

# Public Document Pack

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Thursday, 23 May 2019

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 3RD JUNE, 2019 at 6.00 PM IN THE COMMITTEE ROOM**, District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

Yours faithfully

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

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

**To: Members of Planning Committee**

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Brown, Checkland, Cox, Eagland, Evans, Ho, Humphreys, Leytham, Matthews and Tapper



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## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 3 - 4
4. Planning Applications 5 - 26

5. **Exclusion of Public and Press**

RESOLVED: That, as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted the public and press be excluded from the meeting for the following item of business which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

IN PRIVATE

6. Enforcement Matters - Update Report 27 - 36



## PLANNING COMMITTEE

29 APRIL 2019

### PRESENT:

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

### 48 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Drinkwater and Councillor Mrs Stanhope MBE.

### 49 DECLARATIONS OF INTEREST

All members present declared a personal interest as Councillor Bernard Cocksey (Objector) is known to all as he is a Lichfield City Councillor.

### 50 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting held on 4 March 2019 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

### 51 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 Applications 18/01484/OUTM and 19/00166/FUL

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

**RESOLVED:** That this planning application be **deferred** to allow the submission of further information and clarification with regard to a number of issues, including related to the following. The consideration of all relevant planning matters will then be given due consideration when the application is brought back to committee for consideration and determination:-

- Submission of an Air Quality Impact Assessment;
- Further information and clarification on the noise monitoring undertaken in relation to noise from the A38 and additional consideration on the impact on future residents;
- Clarification on impact on archaeological assets in the vicinity;
- Consideration of whether the speed limit on the Tamworth Road could be reduced from 40mph to 30mph;
- Consideration of the provision of a footpath from the development to nearby bus stop to ensure safe access thereto/from;

- To ensure limited impact on adjacent heritage building;
- Justification for the number of dwellings proposed in terms of impacts and all material planning consideration raised; and,
- Further assurance on landscape matters with regard to tree officer comments made.

(PRIOR TO CONSIDERATION OF THE APPLICATION REPRESENTATIONS WERE MADE BY MR BERNARD COCKSEY (OBJECTOR) AND MS CHONTELL BUCHANAN OF FIRST CITY LTD (APPLICANT'S AGENT))

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

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

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.

(The Meeting closed at 7.20 pm)

CHAIRMAN

3 June 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**

**3 June 2019**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
18/01741/FULM	Dunnimere Farm, Portway Lane, Harlaston	Harlaston







**18/01741/FULM**

**ERECTION OF A POULTRY GROWING AND REARING UNIT INCLUDING SILOS AND ALL ASSOCIATED WORKS  
DUNNIMERE FARM, PORTWAY LANE, HARLASTON, TAMWORTH, STAFFORDSHIRE, B79 9LA**

**RM AND DC CALCOTT**

Registered on 16/12/18

**Parish: Harlaston**

**Note:** This application is being reported to the Planning Committee due to significant planning objections raised by Harlaston Parish Council and 14 letters of objection from local residents. The Parish Council's grounds of objection are:

- Increased traffic movements and congestion issues.
- Environmental Impacts of the proposal.
- Detrimental impact of the proposal on public safety.
- Detrimental impact on the listed building and archaeology.
- Impact on the amenity of neighbouring occupiers.
- Restrictive covenants on the site.
- The proposal would have an adverse economic impact upon the local area.
- Procedural concerns.

**RECOMMENDATION:**

**Approve, subject to the following conditions and summary of reasons for granting consent:**

**CONDITIONS:**

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

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

3. Before the development hereby approved is commenced (including construction) the widened vehicular access and passing bays shall be provided in accordance with the approved plans and shall thereafter be retained for the lifetime of the development.
4. Before the development hereby approved is commenced a Highways Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:
  - A site compound with associated temporary buildings;
  - The parking of vehicles of site operatives and visitors;
  - Times of deliveries including details of loading and unloading of plant and materials;
  - Storage of plant and materials used in constructing the development;
  - Duration of works;
  - Wheel wash facilities; and
  - Appropriate HGV routing agreement using the most appropriate access route.

5. Notwithstanding the submitted details before the development hereby approved is commenced, details of the height, type and position of all fences, walls and gates to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the building, the approved fencing, walling and gates shall be implemented and thereafter retained for the life of the development.

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

6. The approved food hoppers shall be finished in a dark colour prior to the first use of the development and shall thereafter be retained for the life of the development.
7. The facing materials to be used for the external walls and roof of the development shall be in accordance with the submitted details in the application documents.
8. The approved landscape and planting scheme shown on plans reference RJC-AZ-164-06 Revision B shall be implemented within eight months of the development being brought into use.
9. Before the development hereby approved is first brought into use, the access, parking and manoeuvring areas as shown on approved plan RSC-AZ-164-03 shall be provided and surfaced in a porous bound material with the individual bays clearly delineated and shall thereafter be retained for the life of the development.
10. Upon commencement of commercial activities at the site, all HGV's shall follow the approved Routing Plan as set out in the Vehicle Routing Management Plan and shall thereafter be followed for the lifetime of the development.
11. Construction activities, including deliveries to and collections from the site, shall not take place outside the hours of 0700 to 1800 Mondays to Fridays, 0900 to 1300 on Saturdays and there shall be no activities on the site on Sundays, Bank or Public Holidays without the prior written permission of the Local Planning Authority.
12. The development hereby approved shall be operated in accordance with the Odour Report by Roger Parry Associates, for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
13. The development hereby approved shall be carried out in strict accordance with all recommendations and methods of working detailed within the Preliminary Ecological Appraisal by Quants Environmental November 2018.
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 provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission of the Local Planning Authority.

**REASONS FOR CONDITIONS**

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

2. 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 be required by other conditions to which this permission is subject.
3. In the interests of highway safety, in accordance with the requirements of and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
4. In the interests of highway safety and protect the amenity of nearby residents, in accordance with the requirements of and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
5. To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of highway safety, in accordance with the requirements of and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
10. In the interests of highway safety, in accordance with the requirements of and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
11. In order to protect the amenity and public health of nearby residents and the locality, in accordance with Policies NR2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. In order to protect the amenity and public health of nearby residents and the locality, in accordance with Policies NR2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. In order to deliver biological enhancements as part of the development and to protect protected species and their habitats, in accordance with the requirements of Core Policies 3 and 13 and Policies NR3 and NR6 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
14. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Core Policies 3 and 13 and Policies NR4 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
15. To ensure the satisfactory appearance of the development, to protect the commuting routes of bats, in accordance with the requirements of Core Policy 14 and Policies NR1, NR3 and BE1 of

the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Documents and the National Planning Policy Framework.

## NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
  2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavor to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
  3. The 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>
  4. 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).
  5. The applicant is advised to note and act upon as necessary the comments of Western Power Distribution dated 18.12.2018.
  6. The applicant is advised to note and act upon as necessary the comments of Cadent Gas dated 10.12.2018.
  7. The applicant is advised to note and act upon as necessary the comments of the Environment Agency dated 7.02.2019.
  8. The public footpath No. 8 Harlaston Parish located adjacent to the site is to remain open throughout the development works.
  9. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
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## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework  
Planning Practice 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 7 – Employment and Economic Development  
Core Policy 10 – Healthy and Safe Lifestyles  
Core Policy 13 – Our Natural Resources  
Core Policy 14 – Our Built & Historic Environment  
Policy ST2 – Parking Provision  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species and their Habitats  
Policy NR4 – Trees, Woodlands and Hedgerows  
Policy NR8 – River Mease Special Area of Conservation  
Policy NR9 – Water Quality  
Policy BE1 – High Quality Development  
Policy Rural 1 – Rural Areas

### **Supplementary Planning Documents**

Rural Development  
Biodiversity and Development  
Sustainable Design  
Historic Environment  
Trees, Landscape and Development

### **Emerging Allocations Document**

Policy BE2: Heritage Assets

### **Other**

Staffordshire and Stoke on Trent Joint Waste Local Plan

## **RELEVANT PLANNING HISTORY**

17/01500/FULM	Erection of a free range egg production unit (20m x 140m) including silos and associated works	Withdrawn	20/07/2018
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## **CONSULTATIONS**

**Harlaston Parish Council** – Object. This is on the following grounds:

- Procedural issues, application letters sent out to neighbours not giving enough time to consult. Consultation time has been insufficient.
- Traffic and Access Issues: Increase in HGV traffic will cause further damage to roads that are already in a poor condition. The County of Stafford (Various Roads at Harlaston) Order 1985 precludes heavy commercial vehicles in excess of 7.5 tonnes from using Harselour Lane therefore the HGV's will travel via Main Road route. 8 further HGV journeys per week will exacerbate current issues and be disruptive on roads that are narrow and not appropriate for HGV's. The proposed site access is too small to cope with the nature or volume of heavy goods vehicle traffic predicted. HGV's will be travelling extremely close to their properties

given the narrow width of the roads. HPC requests the Council to review the travel route and access route as a matter of priority. A revised transport plan has been submitted by the applicant in support of the application has been submitted. Due to time constraints HPC have not had time to consider this in detail, but initial comments based on a cursory reading of the revisions are that it represents little or no improvement on the previous submission. HPC remains very unhappy at this aspect of the application and asks for more time to consider it. HPC further suggests that these new revisions have implications for neighbouring villages

- Environmental Concerns: The high volume of poultry will produce substantial waste and this waste will smell. Given the proximity of the local residents they will be adversely impacted. There is also anecdotal evidence of dust being blown onto nearby properties and this will also have an adverse impact. There are biohazards associated with the waste itself. There are also risks due to rodents, especially rats that the development will attract. Residents report badgers and newts in the area. These are likely to suffer a negative impact if the application is approved. HPC requests the Council engage an appropriate environmental survey to assess the above potential impacts.
- Public safety: Concerns that increased HGV traffic will be a safety impact for groups such as children, cyclists, horse riders and walkers. HPC requests the Council undertake an impact assessment to determine the impact.
- General: The proposal will not have a positive impact on the grade II listed building or any other nearby buildings. The visual impact will be completely overwhelming. The proposal will have a negative impact on the setting of the listed building if not appropriately scaled or located. Concerns that there may be archaeological interest on the site.
- Permitted Development Rights: Dunnimere Farm is not a working farm. There are concerns that if consented the applicant will seek to increase the number of chickens on the site which would only intensify concerns raised. Also concerns that there will be applications to build up structures. There is a request that there are no permitted development rights associated with the structure.
- Restrictive Covenant - Local residents have cited a restrictive covenant that applies to the Dunnimere site. They suggest that this prevents any owner of the site conducting any activity that could be noisy or construed as a nuisance or hazardous to local people. Whilst HPC has had insufficient time to fully verify this, documents have been circulated that lead HPC to conclude that this indeed the case. HPC submits that the Council bears this – and the legal implications of it – in mind when considering the application.
- The scheme fails to offer any benefit to the local surroundings. This will not bring increased prosperity to Harlaston and the surrounding area, but actually threaten the local economy and undermine the quality of life and well-being of local people. (25.01.2019)

**Wigginton and Hopwas Parish Council** – The parish council requests that a condition of approval that no traffic should pass through the village of Wigginton which is unsuitable for HGVs and increasingly adversely affected by traffic. (18.12.2018)

**Clifton Campville with Thorpe Constantine Parish Council** – Object – the proposed revised routing for HGVs is not suitable. Concerns also raised regarding the environmental impact and associated smell of the chicken farm in the surrounding area. (08.02.2019)

**Environment Agency** – Objection Removed - Details provided within the revised drainage plan and amended report demonstrate that the development no longer poses a risk of surface water contamination highlighted in the EA's previous response. (07.02.2019)

Previous Comments: The Environment Agency objects to the proposed development as the proposal would pose an unacceptable risk of pollution to surface water drainage (19.12.2018).

**Arboricultural Officer** – Site is an open arable field at present and party bounded by existing hedges, some additional landscaping is proposed within the landscaping plans. This is considered acceptable. (11.12.2018)

**Natural England** – No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. (16.04.2019)

Previous comments: No objection – subject to appropriate mitigation being secured (17.01.2019).

**Ecology Officer** – 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 “Biodiversity Impact Calculator dated 02/04/2019 is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to NPPF guidance.

The Ecology Team welcomes the applicant intention to deliver net gains of 0.2 BU as part of the proposed development scheme. The Ecology Team considers that it most probable that the habitat to be retained as fallow would be ruderal or poor semi improved grassland as opposed to perennial. This would increase the net gain score further. The ecology team approves of the habitats proposed for creation as part of the development scheme. As such the development scheme is viewed as likely to provide a net-gain to Biodiversity Value and so complies with both policy NR3 and the requirements of the Biodiversity and Development SPD.

The development should be carried out in accordance with the biodiversity metric and ecological appraisal. (05.04.2019)

Previous comments: The Ecology Team currently does not have enough information in respect of the impacts to biodiversity to be able to provide adequate response to enable the LPA to make a planning decision. As detailed in policy NR3 and the Biodiversity and Development SPD a Biodiversity Metric must be submitted for all major planning applications. A biodiversity metric has not been provided for the site. Information in this respect must be provided for assessment prior to nay planning decision being made.

The applicant must be able to display that the development will not result in a net-loss to biodiversity value, otherwise it will be in conflict with the NPPF 2019 and as such the LPA will be unable to approve the application without both being in breach of the NPPF and also be unable to discharge its biodiversity duty as defined under section 40 of the NERC act 2006.

Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within the Lichfield District under local policy NR3 of the adopted Lichfield District Local Plan and supported through NPPF 2019.

This requirement that all development within the Lichfield District achieve for a measurable net gain to biodiversity value is further detailed in paragraphs 6.30 and 6.33 of Lichfield District Council Biodiversity and Development SPD (i.e. 20% above the biodiversity unit value of habitats lost; the 'replacement percentage').

Due to the developers requirement to demonstrate both no-net-loss and an achievable and measurable net-gain to biodiversity value it is required that a quantitative assessment of the sites value (both at present and post development) be undertaken and submitted to the LPA prior to determination of the application.

Such quantitative assessment must utilise a Biodiversity Unit Metric or Biodiversity Impact Calculator (such as is available via the Environment Bank). All calculations should be based on the data provided by the phase 1 survey (detailing current habitat types, areas and conditions) and the most up-to date master plan maps (detailing future habitat types, areas and conditions). Developers are advised to refer to the Biodiversity and Development SPD prior to undertaking any quantitative assessment of habitat value (current or proposed).

Should it be shown that the development as proposed would not achieve the measurable net-gains in terms of biodiversity value required by policy NR3 and further detailed in paragraphs 6.30 and 6.33 of Lichfield District Council Biodiversity and Development SPD; then onsite avoidance of negative impacts, mitigation against negative impacts and compensation for negative impacts (i.e. habitat creation or enhancement) should be increased as far as is achievable in that order (as per the mitigation hierarchy).

If, after all reasonable efforts to avoid, mitigate and compensate onsite the applicant is still unable to attain a net gain in biodiversity value then a Biodiversity Offsetting Scheme will need to be incorporated as part of the development proposal to account for any outstanding Biodiversity Units. Developers are advised to refer to the Biodiversity and Development SPD for more information regarding the incorporation of Biodiversity Offsetting Schemes within their development proposal within the Lichfield District.

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.(05.03.2019)

**Spatial Policy and Delivery Manager** – No objection – the agricultural use of the land and the diversification of the rural economy is supported by both national and local policy (12.12.2018).

**Open Space Society** – Note that a public footpath is just outside development area. This should remain open and accessible at all times. (22.12.2018)

**Conservation Officer** – The current proposals is for a broiler unit to produce chickens for sale whereas the previous application (which was withdrawn) was for the keeping of chickens to lay free range eggs.

The broiler unit is in the same location and of a similar scale to the previous application, it is still proposed to be coloured olive green. The ridge height is slightly higher and there will be two steel feed hoppers adjacent which will be 8m high. Given the distance of around 480m between the proposed broiler unit and the listed farmhouse the impact on the setting of the designated heritage asset will be minimal and would not be sufficient to harm its significance. The feed hoppers should also be dark coloured to minimise their visual impact. It is proposed to plant new native hedgerows which will further minimise the visual prominence of the proposed broiler house in the landscape.

The broiler unit does not require an associated poultry ranging area so this reduces the impact on the setting of the listed farmhouse and also removes the potential harm to the non-designated heritage asset of the ridge and furrow.

While the red line includes a substantial area, the proposed development is on the western side of the site, furthest away from the listed farmhouse. The closest point of the red line to the listed farmhouse is around 200m but the broiler house itself will be around 480m away. There is no proposed works, other than the planting of the new hedgerow proposed between the broiler house and the farmhouse.

Therefore it is considered that the proposals will not result in any harm being caused to the significance of a designated or non-designated heritage asset. (19.12.2018)



**Environmental Health** – No objection. The proposed installation will require an Environmental Permit under the Environmental Planning (England and Wales) Regulation and will be regulated by the Environment Agency. (06.01.2019)

**Health and Safety Executive** – HSE does not advise, on safety grounds, against the granting of planning permission in this case. (19.12.2018)

**Staffordshire County Council (Highways)** – No objection, subject to conditions relating to the submission and implementation of a Construction Method Statement, adherence to vehicle routing management plan and the installation of the widened vehicular access, passing bays, parking and turning areas. (11.02.2019)

Previous Comments: The application should be refused for the following reasons:

- The application proposes an unsuitable HGV routing plan for heavy goods vehicles to access and egress the proposed site.
- The application fails to demonstrate that the development can provide a safe point of access off Portway Lane (16.01.2019).

**Staffordshire County Council (Public Rights of Way)** – No objection. It does not appear that any public footpaths would be affected by the proposal. (17.12.2018)

**Staffordshire County Council (Flood Team)** - No objections or comments. (21.12.2018)

**Staffordshire Ramblers** – No objection. There is not a footpath directly involved and there should be no interference with the definitive line of Public Footpath no.8 Harlaston Parish which is located to the north east of the site. (17.12.2018)

**National Grid** – No objection. (12.12.2018)

**Cadent** – No objection. (18.12.2018)

**Western Power** – No objection, however the applicant should be aware that there may be WPD assets within the site vicinity and WPD should be contacted prior to works being implemented on site. (07.12.2018)

**Severn Trent** – No objections, the proposal will have minimal impact on the sewerage system and a drainage condition not required. (17.12.2018)

**Staffordshire County Council (Minerals and Waste)** – No comments. (10.12.2018)

**CPRE Staffordshire** - CPRE Staffordshire notes the proximity of the River Mease SSSI/SAC located 1.3km north of the application site. These are strictly protected sites, designated under the EC Habitats Directive and UKs Wildlife and Countryside Act. Whilst no significant adverse effects have been identified, we would recommend that all relevant consultees appropriate to the SSSI and SAC designations, are consulted to review current management and pollution prevention plans. CPRE Staffordshire has no further comments based on the current application information. (20.12.2019)

#### **LETTERS OF REPRESENTATION**

Fourteen letters of objection from local residents have been received regarding the following issues:

- Timing of the application being submitted;
- Impact on the rural character;
- Concerns regarding routing of vehicles through villages;
- Impact on highway safety;

- Odour;
- Poor vehicular access;
- Unsuitable location of this type of agricultural operation;
- Impact of bird faeces on local residents;
- Loss of views and rural outlook;
- Impact on the Grade II Listed Building at Dunnimere Farm;
- The farm is not a working farm; and
- There is a restrictive covenant.

One letter of support has been received from the National Farmers Union (NFU) which states that they support farmers investing in new infrastructure that will enable farms to produce a sustainable source of poultry meat.

### **OTHER BACKGROUND DOCUMENTS**

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

Planning and Heritage Statement

Design and Access Statement

Management Plan

Method Statement Pollution Prevention

Odour Management Plan

Manure Management Plan

Preliminary Ecological Appraisal

Travel Plan

Lighting Design Scheme

### **OBSERVATIONS**

#### **Site and Location**

The application relates to a parcel of agricultural land situated to the south of Harlaston. The site is located within the rural area of the district as defined by the Local Plan Policies Map. The site is surrounded by open countryside with some residential properties sites adjacent to the farm access on Main Road/Portway Lane. The application site is situated approximately 220m from the main adopted highway. The site is also situated approximately 40m north east from the River Mease Special Area of Conservation catchment area. A Grade II Listed Building, known as Dunnimere Farmhouse, is located to the south east of the application site.

#### **Proposals**

Approval is sought for the erection of a poultry shed and 2 feed bins to enable poultry production within the site. This would provide 55,000 bird rearing places. The building will measure 109.7m in width and 24.69m in depth. The building will have a pitched roof with a ridge height of 6.2m and an eaves height of 2.9m. The proposed silos would feature adjacent to the northern elevation of the building and would have a maximum height of 8.6m.

The proposed poultry shed buildings will be constructed of a steel portal frame construction, with the external walls comprising of preformed concrete to 600mm with polyester coated profile sheeting above for the walls and roof to be coloured olive green. Additional hardstanding will also form part of the development alongside alterations to the access of the site.

## Determining Issues

- 1) Policy and Principle of Development
- 2) Design
- 3) Highways
- 4) Impact on Neighbouring Amenity
- 5) Ecology
- 6) Other Issues
- 7) Human Rights

### 1. Planning Policy and Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises of the Local Plan Strategy 2008-2019 and saved policies of the Lichfield District Local Plan.
- 1.2 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.3 The site is located within a Rural Area as defined by the Local Plan Policies Map. The application seeks for the construction of a new poultry rearing unit for up to 55,000 birds. The proposed use is an agricultural land operation, and the development would see the delivery of new facility at this site.
- 1.4 Local Plan Strategy, Strategic Priority 7 and Core Policy 7 both encourage economic rural development, subject to there being no conflict with other Local Plan Policies. Policy NR1 recognises the countryside as a valued asset in its own right, which should be protected. The Policy, which is largely reiterated within the Council's Rural Development Supplementary Planning Document, continues to advise that development proposals, which assist in delivering diverse and sustainable farming enterprises, will be supported.
- 1.5 The NPPF advises support to economic development to help achieve economic growth, local planning authorities should plan proactively to meet development needs of business and support an economy fit for the 21<sup>st</sup> Century. Paragraph 83 of the NPPF advises further that policies and decision should enable sustainable growth and expansion of all types of businesses in rural areas through well designed new buildings. The NPPF also supports the development and diversification of agricultural and other land based businesses.
- 1.6 Given that both national and local planning policies seek to support rural enterprises, the principle of erecting an agricultural building for the rearing of poultry is considered acceptable. Thus, from a pure economic standpoint, the development can be considered to have a positive impact and appropriate weight shall be attributed to this consideration, when determining the development's acceptability within the planning balance. The principle of agricultural development in this location is acceptable, subject to being of an appropriate design, not giving rise to any significant amenity issues, highways safety or any other development management considerations.

### 2. Design and Landscape Impact

- 2.1 Core Policy 3 of the Lichfield Local Plan, states that development should protect and enhance the character and distinctiveness of Lichfield District Council, while development should be of a scale and nature appropriate to its locality. Policy BE1 states that new

development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.

- 2.2 Paragraph 187 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.3 Local Plan Strategy Policy BE1 advises that *"new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views"*. The Policy continues to expand on this point advising that good design should be informed by *"appreciation of context, as well as plan, scale, proportion and detail"*.
- 2.4 Whilst considering proposals which affect the setting of a listed building regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to *"have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses"*.
- 2.5 Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.6 Paragraph 194 of the NPPF then goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments; protected wreck sites; battlefields; grade I and II\* listed buildings; and, grade I and II\* registered parks.
- 2.7 A Grade II Listed Building would be located approximately 480m to the south east of the proposed building, and the proposal is considered to be sited in the wider setting of the Listed Building. The Council's Conservation Officer concludes that the development, by reason of its distance from the Listed Building, coupled with the proposed landscaping, would not have an impact on the setting of the Listed Building or cause harm to the significance of heritage assets. The heritage impact from the siting of the building and proposed landscaping would have a neutral impact on its setting.

- 2.8 The proposed buildings would be sited approximately 480m to the north west of the farmhouse and would be sited 250m from Portway Lane/Main Road. The siting of the proposal does is considered to not represent a major intrusion into an undeveloped area of the landscape. Furthermore, the building has been sited within this location in order to not have a detrimental impact upon the highway network, minimise the impact on the amenity of neighbouring occupiers, minimise the impact upon the Listed Farmhouse and not cause harm to the River Mease SAC. The proposal takes into account existing landscape features which have been retained and incorporated into the development design. The proposed poultry building would comprise of olive green profile box sheeting which would blend with the landscape. There are existing hedgerows and trees within the site and along the boundaries which would help to screen the building and associated structures from public vantage points, notably from public footpath no.8, which is located approximately 360m to the east of the site. On balance given the above the proposal is considered to be a form of appropriate development within the rural context and setting.
- 2.9 The scale and form of the proposed barn is considered by the Council's Conservation Officer to be acceptable in relation to the listed farmhouse and the farm's historic use. Therefore, it is considered that the buildings and associated hardstanding will not harm the assets physical surroundings as well as the way it is experienced. Conditions are attached to ensure that the colour of the proposed feed hoppers are dark in colour. The impact of noise, vehicular movements and activity on the hardstanding would not harm the setting (experience) of the assets. Therefore the authority is satisfied that the siting, design and visual appearance would not be materially harmful to its surroundings or the wider open countryside landscape and would be in accordance with the Councils Development Plan in this regard.
3. Highways
- 3.1 The National Planning Practice Guidance on Transport advises that *"local planning authorities should seek to ensure parking provision is appropriate to the needs of the development and not reduced below a level that could be considered reasonable"*.
- 3.2 The NPPF and Strategic Policy 5 of the Local Plan Strategy both seek to ensure that development which generates significant movement, is located where the need to travel can be minimised and the use of sustainable travel maximised.
- 3.3 The suitability of the access which serves the site from Main Road/Portway Lane has been considered by the Highways Authority to be suitable for accommodating this proposed building along with its associated activities. A revised vehicle routing plan has been provided by the applicant. Data has also been provided showing an increase in additional vehicle movements of 3.9%. The routing plan specifies that all traffic movements shall enter the site from the north off the M42 onto the B5493 through Clifton Campville, Haunton and Harlaston heading south to Dunnimere Farm. Traffic leaving the site shall depart to the north via the above route. In addition to the revised routing plan, a swept path analysis has also been provided showing HGVs leaving and entering the site from the north, which the County Council Highways officers are satisfied with.
- 3.4 The Highways Authority have also recommended conditions in respect of the provision and retention widened vehicular access, passing bays along the access track to the farm and submission of a construction method statement to ensure highway safety, which is considered a reasonable and necessary condition and therefore the development subject to compliance with this condition will be in accordance with the development plan and NPPF in this regard.

- 3.5 The Council's adopted car parking standards, are set out in Appendix D of the Sustainable Design SPD. These standards set the maximum amounts of parking spaces required, although, in accordance with Local Plan Strategy Policies ST1 and ST2, they will be applied in a flexible manner.
- 3.6 The abovementioned SPD does not have specific parking requirements for an agricultural use. The SPD states that for any use not included in the standards, the number of parking spaces will be determined based on the individual merits of the scheme. The Highways Authority offer no objection on parking matters, whilst it is noted that the proposed and existing areas of hardstanding within the site offer significant levels of off street car parking and as such no concerns arise with regard to this consideration.
- 3.7 Given the above assessment the development will comply with the requirements of Local Plan Policy ST2, the Sustainable Design SPD and the NPPF in this regard.
4. Impact on Amenity
- 4.1 The NPPF includes the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life.
- 4.2 Such agricultural developments have the potential to cause nuisance through noise and odour. The site would be regulated by a permit issued by the Environment Agency. The environmental permit application is separate from the planning application process and focuses on the technology used, how the site is to be operated, the emissions from the operation and any direct impact the site has on human health and the environment.
- 4.3 Details have been provided with regards to the disposal of waste and management of livestock, emissions, odour and noise management which, in this instance the Council's Environmental Health Team and the Environment Agency have raised no objection to the proposed development.
- 4.4 The application submission includes a lighting scheme for the proposed external lighting of the unit. This impact of the lighting scheme on the landscape and the amenity of neighbouring occupiers through light spillage is considered to be acceptable and not result in adverse impacts. Furthermore, it is recommended that permitted development rights be removed in relation to external lighting to ensure that additional external lighting can be added to the site would require formal planning permission.
- 4.5 As part of the submission reports relating to odour and ammonia screening details have been provided. The conclusion of the ammonia screening based upon the results of the preliminary ammonia screening assessment, suggests that the proposal would not require further modelling of ammonia emissions for the proposed poultry farm, as ammonia emissions have been screened as insignificant following use of the SCAIL screening tool. An odour management plan has been provided which the proposed methods have been considered acceptable.
- 4.6 The submitted surveys have demonstrated that there will not be any significant detrimental impact on the amenity of nearby residents through noise, dust, pollution or odour emanating from the site, nor through vermin or flies, which are to be controlled through pest control protocol. Further, the Environment Agency has raised no objection to the development and these matters will be controlled as part of the permit licencing process

with the Environment Agency. The LPA can therefore only conclude that no adverse amenity issues would arise.

- 4.7 As discussed above it is proposed that the HGV traffic will enter and leave the site from the north only, as per the revised vehicle routing plan. Subject to a condition in this regard, the authority is therefore satisfied that there will not be a significant loss of amenity through any increased traffic movement.

5. Ecology and River Mease Special Area of Conservation (SAC)

- 5.1 The site is located approximately 40m east from the River Mease SAC catchment. Given the proximity to the site to the SAC, Natural England were consulted on the application. The *Conservation of Habitats and Species Regulations 2010* (the 'Habitats Regulations'), the River Mease is designated as a Special Area of Conservation (SAC), requiring the highest level of protection, appropriate management, enhancement and where necessary, restoration. A Local Planning Authority is a 'competent authority' under the Habitats Regulations and must only give planning permission for a development where it can be demonstrated that any European site will not be adversely affected. Development within the catchment of the River Mease SAC has the potential to contribute to adverse effects on the River Mease SAC in terms of poor water quality, and the Council must take this potential impact into account in determining this application. Initial comments from Natural England raised no objections subject to appropriate mitigation measures. Following on from these comments and comments received from the Environment Agency additional and revised plans relating to surface water and foul drainage were received which were considered appropriate and raised no further concerns or requirement for any additional mitigation. Therefore the scheme would not have an adverse impact upon the River Mease Special Area of Conservation catchment given that foul sewerage will be stored in site ensuring no nitrogen disposition into the Mease.

- 5.2 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

- 5.3 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy.

- 5.4 The Councils Ecologist is satisfied with the details provided as part of the application following the submission of a Biodiversity Impact Calculator and preliminary ecological appraisal. Upon reviewing this information the ecologist is satisfied subject to a condition ensuring adherence to the biodiversity metric that the development is acceptable and would not have an impact on the ecology of the local area and will deliver a positive biodiversity impact.

6. Other Matters

- 6.1 The proposed plans show additional planting along the southern and western site boundaries, the Arboricultural and Conservation Officer have raised no objections subject to conditions relating to maintenance and after care schedule associated with it. In order to ensure successful establishment and long term success of the planting it will be necessary to secure such detail. This has been secured via a planning condition attached to the decision

notice. It is therefore considered that the proposal would be in accordance with the Development Plan in this regard.

- 6.2 No objections were raised by Staffordshire County Council (Flood Risk Officer) in respect to surface water drainage. The Environment Agency has no objection the development in respect to flooding or drainage after the submission of a revised drainage. As such the development would be in accordance with the Local Plan Strategy in this regard.
- 6.3 With regards to comments relating to the site being used as a farm, stating that the side has not been used for these purposes for many years. The site forms part of wider agricultural land and therefore the principle of such a development in this location is not considered inappropriate.
- 6.4 It is noted to the south of the application site there appears to be ridge and furrow marks in adjacent fields. However the development site shows no evidence of this and has not been raised an issue by the conservation officer.
- 6.5 Comments are noted by neighbours regarding a restrictive covenant on the site, this has been clarified by the applicant's agent that this covenant relates to a parcel of land outside the application site.
- 6.6 In respect of publicity and consultation, the officer confirms that the Council has carried out its duties in full and accordance with the Town and Country Planning legislation.

## 7. Human Rights

- 7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

## **Conclusion**

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

Given the above, the decision to grant planning permission has been taken because, whilst the development relates to the provision of a large poultry unit, it is for an agricultural use that is considered to be appropriate in this rural setting. The buildings will be similar in appearance and scale to the existing buildings on the site and the existing landscape and planting along the boundaries offers screening from public views. The tilted balance afforded to the heritage impact is that the siting of the building and proposed landscaping would have a neutral impact on the setting of the Listed Farmhouse.

Whilst it is appreciated that the proposal will generate increased traffic flows in the area, particularly HGV traffic, the impact of this on highway and pedestrian safety is considered to be acceptable, subject to conditions. With regard to residential amenity, the development has to adhere to separate environmental legislation and, subject to this and planning conditions, it is considered that the development will not have a detrimental impact on residential amenity.



Further, there will be no significant risk of causing or exacerbating flooding, subject to the imposition of conditions and the proposal would seek to have a positive impact upon local ecology.

Having regard to the above, it is considered that the proposed development is an acceptable and sustainable form of development which is in accordance with the Development Plan and National Planning Policy Framework and therefore the recommendation is one of approval, subject to conditions, as set out above.

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