storage area are proposed. Full details of materials and landscaping have been included with the submissions.

The application is supported by a Design and Access Statement. During the course of the application details in respect of the existing tree located within the rear garden of No.125 Close have also been provided.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact on the Character of the Area
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Cannock Chase SAC
7. Other Issues
8. Human Rights

1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Hammerwich Neighbourhood Plan was also made in December 2021 and as such, also carries full material weight.

1.2 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. Burntwood is one of the areas that the District Council will direct the majority of growth to, with Burntwood being categorised as a 'Other large centre' within the Settlement Hierarchy set out at table 4.1.

1.3 Policy H1 of the Local Plan Strategy states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the district. To redress this, the District Council will actively promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The policy also states that such development should seek to provide, where appropriate, accommodation suitable for older people, such as bungalows. The applicant is seeking planning permission for a two/ three bedroomed detached bungalow and as such the application complies with this adopted policy.

Assessment

1.4 The site lies within the sustainable settlement of Chasetown, Burntwood. Core Policy 1 seeks to direct the majority of new housing development towards this settlement. Core Policy 6 notes that much of the new housing required in Burntwood is to be located within the existing urban area. Policy H1 of the Hammerwich Neighbourhood Plan states that new small-scale infill housing development will be supported on suitable sites within the Triangle Ward, within which the site is located. Therefore, the principle of development is acceptable. Matters related to the general development management criteria are discussed below.

2. Design and Impact on the Character of the Area

2.1 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* and that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

2.2 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Achieve appropriate densities
- Respond to local character and history, and reflect local surroundings and materials
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and appropriate landscaping.
- Opportunities should be taken to incorporate trees

The proposal also engages paragraphs 126, 130 and 131 of the NPPF, which relate to design and the achievement of well-designed places.

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

2.4 Policy H2 of the Hammerwich Neighbourhood Plan states that all new development will be expected to:

1. complement adjoining land uses;
2. have good access to sustainable forms of transport;
3. define clearly public and private areas;
4. maintain and/or improve footpaths and access points, and provide for easy access for people with disabilities into and around the site;
5. provide sensitively designed, high quality, street furniture where this is necessary for the development;
6. provide adequate storage for bins, recycling and cycles;
7. incorporate additional roads (if these are needed) that are designed to reduce vehicle speeds;
8. provide for sustainable drainage methods where this is feasible and desirable; and
9. incorporate charging points for electric vehicles convenient to the parking spaces.
10. relate well to surrounding land and buildings in style, scale and mass, and be landscaped and designed to minimise the impact on views from open countryside;

11. not have a detrimental effect on local facilities such as public footpaths, playing fields and public open spaces unless adequate mitigation in the form of compensatory facilities is provided;
12. make positive use of site characteristics e.g. topography, trees, hedges, natural habitats etc.;
13. provide sufficient off-road parking for residents and visitors; and
14. not give rise to an increased risk of localised flooding, and must not increase levels or rates of surface water run-off from the developed site.

Assessment

- 2.5 Objections have been raised that the proposals are out of character with the area. Taking into consideration the layout of the scheme, which would result in a bungalow fronting onto Oatfield Close, there would be no impacts on Highfields Road. Having had regard to the above, it is noted that Oatfield Close largely comprises dormer bungalows which have been modified in various ways and mostly constructed of red brick and concrete tile. There are examples of front facing gables, dormer windows and render finishes to the elevations of these properties. The proposed dwelling would cause no harm to the character and appearance of the street scene and would appear in context with the surrounding built form.
- 2.6 The proposal is for a bungalow with a 95sqm footprint, front, side and rear facing gables, and would be finished with white render and grey tiles. In this respect, the proposed dwelling would fall within the design, size, scale parameters and palette of materials that make up the character of the immediate area.
- 2.7 While the proposal would be considered backland development, as it would be constructed in the rear garden areas of 121 and 123 Highfields Road, the access is proposed from Oatfield Close. Therefore, whilst objections have been raised on the grounds that the scheme would result in backland development, it would not give the appearance of tiered development, nor would there be a need for a new accessway to the side of 121 or 123 Highfields Road. It is noted that policies do not preclude backland development. In this case, the rear garden areas would be directly adjacent, similar to those between Lawnswood Avenue and Highfields Road to the west of the site. Whilst the resulting built foot print to garden ratio would not reflect those of Highfields Road, it would be similar to those on Oatfield Close.
- 2.8 A landscaping plan has been provided which is appropriate and includes shrub planting and grassed areas which will aid the assimilation of then dwelling into the plot.
- 2.9 It is therefore considered that the proposal meets the requirements of Policy BE1 of the Local Plan Strategy, Policy H2 of the Hammerwich Neighbourhood Plan and the design requirements of the aforementioned paragraphs of the NPPF.
3. Residential Amenity
- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's requirements for space about dwelling within Appendix A.
- 3.2 The Sustainable Design SPD guidance includes requirements in terms of the size of private amenity space necessary to serve dwellings, whereby 65sqm should be provided for dwellings with 3 bedrooms, and private amenity space should be a minimum of 10m in length. It is noted that flexibility may be applied.

Assessment

- 3.3 It is noted that objections have been raised regarding the impact on neighbour amenity. The dwelling is single storey and will have 2m high timber fencing along both side boundaries and will therefore have no issues with overlooking of neighbouring properties. However, given the building footprint to site area ration, conditions are recommended to be imposed to remove permitted development rights for the dwelling, as further built development on the site may have a detrimental impact upon the residential amenity of neighbouring properties.
- 3.4 Turning to amenity space. The proposed rear amenity space of the new bungalow would measure 6m in length, however it would also measure 85sqm in area. This excess of 20sqm is considered to offset the loss of 4m in the minimum length. The proposed amenity space is considered to be commensurate with the scale of the proposed dwelling. The loss of garden space to the rear of no. 121 and 123 Highfields Road is noted and considered acceptable due to the large footprints of these amenity spaces. Therefore, the resultant garden spaces will still meet with the requirements of the SPD and be able to adequately cater for dwellings of that size.
- 3.5 Consequently, it is considered that the proposal will sit well within the plot without detriment to the amenity of the neighbouring properties and would provide a high standard of living for future and existing residents of the locality in accordance with the requirements of Local policies and paragraph 130(f) of the NPPF.

4. Access and Highway Safety

- 4.1 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 4.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 4.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD guidance states that the maximum parking standard for 3 bed dwellings is two spaces per dwelling.
- 4.4 Policy T1 (Increased traffic from new developments) of the Hammerwich Neighbourhood Plan requires an assessment of the impact of any increase in traffic that new developments may generate.

Assessment

- 4.5 Seven representations have been received objecting on the basis of parking issues on Oatfield Close. It has also been observed that residents use both parts of the turning area for parking vehicles. A number of objections stated that the proposal would lead to a loss of parking spaces on the street, in reference to this area. However, this area is not intended for parking, but for the turning of vehicles; a common feature at the end of cul-de-sac streets. County Highways raised no objection to the proposal and the site can cater for the minimum number

of vehicles that a three bedroom dwelling requires. Therefore, these arguments hold no weight in the assessment of the proposal's impact on parking provision within Oatfield Close.

- 4.6 The submitted site layout demonstrates that 2 parking spaces are proposed in accordance with the standards set out in the Sustainable Design SPD. Conditions are recommended that will ensure that the parking and access are provided prior to the first use of the dwelling, as recommended by Staffordshire County Council Highways.
- 4.7 Drawing no. 003 Rev. C shows the location of an Electric Vehicle Charging Point (EVCP). Electric vehicle charging points would be secured under the Approved Document S of the Building Regulations 2010. Therefore, it would not be reasonable to attach a condition ensuring the installation of the EVCP in this case.
- 4.8 The Parish Council have raised objections on the grounds that bus services do not adequately service the site. Whilst these comments are noted, the site is within walking/ cycling distance of bus services which operate along Highfields Road, High Street and Queen Street. The site is located within an established residential area where there are local services such as schools, convenience shops in the vicinity.
- 4.9 It is considered that, subject to conditions, the proposal would not result in an unacceptable impact on highway safety and therefore accords with the development plan with regard to access, sustainable transport and parking provision, Local Plan Strategy and the NPPF, in this regard.

5. Ecology

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

Assessment

- 5.2 The site does not benefit from any nature conservation designation and is not known to support any species or habitat that is protected or of special nature conservation importance. The Council's Ecologist raised no objection. However, it is noted that the current application provides an opportunity to seek biodiversity enhancements through a condition to ensure that the ecological proposals set out in the submitted landscape plan are adhered to in order to sustain and achieve biodiversity value on site. The plans indicate that a bird nesting box will be provided along with shrub planting to enhance biodiversity.
- 5.3 Subject to the proposed condition, it is considered that the proposal would meet the requirements of policies CP13 and NR3 of the Local Plan Strategy and paragraph 174 of the NPPF.

6. Cannock Chase SAC

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

Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.

- 6.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

Assessment

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

7. Other Issues

- 7.1 A number of objections were received from the Parish Council and neighbouring residents. The parking issues have been addressed in section 4 of this report. Other issues include a loss of light, views and privacy. The single storey scale of the proposed dwelling and the distances to neighbouring properties minimises any potential impact upon these issues.
- 7.2 Other issues included the impact on ecology, drainage and the character of the area. The Council's Ecologist stated that proposed works are unlikely to negatively impact upon protected or priority species or habitats. The site is located within Flood Zone 1 and has stated that it will utilise a soakaway for surface water drainage. Severn Trent Water have raised no objections and have provided confirmation that a drainage condition would not be required in this case. Finally, as previously mentioned, Oatfield Close comprises of residential properties which have been subject to alteration. Therefore, the introduction of a bungalow type dwelling is not considered to be detrimental to the character of the area.
- 7.3 An objection regarding a mature tree on the neighbouring site at 125 Highfields Road was raised by the owner of that property. Access was granted to the applicant's arboriculturist to assess the potential impact on the tree. They found that the tree was a low quality Category C tree and provided photographic evidence that there were no roots within the proposed footprint of the dwelling. The Council's arboriculturist agreed with these findings and has raised no objections to the proposals. Therefore, it can be considered that the proposal will cause no detrimental impact upon neighbouring trees.
- 7.4 Therefore, while the objections have been noted, none are considered to have raised an issue that would warrant the refusal of the application.

8. Human Rights

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

Conclusion

It is considered that the proposal constitutes an appropriate form of development in this location and the proposal would not detrimentally impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The Waste Management, Ecology, County Highways, and Environmental Health teams, as well as Severn Trent, have been consulted and have raised no objections to the scheme.

In respect of the above, the proposal constitutes a sustainable form of development that enables further housing to an important settlement within the district; whilst complying with the relevant policies contained within the Local Plan Strategy and the relevant policies within the NPPF. Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

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