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16 April 2019

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 29TH APRIL, 2019 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', 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 - 4
4. **Planning Applications** 5 - 40



**PLANNING COMMITTEE**

**4 MARCH 2019**

**PRESENT:**

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

**44 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs Bacon, Bamborough, Drinkwater, Powell and A Yeates.

**45 DECLARATIONS OF INTEREST**

Councillor Mrs Stanhope MBE declared a personal interest as the Chair of Lichfield Canals & Hatherton Restoration Trust (Objector) is known to her.

Councillor Mrs Baker declared a personal interest as some of the Objectors are known to her.

**46 MINUTES OF PREVIOUS MEETING**

Subject to the inclusion of apologies being added from Councillor Strachan, the Minutes of the Meeting held on 11 February 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

**47 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 of observations/representations together with a supplementary report of observations/representations received since the publication of the agenda in association with Planning Application 17/01191/OUFMEI

17/01191/OUFMEI – Hybrid Planning Application comprising full Planning Application for the construction of a sustainable mixed use urban extension comprising of 475 dwellings, new vehicular access points onto Claypit Lane and Birmingham Road, the remodelling and formation of a roundabout at the junction of Fossey Lane and Claypit Lane, Comprehensive Green Infrastructure including up to 16.55 HA of Country Park, Footpaths, Cycleways, Multifunctional Open Space including Children’s Play Areas, Community Orchard, Open Space for Informal Sport and sustainable urban drainage systems, foul and surface water drainage infrastructure including balancing ponds, and other ancillary infrastructure and ground remodelling.

With Outline Applications for the serviced provision of 1.09 HA of Land for a Primary School and 1.9 HA for Strategic Sports provision with all matters reserved except access Deanslade Park, Land South of Falkland Road, Lichfield, Staffordshire Deanslade Park Consortium

**RESOLVED:-**

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

1. On-site affordable housing provision.
2. On-site Public Open Space Provision (including Delivery of Country Park).
3. On-site Sports Provision (including changing facilities).
4. Bus Service and Travel Pack Contribution.
5. Primary School Education Contribution.
6. Travel Plan.
7. Off-site highway works.
8. Maintenance Management Company.

(2) If the Section 106 Legal Agreement is not signed/completed by the 15<sup>th</sup> April 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 then 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 MRS CHRISTINE BULL, CHAIR OF LICHFIELD & HATHERTON CANALS RESTORATION TRUST (OBJECTOR) AND MR ROB BEATTIE OF TAYLOR WIMPEY (APPLICANT))

(The Meeting closed at 7.14 pm)

CHAIRMAN

29 April 2019

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 April 2019

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
18/01484/OUTM	Land South Of Tamworth Road Lichfield	Lichfield

### **ITEM B**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/00166/FUL	B&M Retail 25 - 27 Market Street Lichfield	Lichfield

# LOCATION PLAN

18/01484/OUTM  
Land South Of Tamworth Road  
Lichfield

Scale: 1:3,000

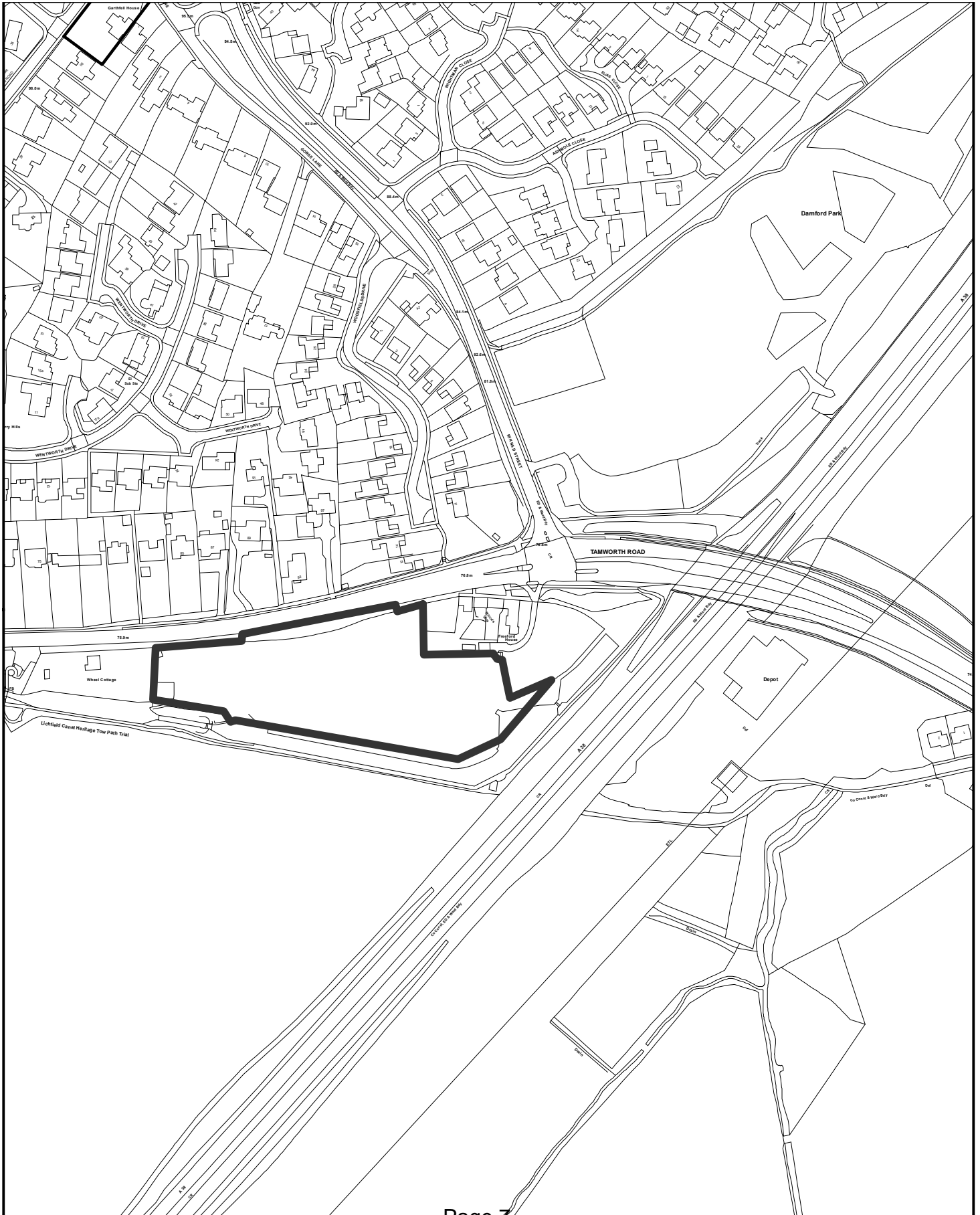
Dated: April 2019

Drawn By:

Drawing No:



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# BLOCK PLAN

18/01484/OUTM  
Land South Of Tamworth Road  
Lichfield

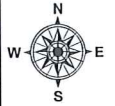
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## **18/01484/OUTM**

**ERECTION OF 28NO DWELLINGS WITH ANCILLARY PARKING AND PRIVATE AMENITY SPACE;  
PROVISION OF PUBLIC OPEN SPACE AREA; SITE INFRASTRUCTURE AND LANDSCAPING (OUTLINE  
APPLICATION RELATING TO ACCESS)**

**LAND SOUTH OF TAMWORTH ROAD, LICHFIELD**

**FOR J&J PROPERTIES**

Registered on 18/10/18

**Parish: Lichfield City**

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

- The proximity of several houses to the A38 would create environmental detriment to the occupiers of those houses including pollution and noise.
- Access to the development is off a busy main road, increasing the risk of accidents; and

Furthermore this application is a major application which requires 3 or more obligations.

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

- 1. 35% Affordable Housing;**
- 2. Education Contribution for Primary School Places;**
- 3. Travel Plan Contribution; and,**
- 4. The formation of a maintenance management company to maintain the Open Space**

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

### **CONDITIONS:**

1. The development hereby approved shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year 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 or subsequent approval of a reserved matters application.
3. This is an outline planning permission and no phase of development shall be commenced until details of the layout of the site including the disposition of roads and buildings; existing and proposed ground levels and finished floor levels; the design of all buildings and structures including pumping station; housing mix and tenure; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian and vehicular access and parking layout; and the landscape and planting of the site shall be submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

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

4. Before the development hereby approved is commenced, a Traffic Management/Construction Management Plan (TM/CMP) shall be submitted to and approved in writing by the Local Planning Authority. The TM/CMP shall include the following;
- a) Details of the routing of construction vehicles to and from the site;
  - b) Parking Facilities for vehicles of personnel, operatives and visitors;
  - c) Arrangements for the loading and unloading of plant and materials;
  - d) Areas of storage for plant and materials used during the construction of the proposed development;
  - e) Measures to prevent the deposition of deleterious materials on the public highway during the construction of the proposed development; and
  - f) A timetable for implementation.

The approved TM/CMP shall be implemented prior to the commencement of any works on the site and shall be maintained throughout the entire construction period.

5. Before the development hereby approved is commenced details of the 2.4m x 120m visibility splays at the site access shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development commencing.
6. The development hereby approved shall not be commenced until details of the following off site highway works have been submitted to and approved in writing by the local planning authority:
- a) Pedestrian central refuge and associated road markings.

The off-site highways works shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of dwellings.

7. Before the development hereby approved is commenced, full details of the height, type and position of all site and plot 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 boundary treatments shall be provided in accordance with the approved details prior to the first occupation / use of the part of the development to which it relates and shall thereafter be retained for the life of the development
8. Before the development hereby approved is commenced, full details for the disposal of surface water and foul drainage 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.
9. Before the development hereby approved is commenced a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be undertaken in accordance with the approved details and thereafter be retained for the life of the development.
10. Before the development hereby approved is commenced, a scheme of noise attenuation measures designed to protect nearby premises from noise nuisance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise attenuation measures shall thereafter be installed prior to first use of the development and shall be retained as such for the life of the development.

11. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) and a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority and must detail:
- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur) as appropriate to the proposed habitats;
  - 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 and HMP.

12. Before the development hereby approved is commenced, full details of the proposed mitigation measures set out in the approved Flood Risk Assessment (FRA) ref 106620 dated 14/02/2019 produced by SYSTRA, shall be submitted to the Local Planning Authority for approval. The details shall include the following mitigation measures detailed within the FRA:
- a) Limiting the surface water run-off generated by the 100yr + 40%CC critical storm so that it will not exceed 5.0l/s and not increase the risk of flooding off site;
  - b) Provision of appropriately sized attenuation flood storage on the site to the above standard;
  - c) The utilisation of sustainable drainage techniques with the incorporation of surface water treatment to help improve water quality;
  - d) Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable;
  - e) Final Plans to include site levels illustrating flooded areas and flow paths in the event of exceedance or blockage of the drainage system; and,
  - f) Confirmation of permission to discharge to the canal.

The mitigation measures shall be fully implemented prior to first occupation of development in any phase approved and retained for the life of the development.

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

13. Before the first occupation of any of the dwellings, the access to the site within the limits of the public highways, as detailed in Appendix 7 of the approved Transport Statement (prepared by ADL), shall be completed.
14. 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.
15. Notwithstanding the submitted details, before the first occupation of any of the dwellings, full details of a scheme of Green Infrastructure, including details of materials and detailed topographic levels, for the area adjacent to the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide at least 1no. pedestrian link up to the boundary of the site, which is to be developed through the delivery of the Lichfield and Hatherton Canal. The Green Infrastructure scheme including footpath shall be completed and installed in accordance with a scheme of delivery to be submitted to and agreed in writing by the Local Planning Authority.
16. There shall be no more than 28 dwellings provided on the site.

**REASONS FOR CONDITIONS:**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
4. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
5. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
6. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
7. 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.
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

9. 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.
10. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
11. In order to deliver biological enhancements as part of the development, in accordance with the requirements of Core Policies 3 and 13 and Policies NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
12. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
14. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.
15. To ensure the satisfactory integration of the development with the future route of the to be restored Lichfield Canal, in accordance with the requirements of Core Policies 6, 9, 10, 13 and Policies HSC1, NR6, Lichfield 1, 2 and 6 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
16. For the avoidance of doubt, in accordance with the applicants' stated intentions, to ensure that the development allows adequate provision for green open space and that it will be adequately served by infrastructure, in accordance with the requirements of Policies BE1, IP1 of the Local Plan Strategy and the National Planning Policy Framework.

#### **NOTES TO APPLICANT**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and 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. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. This will involve a monetary sum

payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

4. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
5. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
6. The access and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/10>
7. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure that approval and agreements are secured before the commencement of development.
8. The applicant is advised that the minimum internal dimension of any garages should be 6.0m x 3.0m to ensure sufficient space to enable the secure storage of both vehicles and bicycles.
9. The applicant is advised that all site clearance works should be completed outside of the bird nesting season (March to September), unless otherwise agreed in writing by the Local Planning Authority.

## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework

National Planning Policy Guidance

### **Lichfield District 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

Core Policy 14 – Our Built and Historic Environment

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 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

### **Supplementary Planning Documents**

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

### **Lichfield City Neighbourhood Plan**

### **Infrastructure Delivery Plan**

### **RELEVANT PLANNING HISTORY**

16/00006/FULM - Creation of a 54 berth canal community water activity centre together with associated infrastructure, car parking and facilities building – Approved 22.06.2016.

### **CONSULTATIONS**

**Lichfield City Council** - Recommend Refusal - the proximity of several houses to the A38 would create environmental detriment to the occupiers of those houses including pollution and noise. Access to the development is off a busy main road, increasing the risk of accidents. (08.03.2019 & 29.10.2018)

**Conservation Officer** – No objections. Following receipt of section drawings showing levels changes within the site it is considered that these levels changes will not cause any further adverse impact of the setting of adjacent Listed Building. (02.04.2019)

It is regrettable that the affordable housing is still shown as a single group. I do not consider that this complies with the Sustainable Design SPD, in particular paragraph 2.31 which states; 'The District Council will require development to incorporate and suitably integrate affordable and market housing with a consistent standard of design quality and public space, in order to create mixed and sustainable communities.' To this end I consider the affordable housing should be better integrated into the site.

Also there is still a long expanse of frontage parking with the majority of plots 6-21 being served by frontage parking. This concern was raised at pre-app stage and in my comments of the 14/11/18. Some trees in front gardens are shown but these need to be shown to be sustainable, some are shown covering parking spaces so there could be pressure for these to be removed in the future. It would be preferable to have street trees which are sited in land to be managed by a management company. The use of more tandem spaces as per plot 11 would break up the frontage parking, allow more space for landscaping and decrease the density of this part of the site.

As per my comments on the 14/11/18, while it is welcomed that the access road has been moved away from the canal, further landscaping should be shown adjacent to the canal. This was also raised at pre-app stage where it was advised that; 'As a minimum a hedgerow should be planted to provide screening and a natural boundary between the development and the canal.'

The amended plans and additional information does not appear to address my enquiry made in my comments of the 6/12/18 about the reference in the Heritage Statement to the raising of ground levels

by 2.5m. As stated previously I do not recall this being addressed in the planning statement or design and access statement and while this may not result in the development having an adverse impact on the setting of the listed building it may have knock on effects that need to be fully addressed. (04.03.2019)

Previous comments: A Heritage Statement has been submitted. This is thorough and written in accordance with the relevant guidance. However, it does mention in the introduction that due to the sites topography and the risk of flooding, the proposals may include raising the ground level by up to 2.5m. I do not recall this being addressed in the planning statement or design and access statement and while this may not result in the development having an adverse impact on the setting of the listed building it may have knock on effects that need to be fully addressed.

Finally, amended plans have not been submitted to address the concerns raised in my comments on 14/11/18 regarding the affordable housing, parking and landscaping adjacent to the canal. (06.12.2018)

Previous comments: As the area is within the Cricket Lane SDA there is no objection to the proposals in principal. There are still a number of concerns regarding the appraisal layout and while this outline application has all matters reserved except for access it should be clear that the indicative layout needs further amendments.

From the appraisal layout it looks as though all the affordable housing is in a single cluster. The type A and B houses are fronted by a large extent of car parking. As per the pre-application comments; 'Expanses of parking in front of dwellings should be avoided. A greater variety of parking provision should be used to break this up.'

No heritage statement has been submitted. It was advised at pre-applications stage that 'Any full application should include a heritage statement to address the impact of the proposals on the adjacent Grade II listed building, Freeford House. This should be written in line with the Historic England GPA Note 3. The application will need to show that any harm to the setting of the listed building has been minimised and mitigated through the layout of the proposal as well as the design and landscaping.'

Also, while it is welcomed that the access road has been moved away from the canal, further landscaping should be shown adjacent to the canal. This was also raised at pre-app stage where it was advised that; 'As a minimum a hedgerow should be planted to provide screening and a natural boundary between the development and the canal.' (14.11.2018)

**Housing Strategy & Enabling Manager** – The proposed development will include a mix of 2, 3 and 4 bedroom properties. It should be noted the proposal does not identify the property size split at this stage. In line with policy H1 of the Local Plan Strategy (LPS), the provision needs to reflect local housing needs as evidenced by the most recent Southern Staffordshire Districts Housing Needs Study and SHMA update 2012 which indicates a required property size split as follows:

Size	Percentage
1 bed	5%
2 bed	42%
3 bed	41%
4+ bed	12%

The delivery of affordable housing is a strategic priority in Lichfield as set out in the Council's Strategic Plan, to enable our commitment to being a clean, green and welcoming space, and building healthy and safe communities to reduce homelessness. In line with the Local Plan Policy H2, we currently expect a proportion of housing delivered on site to be affordable; this is presently set at 35% in line with the dynamic model of viability, translating to 10 homes.



The Planning Statement proposes 9 affordable housing, however the appraisal layout appears to have 11 homes earmarked which will need to be clarified; we would expect to receive a minimum of 10 affordable homes on this site. The proposals state the affordable housing will be split in accordance with LP policies, the current housing requirements is a split of 65% rent and 35% intermediate housing. The aim on all new developments should be to create a mixed and sustainable community and so the affordable housing should be indistinguishable from and integrated amongst homes for sale. This is not reflected in the appraisal layout. In order to address housing need in Lichfield, all affordable rented accommodation within the district is let in accordance with the Council's Allocations Policy and any supplementary Local Lettings Plans. These set out the eligibility and qualifying criteria of applicants and prioritises them in accordance of housing need. The provider of affordable accommodation must hold 'Approved Registered Provider' status with the Council.

The specific details of the design will be finalised and submitted at the next planning stage, however the proposal identifies the need to deliver energy efficient homes and will be adopting energy efficient technology into its design.

The Planning Statement does not stipulate the provision of any properties to Lifetime Homes standards; we would encourage consideration of this throughout all homes delivered on the development to ensure the needs of our ageing population are met both now and in the future. The site is within walking distance of the city centre, providing access to amenities and travel services. An area of public open space has been included within the scheme, allowing views and access to the canal.

To conclude, the development is seen as a positive contribution to the local area. It is within a sustainable part of the district with many positive features. We would welcome further discussions in regard to the affordable housing mix to ensure it is reflective of local housing need and encourage consideration into the value added by incorporating Lifetime Homes principles. (12.11.2018 & 15.03.2019)

**Staffordshire County Council (Highways)** – No objections subject to conditions requiring the submission and approval of the site's internal road layout and composition, visibility splays, parking provision and turning areas and traffic management scheme. (9.11.18 & 08.03.19)

**Spatial Policy & Delivery** – The site is located adjacent to the settlement of Lichfield and forms part of the Cricket Lane, South of Lichfield Strategic Development Allocation as illustrated on Inset 1 of the Local Plan Strategy policies maps.

With regards to national guidance, the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development (paragraph 11) and this is echoed in Core Policy 2 of the Local Plan Strategy. Furthermore the NPPF advises local authorities that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Lichfield District Council adopted its Local Plan Strategy in 2015 and the proposal development forms a part of one of the Strategic Development Areas (South of Lichfield ' Cricket Lane) allocated for development as part of Policy Lichfield 6: South of Lichfield within the adopted Local Plan Strategy, as such the development of the site for residential use is clearly established within the adopted Local Plan.

The Local Plan Strategy for Lichfield District was adopted on 17th February 2015 and provides up to date policies relevant to the site. The Local Plan Strategy replaces a number of the saved policies of the 1998 Lichfield District Local Plan, the remaining saved policies will be updated through the Local Plan Allocations document (as set out in Appendix J of the Local Plan Strategy).

Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and priorities the use of previously developed land. The Policy

goes on to identify the areas within the District that the majority of growth will be directed. The application site falls within one of these areas; Cricket Lane, South of Lichfield Strategic Development Allocation (SDA). Core Policy 6 Housing Delivery details that this is to provide for up to 450 homes. The Plan also includes a Key Diagram for Lichfield (Map 13.2) and a more detailed concept plan of the Cricket Lane South of Lichfield SDA (Maps I.1 and I.2). Appendix I of the Local Plan Strategy provides a Concept Statement for Dean Slade SDA. It is noted that an outline application for 520 dwellings on the balance of the Cricket Lane site is currently being determined by the Council [Application Reference: 18/01217/OUTFLM]. Whilst these applications in combination will result in an increase in the overall dwelling requirement, the figures set out within the Local Plan Strategy are minimums and therefore there is no objection in principle from a policy perspective to the increase in dwellings where this accords with other policies.

Policy Lichfield 6: South of Lichfield provides detailed policy and supporting infrastructure requirements for the three SDA's (South of Lichfield, Dean Slade South of Lichfield and Cricket Lane South of Lichfield) which combined deliver approximately 1,350 dwellings to the South of Lichfield. Notably, the site lies adjacent to the Lichfield Canal and Policy Lichfield 6 lists the integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network, therefore it will be expected to be demonstrated how the route is integrated as part of the scheme. Further, requirements are in some instances allocated to individual SDA's through Appendices C, H and I of the Local Plan Strategy.

Further development of this site would need to comply with the overall 'Vision for Lichfield City' (p.97) and with specific policies for Lichfield City ' Policy Lichfield 1: Environment, Policy Lichfield 2: Services and Facilities, Policy Lichfield 4 Housing together with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

The Council is currently progressing the second part of its Local Plan 'the Local Plan Allocations document. The document has recently been subject to examination hearing sessions by the Planning Inspectorate and we anticipate the examiner's report early next year. Given the advanced stage moderate weight can be attributed to the document and consideration should be given to Policy IP2: Lichfield Canal which states new development should recognise the advantages of supporting the delivery of the canal through a sensitively designed scheme. I note from the planning statement, the applicants have consulted with the Lichfield and Hatherton Canal Restoration Trust (LHCRT) and this dialogue is welcomed throughout the application process.

The Lichfield City Neighbourhood Plan was made on 17 April 2018 and as such now forms part of the development plan for this area. Of consideration for this application is Policy 3: Primary Movement Routes and Non- Policy Action B: Addressing Points of Pedestrian / Vehicular Conflict. Policy 3 seeks to ensure pedestrians can move easily and safely around Lichfield City and into the City Centre, and strongly supports proposals to enhance identified Primary Movement Routes. Non-Policy Action B states the City Council will with Staffordshire County Council and District Council to identify solutions to safe pedestrian and cycle movement across identified points of conflict.

For reference, Non-Policy Action A: Cricket Lane Strategic Development Allocation seeks to maximise local economic and employment benefits on the employment part of the Cricket Lane SDA, where this can be demonstrated to satisfy the sequential and impact tests; where good connections to adjacent residential areas and the City Centre can be achieved and where development would not prejudice the reinstatement of the Lichfield Canal.

Contributions: Community Infrastructure Levy: Lichfield District Council began charging the Community Infrastructure Levy (CIL) on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the Market Houses within Strategic Allocations defined in the Local Plan Strategy 2008-2029 as identified on the CIL Charging Schedule which is currently set at £14.

Affordable Housing: Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing which currently stands at 35% (AMR 2018). This would equate to 10 affordable dwellings based on the latest viable target. I note that applicant is proposing 35% affordable and calculates this to be 10 units based on 28 units in total.

In conclusion the application falls within an identified area for housing growth within the District and as such in general there is strong policy support for the application, subject clarification regarding affordable housing provision. (16.11.2018)

**Staffordshire County Council (Education)** – No objections, a financial contribution of £16,728.67 will be required through a S106 agreement for the funding of 9 primary school places (08.11.2018 & 20.02.2019).

**Arboricultural Officer** –The latest layout revision does not offer any improvement on the original layout in respect of landscaping provision opportunities to alleviate the long rows of parking spaces to the rear of the development.

It is appreciated that this is an outline application, however the provision of landscaping should, in principle, be considered as this may affect the number of car parking spaces or their location within the development. Additionally, planting in such restricted spaces as are indicated is likely to mean that engineered load-bearing tree pits of sufficient soil volume will be required. As their incorporation could be expensive, designing-in sufficient space for larger areas of soft landscaping to alleviate the runs of car parking may be preferable. Again, this may affect the final design and layout.

I note the drainage report and I recommend that consideration be given to how the suds ditch feature could be incorporated into the landscaping, so that it is part of a multifunctional space and not regarded primarily as a drainage feature separate to the open space. I recommend that the integration of this feature is highlighted and included at the outline stage, this is so that the principle of landscaping this feature as part of green infrastructure is brought through to a detailed design stage. (11.03.2019)

Previous comments: No objection to the principal of development. The majority of the on and off site vegetation appears to be retained in the outline proposal. The principal feature from Tamworth Road is the hedgeline, shown to be retained and outside sightlines. The retention of hedgerows is important within the Council's policy NR4 and the NPPF as a habitat of principal importance. The council's 'trees, landscaping and development' SPD recommends that existing hedgerows are not incorporated into private boundaries but included within open space. Therefore, should consent be granted, detailed design should provide for this hedgerow to be included as open space. The Council's 'Trees, Landscaping and Development' SPD aspires to 20% tree canopy cover for Lichfield and the development would be expected to contribute by on-site tree provision. The final design will need to incorporate greater tree provision than the layout currently shows- through supplementary planting in the hedgeline and the open space, and additional amenity tree planting within or close to the affordable housing, owing to the long runs of car parking. This may therefore alter the final design of the site. (25.10.18)

**Staffordshire County Council (Flood Team)** – No objections. Following the provision of additional information and clarification there are no objections subject to a condition relating to works in accordance with the Flood Risk Assessment and technical details as specified. (12.03.2019)

Previous comments: The submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted documents do not provide a suitable assessment to be made of the flood risks arising from the proposed development. (15.11.2018)

**Canal and River Trust** – No comment. (30.10.2018 & 20.02.2019)

**Inland Waterways** – No objections. (01.04.2019)

Previous Comments: Outstanding matters still need addressing in terms of layout and use of the canal by the Lichfield Hatherton Canal Restorations Trust. (12.03.2019)

Previous comments: Application is contrary to the Local Plan and the Cricket Lane SDA. (16.11.2018)

**Lichfield and Hatherton Canals Restoration Trust** –No objections to the revised proposals. As requested by IWA and by us the Appraisal Layout now shows the existing slipway and a 5m wide access track along the whole canal frontage, and the location of the existing canal bank in relation to the red line land ownership boundary. The Terms for Transfer of Land will transfer ownership of the 5m strip and that part of the 'winding hole' (bellmouth) section of the canal within the red line to LHCRT for the use and maintenance of the canal. The Heads of Terms for a Lease relate to the Retained Area site compound with its existing sheds which are to be leased to us for 25 years. (07.04.2019)

Previous comments: Object – the proposed application would not enable the require infrastructure for the restoration of the canal. (14.11.2018)

**Architectural Liaison Officer** – Concerns regarding the provision of an additional access route from The Shrubbery will provide more opportunities for crime. (12.11.2018 & 05.03.2019).

**Ecology Officer** – The Ecology Team are satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal. The Ecology Team concurs with the conclusions of the appraisal in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

The LPA is therefore in a position to demonstrate compliance with regulation 9(5) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal must be made a condition of any future planning approval. These should include:

- The provision of a minimum of four Schwegler 1FR bat tubes, or equivalent
- The provision of a minimum of one Schwegler 2F bat box or equivalent recommended at the horse chestnut tree at SK 13188 08302
- An appropriate lighting scheme that avoids harm to bats and otters is submitted.
- Any hedgerow/tree/ building are to be timed to occur outside the bird breeding season. In the event that works are required within this time period then inspections for nests should be undertaken by a suitably qualified ecologist immediately prior to the start of any works. Should any active nest be found, works shall cease and a 5m buffer is to be formed until subsequent checks by a suitably qualified ecologist prove the absence of nesting birds.
- A minimum of one (1)kestrel nesting box, such as a Schwegler no. 28 Kestrel Box
- A minimum of two (2) Schwegler Woodcrete (1B) boxes, or equivalent.

## Quantitative assessment of Biodiversity Impact

The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Preliminary Ecological Appraisal.

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 2.52 Biodiversity Units (BU).

Equally the Ecology Team agrees that the Preliminary Ecological Appraisal is accurate in describing the likely achievable biodiversity value of the site post development, as 3 Biodiversity Units (BU). Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as per policy NR3 and para 6.33 of the Biodiversity and Development SPD.

The quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the Preliminary Ecological Appraisal is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of the NPPF 2018.

The Ecology Team welcomes the applicant intention to deliver net gains of 0.5BU as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD). As such the development scheme is view as likely to provide a 20% net-gain to Biodiversity Value and so complies with both policy NR3 and the requirements of the Biodiversity and Development SPD.

However, the applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof).

Within the combined CEMP/HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition.

Information submitted within the CEMP/HMP should expand upon the information provided within the Preliminary Ecological Appraisal and must detail:

- Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur).
- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
- Details of both species composition and abundance (% within seed mix etc') where planting is to occur.
- Proposed management prescriptions for all habitats for a period of no less than 25years.
- Assurances of achievability.
- Timetable of delivery for all habitats.
- 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.

This information can be submitted as part of the current planning application and so become incorporated within the development scheme or its submission to and approval by the LPA can become a pre-commencement condition of any future planning approval.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (28.11.2018 & 12.03.2019)

**Environmental Health** – No objections subject to conditions relating to adherence with noise survey mitigation and the submission of a construction management plan. (08.11.2018 & 13.03.2019)

**Environment Agency** – No objections/comments. (24.10.2018)

**Natural England**– No objections. (03.12.2018 & 28.02.2019)

**Lichfield Civic Society** – Object – location is on a busy road and will impact the canal. (18.01.2019)

**Severn Trent Water** – No objections subject to conditions in respect of details for the disposal of foul and surface water flows. (30.10.2018 & 22.02.2019).

**Western Power** – No objections, advise the developer to contact WPD prior to works commencing. (11.10.17)

**Waste Management** – Refuse / recycling storage and collection - Each house needs to be provided with facilities for the storage of 1 wheeled refuse bin (larger families have may have 2 bins), at least 1 wheeled recycling bin (households may need another bin if they produce a lot of recycling) and at least 1 wheeled garden waste bin (depending upon garden size). On collection days these receptacles have to be left on the front boundary of the property adjacent to the adopted highway (not on the highway) for collection. The council does not encourage the use of bin collection points as these have the potential to cause nuisance such as bins being left out after collection, fly tipping, littering, contamination of recycling and preventing participation from being monitored. An individual property should present their waste at the curtilage of their property. The Council's refuse and recycling service does not normally take vehicles into private roads and courtyards unless indemnified to do so. The road surface should be sufficient to take a 32 tonne vehicle and there should be sufficient room to allow safe access and egress for an RCV. The refuse/recycling collectors should have a pull distance of no greater than 10m. No objections subject to bin storage provision for each dwelling. (29.10.2018 & 20.02.2019)

**Cadent Gas** – No objections, applicant is advised Cadent apparatus may be present within application site. (08.11.2018)

### **LETTERS OF REPRESENTATION**

Six letters of objection have been received from local residents, whose comments are summarised as follows:

- Siting of dwellings on a busy road, concerns regarding impact on highways,
- Further congestion in a busy area,
- Impact on the canal redevelopment,
- Impact on wildlife within canal,
- Impact on wider infrastructure schools, doctors, dentists etc.,
- Site should be kept for marina development,
- Concerns regarding impact on adjacent listed buildings,
- Flooding and flood risk,
- Density of housing on the site is too high.

## **OTHER BACKGROUND DOCUMENTS**

The application is accompanied by the following supporting documents:

Topographical Survey  
Heritage Statement  
Flood Risk Assessment  
Transport Statement  
Acoustic Report  
Framework Travel Plan  
Ecological Appraisal  
Design and Access Statement  
Draft Heads of Terms

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## **OBSERVATIONS**

### **Site and Location**

The site, which is 1.2 hectares in size, is located wholly inside the settlement boundary for Lichfield as defined within Lichfield Local Plan Strategy 2008-2029 and forms part of the designated Cricket Lane Strategic Development Allocation (SDA). The application site represents a linear plot which is parallel with the A51 to the north and Lichfield and Hatherton Canal to the south.

The site is generally free from development but includes a number of structures on the site including a porta cabin style building, a metal container style building and a large wooden building which has been used for storage. The site also includes a canal bell mouth from the L&H Canal. The site gently rises in gradient in a northerly direction from the canal towards Tamworth Road. It appears that the centre of the site has been hollowed out and the site is currently not a uniform level. The roadside boundary is defined by a mature hedgerow. The landscape and topography of the land surrounding the site is built development to the north of the site.

A group of houses are located to the east of the site while dwellings are also located on the northern side of Tamworth Road. One of the dwellings to the east is a Listed Building. To the south, beyond the canal, are agricultural fields. The A38 and open countryside is located to the east of the site.

### **Proposals**

The application seeks outline permission for the erection of up to 28 dwellings. All matters are reserved for future consideration, with the exception of access. The scheme shows that access would be provided via the creation of a new point of access from Tamworth Road at the north of the site.

An illustrative layout has been submitted which shows how the site could be laid out to accommodate the proposed dwellings. The illustrative layout shows a variety of dwellings including detached, semi-detached and terraced properties with associated garden areas and off street parking. The indicative layout shows a landscaped buffer to the south adjoining the adjacent canal and indicates the retention of some existing vegetation and the provision of new vegetation. The scheme shows the provision of a “pump station” in the south east corner, and green buffers around the margins of the site, with areas of open space internal to the site and along the canal. Exact property sizes are not specified.

### **Determining Issues**

1. Policy and Principle of Development
2. Access and Highways
3. Housing Mix, including Affordable Housing
4. Design and Connectivity

5. Residential Amenity – Future and Existing Residents
6. Other Matters Arising
7. Planning Obligations / Community Infrastructure Levy
8. Human Rights

1. Policy and Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.

1.2 The NPPF sets out a presumption in favour of sustainable development. Paragraph 14 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites.

1.3 The Framework 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 roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- 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 provide a balanced view in terms of these three strands of sustainable development.

1.4 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Lichfield city/Urban Area is a primary area for future development within the plan area. Core Policy 6 identifies that housing development will be focused upon the key urban and rural settlements, including Lichfield City. Core Policy 6 confirms that South Lichfield – Cricket Lane, is a Strategic Development Allocation (SDA) which will deliver 450 dwellings. The application site forms a small part of the Cricket Lane SDA. Policy Lichfield 4: Lichfield Housing states that approximately 38% of the Districts housing growth to 2029 will take place in and around Lichfield City with 54% delivered through the SDA sites to the south and east of the city centre.

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. The latest position identifies that LDC can demonstrate a 5.77 year supply of housing land within the District and it therefore falls for this scheme to be considered, in the first instance, against the Policies contained within the Development Plan.



- 1.6 As confirmed above, this site lies within the Cricket Lane Strategic Development Allocation (SDA), an identified site for housing development, and therefore the principle of residential development within this site is considered to be acceptable. However, it is necessary to consider, in detail, a range of other issues such as its potential impact on the character of the area and impact on the local highway network. These matters, amongst others, are examined in the following sections of the report.
- 1.7 In view of the above, it is considered that the scheme is an appropriate location within an allocated site within the Development Plan. Therefore from a policy perspective the development can be supported.
2. Access and Highway Safety Issues
- 2.1 This application is in outline, with all matters reserved with the exception of access. It is therefore necessary to consider whether the proposed means of access is acceptable. The scheme proposes the construction of a new point of access from Tamworth Road to the north of the site. The access includes the provision of a short section of pavements flanking the access and entering into the site. The scheme has been supported by a Transport Statement which confirms achievable visibility splays of 2.4m x 120m in both directions. The TS also assesses the likely impact of the proposed access arrangements and development upon the public highway.
- 2.2 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that effectively limit the impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts on the road would be severe. Core Policy 5 of the Local Plan Strategy states that new development will be accessible and that development will reduce the need to travel; widen travel choices; improve road safety; and reduce the impact of travel on the environment. Policy ST1 of the Local Plan states that the LPA will seek to secure more sustainable travel patterns by, inter alia, only permitting traffic generating development where it is or can be made compatible with the transport infrastructure taking into account number and nature of additional movements; the capacity of the local transport network; cumulative impacts with other developments; access and egress to the public highway; and highway safety.
- 2.3 The proposal is for the creation of a simple priority junction onto Tamworth road. The submitted TS indicates visibility of 2.4m by 120m in both directions. The TS indicates that the proposed development of up to 28 dwellings would generate 148 two way trips per weekday, 18 of which are likely to be during the a.m. peak hour, and 17 are likely to be in the evening peak hour. This would result in an approximately 1% increase in traffic at the site access, as a worst case scenario, during the AM and PM peak periods.
- 2.4 The scale of the proposed development is considered to be modest and the increase in vehicular movements from the development is small scale. The existing transport network would have the capacity to absorb the increase in vehicles resulting from the development. The junction is deemed to be appropriately engineered for the size of the development proposed and as such is considered to be acceptable solution for access to the site. Furthermore, the proposed visibility splays which can be achieved complies with the relevant DMRB standards. The Highways Authority have considered the submitted information and have raised no objections to the scheme. SCC Highways have requested conditions to be attached to any permission including a plan showing the vehicular visibility splays from the site access; and the provision of parking, turning and servicing within the site. On this basis it is considered that the proposed development would not have a severe impact upon the highway network or result in any detrimental highway safety issues.

- 2.5 SCC Highways have however requested off-site works comprising the provision of a Pedestrian central refuge, and associated road markings being provided on Tamworth Road. These details are provided within the submitted plans and would be provided to the east of the proposed site access and would be accessed via a footpath within the existing highway verge. The provision of a pedestrian refuge will help to ensure pedestrian accessibility to/from the site from the north.
- 2.6 The comments received from local residents regarding highway safety and the impact on congestion within the local area caused by the development is noted. However, as set out above, it is considered by County Council Highways Authority that the proposed access and increase in vehicular movements to/from the site would be acceptable and would not have a detrimental impact on the highway network or highway safety. Given that this application is in outline, full details of parking provision will only be provided at the reserve matters stage and its acceptability will be assessed at that point.
- 2.7 Overall therefore, in terms of highways and transportation issues, the Local Planning Authority is satisfied that subject to appropriate conditions, the development is acceptable in highways terms, and the development would therefore be compliant with the requirements of both the Development Plan and NPPF.
3. Housing Mix, including Affordable Housing
- 3.1 Policy H1 of the Local Plan Strategy requires the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes, particularly in the rural areas. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 3.2 The submitted indicative layout sets out that it is proposed to provide a range of different housing across the site, in terms of size and mix. The indicative scheme shows 12 2-bedroom properties; 10 3-bedroom properties; and 6 4-bedroom properties. This mix is deemed to be appropriate and would provide an acceptable balance broadly in accordance with Local Plan Policy. Notwithstanding this, as scale and layout are reserved matters, these details are to be refined at the reserved matters stage.
- 3.3 Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing with a target of up to 40%. The on-site affordable housing provision should be in line with the dynamic model of viability which is currently a delivery of 35% affordable housing based on the most recent Annual Monitoring Report. Therefore the most up to date affordable housing target would be to achieve a total of 35% affordable housing within the site.
- 3.4 The submitted scheme proposes that 10 dwellings of the total 28 dwellings proposed, would be affordable housing which equates to a provision of 35.7%. It is recommended that these will comprise 65% social rented and 35% intermediate affordable homes. The affordable housing should be secured through a Section 106 agreement as recommended. Therefore, the authority is satisfied that 35% of the dwellings on the site will be affordable which is appropriate in this instance and therefore the development will be policy compliant in terms of delivery of affordable housing.

3.5 The indicative layout shows the affordable housing grouped together which is not an ideal arrangement from a design perspective as such developments should be pepper-potted across developments. Notwithstanding this, the siting of the affordable units within the site to ensure suitable integration throughout the scheme can be addressed within the layout assessment of any reserved matters application.

3.6 Overall, in terms of housing mix, the authority is satisfied that a development which balances the strategic need, with the need to secure an appropriate design can be achieved and that the level of affordable housing proposed is policy compliant and therefore the development would help to achieve a social aspect of sustainable development through the delivery of affordable housing. Accordingly, it is considered that the relevant national and local housing policy requirements are satisfied and therefore the development will accord with the NPPF and Local Plan Strategy in this regard.

#### 4. Design and Connectivity

4.1 The NPPF sets out that the 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;
- create and sustain an appropriate mix;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

4.2 Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

4.3 No specific densities are set out in within policy H1 however it does state that where appropriate, higher density provision will be sought, focused around the most sustainable centres to assist in the provision of smaller units to meet a diverse range of housing needs.

4.4 The layout plan submitted with this application is wholly indicative and there would be some concerns, from an urban design perspective, with regard to the layout proposed such as grouping affordable housing units and large expanses of frontage parking. It would be important to ensure that there is a buffer and landscaped area adjacent to the canal basin to the south, which as shown in the indicative layout.

4.5 The indicative layout shows that the development would be sited behind the retained hedgerow adjacent to Tamworth Road and set back an appropriate distance from the back of the public highway due to the depth of the highway verge. With regards to the views of the site from the south, this land forms part of the wider SDA and therefore the development would be viewed in the context of future housing development. Therefore, based on the indicative layout it is considered that the development would not cause adverse harm on the character and appearance of the streetscene or wider landscape.

- 4.6 The Design and Access Statement (DAS) however sets out how the plan has evolved, having regard to the character and context of the site. It is stated that it is entirely feasible at the Reserved Matters stage to secure a design for the proposed dwellings that will ensure that the development is respectful to and consistent with the character and appearance of the surrounding area. If approved and a Reserved Matters application submitted negotiations would take place between the officers and applicant to provide a scheme that was of an appropriate high quality design.
- 4.7 Within close proximity to the site to the east is a Grade II Listed Building, known as Freeford House. Development of this site is within the wider setting of the Listed Building, although not within its immediate setting. The application scheme indicates that there may be some raising of land levels required and sections of this have been provided. With the raising of the land levels there may be a possibility that the development and the Listed Building would be seen in the context of each other, however this would be from limited vantage points, while the existing vegetation between the Listed Building and the site provides a significant buffer. Furthermore, detailed design is not provided at this stage. Notwithstanding this, the harm to the setting of the Listed Building is likely to be limited, if any, and this must be weighed against the fact that the site is identified as for housing development in the Local Plan and the public benefits that would be brought with the proposals.
- 4.8 Clearly this is an outline application and as such, detailed design is not being considered at this stage. Given the proposals location, it is considered that any new-build development should be of a very high standard of design, construction and materials, which provide substantial benefits in terms of visual amenity. These matters would be addressed through the reserved matters application.
- 4.9 Based on the above, the Council is satisfied that even with amendments to the layout which are likely to be required, that the site can accommodate 28 dwellings whilst providing the appropriate levels of design quality. As such it is considered consistent with the Development Plan and the NPPF.

## 5 Residential Amenity – Future and Existing Residents

- 5.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF emphasises that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 5.2 As stated above, layout, appearance and scale are matters which are reserved for future consideration. Accordingly, the precise impact of the development on the amenities of existing and indeed future residents will be considered at a later stage. However, it is necessary to consider whether there would be any fundamental issues relating to the site which would result in significant amenity issues.
- 5.3 A number of properties have boundaries adjoining the application site which could be affected by the proposed development. However these properties are considered to be a sufficient distance away, while the site is large ensure, to ensure that any significant issues through loss of privacy or overlooking could be avoided at detailed design stage. Furthermore, it is considered that the development could provide sufficient distances from private amenity spaces and principal openings to ensure no adverse loss of daylight or overshadowing.

- 5.4 The increase in comings and goings to/from the site will inevitably result in a change in character. The increase in activity and vehicular movements is not considered to be so significant as to result in adverse harm to neighbouring amenity. The LPA is therefore confident that the site could be developed without causing undue harm to the amenity of neighbouring properties.
- 5.5 With regard to the amenity of future occupants, the application site lies adjacent to the A38 and Tamworth Road. These are potential sources of noise disturbance to future occupants of the development. A noise report has been submitted as part of the application which suggests mitigation methods could be incorporated to alleviate noise from these sources to ensure an appropriate level within habitable rooms. This has been reviewed by the Environmental Health team who have advised that the findings of the noise survey are acceptable and that these should be used to inform a detailed scheme of mitigation which should be secured by condition.
- 5.6 The dwellings would need to provide an appropriate level of private amenity space for each of the properties in accordance with the standards set out in the Sustainable Design Supplementary Planning Document. The indicative layout provides an appropriate level of private amenity space to serve the development. The LPA is satisfied, given the size of the site, and indication of the scheme presented, that future layouts for 28 dwellings could be provided with an appropriate level of amenity for future occupants in terms of private amenity space.
- 5.7 Accordingly, subject to conditions the development would not cause significant harm to the amenities of existing or future residents, and as such would accord with the NPPF and Local Plan Strategy.

6. Other Matters Arising

*Flooding and Drainage*

- 6.1 The application site lies within Flood Zone 1, and therefore an area at lowest risk of flooding. However, given the size of the site, it has been necessary for the application to be supported by a Flood Risk Assessment. The Environment Agency and Staffordshire County Council Flood Team have reviewed the submitted information and have raised no objection to the scheme, subject to a condition, which secures the measures as detailed in the Flood Risk Assessment. In the absence of any objection from statutory consultees, it is considered that development of this site does not pose any particular flood risk and would be safe from the risk of flooding.

*Biodiversity*

- 6.2 The Councils Ecologist is satisfied that there would be a net gain to biodiversity as part of the proposed development which would therefore be compliant with policy NR3. A condition has been requested relating to the submission of Construction Environment Management Plan and Habitat Management Plan, which will ensure a net gain to biodiversity.

*Impact on Cannock Chase SAC*

- 6.3 The application site lies within the zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC, as such a financial

contribution is not required. The LPA has carried out an appropriate assessment under the Habitat Regulations, and have concluded that the development can be avoided or appropriately mitigated by financial contributions provided by developments in the 0-8km zone of payment. Natural England have concurred with the assessment conclusions. The LPA have satisfied their duties as a competent authority.

#### *Lichfield and Hatherton Canal*

- 6.4 The application site lies immediately adjacent to the Lichfield and Hatherton Canal. The Concept Statement for the Cricket Lane SDA states that it is expected that the development would deliver the integration of the route for a restored Lichfield Canal within an integrated open space and green infrastructure network. The route of the canal adjacent to this site has been delivered and the indicative plan demonstrates green infrastructure adjacent to the route. The delivery of this green infrastructure can be secured by condition. In addition to this it is understood that the applicant has agreed to engage with the Lichfield and Hatherton Canals Restoration Trust (LHCRT) in a Terms for Transfer of Land, which will transfer the ownership of a 5m strip and bell mouth section of the canal for use and maintenance of the canal. This is subject to a private legal agreement between the applicant and LHCRT. Given the above agreement, and the imposition of a condition, it is considered that the proposal would be in accordance with the current Infrastructure Delivery Plan for the provision of a continuous open space network must be provided along the course of the Lichfield Canal route giving access to future waterside recreation uses.

#### *Open space provision*

- 6.5 It is noted that based on the current indicative layout, open space provision within the site would accord with policy HSC1 providing approximately 0.4 hectares of amenity green space. However, final details of open space provision will form part of a future reserved matters application at which point a full assessment will occur. Notwithstanding this the site forms part of the larger Cricket Lane SDA, which will deliver larger areas of amenity green space for use by the new communities in the locality.

#### 7. Planning Obligations/Community Infrastructure Levy

- 7.1 Although the development is liable to contributions under CIL it is identified that there will still be a need for a Section 106 agreement in respect of the following:

1. 35% Affordable Housing;
2. Education Contribution for Primary Provision;
3. Travel Plan Contribution; and,
4. The formation of a maintenance management company to maintain the Open Space

These contributions will be sought through a S106 agreement following consultation with the statutory consultees to contribute to local infrastructure provision. Primary school education contributions form part of the Infrastructure Delivery Plan (IDP) requirement for the SDA with secondary education provided via CIL. Lichfield District Council no longer seek to adopt Open Space, therefore the developer will be required to establish a maintenance company to maintain the open space. This will be secured via through a S106 agreement.

- 7.2 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. Lichfield District Council began charging the Community Infrastructure Levy (CIL) on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the Market Houses within Strategic Allocations defined in the Local Plan Strategy 2008-2029 as identified on the CIL Charging Schedule which is currently set at £14.

7.3 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, CIL funding for local infrastructure and Council Tax.

## 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 neighbours' 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 national planning policy and policies of the development plan.

## **Conclusion**

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, socially, the proposal is sited ensuring no impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is broadly compliant with the requirements of the Council's Local Plan Strategy. The development will support the delivery of Lichfield District Council's 2016-2020 Strategic Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green and welcoming places.

Economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. Environmentally the site would not elongate the form of development in Lichfield City, rather in-fill an area between existing built forms and occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space could be provided on site to meet the needs of the future and existing residents, whilst the number of dwellings and mix proposed, will provide a suitable density of development to integrate into the area, whilst also helping to meet the accommodation needs of the District. The proposed density of development would be of a similar level to that of properties within the locality. It is considered that, on balance subject to conditions, the benefits of the proposed development would provide much needed affordable housing.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices are available in close proximity of the site. Acceptable details have been provided with regard to the vehicular accesses to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

The Authority is satisfied, that subject to suitable measures that there will be no adverse impact on protected or priority species and ecological habitats. With regard to drainage, residential amenity and the development's impact on the surrounding landscape, it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused.

It is therefore considered that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

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## **ITEM B**

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

**29 April 2018**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/00166/FUL	B&M Retail 25 - 27 Market Street Lichfield	Lichfield

# LOCATION PLAN

19/00166/FUL  
25 - 27 Market Street  
Lichfield

Scale: 1:1,000

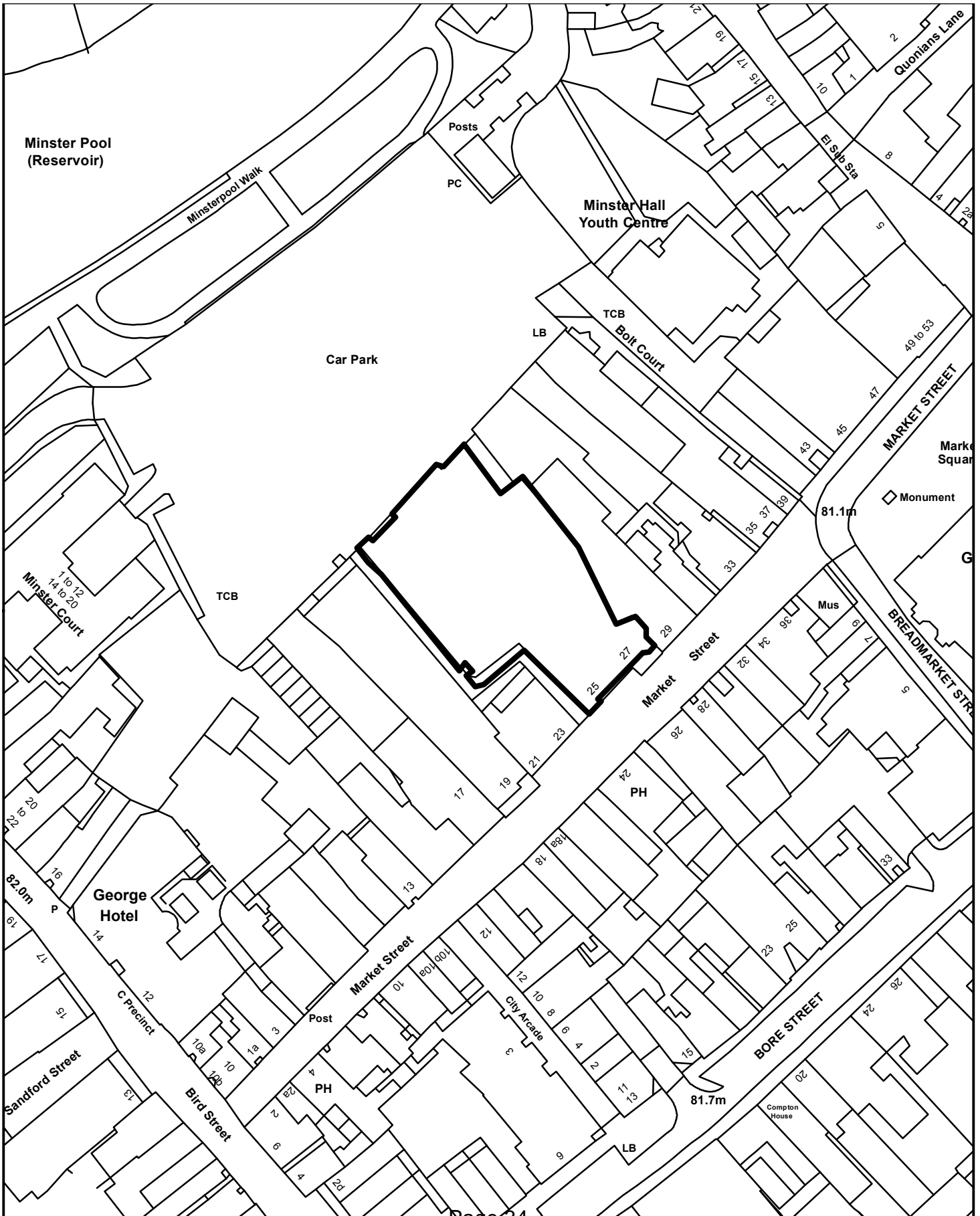
Dated: April 2019

Drawn By:

Drawing No:



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# BLOCK PLAN

19/00166/FUL  
25 - 27 Market Street  
Lichfield

Scale:

Dated:

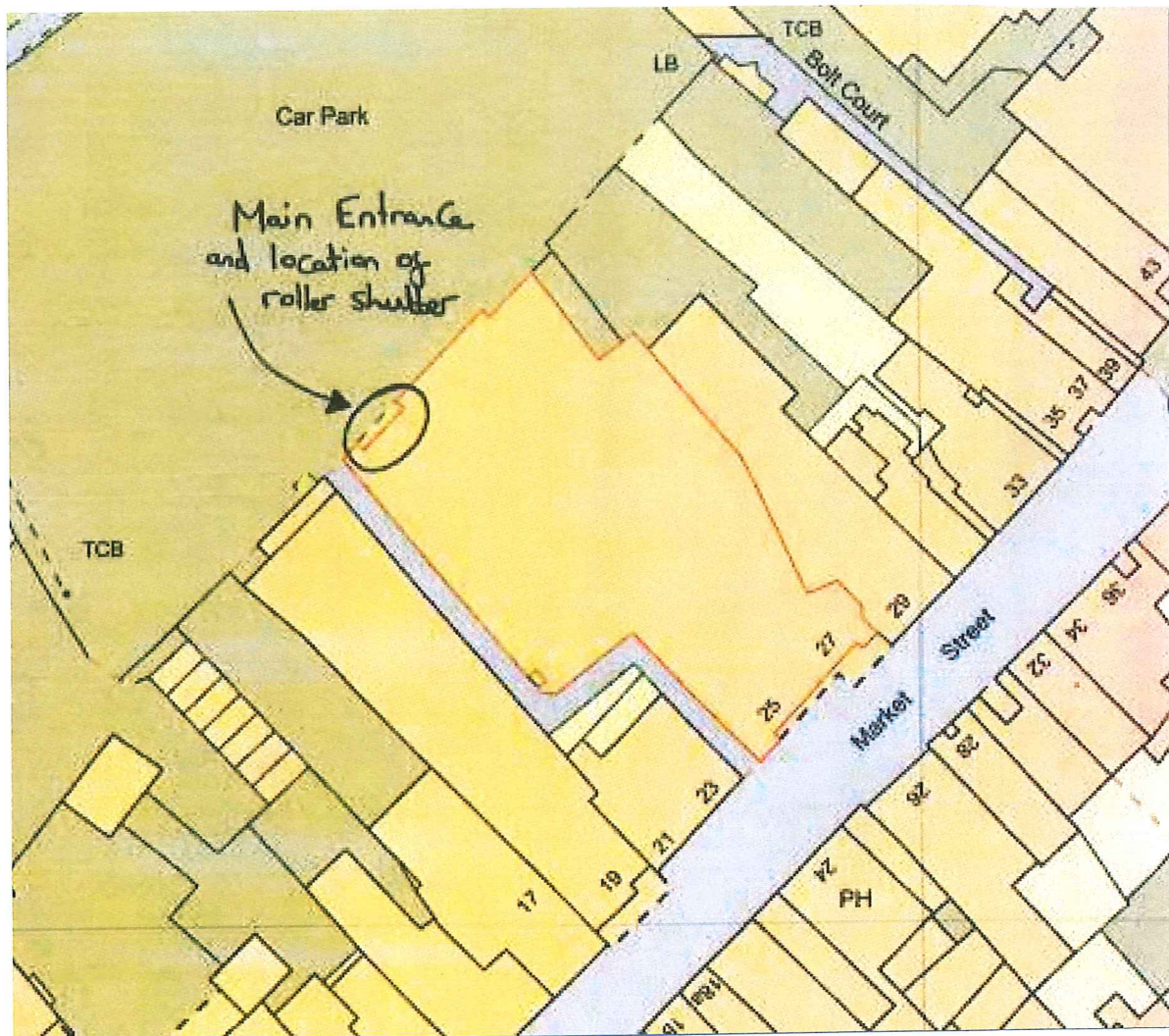
April 2019

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## 19/00166/FUL

### RETENTION OF ROLLER SHUTTER DOORS TO CAR PARK ENTRANCE

B&M RETAIL LIMITED, 25-27 MARKET STREET, LICHFIELD

FOR: B&M RETAIL

Registered 21/02/19

**Parish: Lichfield**

**Note:** This application is being reported to the Planning Committee due to the application relating to a building owned by Lichfield District Council.

### RECOMMENDATION: REFUSE

1. The proposal by reason of its siting and design introduces a prominent and incongruous feature to the existing building and, as a consequence, has a detrimental impact on the character and appearance of the Lichfield City Conservation Area. The proposal therefore fails to preserve or enhance the character and appearance of the Conservation Area. It is not considered that any public benefits of the scheme would outweigh the less than substantial harm that would be caused to the designated heritage asset. The development is therefore contrary to Policies C2 (Character of Conservation Areas) and C7 (Buildings out of Scale or Character) of the Lichfield District Local Plan (1998) (saved policies); Policies BE1 (High Quality Development) and Core Policy 14 (Our Built and Historic Environment) of the Lichfield District Local Plan Strategy (2015); the emerging Policy BE2 (Heritage Assets) of the Local Plan Allocations Document; the Historic Environment Supplementary Document and Government Guidance contained within the National Planning Policy Framework.

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### PLANNING POLICY

#### **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 7 – Employment & Economic Development  
Core Policy 8 – Our Centres  
Core Policy 14 – Our Built & Historic Environment  
Policy BE1 – High Quality Development  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 2 – Lichfield Services and Facilities  
Policy Lichfield 3 – Lichfield Economy

#### **Lichfield District Local Plan 1998 (saved policies)**

C2 – Character of Conservation Areas  
C7 – Buildings out of Scale or Character  
L13 – City Centre Redevelopment  
L15 – Primary Retail Area

#### **Emerging Local Plan Allocation 2008-2029 – Focused Changes**

BE2 – Heritage Assets

## **Lichfield City Neighbourhood Plan**

None relevant

### **Supplementary Planning Documents**

Sustainable Design

Historic Environment

Lichfield City Conservation Area Appraisal

### **RELEVANT PLANNING HISTORY**

04/00091/ADV - Various illuminated fascia and projecting signs – Refuse 17.03.04

### **CONSULTATIONS**

**Lichfield City Council** – No objections (08.03.19)

**Environmental Health** – No comments to make (19.03.19)

**Conservation Officer** – Object (15.03.19)

The application is for the retention of external roller shutters on an unlisted building within a conservation area. There are conservation objections to the retention of such shutters within the conservation area. The external roller shutter has been installed on the rear elevation of the building facing onto the Bird Street car park. There are views from the site to the rear of numerous listed buildings, and most notably towards Lichfield Cathedral.

There has previously been a concertina style door fitted in this location, and this has been replaced with the current external roller shutter door. Whilst a detailed heritage statement has been submitted with the application, and it is agreed that this elevation is less sensitive than the street elevation, it is felt that the external roller shutter door is incongruous with the character of the conservation area and should not be supported. It is noted that the doors themselves are recessed and it is entirely possible that a lighter weight grill style structure recessed within the opening may be acceptable in this location.

### **LETTERS OF REPRESENTATION**

None

### **OTHER BACKGROUND DOCUMENTS**

Heritage Statement

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### **OBSERVATIONS**

#### **Site and Location**

The application site relates to a three storey building which is located within the city centre of Lichfield as defined by the Local Plan Proposals Map. The building itself dates to between 1966 and 1975. The site is in use as a retail store located within the Primary Retail Area. The site is located within the Lichfield City Conservation Area, and there is an adjoining Grade II Listed Building to the north-east of the site. The Local Plan Proposals Map identifies the building as being a building 'out of scale or character with the Conservation Area'.

## Proposals

This is a retrospective planning application which seeks full planning permission for the retention of an external roller shutter. The shutter is located on the rear of the building facing onto Bird Street car park.

The roller shutter measures 6.7m in width and 3m in height, and the scheme includes a projecting box above the width of the door house the roller shutter. This housing and roller shutter door are finished in a blue colour. It is understood that the roller shutter has replaced a concertina style door.

## Determining Issues

1. Policy and Principle of Development
2. Design and impact upon Heritage Assets
3. Other Matters
4. Human Rights

### 1. Policy and Principle of Development

1.1 The application proposes the retention of an existing external roller shutter and associated housing box, which has been installed on the rear elevation of a retail business which is located within the primary retail area of Lichfield City Centre. There are no specific policies relating to the principle of alterations to existing commercial enterprises, however it is considered that development which supports the vitality and viability of an existing commercial enterprise would be acceptable as a matter of principle provided that there are no adverse impacts arising from the proposed development. In this instance, the main considerations relate to the impact of the development upon heritage assets.

### 2. Design Considerations and impact upon Heritage Assets

2.1 Lichfield District Local Plan Policy BE1 states that development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on the significance of the historic environment, and that new development should carefully respect the character of the surrounding area. Core Policy 14 states that the built environment will be protected and improved and special regard will be had to the conservation and enhancement of the historic environment. The significance of designated heritage assets, and their setting, will be protected and enhanced and given the highest level of protection. Saved Policy C2 of the Lichfield District Local Plan states development will be permitted where it enhances or preserves the character of the Conservation Area, and states that development will not be permitted where the development would prejudice the essential features of the Conservation Area including, inter alia, historic plan form, the arrangement of open areas and their enclosure. Detailed design should respect the character of an area. Saved Policy C7 states that encouragement will be given to refurbishment of such buildings to achieve a high standard of design. Emerging Lichfield District Local Plan Allocations Policy BE2 states that proposals which conserve and enhance the historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.

2.2 The site is located within the Lichfield City Conservation Area, which is a designated heritage asset. The application proposal relates to the retention of an external roller shutter and housing which has been installed to the rear entrance of the building. This entrance faces onto Bird Street car park.

2.3 The installation is located to the rear of the premises and is clearly visible from the public car park area. The positioning of the installation is therefore relatively noticeable in terms of its presence from the wider setting and character of the Conservation Area.

- 2.4 Lichfield City Conservation Area covers a wide area with much of the city centre featuring shops with shutters. To be acceptable shutters should be discreet and internally mounted. This allows for views into the shop and for security when the shop is closed. The shutter evident on this building is externally mounted, solid and has a blue coloured finish. The external fitting box projects from the buildings elevation and the shutter, when closed sits forward of the building, the installation fails to be discrete. When the shutters are raised the bulk of the external shutter box would remain and continue to detract from the appearance of the building. As a result, the building presents a blank, featureless frontage to the street at ground floor level.
- 2.5 The shop occupies a prominent position to the rear of Bird Street, being sited centrally between a row of shops and other commercial businesses and is the highest building on the row. The area surrounding the site is predominantly commercial/retail and the shop faces onto a large public Council carpark. The façade of the building lies within Minster Pool Character Area of the Conservation Area which identifies that views towards the building, across the car park, are 'negative views' in the Conservation Area. The installation of the roller shutter would exasperate these negative views. Furthermore, saved Policy C7, of the Lichfield Local Plan identifies the application site as being a building which is out of scale and character with the Conservation Area and therefore, prior to its installation, the building is a negative element within the Conservation Area. The addition of the security installation would add a further negative element to the building, drawing undue attention to itself. Therefore, it is considered that the proposal would cause additional further harm. Whilst it is understood that there was a concertina style shutter door previously installed on this elevation, it is not considered that this represents sufficient justification to allow a further harmful installation on this elevation as proposed.
- 2.6 At present none of the other businesses within the immediate area have large external roller shutters of such prominence and therefore the introduction of the application proposals within the immediate area, and the introduction of such a feature onto this building would introduce a negative element to the building and Conservation Area. The proposal would therefore fail to preserve or enhance the character and appearance of the Conservation Area.
- 2.7 It is considered that the development causes less than substantial harm to the heritage asset. The NPPF at Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use. It is considered the security of the shop would be a benefit arising from the proposed development. However, this benefit is not considered to be of such public benefit that it would outweigh the harm which arises. It has not been proven that this style of roller shutter is required in this location, and it is considered that there are likely to be other less harmful solutions than the one currently under consideration. As such the proposal is considered contrary to Policy BE1, Core Policy 14, emerging Policy BE2, Saved Policies C2 and C7, and guidance contained within the NPPF.

### 3. Other Matters

- 3.1 There are no residential properties immediately adjacent to the development. Given its limited scale, it is not considered that the development gives rise to any issues relating to highway safety. It is considered that there are no other issues arising from the development / works.

#### 4. Human Rights

- 4.1 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 proposal is considered to represent an unsustainable form of development which would not comply with Policies C2 and C7 of the Lichfield District Local Plan (1998) (saved policies); Policies BE1 and Core Policy 14 of the Lichfield District Local Plan Strategy (2015); the emerging Policy BE2 (Heritage Assets) of the Local Plan Allocations Document; the Historic Environment Supplementary Document and Government Guidance contained within the National Planning Policy Framework. For the reasons set out above, the application is recommended for refusal.