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Friday, 23 June 2023

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 3RD JULY, 2023 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.

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

Yours faithfully

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

Kerry Dove
Chief Operating Officer

To: Members of Planning Committee

Councillors Marshall (Chair), Anketell, Checkland (Vice-Chair), Evans, Powell, Ray, Salter, S Wilcox, Vernon, Galvin, Serena, Harvey-Coggins, Hughes, Hugh and Rushton



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 3 - 6
4. Planning Applications 7 - 124



PLANNING COMMITTEE

3 APRIL 2023

PRESENT:

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Birch, Checkland, Cross, Evans, Matthews and S Wilcox

51 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Leytham, Ray, Powell and Salter.

52 DECLARATIONS OF INTEREST

Councillor Anketell declared a personal interest in application no. 22/01709/COU as the objector speaker was known to him.

Councillor Baker advised that she had met with the residents re: application no. 22/01709/COU but confirmed she was not predetermined.

Councillor Matthews advised that he had also met with the residents re: application 22/01709/COU but confirmed he was not predetermined.

53 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 6 March 2023 previously circulated were taken as read, approved as a correct record and signed by the Chair.

54 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Chief Executive and any letters of representation and petitions of observations/representations received together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 22/00110/FULM, 22/01709/COU, 22/01377/FUL and 22/01427/COU.

22/00110/FULM - Installation of a solar farm comprising ground-mounted Solar Photovoltaic panels (PV) with a generating capacity of up to 49.9MW together with all associated works, equipment and necessary infrastructure Land At Highfields Farm, Clifton Lane, Tamworth, Staffordshire FOR: Mr Sean Murphy

Members were advised that the Chair had raised a concern that the assessment of the agricultural land classification as 3b in the report was incorrect, but that the Applicant opposed the deferral of the application. Members were advised it was possible to determine the application in principle subject to subsequent confirmation that the classification was correct. The Chair explained his concerns surrounding the classification.

RESOLVED:- That this planning application be **deferred** as concern was raised with regard to the agricultural land classification being 3b. Further investigations were required by officers, in consultation with the Chair, to ascertain if the classification was above 3b before the determination of the application.

22/01709/COU - Change of use of 28-30 Chapel Lane to a 7-person HMO with internal alterations (Class Sui Generis); provision of bin stores and bicycle parking; and retention of existing shop (Class E).
28 Chapel Lane, Lichfield, Staffordshire
FOR: Mr Manraj Dulai

Members debated the proposal and Officers responded to comments and comments raised.

A Resolution to refuse the application on the grounds of fire safety concerns/no means of escape and impact on the residential amenity – contrary to policy BE1 - traffic generation, car parking impact, highway safety, residential amenity of residents and neighbours, impact on shop was lost.

RESOLVED:- That this planning application be approved subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the conditions contained in the report of the Chief Executive and amended condition wording in the supplementary report together with an additional condition to ensure the maximum occupancy be 7-persons only and that Officers be delegated to finalise the additional condition wording in consultation with the Chair.

(Prior to consideration of the application, representations were made by Mr Brian Maguire (Objector), Councillor Spruce (Ward Member) and Mr George Weightman, Astill Planning Consultants (Applicant's Agent)).

22/01377/FUL - Demolition of single storey part of existing dwelling and storage building and conversion, extension and alteration of domestic outbuilding to form 1no. dwelling and associated works
Littleton House, Pipe Lane, Pipe Ridware, Rugeley
FOR: Mr & Mrs R & W Sanders

Members debated the proposal and Officers responded to comments and comments raised.

RESOLVED:- That this planning application be approved subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the

conditions contained in the report of the Chief Executive and amended condition wording in the supplementary report.

22/01427/COU - Change of use from agricultural building to a dwelling house and associated works. (resubmission of 19/01137/COU)
Hadley Gate Farm, Hadley Gate Lane, Hadley Gate, Rugeley
FOR: Mr M Hill

Members debated the proposal and Officers responded to comments and comments raised.

RESOLVED:- That this planning application be approved subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the conditions contained in the report of the Chief Executive. Officers be delegated to finalise conditions to ensure that a swift brick is incorporated into the development.

(Prior to consideration of the application, representations were made by Nia Borseley, Fisher German, (Written Representation).

(The Meeting closed at 7.55 pm)

CHAIR

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Agenda Item 4

Planning Committee

3 July 2023

Agenda Item 4

Contact Officer: Artemis Christophi

Telephone: 01543 308010

Report of Chief Executive

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

3 July 2023

CONTENTS

| Case No. | Site Address | Parish/Town Council |
|---------------|--|-------------------------|
| 22/00110/FULM | Land At Highfields Farm Clifton Lane Tamworth | Clifton Campville |
| 22/01282/FUL | Land Adj 121 Upper St John Street Lichfield | Lichfield |
| 22/01533/FUH | 9 Foden Close Shenstone | Shenstone |
| 22/01688/COU | Sunnyview House Seedy Mill Lane Elmhurst Lichfield | Curborough And Elmhurst |
| 23/00190/COU | 8 Old Wood Farm Blithbury Road Colton | Colton |

LOCATION PLAN

22/00110/FULM
Land At Highfields Farm
Clifton Lane
Tamworth

Scale: 1:10,000

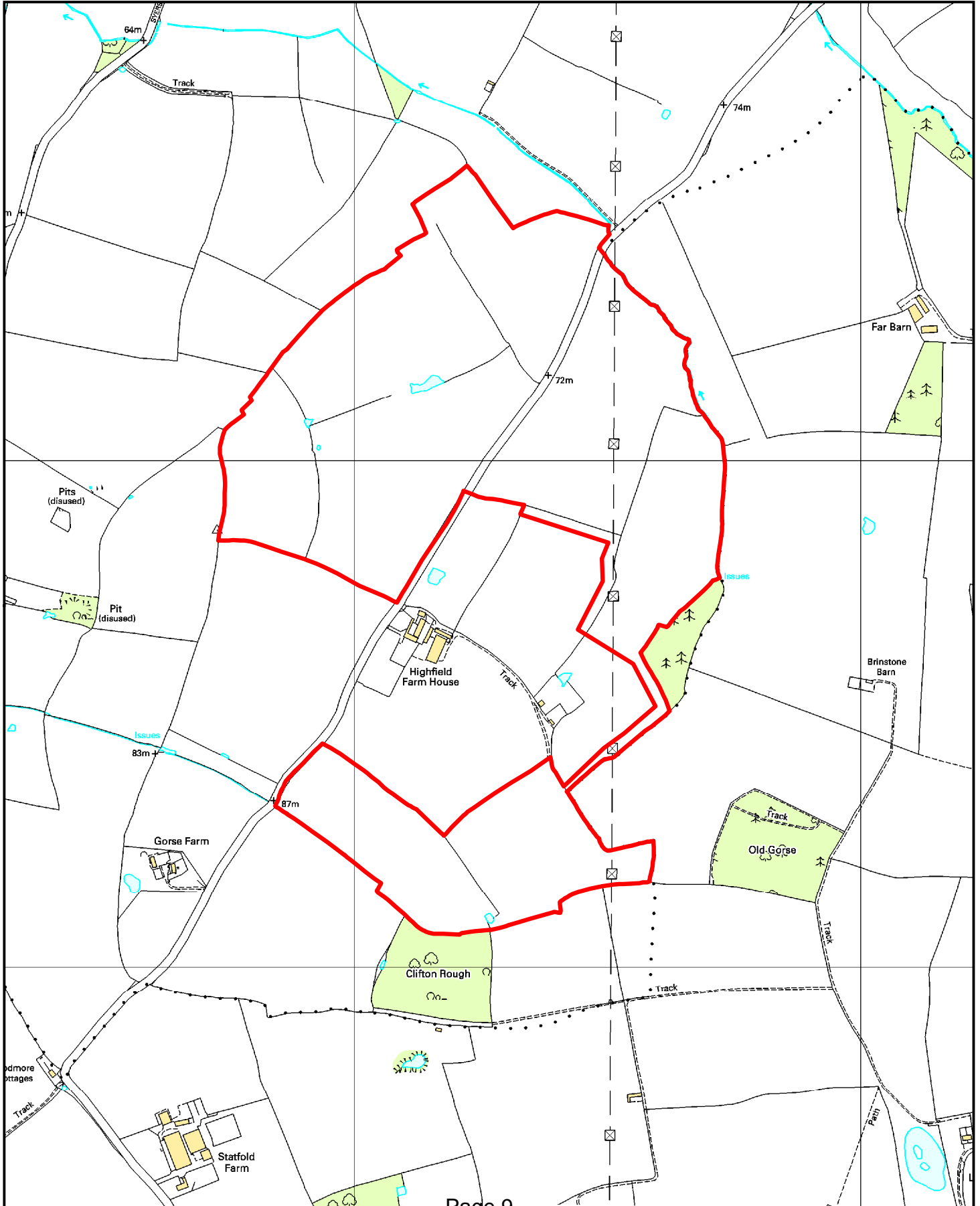
Dated: April 2023

Drawn By:

Drawing No:



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| | | | |
|--|---|--|----------------|
| Address: | Land at Highfields Farm, Clifton Lane, Tamworth, Staffordshire | | |
| Application number: | 22/00110/FULM | Case officer: | Sarah Atherton |
| Ward: | Mease Valley | Date received: | 17/01/2022 |
| Parish: | Clifton Campville | | |
| Proposal: Installation of a solar farm comprising ground-mounted Solar Photovoltaic panels (PV) with a generating capacity of up to 49.9MW together with all associated works, equipment and necessary infrastructure | | | |
| Reason for being on agenda: | This application is being reported to the Planning Committee due to the objection of a number of residents in the surrounding area and the consideration of two or more senior planning officers. | | |
| Recommendation: Approve, subject to Conditions. | | | |
| Applicant: Mr Sean Murphy, (Elgin Energy) | | Agent: RPS Planning & Development | |

1. Executive summary

- 1.1 The development proposed is a large-scale solar farm on situated on land presently in agricultural use. The site area is crossed by and within the area of several public rights of way including public footpaths and bridleways. The site is of an irregular form and is within the setting of a Grade II Listed building and, with a greater separation distance, within the setting of several other designated heritage assets.
- 1.2 The primary considerations of the application have been the capacity of the scheme to deliver sufficient clean energy to provide sufficient power annually to 14,000 homes or 17,000 electric vehicles, the reversibility of the scheme in terms of capability of the panels to be removed from the land at the end of the permission; the potential visual impacts upon the landscape and upon residences and members of the public using the rights of way in and around the site; the impact upon built heritage and the historic environment; the potential loss of best and most versatile agricultural land; the biodiversity benefits of the scheme and the preservation of habitats and location of the site within the catchment area of the River Mease Special Area of Conservation.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations with the reasons as outlined on the cover sheet to this report.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site relates to an irregular formed site comprised of a number of fields currently in agricultural use extending to just over 70 hectares. The fields comprising the site lie to the northwest and southeast of Clifton Lane, the site is wholly within the Parish of Clifton Campville though the majority of the eastern boundary of the site lies at the Parish boundary with the Parish of Thorpe Constantine.

- 2.2 The application site surrounds the Grade II Listed Highfields Farmhouse which is noted to be an early 19th century red brick farmhouse. Measured at the shortest distances between the boundary of the site and the nearest conservation area the site lies 1.2km to the southeast of the Haunton Conservation Area, 1.3km to the southwest of the Clifton Campville Conservation area and 3.2km northeast of the Wigginton conservation area within Lichfield District.
- 2.3 The majority of the application site lies within the catchment of the River Mease Special Area of Conservation. The special area of conservation is designated for the species which use the Mease as their habitat and which are sensitive to nutrient changes in the Mease and catchment area.
- 2.4 The site boundary is illustrated by the redline shown in the image below (image not to scale).



3. Planning History

| Reference | Description | Decision | Decision Date |
|--------------|---|----------|---------------|
| 98/00728/LBC | Creation of two windows on southern elevation | Approve | 26/10/1998 |
| 97/00883/FUL | Erection of farm shop | Refuse | 28/10/1997 |

4. Proposals

- 4.1 This application seeks permission for the installation of a solar farm comprising ground-mounted Solar Photovoltaic panels (PV) with a generating capacity of up to 49.9MW together with all associated works, equipment, and necessary infrastructure.
- 4.2 The proposed development would be located within fields that are currently within agricultural use with a site area extending to 71.92 hectares, of which approximately 47.6 hectares will be covered with solar panels. The proposed development is described to be of a temporary nature and fully reversible. The estimated operational period of the development is proposed to be 40 years, after which the site can be returned to agricultural use.

Solar Panels

- 4.3 The panels would be ground mounted on frame tables in arrays of either 24 or 48 panels per array and angled at 10 – 25 degrees dependent upon the specific topography in the location of each frame. The frames are proposed to be on posts embedded into the ground to a depth of circa 1.5m and with a minimum clearance from ground level of 0.8m at the closest point to the ground, rising to a maximum height of around 3m from the ground to allow for the angle required. There would be intervening spaces between arrays of 2m – 6m with all panels being orientated to the south and fixed in position, so as not to ‘track’ the sun. The panels proposed are opaque and designed to absorb not reflect the sun’s rays.
- 4.4 It is proposed that beneath the panels the ground is planted with a grazing pasture that will be managed from June through to November by grazing 2 – 4 sheep per hectare.

Infrastructure

- 4.5 In addition to the erection of solar panels the proposed development includes the introduction of access points and internal access tracks across the site, underground cabling, inverters, a substation, and grid connection.
- 4.6 Underground cabling would be necessary to connect the solar panels and the inverter stations to the substation and point of connection to the grid. Inverter stations are noted to be proposed throughout the site area and are described as having a footprint of 7m by 2.5m totalling 17.5m square and reaching a maximum height of 3m. The purpose of the inverters is to convert the energy generated by the panels into Alternating Current to feed into the primary substation and into the local grid.
- 4.7 The site proposes 4no primary substations and a further DNO substation to provide connection existing District Network Operator (DNO) infrastructure, specifically in this case the Western Power Distribution network. The proposed DNO substation is therefore located within the northeast of the site adjacent an existing pylon. This would facilitate the ‘point of connection’ to the existing electricity infrastructure within the application site and enable the solar farm to connect into the 132kV line that crosses the site. The substation structure and transmission masts to facilitate this are required. The substation proposed sits on a concrete pad over a gravel base and measures 5.87m in width and 3.8m in depth, having a footprint of 17.61m square. The building will have a maximum height of 3.7m.
- 4.8 In addition to the above features the proposals include the installation of underground cabling between the solar panels and inverters to the substations and the installation of permeable stone tracks enabling access across the site.

Landscaping and Boundary Treatment

- 4.9 Security fencing will be introduced within the field boundaries that will prevent access to the site. The proposed fencing is constructed of timber posts with a maximum height of 3m between which there will be high-tensile wire mesh to a height of 2.54m. The design of the fencing includes fencing bridges that allow for the existing hedgerows to pass beneath and through the fencing and provision of small mammal gates that enable local wildlife populations to pass through the fencing. To the accesses the fencing will include gates, the posts of which have a maximum height of 3m. Across the site pole-mounted CCTV cameras will be installed at a height of 3m high for security purposes.



5. Background

- 5.1 Preapplication advice was sought in 2019 in relation to a solar farm scheme in this location. Since the response of the pre-application the scale and area of the proposals has been reduced.
- 5.2 The application was to be debated at the Planning Committee held on Monday 3rd April 2023. However, prior to the application being discussed by members, concerns were raised about the Agricultural Land Classification. Following introduction by the case officer a vote was taken as to whether to debate or defer the application. The application was deferred.

6. Policy Framework

- 6.1 **National Planning Policy**
National Planning Policy Framework
National Planning Practice Guidance

6.2 **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 4: Delivering our Infrastructure
Core Policy 5: Sustainable Transport
Core Policy 7: Employment & Economic Development
Core Policy 10: Healthy and Safe Lifestyles
Core Policy 11: Participation in Sport & Physical Activity
Core Policy 13: Our Natural Resources
Core Policy 14: Our Built & Historic Environment
Policy BE1: High Quality Development
Policy IP1: Supporting & Providing our Infrastructure
Policy NR1: Countryside Management
Policy NR3: Biodiversity, Protected Species & their Habitats
Policy NR4: Trees, Woodland & Hedgerows
Policy NR5: Natural & Historic Landscapes
Policy NR6: Linked Habitats and Multi-functional Greenspaces
Policy NR8: River Mease Special Area of Conservation
Policy NR9: Water Quality
Policy Rural 1: Rural Areas
Policy SC1: Sustainability Standards for Development
Policy SC2: Renewable Energy
Policy ST1: Sustainable Travel
Policy ST2: Parking Provision
RURAL 1 – Rural Areas
RURAL 2 – Other Rural Settlements

6.3 **Local Plan Allocations**

Policy BE2: Heritage Assets

6.4 **Supplementary Planning Document**

Biodiversity and Development Supplementary Planning Document
Historic Environment Supplementary Planning Document
Rural Development Supplementary Planning Document
Sustainable Design Supplementary Planning Document
Trees, Landscaping and Development Supplementary Planning Document

6.5 **Other relevant**

The Environment Act (2021)
Climate Change Act (2008)
2020 Energy Security Strategy
Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014)
UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)
UK Solar PV Strategy Part 2 (2014)
Update of Landscape Character Assessment, Lichfield District Council, 2019
Lichfield District Council Infrastructure Delivery Plan
Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council (dated 20th November 2020)

EMERGING POLICY

6.6 **Local Plan Review: Preferred Options (2018-2040)**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary

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

Strategic policy SP1: The Spatial Strategy
Strategic policy SP2: Sustainable Transport
Strategic policy SP3: Sustainable Travel
Strategic policy SP5: Infrastructure Delivery
Strategic policy SP6: Infrastructure and services that support healthy communities
Strategic policy SP7: Participation in sport and physical activity
Strategic policy SP8: Blue infrastructure, watercourses and flood risk
Strategic policy SP9: Water quality
Strategic policy SP10: Sustainable development
Strategic policy SP11: Protecting greenbelt land
Strategic policy SP13: Employment and economic growth
Strategic policy SP15: Natural resources
Strategic policy SP16: Natural and historic landscapes
Strategic policy SP17: Built and historic environment
Local policy INF1: Supporting and providing Infrastructure
Local policy LP1: Parking provision
Local policy NR1: Countryside management
Local policy NR2: Habitats and biodiversity
Local policy NR3: Trees, woodland and hedgerows
Local policy NR4: Linked habitats, connectivity and green infrastructure
Local policy NR7: River Mease Special Area of Conservation
Local policy SD1: Sustainable design and master planning
Local policy SD2: Renewable and low carbon energy

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

7. Supporting Documents

7.1 The following plans and supporting documents form part of this recommendation:

- Drawing number JPW1425-007 Rev C, Boundary Plan, dated as received 17.01.2022
- Drawing number 1094-THORPE-001 Rev B, Proposed Site Layout Plan, dated as received 05.12.2022
- Drawing number UAQ3239_A, Topographical Survey Sheets 1 – 8 inclusive, dated as received 17.01.2022
- Drawing number JPW1425-14 Rev A, Typical DNO Building and POC Mast Planning Detail, dated as received
- Drawing number JPW1425-016_D211210 Typical DNO substation Detail - dated as received 17.01.2022
- Drawing number JPW1425-015_D211210 Thorpe PV Inverter Detail - dated as received 17.01.2022
- Drawing number JPW1425-013_D211210 Thorpe PV Fencing Detail - dated as received 17.01.2022
- Drawing number JPW1425-012_D211210 Thorpe PV Access Track Detail - dated as received 17.01.2022
- Drawing number JPW1425-011_D211210 Thorpe PV Panel Detail - dated as received 17.01.2022

- Drawing number JNY10858-07 -Articulated Vehicle Swept Path Analysis- Received on 02.12.2022
- Drawing number JSL3331_101, Landscape Masterplan Rev D dated as received 05.12.2022
- Biodiversity Metric 3- dated as received 19.01.2022
- Preliminary Ecological Assessment Highfields Solar Park Rev V1 dated as received 19.01.2022
- Thorpe Estate Solar Park Ecological Impact Assessment Rev V1 dated as received 19.01.2022
- Drawing number JSL3331, Sheets 1 - 5, Tree Survey and Constraints Plan Rev A dated as received dated as received 17.01.2022
- Drawing number JNY10858-07, 16.5M Articulated Vehicle Swept Path Analysis - dated as received 05.12.2022
- Drawing number NY10858-01, Visibility Splay dated as received 17.01.2022 (contained within CTMP)
- Drawing number JNY10858-03, Visibility Splay - dated as received 17.01.2022 (contained within CTMP)
- Drawing number JNY10858-05, Visibility Splay - dated as received 17.01.2022 (contained within CTMP)
- Drawing number JNY10858-01, Construction Traffic Management Plan Rev B dated as received 17.01.2022
- Document reference JSL3331_570, Landscape Management Plan Rev V1.0 dated as received 05.12.2022
- Drawing number JAC26363, Thorpe Estate Solar Farm, Archaeological Desk-Based Assessment Rev V1.0 dated as received 17 January 2022
- Document reference JAC26363, Built Heritage Statement Rev V3.0 dated as received 17.01.2022
- Document reference SES/EE/TE/1#3, Agricultural Land Classification Report- dated as received 12.05.2023
- Document reference 210608 R JPW1425 RI Design and Access Statement, Thorpe Rev V1 dated as received 17.01.2022
- Document reference 211210 R JPW1425 RI, Planning and Sustainability Statement- dated as received 17.01.2022
- Applicant's Response- dated as received 02.12.2022
- Document reference HLEF72990, Flood Risk Assessment - dated as received 17.01.2022
- Photomontage Technical Methodology Rev V1.0 dated as received 05.12.2022
- Document reference JSL3331, Landscape Visual Impact Assessment Rev V3.0 dated as received 15.02.2023
- Document reference 10899A, Issue 2, solar Photovoltaic Glint and Glare Study - dated as received 17.01.2022

8. Consultation Responses

- 8.1 **Clifton Campville Parish Council:** The Parish Council stated they endorse the comments of residents who have responded to the consultation. Object – 09.03.2022
- 8.2 **Environment Agency** - No comments to make on this application. No objection – 24.01.2022
- 8.3 **Western Power Distribution** - No comments received
- 8.4 **National Grid (Gas)** - No comments received
- 8.5 **British Horse Society** - (BHS)- The BHS note presence of Public Rights of Way and Bridleways adjacent and through the site. The BHS request information issued to development workers on

the sensitivity of horses and appropriate signage giving priority to users of the network of paths and bridleways in addition to the existence of rights of way / needs of equestrian users. Note traffic implications during construction period and request for traffic calming measures. No objection– 12.04.2022

8.6 **Campaign To Protect Rural England** - No comment received / comments on behalf of submitted by the Ramblers Association.

8.7 **Historic England** - Final comments: No further comment on additional information, refer to previous detailed advice provided. Concerns with scheme – 08.12.2022

Initial comments: In their initial response Historic England noted they had grave concerns of the principle of a solar farm in the location, considering the landscape to be highly sensitive. They considered that the proposals would introduce an industrial element to the landscape resulting in harm to this and harm to the significance of the surrounding designated heritage assets and the natural and rural character of the unchanged 18th century landscape area. They note the area to be included in the LDC Update of Landscape Character Assessment report (2019).

The response further details the heritage assets considered to be affected and highlights their opinion of this as a highly sensitive area. They note that views from the top of the Seckington Motte and Bailey which are an integral aspect of the significance of the asset should be considered and are likely to further affect the Motte and Bailey. They raise particular concern regarding the impact of the project on the Grade II Listed Highfields Farmhouse which they consider the proposal will fundamentally change the historic rural setting to an industrial one. The responses consider that the 40 year period of development is considerable and approval would set a precedent for development of the site. They request the LPA consider the bar high in weighing the impact of the proposed development against public benefit and the avoidance of harm by the potential to locate the solar farm in a less sensitive location. Concerns with scheme – 09.02.2022

8.8 **Natural England** – Final: Natural England welcome the revised ALC report and confirm it has been updated with the survey and laboratory information and an updated ALC map and Grade, confirming no additional survey work has been undertaken. They state that the information provided shows 1ha of the site as being classified BMV and state in the response that Natural England are satisfied that the data presented and the resulting ALC mapping reflects the ALC of the site. No objection 02.06.2023

Subsequent: Response in relation to specific query from the case officer about the ALC: Natural England raise concerns regarding the speed of the ALC survey; the lack of laboratory data; inaccuracies in the droughtiness calculations and the wetness class. Within the response NE make suggestions that the report is fully updated with all available survey and laboratory information, including the ALC calculations for each survey point and the updating, where necessary of the ALC map and areas of each grade across the site. They recommend that particular attention should be paid to the soils representative of Soil Type 1 and advise it suitable to update results for the current redline boundary. 19.05.2023

Subsequent: Response confirms that Natural England have considered the potential impacts upon the River Mease and agree with the conclusions that the development won't have an impact. Further standing advice is offered. No objection – 17.02.2023

Subsequent - Not able to provide detailed advice, request that the LPA consider there are significant risks to statutory nature conservation sites or protected landscapes they set out specific areas on which advice is required. Further standing advice is offered. No objection 04.01.2023

Initial: Not able to provide detailed advice, request that the LPA consider there are significant risks to statutory nature conservation sites or protected landscapes they set out specific areas on which advice is required. Further standing advice is offered
No objection – 28.02.2022

8.9 **Western Power Distribution** - No comments received

8.10 **Cadent Gas Limited** - Final: Cadent remove their objection to the scheme noting that solar cells are not shown within the easement. They offer further advice to the scheme in respect of access restrictions and construction routing and reports and assessment that will be required. They advise these are sufficiently addressed via an informative note. No objection – 08.01.2023

Initial: Cadent note in their response a 457mm High Pressure gas pipeline runs through the proposed solar farm and that solar cells are shown over the pipeline, they note that no structures or development is permitted inside the easement. The response identifies that the objection may be removed should Cadent be satisfied that there are no encroachments into the easement and that there would be no interference with Cadent's cathodic protection system which protects the pipeline or impeding access to the pipeline for maintenance. Object – 24.01.2022

8.11 **Highways England** - Final: No comment. No objection – 05.12.2022

Initial: No comment. No objection – 20.01.2022

8.12 **Central Networks** - No comments received

8.13 **Open Space Society** - No comments received directly – comments from Ramblers Association (see below) indicate these are on behalf of both organisations.

8.14 **DEFRA** - No comments received

8.15 Warwickshire County Council - No comment

8.16 **Area Footpath Secretary (Ramblers Association)** - Final: No further comments other than those previously submitted. Object 16.12.2022

Initial: The Ramblers Society offered objection on behalf of their organisation and the Open Space Society to the proposed development. Noting the proximity of bridleways and public footpaths which may be affected by the development. They note that screening should be 3m from the rights of way to prevent overgrowth / undergrowth ingressing. Consider that the development represents the industrialisation of the countryside and is out of keeping with the area. They note that during construction the rights of way should remain open and usable by the public and advise that planning permission does not give the right to interfere with a right of way - refer to Defra circular 1/09
Object – 31.01.2022

8.17 **North Warwickshire Borough Council** – No comments received

8.18 **Severn Trent Water - Planning Only** - Severn Trent offer no objection and make no requirement for conditions due to the anticipated minimal impact on the public sewerage system.
No objection – 28.01.2022

8.19 **South Staffs Water** – No comments received

8.20 **Architectural Liaison Officer** - The Police Architectural Liaison Officer requested the installation of substantial estate fencing and monitored CCTV within the site to deter / prevent cable theft which they noted to be an issue in the County. No objection – 11.02.2022

- 8.21 **Staffordshire County Council (Highways)** - Final: Request further information to satisfy conditions, agreed that the information could be secured by condition. No objection 22.12.2022
- Initial: The Local Highway Authority in review of the application note the content of the Transport Statement / CTMP and consider this acceptable subject to the provision of an additional track run to demonstrate HGV's attending the site are able to safely navigate Clifton Lane. They further noted that no provision was made for internal parking, servicing or turning, acknowledging the site was capable of accommodating such they note that the further submission of a plan to delineate these requirements and demonstrate the access and egress of the site by vehicles in a forward gear would be required prior to determinations. They request further conditions in respect of the accesses and associated improvements and the provision of a road condition survey.
No objection – 14.02.2022
- 8.22 **Historic Environment Officer (Archaeology)** - Final: Confirm their previous comments remain valid and defer to Historic England and Conservation colleagues regarding the potential impact of the proposals on the historic built environment and landscape.
- Initial comments: The County Archaeologist notes in their response the Architectural Desk-Based Assessment (ADBA) and Built Heritage Statement (BHS) submitted in support of the application and notes the ADBA to be comprehensive. They generally support the conclusion that there is low potential for previously unknown archaeological features to be encountered within the site. However, they note that previous aerial photography of the area has identified evidence of historic (ridge and furrow) ploughing which has potential to mask earlier archaeological sites. They also identify potential prehistoric activity associated with the smaller watercourses to the north and northwestern boundaries of the site. The response echoes the concerns of Historic England in respect of the impact of the proposed development upon the rural character and the high quality landscape.
- In the event that a recommendation for approval is made, given the archaeological potential of the site the officer requests further archaeological evaluation and potentially mitigation and note the requirements for such. No objection – 22.02.2022
- 8.23 **Staffordshire County Council (Flood Risk Officer)** - Final comments: Upon review of the scheme Flood Risk Officer requests that a compliance condition to ensure adherence to submitted FRA and other flood risk measures be included. No objection – 23.01.2022
- Previous comments: The flood risk officer requested previously sought information be submitted as per initial comments. Object – 19.12.2022
- Initial comments: Object – 1.02.2022
- 8.24 **Staffordshire County Council (Planning)** – No comments to make on the application.
No objection – 5.12.2022
- 8.25 **SCC Rights of Way Officer SCC** – The Rights of Way Officer notes that the rights of way are correctly identified on the site plan and noted that these should be labelled. They also note the presence of a request under section 53 of the Wildlife and Countryside Act 1981 in the vicinity and advise the applicant to contact the legal department in respect of the legal team in this respect. They further offer advice in relation to informal rights of way in the vicinity that the applicant may identify that the applicant is advised to investigate. No objection – 5.12.2022
- Initial: Note the accuracy of the statement in relation to existence of Public Rights of Way and advise that any works to the surfacing of these will require discussion and agreement with the County Council rights of way Team. Request that planting of trees and shrubs is not within 3m

of the RoW unless the landowner / management company co are made aware that the maintenance of such is their responsibility. No objection – 21.01.2022

8.26 **Staffordshire Wildlife Trust** – No comments received

8.27 **Conservation and Urban Design Team - LDC Final**: Following amendments to the layout of solar panels and reduction in those directly opposite Highfields Farmhouse resulting in the pushing back of the panels from the direct line of the property the Conservation Officer notes in their assessment that though the panels still have an impact on the setting of the listed building that the location of the panels neither preserves nor enhances the setting of the Listed Building. They state they accept that the impact has been reduced by the amendments and the impact is considered to cause less than substantial harm to the setting of the listed building. They state there are no heritage related public benefits derived from the scheme but that the public benefits of green energy generation and the potential of the landscape to be re-instated at the end of the life span of the development. They conclude that harm arises from the scheme that requires consideration in the planning balance.
21.03.2023

Initial: The Conservation Officer summarised the scheme and reiterated the comments of Historic England. They raised further concerns in relation to Highfields Farmhouse noting that there would be significant impact upon the setting of the Grade II Listed Building. They highlighted that the layout of panels surrounding the farmhouse would detract from the character and cause significant harm to the setting and noted areas A and C were of particular concern.

They further note the impact of long views of the development proposed upon other listed buildings and heritage assets in Staffordshire, South Derbyshire and North Warwickshire.

They conclude that though there are clear environmental benefits to the scheme the protection of the significance of heritage assets should be of paramount importance as defined within the NPPF and that in this instance the application cannot be supported on grounds of impact upon the historic environment. Object – 27.06.2022

8.28 **Ecology Team - LDC - Subsequent Comments**: Following review of the submitted Technical Note the Ecology Manager notes they are satisfied and agree the claim that the application is unlikely to have an adverse effect on the integrity of the River Mease SAC. The justification of this is, the scheme has been designed to avoid changes to the water quality for both surface and sub-surface water ' subject to appropriate construction methods, given that usual best practice methods during solar farm construction are not necessarily classed as a polluting activity. They believe that the nutrient output following development will be considerably less than the current base line as the agricultural use changes to habitat creation and grazed species rich grassland pastures and meadow. Based upon this they retract the request made previously for the completion of the Nutrient Neutrality Calculator, and progression of Habitat Regulations Assessment (HRA) to Appropriate Assessment (AA).

They reiterate the need for a GCN EPS licence or Naturespace Partnership District License Certificate prior to commencement. They note additional information relating to mitigation and minimisation of impact upon brown hare including access to habitat is sufficient.

They note the revised layout of the solar park has been submitted which reduces the coverage of solar panels and the planting of 120m of native species-rich hedgerow will subdivide a field in the south-western part of the site. This additional hedgerow increases the hedgerow biodiversity units in the operational development to 42.92 with a percentage net gain of 10.21% which is considered sufficient to satisfy previous concerns over the loss of hedgerow. No objection 24.01.2023 & 07.02.2023

Subsequent Comments: The Ecology Manager note in their comments that the Biodiversity Metric shows a shortfall in hedgerow units of 0.17%. They note they are satisfied with the methodology and the information provided within the submitted Ecological Impact Assessment species surveys.

They request that the applicant complete the River Mease Calculator and demonstrate the development can achieve nutrient neutrality in order to pass HRA. Further advice on the required licenses and options for GCN is offered. Additional information in respect of brown hare and mitigation to address the impact the development will have on this species is requested.

They request the methods of working detailed within the assessment are made a condition of any future planning approval, and advise the applicant further consider the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. Object – 01.08.2022

Initial comments: The Ecology manager notes that they have insufficient information to assess the impact of the project on biodiversity and have insufficient information to enable the LPA to make a determination. They request a Biodiversity Net Gain Assessment for the site to demonstrate measurable net gains to biodiversity and no net loss to biodiversity. Additionally impacts to the River Mease Special Area of Conservation have not been fully determined.

They note the Preliminary Ecological Appraisal identifies that great crested newts, breeding birds, over wintering birds and bats amongst other species are likely to be present and request further surveys and supporting ecological data be provided. Advice in respect of the surveys is provided as are the options for the applicant to enter into a GCN District Licensing Scheme with Naturespace.

They offer advice regarding the River Mease SAC in relation to the information required to be submitted by the applicant to the LPA to enable them to complete an assessment under the Habitat Regulations (in advance of a planning decision). Object – 04.03.2022

- 8.29 **Economic Development** - The Economic Development Officer identified the potential of the project to provide energy however noted that this may be to the detriment of current agricultural uses of the land and local businesses. They invited response the business which currently utilises the fields and their opinion the potential impact. They concluded that if the proposed use would not impact upon the agricultural and associated local employment and businesses operations there were no objections on economic development grounds. No objection – 29.04.2022
- 8.30 **Environmental Health Team** – LDC - No further comments.
No objection – 16.12.2022
No objection to the proposals in principle.
No objection – 08.02.2022
- 8.31 **Spatial Policy and Delivery Team** – LDC - The Spatial Policy Team note the requirements of LPA's in determining applications and the situations where the Presumption in favour of sustainable development is disapplied due to the location of the development, in this case the River Mease SAC. They note the national policy requirement for support from LPA's to support low carbon transition and renewable energy and infrastructure, further noting the guidance of the NPPG at ID 5-013-20150327 that solar farm should be focussed on non-agricultural and previously developed land. The need to consider the visual impact and potential to mitigate landscape and visual impact of development. They note the local policy requirements and considerations for the application within the LPS and offer no objections in principle to the development advising that the proposal should be assessed in details for the impacts in accordance with approved policies, and the impact upon the River Mease SAC. They finally conclude that the scheme would

make a valuable contribution to the amount of renewable energy generated within the District.
No objection – 02.02.2022

- 8.32 **Tree Officer - LDC: Final:** Reiterated and reproduced previous comments below. Confirmed the landscape masterplan and landscape maintenance plan submitted are acceptable. No objections – 21.12.2022

Initial: Confirm that the proposals appear to have minimal impact on retained trees and hedgerows and note potential benefits in changes to the agricultural regime. No objections – 03.03.2022

- 8.33 **Waste Management – LDC** - There are no comments in relation to the Joint Waste Service.
No objection – 05.12.2022
No comments relating to the Joint Waste Service
No objection – 20.01.2022

9. Neighbour Responses

2 rounds of consultation were undertaken. 16 letters of representation were received in the initial consultation and 7 in the second round of consultation. The comments made are summarised as follows:

Built Heritage and Historic Environment

- Concerns that the Heritage Statement submitted is out of date using previous iterations of the design
- Impact upon the listed buildings and conservation areas in the surrounding environment
- The cumulative impact of this scheme and the Haunton scheme on the Grade I Listed Building – St Andrew’s Church at Clifton Campville and the setting have not been considered within the built heritage statement
- The impact of the two schemes cumulatively on the Grade I Church of St Andrew’s and its setting has not been properly assessed or justified
- Harm to the setting of the Grade I Listed Building
- Highfields Farmhouse (Grade II Listed Building) will be ‘cut off’ from the Church, severing the link between the asset and its setting.

Ecology & natural environment

- Queries as the absence of a Full Ecological Survey requested at pre-app stage.
- Impact on local wildlife and species
- Impact on biodiversity
- Comments in relation to the methods of pesticide application and prevention of flood currently used which conflict with the comments of the ecology officer

Loss of agricultural land

- Loss of good quality agricultural land
- Impact on other local economies as a result of loss of good quality agricultural land

Landscape and visual impact

- The views from the Church Spire will take in the two schemes
- Views from the Triangulation point on Clifton Campville 33 bridleway to the Church will be lost
- Impact upon the local landscape, hedges, verges

- Landscape and visual concerns regarding the impact of the development and visibility from local public rights of way
- Inadequate screening leading to visibility impacts
- Views from Highfields Farmhouse to the fields west of Clifton Lane

Submitted documents

- Inaccuracies regarding the size of the site
- Inaccuracies in the Landscape management plan
- Viewpoint inaccuracies within the LVIA

Other

- Inadequate consultation and communication from the applicant
- Value of countryside to mental and physical health
- The proposals will conflict with Natural England's 'Statement of Environmental Opportunity 3 and 4'
- Footpaths, bridleways and different road users, such as cyclists, farm vehicles cars and construction traffic should also be considered
- Impact upon nearby dwellings
- Concerns regarding Glint and Glare assessment, impact on road and public right of way users as well as aircraft
- Concerns regarding the siting of panels in relation to gas pipelines
- Potential danger to road and public right of way users during the construction phases, recommend a Construction Management Plan is secured
- Loss of rural amenity space for recreation including walking, horse riding, shooting
- Potential for damage to field drains to occur as a result of construction works

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & Principle of Development
- Design and Impact upon the Landscape, Character and Appearance of the Surrounding Area
- Historic Environment & Archaeology
- Use of Agricultural Land
- Sustainability
- Residential Amenity
- Access, Parking and Highway Safety
- Ecology
- River Mease Special Area of Conservation
- Flood Risk and Drainage
- Impact on Trees
- Other Issues
- Human Rights

11. Policy & Principle of Development

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

- 11.2 The emerging Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30, 2021, with submission to the Secretary of State expected in autumn 2021. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.
- 11.3 Sustainability is placed at the heart of plan and decision making within the NPPF identifying that there are three key elements, economic, social and environmental. Specified within the environmental objective to protect and enhance our natural, built and historic environment are included:
- ‘Making effective use of land
 - ‘Improving biodiversity’
 - ‘Using natural resources prudently’
 - ‘Minimising waste and pollution’
 - ‘Mitigating and adapting to climate change, including moving to a low carbon economy’
- 11.4 Paragraph 152 of the NPPF notes that the planning system should support the transition to a low carbon future in a changing climate, it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 11.5 Paragraph 158 goes on to state that when determining applications for renewable and low carbon development LPAs should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas*
- 11.6 The provision within the NPPF lies within a national and international drive to move toward renewable energies. These are set out as follow and establish the general strategic direction of travel. However, the relevant Local Plan Policies are set out in the report. In order to ensure that renewable energy fully contributes towards the EU climate ambition and target plan the European Union Renewable Energy Directive (2018/2001/EU) entered into force and moved a legal framework to 2030 setting a binding minimum target of 32% provision for the EU.
- 11.7 Nationally the UK passed laws to end its contribution to global warming in June 2019, UK Government Net Zero 2050, to support the required reduction of emissions by 80%. The Energy white paper ‘Powering our net zero futures’ (DBEIS 2020a) was published, this set a pathway to achieving net zero by greater reliance on solar amongst other energies. The Net Zero 2050 – A Roadmap for the Global Energy Sector (International Energy Agency (IEA), 2021) called for the scaling up of solar and wind provision in the 2020’s to 630 gigawatts (GW) of solar production.
- 11.8 Future Energy Scenarios (FES) was produced by National Grid in 2021 and outlines credible pathways for energy in the coming decades, having regard for both demand for electricity that arises from the shift away from high carbon fuels to hit reduced emissions targets and the anticipated increase in electric vehicles ahead of the ban on petrol and diesel vehicles in 2040. Annual demand is anticipated to double between 2020 and 2050.
- 11.9 The Environment Act received Royal ascent in November 2021 and is likely to be brought into force later in 2023. The act addresses areas of governance that have been changed as a result of Brexit and provides measures to address the significant environmental challenges faced. Of

relevance to the consideration of this application are stricter controls on water and resources, air quality, nature, and biodiversity.

11.10 The 2020 Energy Security Strategy set out to substantially increase the delivery of UK based energy including solar a major acceleration of ‘homegrown’ power and attempting to achieve 95% of electricity production through low carbon methods. The UK Solar PV Strategy Part 1 ‘Roadmap to a Brighter Future’ (2013) set out four principles for the strategy for solar PV. These are:

- *Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers.*
- *Support for solar PV should deliver genuine carbon reductions that help meet the UK’s target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood.*
- *Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them; and*
- *Support for solar PV should assess and respond to the impacts of deployment on grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.*

11.11 At a high level within the Local Plan Strategy Core Policy 3 requires that development contributes to the creation and maintenance of sustainable communities, mitigates, and adapts to the adverse impacts of climate change, reduces carbon emissions, enables opportunities for renewable energy and helps to minimise any environmental impacts by addressing a number of key issues. Of relevance to the principle of the proposed development are:

- *protect and enhance the character and distinctiveness of Lichfield District and its settlements.*
- *use our natural resources prudently and conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible;*
- *maximise opportunities to protect and enhance biodiversity, geodiversity and green infrastructure and utilise opportunities to facilitate urban cooling; and*
- *facilitate energy conservation through energy efficiency measures as a priority and the utilisation of renewable energy resources wherever possible, in line with the energy hierarchy*

11.12 The Local Plan Strategy sets out in Policy SC2 that provision should be made for renewable energy generation within the district to maximise both environmental and economic benefits whilst minimising local adverse impacts. It seeks to meet 10% of demand through renewable sources (including solar) by 2020. It further sets out the process for assessing opportunities for such developments as being:

- the degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development.
- the impact on local amenity, including residential amenity.
- the impact of the proposal on sites of biodiversity value, ancient woodland, and veteran trees.
- the impact on the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes; and
- the proximity to, and impact on, transport infrastructure and the local highway network

- 11.13 Lichfield District Council declared a Climate Change Emergency in December 2019 and made a commitment to achieving net zero carbon emissions within the district by 2050. The 2020 Baseline Report Climate Change Adaptation & Mitigation Staffordshire County estimated that Lichfield had a total of 11.9 MW Low or Zero Carbon (LZC) electricity capacity installed as at the end of 2018 with a total generating capacity of 16,061 MWh. Of these installations' photovoltaics, were estimated to account for around 57.5% of LZC electricity generation.
- 11.14 The Rural Development SPD sets out that the policies seek to develop and maintain more sustainable communities and sets out that it is important for the District Council to recognise the current economic drivers affecting the rural areas including farm diversification. The proposed development will diversify the existing farming uses, in the maintenance of some grazing and the introduction of the panels.
- 11.15 The proposed development is designed to generate 49.9kWh of electricity per annum. This is noted to be sufficient provision to provide an annual power supply to 14,000 homes or 17,000 electric cars. This provision would contribute to both local and national climate change targets and net zero commitments for reducing emissions and increasing the proportion of energy derived from renewable sources, in this instance, solar energy.
- 11.16 There is broad support within the development plan, under a number of policies, for the development of renewable energy production. Policy SC2 supports delivery of renewable energy, Policy NR1 seeks to assist in delivering diverse and sustainable farming enterprises and provide for the sensitive use of renewable energy resource in conjunction with Core Policy 3 and Policies SC1 and SC2, though it is noted that the provisions of Policy SC1 relate predominantly to sustainability standards for buildings and the incorporation of low carbon or zero carbon energy where these are 'fit for purpose' for specific developments, and therefore relates to the integration of such technology into other forms of development rather than the development of schemes solely for the generation of green energy.
- 11.17 Paragraph 182 of the NPPF sets out that the presumption in favour of sustainable development does not apply to development which may adversely affect a habitat site, unless assessment under the habitat regulations demonstrates that the habitat site will not be adversely affected by the development. Policy NR8, River Mease Special Area of Conservation sets down that development will only be permitted when it is demonstrated that it will not be likely to lead either directly or indirectly to adverse effects on the integrity of the River Mease Special Area of Conservation. Section 8 of this report focusses upon the impact of the proposed development.
- 11.18 The foregoing assessment of the national and local policies which are both specific to renewable energy and those which discuss the requirements for development of renewable energy schemes demonstrate the policy support for renewable energy generation. The principle for the development is therefore considered to be acceptable. The following sections of this report consider the impact of the development in relation to the specific criteria under which the proposed development must be considered.

12. Design and Impact upon the Landscape, Character and Appearance of the Surrounding Area

- 12.1 The National Planning Policy Framework places great importance on well-designed places noting in section 12 that decisions should ensure that development is of a high quality that functions well over its lifetime. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development that reflects both government guidance and local design policies and supplementary planning documents should be accorded significant weight in consideration.
- 12.2 Section 15 of the NPPF sets out, in relation to conserving and enhancing the natural environment, that planning decisions should contribute to and enhance the natural and local

environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality within the development plan. It also requires that decisions should recognise the intrinsic character and beauty of the countryside including economic benefits and the benefits of best and most versatile agricultural land.

- 12.3 Policy BE1: High Quality Development states that development proposals should ensure that a high quality sustainable built environment can be achieved. Development will only be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon both the significance of the historic environment, such as archaeological sites, and the built vernacular. New development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 12.4 Policy NR5 of the Local Plan Strategy states that development will be permitted where it does not impact upon the archaeological and historically important landscapes in the district. It states the character and significance of the natural and historic landscape will be safeguarded through decisions which protect, conserve and enhance sites of international, national, regional and local importance. Policy SC2 notes that one of the criteria to be applied in assessing the acceptability of renewable energy development proposals is the degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape to accommodate the proposed development.
- 12.5 The Rural Development SPD identifies that small scale development related to alternative sources of energy creation will be encouraged provided it does not have a detrimental impact on neighbouring amenity, landscape, and other Local Plan Strategy policies.
- 12.6 The Lichfield District Council Update of Landscape Character Assessment (2019) Report identifies the site as lying within a 'Lowland Village Farmland' area. Stating that the overall character of this landscape is strongly related to the planned enclosure of open fields by Parliamentary Act. In assessing the strengths of character for the area it notes that the natural dimensions are weak, and notes that the historic character of the rural agricultural landscape is moderately strong and characterised by discrete villages and outlying farms that define the character of the landscape. Within the vision statement it recommends that the conservation of field boundaries, and identification of opportunities to restore primary hedge lines and enhance tree cover should be sought alongside opportunities to strengthen biodiversity within the landscape.

Assessment

- 12.7 The application site does not lie within any statutorily recognised or protected landscape sites such as Areas of Outstanding Natural Beauty, National Parks or World Heritage Sites. The Lowland Village Farmland area is defined within the updated Character Assessment as a landscape area of moderate character, condition, and sensitivity. The development will lead to the introduction of industrial features to the rural landscape, to mitigate the visual impact the application proposes to conserve and enhance the existing hedgerows, both within and bordering the site and to plant new hedgerows that both provide additional screening and enhancements to biodiversity.
- 12.8 In consideration of the application the case officers engaged Crestwood Environmental Ltd who are registered with the Landscape Institute to review the submission. The initial report provided to the Council highlighted a number of points for which additional information was required, specifically the inclusion of additional photomontages and viewpoints of the potential visibility of the site from the wider surrounding area. The information requested was supplied by the applicant and a further review commissioned by the Council, the second review confirmed broad agreement with the information supplied and requested further additional information on the likely sequential impact of the proposed development and the recently permitted scheme at Haunton (20/01245/FULM). This was provided by the applicant and another review commissioned by Crestwood Environmental in February 2023.

- 12.9 The assessment of Crestwood Environmental Services notes that there will be varying degrees of impact upon the landscape, and that the level of impact will vary depending upon the point from which the development is viewed. The reports acknowledge that as the landscaping proposed develops overtime the visual impact from some viewpoints will be reduced. The review further notes that if this development was constructed, further development of this nature, i.e., in addition to this scheme and excluding other consented schemes, would be likely to breach the threshold where the defining characteristics of the landscape character could be altered. This assessment is considered to demonstrate, in accordance with the requirement of policy SC2, that the landscape has the capacity to accommodate this proposal but that further development of this nature in this landscape area would not be acceptable in landscape visual impact terms.
- 12.10 The review documents also note that the proposed development whilst in situ would be a defining element of each field parcel, but that the scheme preserves the underlying character of the landscape which will not be permanently or fundamentally altered. The report agrees the assessment of the moderate impact that should therefore be weighed in the planning balance.
- 12.11 From the Public Right of Way network (PRoW) the proposed development will result in harm to the visual amenity afforded to users of the network both as it passes through the site and from certain views from the network that are further away. There is also noted to be harm to the visual amenity of residents of Highfields Cottage and Highfields Farmhouse. The review of the LVIA sets out that there will be moderate-adverse impacts, from most viewpoints this is noted to decline over time to result in lesser impacts. It is noted that the effect on visual amenity from Highfields Cottage is assessed differently by the LVIA and the Crestwood Environmental review of the LVIA which notes the impact to be moderate adverse. This level of impact on the visual amenity is limited in terms of the population affected and as such it is not considered to present a robust reason for the refusal of the application.
- 12.12 The proposed development will have an impact upon the character and appearance of the surrounding area. The comments received from the local Church and residents in respect of the impact on the character of the area and the landscape have been considered throughout the application process. The LVIA includes the visibility from a number of points and includes these views and the landscape setting of the proposed development. However, given the specific features and characteristics of the surrounding area alongside the temporary and reversible nature of the scheme, these features are not subject to permanent change as would be the case with other forms of development. The changes will retain the hedgerows and field layout that are noted of importance within the updated Landscape Character Assessment. Landscaping enhancements are proposed, and the Environmental Consultants engaged note that the landscaping over time will reduce the visual impact of the development. Recommendations for the landscaping proposals to be made a condition of approval of the application have been included in this report.
- 12.13 The comments of members of the public in terms of dark skies and lighting have been included in consideration of the application. The applicant states that PiR lighting will be used for the security fencing and a restrictive condition preventing additional lighting without prior permission is included in this recommendation to safeguard the character of the area and the local bat populations.
- 12.14 Policy SC2 of the Local Plan Strategy requires that renewable energy developments are assessed, amongst other criteria on the 'degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development'. The impact of the proposed development though altering the character of the surrounding area is of a moderate nature and therefore not of a major level which would cause permanent and unacceptable harm to the landscape. The landscape review has considered the scheme and requested further information regarding the cumulative impact of this and the Haunton solar farm development. In the response the review concludes that the development if permitted would not breach the characteristics of the landscape so as to alter the defining

characteristics of the landscape. It is considered necessary and reasonable to include conditions that secure the limited time period for the development, the full restoration of the site and compliance with the recommended landscaping proposals and the ongoing management and maintenance of such. Subject to the inclusion of these conditions the proposed development is considered acceptable in this regard.

13. Historic Environment and Archaeology

- 13.1 Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. It states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area, as a result of development.
- 13.2 Section 66 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority have special regard for the preservation of the building or its setting. Significant weight should be given to any harm found to arise to a listed building or its setting as a result of development.
- 13.3 The National Planning Policy Framework sets out in section 16 that LPA's should require the applicant to describe the significance of heritage assets affected including the contribution of their setting. In determining applications, it advises that account should be taken of the positive contribution that heritage assets can make to sustainable communities including economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.
- 13.4 The Framework further advises at paragraph 199 that great weight should be given to the conservation of the heritage asset irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In paragraph 202 the Framework advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 13.5 Paragraph 205 of the NPPF sets out that LPAs should require developers to record and advance understanding of the significance of any heritage assets and to make this information publicly accessible.
- 13.6 Core Policy 14 of the Lichfield Local Plan Strategy seeks to preserve the historic environment in the district and recognises the economic role of the historic environment in contributing to sustainable communities. It requires that development proposals that conserve and enhance a heritage asset will be supported where clear and convincing justification has been provided through an assessment of the significance of the asset.
- 13.7 Policy BE2 of the Local Plan Allocations sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.

Assessment

- 13.8 The application is accompanied by a heritage assessment which identifies the presence of listed buildings, conservation areas and a scheduled ancient monument within 2km of the site boundaries. There are no designated heritage assets within the site and therefore the development would not result in any changes to the structure or built fabric of heritage assets. Following initial desk-based identification of the surrounding assets, walkover surveys of the site and surrounding publicly accessible areas were undertaken to establish the likely visual impact

of the proposed solar farm on the historic environment. Within the 2km radius of the site the Heritage Assessment identified that the impact of the development upon heritage assets is that which would occur to the setting of those heritage assets. Of the identified assets the Heritage Assessment considered that the proposed development site forms part of the setting of 5 of the identified listed buildings and the Clifton Campville Conservation Area.

- 13.9 The application site surrounds Highfields Farmhouse which is a Grade II Listed Georgian farmhouse. Following comments of and discussion with the Council's Conservation Team during the course of the application the layout of the proposed panels has been revised surrounding the farmhouse. The views from the northwest (front) elevation of the farmhouse, and views to the front of the farmhouse looking southeast from the bridleway were considered to be those which were of greatest detriment to the setting of the farmhouse. The panels within fields A and C have therefore been reduced cumulatively by circa 4.9 hectares to reduce the impact on the setting of this Grade II listed building.
- 13.10 Between the farmhouse and the nearest proposed field of panels, to the east, to the southwest side of the farmhouse there is approximately 12m between the farmhouse and the nearest field of panels, the facing elevation of the farmhouse is noted to be a blank to the ground and first floors with 1no window serving a living room at second floor level. Therefore, only limited intervisibility from the second floor of the panels in this direction will be observed.
- 13.11 The comments of members of the public, including the residents of Highfields Farmhouse have been considered during the application process. The impact upon the setting of Listed Buildings and the Motte and Bailey has also been considered. It is noted that the comments of the public consider that the cumulative impact of the proposed development and the Haunton solar farm are omitted from the Heritage Assessment. The LVIA information supplied identifies a less than significant cumulative visual and sequential cumulative visual impacts from the development are experienced from limited viewpoints. These are noted to be from the public rights of way to the north and northeast of the site and not immediately adjacent any of the heritage assets within the setting of which the proposed development lies.
- 13.12 Following revisions to the scheme within fields A and C the LDC Conservation Officer states in their response that less than substantial harm to the setting of Highfields Farmhouse will occur as a result of the development proposed. The Conservation Officer does not consider within their comments that any substantial harm to, nor loss of heritage assets, will arise as a result of the development. Of the heritage assets affected by the proposals the setting of Highfields Farmhouse is considered to be the asset most affected by the development. The degree of impact on other Heritage Assets is therefore lower than that on Highfields House and can therefore also be considered less than substantial.
- 13.13 In accordance with the requirements of paragraph 202 where less than substantial harm to the setting of a heritage asset occurs as a result of a development proposal the NPPF advises that this harm should be weighed against the public benefits of the proposal.
- 13.14 Historic England raise concerns in relation to the scheme, its impact upon the historic environment including listed buildings, conservation areas and the scheduled monument at Seckington which is a Motte and Bailey. Following initial concerns from Historic England the site of the Motte and Bailey has been visited and though the surrounding fields are accessible, the mound that forms the Motte and Bailey is fenced and publicly inaccessible, therefore views from the top and ensuing impact upon the setting are not considered to be frequent or to a degree which may outweigh other considerations. In addition, further landscape visual information has been provided which demonstrated that visibility from the surrounding fields is limited.
- 13.15 The County Council Historic Environment Team note that records of ridge and furrow farming have previously been identified via aerial photography and that despite low archaeological potential in some areas of the site, watercourses have the potential to offer further evidence of historic activity. They broadly agree the findings of the submitted Archaeological Desk Based Assessment but request conditions for further field work and investigation of the site and the

submission of a Written Scheme of Investigation prior to the commencement of development. It is considered reasonable and necessary to include these recommended conditions.

- 13.16 The proposed development has been assessed to result in less than substantial harm to the setting of nearby listed buildings and conservation areas. As such the NPPF requires that the harm must be weighed against public benefits of the solar farm. The public benefits from the scheme are considered to be derived from the generation of renewable, low carbon energy. The temporary and fully reversible nature of the scheme must also be considered in considering the impact upon the surrounding heritage assets. The proposed development has been demonstrated to accord with the development plan and the NPPF in terms of the impact on heritage assets in the vicinity.

14. Use of Agricultural Land

- 14.1 The NPPF advises at paragraph 174 b that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including economic and other benefits of the best and most versatile agricultural land.
- 14.2 Best and Most Versatile Agricultural Land is classified within Annex 2 of the NPPF as “*Land in grades 1, 2 and 3a of the Agricultural Land Classification*”. The Agricultural Land Classification grades land from 1 to 5 with grade 1 being defined as excellent quality agricultural land and grade 5 being very poor-quality agricultural land. Grade 3 land is split into subcategories 3a and 3b, with 3a being included within the definition of BMV and 3b not being included in this definition. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) sets out that Natural England is a statutory consultee in applications that would result in a loss of over 20ha or best and most versatile agricultural land.
- 14.3 Core Policy 13 of the Local Plan sets out that natural resources will be managed in a sustainable way to ensure protection and longevity. The proposed development will allow for the development of what is understood to be previously undeveloped land in agricultural use.
- 14.4 The application site is shown on the Regional Agricultural Land Classifications Maps as being a combination of Grade 2 and Grade 3 in the Agricultural Land Classification System, where no distinction is made between subcategories 3a and 3b. The ALC map for the region advises that “*these maps are not sufficiently accurate for use in assessment of individual fields or sites.*”
- 14.5 The application is supported by an Agricultural Land Classification Survey which assessed an area of approximately 158.5ha, of which forms the site area of the development proposed development. Land within the site area was classified in the survey as predominantly grade 3b, moderate quality agricultural land, with 1ha within the site area being classified as grade 3a good quality agricultural land.
- 14.6 During the application process Natural England have been consulted on the development proposed and have been asked specifically to provide comment on the ALC survey provided by the applicant. Detailed comments in April 2023 were provided that queried the survey rate and advised that further detail was required to support the classification. The applicant provided in response to these comments an updated report containing additional information in response to the comments of Natural England. The updated report reclassified 1ha of the land as Grade 3a land, the previous classification being grade 3b across the site.
- 14.7 The updated report was sent to Natural England for further review and comment. Natural England stated in their response that whilst the concerns regarding the survey completion rate remain, the data and justifications provided within the revised report are sufficiently details to verify the ALC grade presented. The response confirms Natural England are satisfied that the data presented and the resulting ALC mapping reflects the ALC grade of the site.

- 14.8 It is noted that responses from members of the public have been received stating that crops associated with BMV are grown within the site area. These comments are considered in this report and the concerns regarding the quality of land and the growing of crops consistent with higher soil grades were also set out in a request that Natural England review the ALC and application and provide comments.
- 14.9 The development proposed results in the use of 1ha of land considered to be best and most versatile agricultural land. The proposed development results in the use of the wider area of 70ha of agricultural land. The majority of the proposed development, specifically the areas of panels and landscaping would not result in the permanent loss of agricultural land due to the type of development and the limited period of use.
- 14.10 The Planning Practice Guidance advises LPA's assess proposals using both the maps and detailed site survey reports. In consideration of this application both considerations have been undertaken and Natural England consulted. No objection is offered in relation to the proposed development. The development as assessed will result in the loss of 1ha of land classified as best and most versatile.
- 14.11 The site selection process that was undertaken is set out in the Planning Statement submitted in support of the application. It describes the site election process as having considered planning policy, environmental and technical criteria including:
- The availability of utilities and the viability of a grid connections
 - Land availability
 - Compatibility with national and local planning policy
 - Visual impact
 - Proximity to community sensitive locations and areas of designated environmental significance
- 14.12 Further detail on each of the above criteria is included with the document. Within the selection process the applicant consulted data regarding the quality of agricultural land within the area. The application also submits that the grassland areas of the site will be grazed by sheep for approximately 6 months of the year, therefore retaining pastoral land which could be considered an agricultural use. This is further supported by the ALC Report that has been reviewed following comments from Natural England. Following the revisions Natural England state, they consider the ALC of the site to be comprised predominately of agricultural land that is not graded as best and most versatile and of 1ha of BMV grade 3a land.
- 14.13 The supporting information indicates that the site's soil resources will be managed in accordance with a Soil Management Strategy and that degradation is considered to be minor with soil function anticipated to be retained. Given the nature of the scheme and the use of agricultural land which is a natural resource it is considered that the inclusion of a condition to secure the submission of a Soil Management Strategy meets with the relevant condition tests.
- 14.14 The applicant has set out the requirements for solar farms and the reasons for selecting this site within the planning and sustainability statement. The landowner is willing for the site to be used for solar generation and a point of connection to the grid is located within the site. The site will secure enhancements to biodiversity and existing hedgerows at the boundary of the site. The loss of BMV land is considered to be of a small scale and a temporary and reversible nature, beyond the operational period the site being capable of restoration to agricultural use. In policy terms, and subject to the included condition, the proposal is considered to accord with the development plan and with the NPPF and is considered acceptable in this regard.

15. Sustainability

- 15.1 The NPPF places great emphasis upon sustainable development and set out the different considerations for planning decisions which contribute towards sustainability.
- 15.2 Policy SC2 of the Local Plan requires provision to be made for renewable energy generation within the district in a manner which maximises environmental and economic benefits whilst minimising adverse local impacts. It sets out the following criteria for the assessment of proposed renewable energy developments:
- the degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development.
 - the impact on local amenity, including residential amenity.
 - the impact of the proposal on sites of biodiversity value, ancient woodland and veteran trees.
 - the impact on the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes.
 - the proximity to, and impact on, transport infrastructure and the local highway network.
- 15.3 The impacts for consideration are assessed in the relevant section of this report and the development is considered acceptable in these terms as noted within those detailed sections. The proposed development is otherwise considered to comply with the national and development plan policies in this regard.

16. Residential Amenity

- 16.1 Paragraph 130 of the National Planning Policy Framework requires that planning decisions ensure that developments create places that are safe, inclusive, and accessible with a high standard of amenity for existing and future users. It progresses at paragraph 185 to require decisions ensure new development is appropriate to its location having regard for the likely effects, specifically they should minimise the adverse effects of noise and limit the impact of light pollution on local amenity and dark landscapes.
- 16.2 Core Policy 3 of the Lichfield Local Plan Strategy states that development should “protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure and services”. Policy BE1 of the Local Plan Strategy requires that development have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance. The Sustainable Design SPD offers further guidance on the standards to be implemented to assess the impact of a proposed development upon light at nearby dwellings.

Assessment

- 16.3 The Glint and Glare Study submitted in support of the application sets out that the modelling undertaken demonstrates that solar reflections are geometrically possible towards six out of seven dwellings that were assessed. Further review of the site characteristics demonstrated that the possible reflections are significantly screened and that no impacts are predicted, and no further mitigation is required.
- 16.4 The application site is predominantly within a rural area, however there are a small number of residential dwellings adjacent and close to the site. The development at the nearest point from Highfields Farmhouse is 128m to the south of the side of the dwelling. For Highfields cottage panels will be located at the closest point 134m to the south. Once operational the effects of the proposed development are not of a concern to residential amenity, the supporting information indicating that no excessive levels of noise or fumes are likely to arise from the proposals.

16.5 During the construction phase there is potential for there to be disturbance to residents of nearby dwellings. As such it is considered to request that the construction activities are subject to a Construction Environment Management Plan setting out how adverse effects on residents will be managed to ensure no disturbance occurs. The issues in relation to outlook and visual impact are addressed in other sections of the report.

16.6 The proposed development may result in some negative impacts on residential amenity during the construction phase. This is not considered to present a robust reason for the refusal of the application in this instance. Subject to condition the proposed development accords with the relevant development plan policies in this respect.

17. Access Parking and Highway Safety

17.1 The National Planning Policy Framework requires in paragraph 110b that during the consideration of development proposals it should be ensured that safe and suitable access to the site can be achieved for all users. Where this is unachievable the Framework advises that development can be refused.

17.2 Policy ST1 requires that traffic generating development will only be permitted where it is compatible with the transport infrastructure within the area and takes account of the number and nature of additional traffic movements, transport infrastructure and access and egress to the public highway and highway safety.

Assessment

17.3 Once operational it is stated within the supporting information that the development will not result in a significant increase in traffic movements to the site. The intensification of transport movement is limited to the construction and decommissioning phases of the development. It is considered appropriate to impose conditions relating to these phases to ensure traffic movements during these times are properly managed to prevent a severe impact on the highway network.

17.4 The application is supported by a Construction Traffic Management Plan (CTMP) which provides detail on the levels of traffic that will be generated through the construction phases and proposes construction vehicle access points, access routes and measures for the management of the traffic and transport effects arising from the construction phase of the development.

17.5 The Glint and Glare Study submitted in support of the application sets out that the modelling undertaken demonstrates that solar reflections are not geometrically possible towards the assessed section of roads and that therefore in the absence of predicted impacts no further mitigation is required.

17.6 The comments received from members of the public in relation to highway safety and the construction and operation of the development are considered to be addressed in part through confirmation within the Glint and Glare Study that the road users will not be affected by glint and glare due to the geometry of the panels and the panels and the roads. Furthermore, the Local Highway Authority have considered the proposed scheme and information contained within the supporting documents and offer no objections.

17.7 The submission has been considered by the Local Highway Authority who confirm in their response the requirement for conditions in relation to the accesses, internal infrastructure for parking, accesses, servicing and turning and the compliance with plans detailing visibility splays. In addition, the Local Highway Authority request the developer undertake a dilapidation survey to ensure any effects of the construction of the development on the condition of the local highway can be assessed. The impact upon the highways network is therefore addressed through the consideration of the scheme by the Local Highway Authority who, subject to conditions, find it complies with policies ST1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework and is therefore acceptable to the Local Highway Authority.

- 17.8 The development subject to the recommended conditions is considered to accord with the development plan in this respect.

18. Ecology

- 18.1 The National Planning Policy Framework describes how planning decisions should contribute to and enhance the natural and local environment in a variety of ways. Of relevance to this development proposal is the requirement that development should minimise impacts on and provide net gains for biodiversity. Expanding upon this requirement, it sets out principles which should be applied in the determination of planning applications, stating at paragraph 180 that planning permission should be refused if it is not possible to avoid, mitigate or compensate for significant harm to biodiversity resulting from the development proposal.
- 18.2 Core Policy 13 supports the enhancement of biodiversity and the safeguarding, restoration, and creation of habitats within the district. Policy NR3 of the Local Plan Strategy, which relates to biodiversity and protected species in the decision-making process clearly states that development will only be permitted where it incorporates beneficial biodiversity conservation features and delivers a net gain for biodiversity. It further states that development proposals that have direct or indirect impacts upon protected or priority species within the district will not be permitted. Further guidance is provided for applicants on how biodiversity can be built into developments within the Biodiversity and Development Supplementary Planning Document. The policies require an uplift of 20% of the value of habitats lost as a result of development.

Assessment

- 18.3 The application is supported by a Preliminary Ecological Appraisal and an Ecological Impact Assessment. The comments from members of the public in relation to the need for and apparent absence of these documents are noted, and members of the public are assured that the correct information has been received by the Council and considered by the Ecology and Climate Change Manager. However, due to the presence of some protected species and detail of their location within the site the Council is not able to make all documents public.
- 18.4 The Council's Ecologist in consideration of the Preliminary Ecological Appraisal and Ecological Impact Assessment are satisfied with the methodology and information within the documents. Mitigation proposed to minimise the impact of the development on Brown Hare and provide habitat and access are considered sufficient. The team request a condition to secure adherence by the applicant to all methods of working within the Ecological Impact Assessment.
- 18.5 The application is supported by a biodiversity metric which demonstrates the development is able to achieve above the required net gain to diversity of 20% through onsite habitat improvement. Further hedgerows enhancements of 10% are also proposed to be delivered.
- 18.6 Subject to conditions the proposed development is considered to be acceptable in regard to ecology and protected species.

19. River Mease Special Area of Conservation

- 19.1 Section 15 of the National Planning Policy Framework advises that the same protection should be given to Special Areas of Conservation when decision making that is given to habitats sites. It expands upon this in paragraph 182 stating that unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site the presumption in favour of sustainable development does not apply.
- 19.2 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impact of the development any Special Areas of Conservation. Local Plan Policy NR8 sets out that development will only be permitted where it is demonstrated

that it will not lead to an adverse impact on the integrity the River Mease Special Area of Conservation. The River Mease SAC qualifying species are affected by changes to the nutrient quality of the water.

- 19.3 In consideration of this development and based upon the information available a HRA has been undertaken. It considers the information supplied by the applicant that the construction phases of a development of this nature will be controlled through a Construction Environment Management Plan which will incorporate standard best practice to prevent pollution and that, once operational, the site will not result in pollution or runoff. The HRA concluded that the development is unlikely to adversely affect the integrity of the River Mease SAC. Natural England confirm in their response they agree the conclusions of the HRA.
- 19.4 A condition is included to secure the submission of a Construction Environment Management Plan prior to the commencement of development and subject to inclusion of, and compliance with this condition, the proposed development is acceptable in this regard.

20. Flood Risk and Drainage

- 20.1 The National Planning Policy Framework sets out that the planning system should take account of flood risk and new development should manage flood risk from all sources. All development should be directed away from areas of risk at flooding and no development should increase the risk of flooding Paragraph 167 requires that new development does not increase flood risk in other locations. Paragraph 178 requires that planning decisions ensure that development sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability. Annex 3 to the NPPF 'Flood risk vulnerability classification' includes solar farms to be an essential infrastructure and with the NPPF solar farms are noted to be an appropriate form of development in areas prone to flood risk.
- 20.2 Local Plan Strategy Core Policy 3 requires new development to be directed away from known areas of flood risk. Development is required to give priority to utilising ground infiltration drainage techniques and include sustainable drainage techniques and other sustainable techniques for managing surface water run-off. Water quality policy

Assessment

- 20.3 The application site is shown to be wholly within flood zone 1 and therefore not to be at risk of fluvial flooding. The application is supported by a Flood Risk Assessment which details the potential effects of run off from the panels and states that the applicant will implement an onsite management strategy for regular inspection of the development to check for rivulet generation and should such occur identify appropriate maintenance. The FRA further notes that runoff from the panels will be clean and therefore poses low environmental risks. The areas of hardstanding to be introduced are minimal, less than 56m square, and the FRA states that the surface water runoff from the buildings and hardstanding will be conveyed to gravel trenches installed around the perimeter of the proposed inverter stations and the proposed substation.
- 20.4 The Lead Local Flood Authority have been consulted on the application, having considered the proposals and reviewed additional information in relation to the proposed development they request that a condition securing compliance with the Flood Risk Assessment and Surface Water Drainage Strategy is included as part of any recommendation for approval. Such a condition has been included and subject to compliance with this the proposed development is considered to accord with the requirements of the development plan.

21. Impact on Trees

- 21.1 The importance of trees within development and the contribution made by trees to the quality of the environment is recognised in paragraph 131 of the National Planning Policy Framework

which requires that policies and decisions seek to incorporate trees into development and take measures to ensure the longevity of newly planted trees.

- 21.2 Policy NR4 of the Local Plan Strategy recognises the district's trees, woodland and hedgerows as important visual and ecological assets in our countryside. It notes that to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows are all of significance. Accordingly, it states that trees and woodland will be protected from damage and retained. It requires that potential conflict between trees and development is designed out at the planning stage.
- 21.3 The application site includes a numerous trees and hedgerows within the site area and to the boundaries which are formed of from the existing field boundaries. A few woodlands lie around the site at various locations adjacent the site boundary. The development proposed retains and enhances the existing hedgerows, trees and woodland copses that are located within and at the peripheries of the site. The supporting information recognises the importance of these landscape features and the way in which they serve to lessen the visual impact of the development upon the surrounding landscape.
- 21.4 The proposals incorporate the existing woodland and hedgerow into the proposed layout of the site. In addition, landscaping to the field boundaries that serves to improve the existing hedgerows and the enhance habitats across the site is proposed as part of the wider landscaping scheme.
- 21.5 The Principal Arboriculture Officer has reviewed the proposed development and landscaping and offers no objection to the application. The proposed development is therefore considered to accord with the development plan policies in this respect.

22. Other Issues

Other comments and objections received

- 22.1 **LVIA Viewpoints, visibility and photographic images** - Queries are raised regarding the viewpoints within the LVIA and some questions regarding the placement of panels within the photographic images. Additional information on the technical methodology for the images has been supplied and reviewed and confirmed to be acceptable by the consultant acting for the Council.
- 22.2 **Conflict with Natural England published guidance** - Concerns are raised that the development conflicts with guidance published by Natural England. However, Natural England have been consulted on the application and offer comments only in relation to the River Mease SAC (discussed above), the Agricultural Land Classification and associated reports and further standing advice. As no objection to the proposals is received from Natural England the case officer considers that the conflict with additional published guidance is unlikely to be such that would present a justifiable reason to refuse the application in planning terms.
- 22.3 **Presence of high pressure gas pipeline** - Following initial objection of the siting of panels, the scheme has been redesigned through the planning process to address the concerns of Cadent in respect of the high pressure gas pipeline that crosses the southern area of the site. The objection of Cadent has been removed. Cadent advised in their final response that an informative note was appropriate to draw the responsibility of the applicant to their responsibilities and the requirements of Cadent in respect of works and structures that may affect the pipeline. This is considered an appropriate addition.

Environmental Impact Assessment

- 22.4 The Town and Country Planning (Environmental Impact Assessment) Regulations (2017) require that where the development proposed in a planning application is listed in Schedule 2 of the regulations and exceeds the criteria thresholds within the Schedule screening should be

undertaken as part of the application process. It was determined that an Environmental Impact Assessment was not required in this instance.

Glint and Glare

- 22.5 The Glint and Glare Study submitted in support of the application sets out that significant effects on high-level aviation are not predicted. For 2 out of 3 assessed fields the report concludes that reflection on approach to the runway (Catton Airfield and Grangewood Airfield) will be outside a pilot's primary horizontal field of view for the last 2 miles on approach which is confirmed within the report to be in accordance with the associated guidance and industry best practice.
- 22.6 For the approach to Twycross Airfield the reflections are assessed to be likely at worst as having a 'low potential for temporary after-image' and this is noted within the report as being acceptable in accordance with guidance and industry best practice.

23. Human Rights

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

24. Conclusion

- 24.1 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.
- 24.2 The development proposed will undoubtedly have a visual impact of varying degrees upon the surrounding landscape this is assessed within the LVIA which has been updated to provide additional information during the consideration of the application. The review undertaken of the LVIA by environmental consultants on behalf of the planning department confirms that the landscaping proposed will lessen the visual impact as the landscaping matures. The conclusions of the LVIA review confirm that the proposed development is unlikely to result in an unacceptable level of harm to either the surrounding landscape or visual amenity. Furthermore, the LVIA review indicates that the development proposed will not result in a loss of character to the surrounding area that will change the characteristics to an unacceptable degree.
- 24.3 The impact of the development upon the heritage assets within the setting of which the development lies has been considered and assessed by the Council's Conservation Team who conclude, following amendments to the scheme, that the impact is 'less than substantial' and it therefore falls to be determined if the public benefits of the scheme outweigh the impact upon heritage assets.
- 24.4 The proposed development is considered to present social, economic and environmental benefits. The social benefits are considered to be the provision for a large number of households or electric vehicle users the secure generation of energy to power homes and cars. The scheme is likely to provide such benefits locally due to the established mechanisms of energy delivery.
- 24.5 Environmentally the proposed development delivers low carbon and renewable energy, thus helping to reduce emissions from the production and use of non-renewable sources. In terms of biodiversity and protected and priority species the development is confirmed by the Council's Ecology Team, subject to conditions, unlikely to result in harm to the species and to deliver,

through enhancements, the required net gain to biodiversity. Further in the environmental dimension the scheme has been demonstrated, subject to best practice construction methods, not to result in harm to the River Mease Special Area of Conservation. The land to be used will be fully restored following the cessation of generation and therefore will not result in a permanent loss of agricultural land, an element of agricultural use on site will remain through pastoral grazing.

- 24.6 In addition, the proposals provide enhancements to biodiversity and landscape enhancements to the site through the proposed landscaping and habitat schemes. Provisions for species identified within the site have been made including the use of small animal gates in fencing, standoff from hedgerows and an existing badger sett within the site as well as the retention of ponds within the site. The nature of the use further enables the soil quality will be retained over the majority of the site. Economic benefits are derived from the security of energy supply and the diversification of the rural economy.
- 24.7 In terms of economic benefits these are to be derived through the construction and operation phases via employment and the generation of income. The supporting information sets out that the scheme will generate sufficient clean energy to power 14,000 homes or 17,000 electric cars annually, which contributes to national and local targets in respect of climate change, clean energy and the reduction of emissions, the benefits of the scheme in this respect extend beyond the immediate area of the site and into the wider localities.
- 24.8 The impact of the development on the historic environment has been considered in the application process and the localised impact of the development on the heritage assets is acknowledged. Similarly, it is noted that the site will have limited agricultural use during the operational phases and that 1ha of best and most versatile agricultural land will be integrated into the development area. Notwithstanding the harm arising the benefits of the scheme in the generation of a significant amount of clean energy and the reduction of emissions are considered to outweigh the harm to the surrounding heritage assets.
- 24.9 Consequently, it is recommended that this application be approved, subject to conditions, as set out below.

25. RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Core Policy 1, Core Policy 2, Core Policy 3, Core Policy 5, Core Policy 7, Core Policy 13, Core Policy 14, Policy BE1, Policy NR1, Policy NR3, Policy NR4, Policy NR5, Policy NR6, Policy NR8, Policy NR9, Policy SC1, Policy SC2, Policy ST1, Policy ST2, or the Lichfield Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document, the Historic Environment Supplementary Planning Document, the Rural Development Supplementary Planning Document, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

3. This is a Temporary Planning Permission and shall expire within 40 years of the date hereof (“The Expiry Date”), or within six months of either of the following events whichever is the sooner,
- i. the cessation of electricity generation by the solar PV facility; or
 - ii. any permanent cessation of construction works for a period of 3 months or longer, prior to the solar PV facility coming into operational use, and for the purposes of this condition 3 the date of the events in 3.i and 3.ii shall be known as the “Termination Date”.
 - iii. The solar PV panels, frames, foundations, inverter modules, substations, towers and all associated structures and apparatus and buildings (including but not limited to for any underground apparatus installations and cables) and fencing approved shall be dismantled and removed from the site in accordance with the schemes approved by this Permission and the Site shall be restored to exclusive Agricultural Use.

The developer shall notify the Local Planning Authority in writing no later than five working days following electricity generation.

- iv. The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than three months before the Expiry Date or within 3 months of the Termination Date. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 3 months where no development has been carried out to any substantial extent anywhere on the site).

Reason: To ensure that this is a temporary planning permission and to ensure the satisfactory restoration of the site, in accordance with the requirements of Core Policy 3, Core Policy 13, Core Policy 14, Policy BE1, Policy NR1, Policy NR3, Policy NR4, Policy NR5, Policy NR8 and Policy NR9, of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

4. Notwithstanding the details submitted before the development hereby approved is commenced, including any site clearance works, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall include details relating to:
- i. construction access
 - ii. hours of construction
 - iii. vehicular routing plan
 - iv. delivery times
 - v. the location of the contractors’ compounds, cabins, material storage areas and contractors parking
 - vi. a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash facilities.
 - vii. provision for the management of surface water and foul water during the construction period
 - viii. details on how and waste and/or pollution will be managed

All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: In the interests of highway safety, to ensure the adequate protection of residential amenity and to prevent or prevent the exacerbation of a flood and to prevent any pollution from entering the watercourses in accordance with the requirements of Core Policy 3, Core Policy 13, Policy BE1, Policy NR9 and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced written confirmation from the Local Highway Authority shall be provided to the Local Planning Authority that a statement has been provided detailing that an inspection of the road within the vehicular routing plans, including a video survey, has been provided to and approved by the County Highway Authority. The extent of the road to be inspected to be first agreed by the applicant with the Local Highway Authority.

Reason: In the interests of highway safety and to comply with the requirements of Policy IP1 and Policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

6. A) Before the development hereby approved is commenced (including demolition), a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 6A.
C) The development shall not be brought into use until the site investigation and post excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 6A and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure the protection of any potential important archaeological features and to comply with the requirements of Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework.

7. The Written Scheme of Investigation (WSI) identified in condition 6 shall consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced within 3 months of the evaluation stage and following detailed discussions with the Local Planning Authorities archaeological advisor.

Reason: To ensure the protection of any potential important archaeological features and to comply with the requirements of Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework.

8. Before the development hereby approved is commenced either a European Protected Species mitigation license for Great Crested Newt License or a Certificate from the Naturespace Great Crested Newt District License Scheme ("A license") have been obtained and Great Crested Newt Development Plan incorporating the relevant provisions from the License have been submitted to and approved in writing by the Local Planning Authority.

The Great Crested Newt Management Plan shall be provided in full in accordance with the approved details requirements of the license.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

9. Before the development hereby approved is commenced full details of the means of drainage and proposed surfacing, to a minimum distance of at least 15m to the rear of the boundary of the highway, shall be submitted to and approved in writing by the Local Planning Authority.

Development shall thereafter be undertaken in complete accordance with the approved details prior to the commencement of further development within the site and shall thereafter be retained as such for the life of development.

Reason: For the avoidance of doubt and to ensure the development is served by suitable accesses in the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

10. Before the development hereby approved is commenced full details of internal parking provision, turning and servicing areas and the layout of any internal access roads for construction and operation of the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be provided in accordance with the approved details, and unless required only for the construction phase of the Development shall be provided in full prior to the first electricity generation from the Site and thereafter retained for the lifetime of the development.

Reason: For the avoidance of doubt and to ensure the development is served by sufficient parking and internal servicing and turning areas, in the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, Policy ST1 and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

11. No development, beyond the construction of accesses, shall commence until the visibility splays and improvements shown on Drawing Nos. JNY10858-01, JNY10858-03 and JNY10858-05 have been provided in full. The visibility splays shall thereafter be kept free from all obstructions over 600mm from the level of the respective carriageway for the lifetime of the development.

Reason: In the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, and Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved a Soil Management Strategy shall be submitted to and approved in writing by the LPA. The Soil Management Strategy shall thereafter be complied with for the lifetime of the development.

Reason: To ensure the preservation of the existing soil quality for future agricultural uses in accordance with the requirements of Core Policy 3 and Core Policy 13 of the Local Plan Strategy and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

13. The development hereby approved shall be carried out in complete accordance with the details provided within the Construction Traffic Management Plan (JNY10858-01 Revision B unless otherwise required by other conditions within this permission.

Reason: In the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, Policy ST1 and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

14. No development shall commence above slab or ground level until full details including the proposed materials and finish including colour of the solar panels, frames, inverters, substations, DNO substation, equipment and enclosures, including boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be provided in accordance with the approved details and retained as such for the lifetime of the proposed development.

Reason: In order to ensure the satisfactory appearance of the buildings within the development in accordance with the requirements of Core Policy 3, Core Policy 14, Policy BE1 and Policy NR5 of the Local Plan Strategy and the National Planning Policy Framework.

15. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working for species protection detailed within section 5.1 of the Ecological Impact Assessment.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

16. The landscape and habitat areas shall be monitored and maintained in complete accordance with the details specified in section 5.2 of the Ecological Impact Assessment.

Reason: In order to safeguard the ecological interests of the site and protect and enhance the biodiversity of the site in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

17. The development hereby approved shall be carried out in complete accordance with the Landscape Management Plan (Document ref: JSL 3331_570 v1 dated 31st October 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure good quality landscaping, to preserve the character of the surrounding area to minimise any harmful impact upon the visual amenity and enhance the biodiversity of the site in accordance with the requirements of Core Policy 13, Policy NR3, Policy NR4 and Policy NR5 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

18. No external lighting shall be provided within the application site, without the prior written permission, on application, of the Local Planning Authority.

Reason: In order to preserve the character of the area and to avoid disturbance to the local bat populations in accordance with the requirements of Policies NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, the Rural Development Supplementary Planning Document and the National Planning Policy Framework.

19. The development hereby approved shall be undertaken in complete accordance with the requirement of the Flood Risk Assessment & Drainage Strategy (Document Reference HLEF72990 dated 10th February 2021) and managed as such for the lifetime of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem in accordance with the requirements of Core Policy 3, Policy BE1 and Policy NR9 of the Local Plan Strategy, the Lichfield District Council Infrastructure Delivery Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
2. The proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an

application form. Please complete and send to the address indicated on the application form or email to road.adoptions@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.asp>
[x](#)

3. The applicant's attention is drawn to the comments of the Staffordshire County Council Rights of Way Officer in their response regarding the public rights of way within and adjacent the site, the applicant is reminded that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The applicant is advised to contact the County Council for matters in relation to the Rights of Way.
4. The applicant's attention is drawn to the comments of the Rambler's Association and advised to contact the association should they have any queries in this regard.
5. The applicant's attention is drawn to the comments of Police Architectural Liaison Officer as detailed within their correspondence dated 11th February 2022. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. The applicant's attention is drawn to the comments of Cadent in their response dated 8th January 2023 and which highlights that development will not be permitted within the easement without written permission and that permanent access to the easement is required in accordance with a deed of grant. They further note restrictions in relation to utilities and traffic carrying roads crossing the HP gas pipeline easement are subject to the Cadent plant protection restrictions and amendments may be required. Finally Cadent advise an assessment as to any potential interference with the cathodic protection systems on the HP gas pipeline and a study to prove no adverse effects on the cathodic protection system will also be required. The applicant is advised to liaise with Cadent on such matters at the earliest opportunity.
7. The applicant's attention is drawn to the comments of The British Horse Society in their response dated 12th April 2022 and advised to contact the British Horse Society should they have any queries.
8. The applicant's attention is drawn to the comments of the Staffordshire County Council historic Environment Team in their responses dated 22nd February 2022 and 6th December 2022 in relation to archaeological investigation and they are advised to contact the department directly should they have further queries.
9. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 and it is thus an offence, with certain exceptions to: Intentionally kill, injure or take any wild bird. Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

Awareness is needed of bird nesting season, (March-September inclusive). Any clearance, demolition, or building work scheduled that could disturb near-by trees, hedgerow, or vegetation should occur outside of bird nesting season. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds are found, all work that may cause impact or disturbance must cease until the young have naturally fledged.
10. The developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are

encountered it is recommended the developer cease work and seek further advice from a suitably qualified ecologist as to how to proceed.

11. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

12. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

LOCATION PLAN

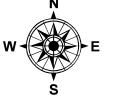
22/01282/FUL
Land Adj 121
Upper St John Street
Lichfield

Scale: 1:1,000

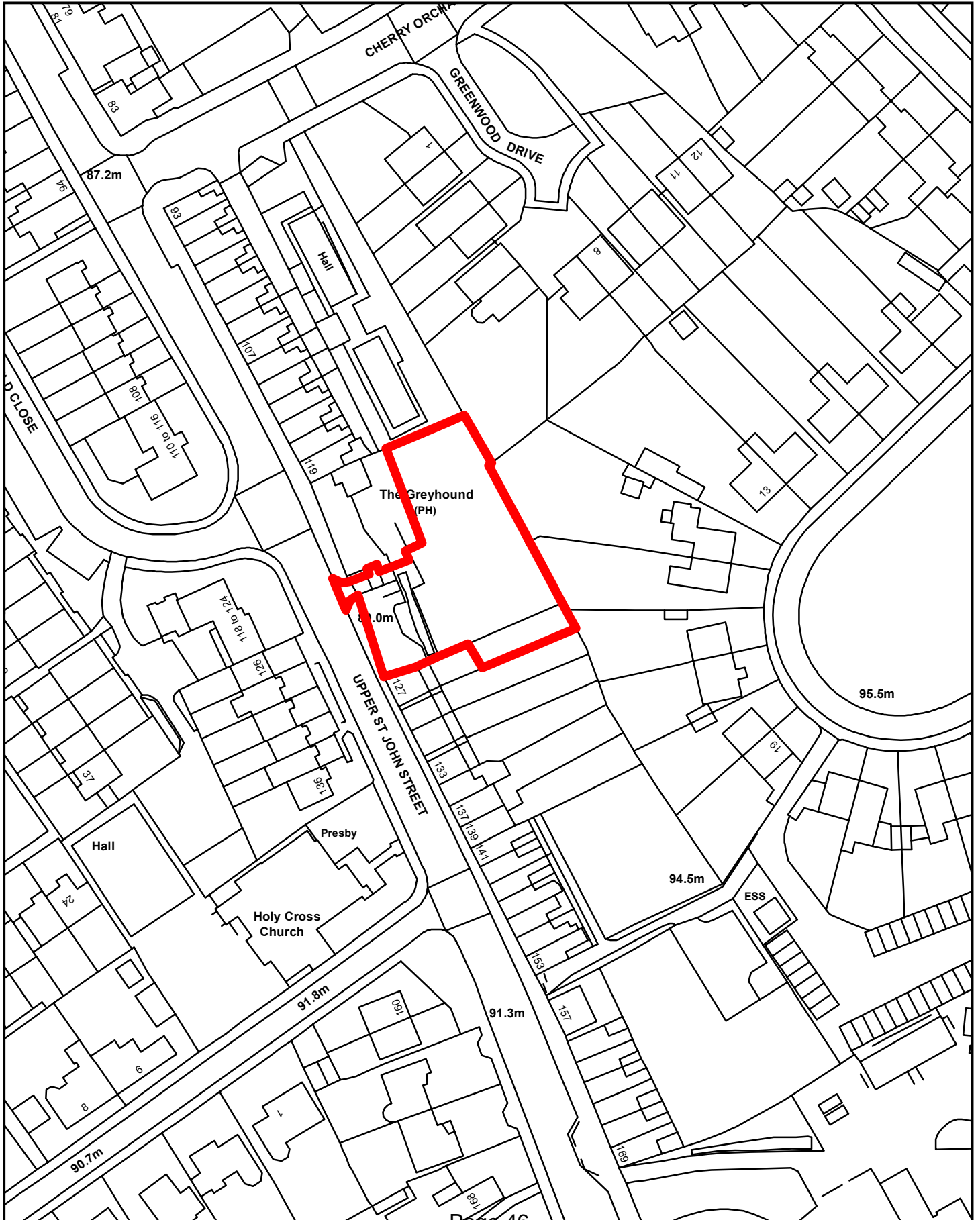
Dated: March 2023

Drawn By:

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|---|---|-----------------------------|-----------------|
| Address: | Land Adj 121, Upper St John Street, Lichfield, Staffordshire. | | |
| Application number: | 22/01282/FUL | Case officer: | Kerry Challoner |
| Ward: Parish: | St Johns Lichfield City | Date received: | 08/09/2022 |
| Proposal: Retention of 8 no dwellings and associated works | | | |
| Reason for being on agenda: | <p>Note 1- The application was initially called in by Councillor Baker, then the elected Ward Member on several grounds.</p> <p>Note 2- The application was originally heard at the Committee Meeting on 6th March 2023 and deferred to allow further information regarding noise impact on the site to be provided.</p> | | |
| Recommendation: Approve, subject to Conditions. | | | |
| Applicant: Mr Bujar Cekrezi | | Agent: Mr Peter Hunt | |

1. Executive summary

- 1.1 This application was previously discussed by members at the Planning Committee meeting of 6th March 2023, where it was resolved to defer the decision to allow further information regarding noise impact on the site to be provided.
- 1.2 The site sits immediately adjacent to the Greyhound Public House. An application to extend and alter the Public House building was also considered on the same agenda (planning reference 22/00072/COU), and it was resolved to approve the application subject to the Officer recommendation and an additional condition to secure a noise scoping assessment and noise report, with any agreed noise mitigation to be secured.
- 1.3 Following the meeting, the applicant commissioned and submitted a Noise Report which sets out an assessment of noise impacts arising from the adjacent Public House site. Noise impacts considered included the potential for patron noise arising from the Greyhound Inn Public House which is immediately adjacent to the application site, and road noise resulting from Upper St John Street which is a busy main route into and out of Lichfield City Centre. The report included a range of mitigation measures to be employed into the development where extensions and alterations were proposed to the Public House (planning reference 22/00072/COU). The Councils Environmental Health Officer has assessed the mitigation measures, which include the use of specific glazing and control over any future external plant equipment being affixed to the Public House building. The Environmental Health Officer concurred with the assessment and recommendations of the report, and on this basis the planning application to extend and alter the Public House (planning reference 22/00072/COU) was approved with conditions to ensure the mitigation set out is employed in the redevelopment of the Public House building.
- 1.4 The Council's Environmental Health Officer has confirmed that subject to the noise mitigation being employed as per the submitted Noise Report into the Public House development, there are no objections with respect to the houses hereby under consideration.
- 1.5 This report should be read in conjunction with the following information, attached as an appendix to this report:
 - Appendix 1- Original Planning Committee Report
 - Appendix 2- Supplementary Report from the Planning Committee 03 March 2023
 - Appendix 3- Minutes from the Planning Committee 03 March 2023
- 1.6 The noise impacts have been given full and thorough consideration and with respect to this application for the retention of 8 No. houses the scheme remains acceptable.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as set out within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. Background

- 2.1 Members will recall this application was previously considered by the Committee on the 6th March 2023, whereby, the application was considered and debated; it was recommended the item be deferred for additional noise information. The motion to defer on this basis was accepted by the Committee. Concerns were raised regarding the future use and redevelopment of the public house and the noise impacts that this may generate for future occupiers of the dwellings under consideration.
- 2.2 It should be noted that the applicant also owns the Public House building and an application to redevelop this building to provide an extension to the pub and provide apartments above has since been approved (planning reference 22/00072/COU). This consent includes the following noise mitigation measures which have been secured by appropriately worded conditions:
- Specific glazing to all elevations to prevent unacceptable 'breakout' noise
 - Party Floor System to contain patron noise within the ground floor public house areas
 - Any external plant should not emit noise above 40Db at any time
 - All Public House deliveries are to be made at the front of the building
- 2.3 It should also be noted that operations associated with the Public House use can also be secured under the licensing regime. The Greyhound Inn premises license has been suspended, and to operate again this would need to be reapplied for. They were previously licensed for the sale of alcohol, live and recorded music and late night refreshment. There were no noise related conditions on the licence. Any future application for a premises license will be assessed on its merits.

3. Supporting documents

- 3.1 The following plans and supporting documents form part of this recommendation:
- 19-864 111-A Location Plan dated as received 12 September 2022
 - 19-864-541- C Proposed Street Scenes and Tracking dated as received 25 November 2022
 - 19-864- 241-R Proposed layout dated as received 19 January 2023
 - 19-864 242 Plots 1-3 layout and elevations dated as received 26 August 2022
 - 19-864 242 Plots 4-5 layout and elevations dated as received 26 August 2022
 - 19-864 243 Plots 6-9 layout and elevations dated as received 26 August 2022
 - 19-864 248 A Site Layout with Overlay of Approved Scheme dated as received 16 November 2022
 - 5437-01 Topographical Survey dated as received 16 November 2022
 - CS210316-110 Vehicle Tracking dated as received 17 November 2022
 - Noise Report Ref NS465/2 dated as received 24 March 2023

4. Consultation responses

- 4.1 The original report (appendix 1) includes all consultation responses received in respect of this application. Following on from the original consideration of this application by Members, one additional consultation response was received as set out below.
- 4.2 **LDC Environmental Health Team-** No objections. It is noted that the applicant also owns the Public House building and has elected to introduce new, noise sensitive receptors into the future development of this building. The Public House currently does not have a license, which would need to be applied for upon the reuse of this facility. As far as Environmental Health are concerned it would be reasonable to introduce controls in regards provision amplified music on the premises license, if indeed this becomes necessary. Also, the occupiers of the property will be moving next door to a licensed premises, so a degree of amenity impact is to be expected. Furthermore, there are already residential properties in close proximity, and so this proposal is not significantly altering the balance of commercial/residential property in the locality. (19 May 2023)

5. Assessment

- 5.1 Following the previous deliberation of this application at Planning Committee on 6th March 2023, it is considered that the determining issues relevant to the assessment of this proposal are:
- The Noise Impacts for future residents of the development
 - Human rights

6. Noise Impacts for future residents of the development

- 6.1 Policy BE1 of the Local Plan Strategy states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance.
- 6.2 National Planning Practice Guidance includes a section relating to noise. It is confirmed that noise needs to be considered when development may create additional noise or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). When taking decisions about new development, there may also be opportunities to make improvements to the acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified from the outset. (Para: 001 Reference I.D 30-001-20190722, revision date 22.07.2019).
- 6.3 Paragraph 185 of the NPPF confirms that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; and
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 6.4 Paragraph 187 of the framework goes onto state that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and

community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Assessment

- 6.5 Concerns have been raised that the noise generated, or the potential noise generated from the Greyhound Public House could adversely affect the proposed dwelling houses which are the subject of this application. Further concerns were raised that in addressing any noise nuisance complaints unreasonable restrictions would be placed on the public house, rendering its future operation unviable.
- 6.6 A noise report has been commissioned by the applicant in relation to the Greyhound Public House, which is in the same ownership. The report notes that the nearest dwellings to the Public House which are the subject of this application are plots 1-3. These houses are set at an increased elevation, and perpendicular to the pub. Taking into consideration the difference in ground levels, boundary fencing in place and orientation of the properties in relation to the Public House, along with the mitigation measures outlined above at paragraph 2.2 which would be incorporated into the future development of the public house building, the Environmental Health Officer has confirmed that the impact on the future amenities of occupiers from noise would be acceptable. The occupation of the dwellings would not realistically undermine the future use or viability of the public house in light of the technical information submitted.
- 6.7 The proposal complies with the requirements of the Local Plan Strategy, the National Planning Practice Guidance and the NPPF with regards to noise impacts.

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

8. Conclusion

- 8.1 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.
- 8.2 This report should be read in conjunction with the original Planning Committee Report (Appendix 1), the Supplementary Report from the Planning Committee 06 March 2023 (Appendix 2) and the Minutes from the Planning Committee 06 March 2023 (Appendix 3).
- 8.3 Having had regard to all relevant local and national policies and guidance it is concluded that the proposed development is acceptable in principle at this location. Furthermore, subject to conditions, as recommended, it is considered that the development would not cause harm to the future viability of the Greyhound Public House, the character and appearance of the area, the amenity of future occupiers or neighbouring properties, highway safety or biodiversity.

- 8.4 Consequently, it is recommended that this application be approved, subject to conditions included in this report.

9. Recommendation: Approve, subject to the following conditions:

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP4, CP5, CP6, CP13, CP14, ST1, ST2, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Practice Guidance and the National Planning Policy Framework.

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

2. The dwellings hereby approved shall not be occupied until the existing access, within the limits of the public highway, has been revised and completed broadly in accordance with the submitted layout drawings.

Reason: In the interests of highway safety in accordance with the requirements of policies CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

3. The dwellings hereby approved shall not be occupied until the parking and turning facilities have been provided in full in accordance with the approved plans. The parking and turning facilities shall be retained and not be used for any other purposes for the lifetime of the development

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

4. The dwellings hereby approved shall not be occupied until a scheme of biodiversity enhancement has been provided and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the occupation of the dwellings.

Reason: In order to provide replacement nesting opportunities and encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

5. The dwellings hereby approved shall not be occupied until details of secure weatherproof cycle storage have been provided and agreed in writing by the Local Planning Authority. The approved cycle storage shall then be provided prior to first occupation of the dwelling to which it serves and maintained as such thereafter.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

6. The garages and car parking spaces hereby permitted shall be always kept available for the parking of motor vehicles. These parking areas shall be used solely for the benefit of the occupants of the dwellings hereby permitted and their visitors and for no other purpose and permanently retained as such for the lifetime of the development.

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

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

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

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. The biodiversity enhancement measures required within the scheme to be submitted under condition 5 above shall include bird nesting and bat roost facilities and opportunities for hedgehogs to navigate the site.

LOCATION PLAN

22/01533/FUH
9 Foden Close
Shenstone

Scale: 1:1,000

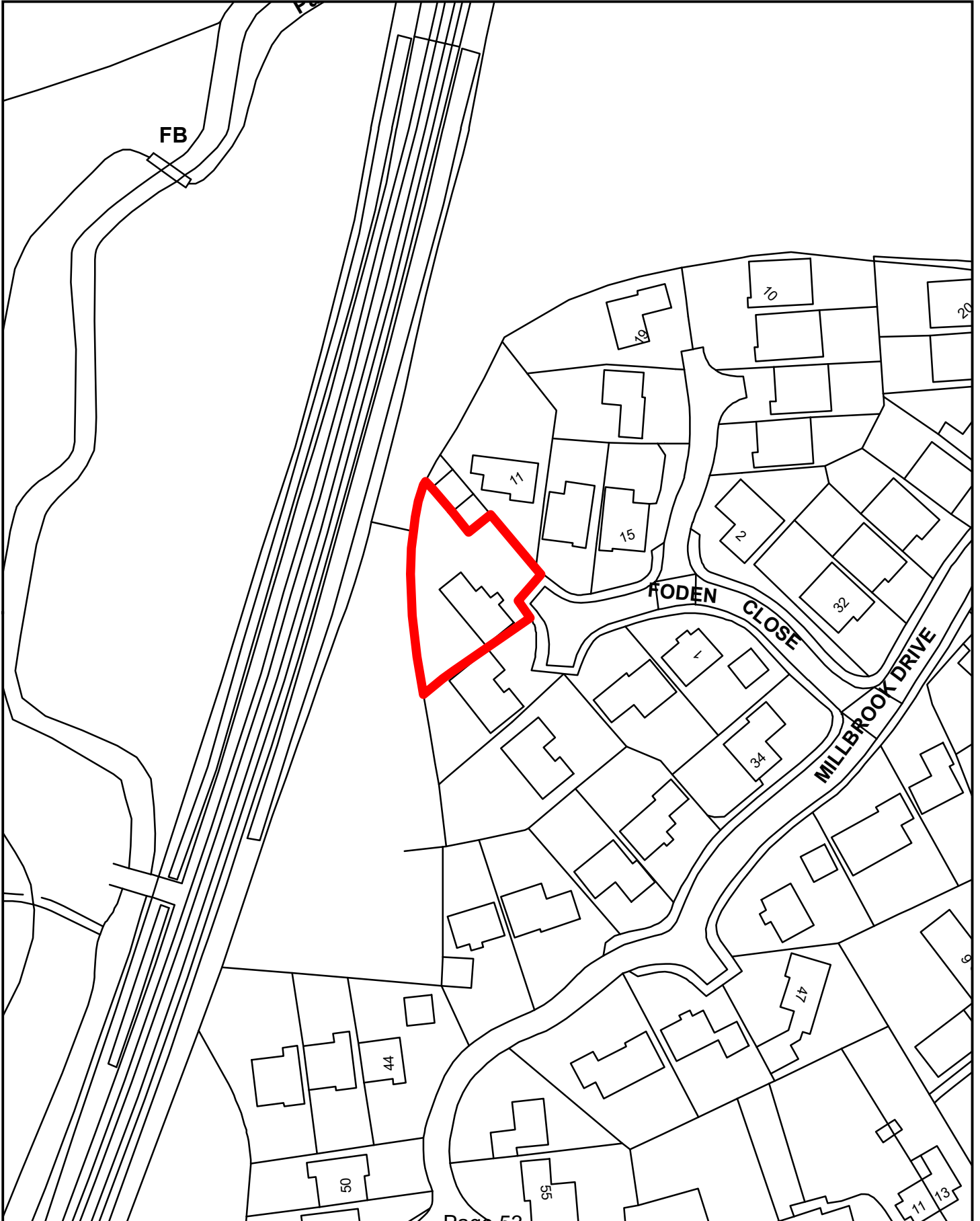
Dated: February 2023

Drawn By:

Drawing No:



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|---|--|---|------------|
| Address: | 9 Foden Close, Shenstone, Lichfield, Staffordshire, WS14 0LE | | |
| Application number: | 22/01533/FUH | Case officer: | Tom Watts |
| Ward: | Shenstone | Date received: | 25/10/2022 |
| Parish: | Shenstone | | |
| Proposal: Retrospective application for the retention of a detached double garage | | | |
| Reason for being on agenda: | <p>Reported to the Planning Committee due to the application being called in by Councillor David Salter, elected member for Shenstone Ward on the following grounds:</p> <ul style="list-style-type: none"> • Design • Residential Amenity • Planning Policy | | |
| Recommendation: | | | |
| <p>(i) To rescind the resolution of Planning Committee on the 6th February 2023 to grant planning permission, subject to conditions; and</p> <p>(ii) That this planning application be approved subject to the conditions contained in the report of the Chief Executive.</p> | | | |
| Applicant: Mr Tom Smith | | Agent: Mr Dave Ralph, PP Architectural Ltd | |

1. Executive summary

- 1.1 The application seeks approval for the retention of a detached double garage and is therefore retrospective.
- 1.2 The application property is a detached dwelling located to the western end of Foden Close in Shenstone. Foden Close terminates with a hammerhead and the application property and No 11 opposite is served by a private access.
- 1.3 Objections have been received from neighbours and the parish council.
- 1.4 The garage has been designed with matching materials and is of domestic scale to ensure a satisfactory appearance that reflects those materials found on Foden Close.
- 1.5 The garage has not resulted in a significant loss of light or outlook to neighbouring properties and would retain a rear private amenity area of approximately 90m². A high standard of amenity has been retained.
- 1.6 Having had regard to all relevant local and national policies and guidance, it is concluded that the development is acceptable in principle, at this location, and would not have a significant impact on acknowledged interests.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as set out within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application relates to a detached property located to the western end of Foden Close in Shenstone. Foden Close terminates with a hammerhead and the application property and No 11 opposite is served by a private access. To the front of No11 there is an existing double garage.
- 2.2 The property is situated in a residential area as part of a modern development amongst properties matching in style. The property as originally built benefited from an integral garage located to the north side elevation. This former garage has been converted to amenity space by the applicant.
- 2.3 To the rear (west) is a railway line, the embankment of which is separated by a strip of scrubland that is approximately 10m wide.
- 2.4 The site is within the 15km area of the Zone of Influence for Cannock Chase Special Area of Conservation. An extract from the Location Plan is shown below, with the red line indicating the application site.

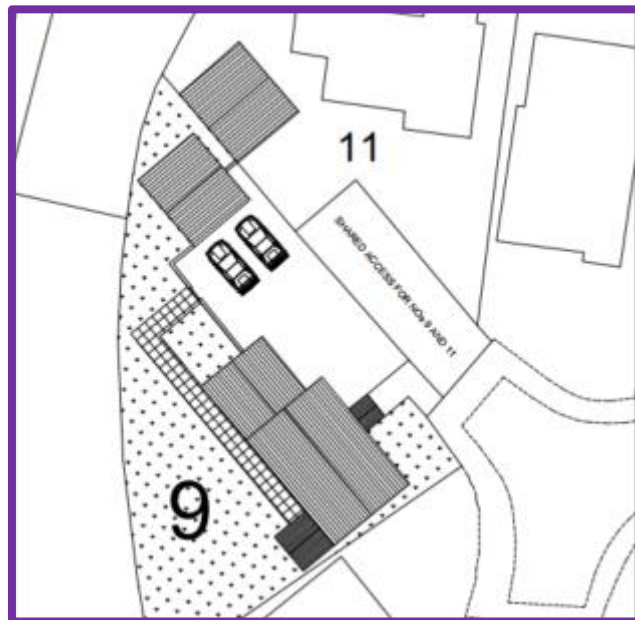
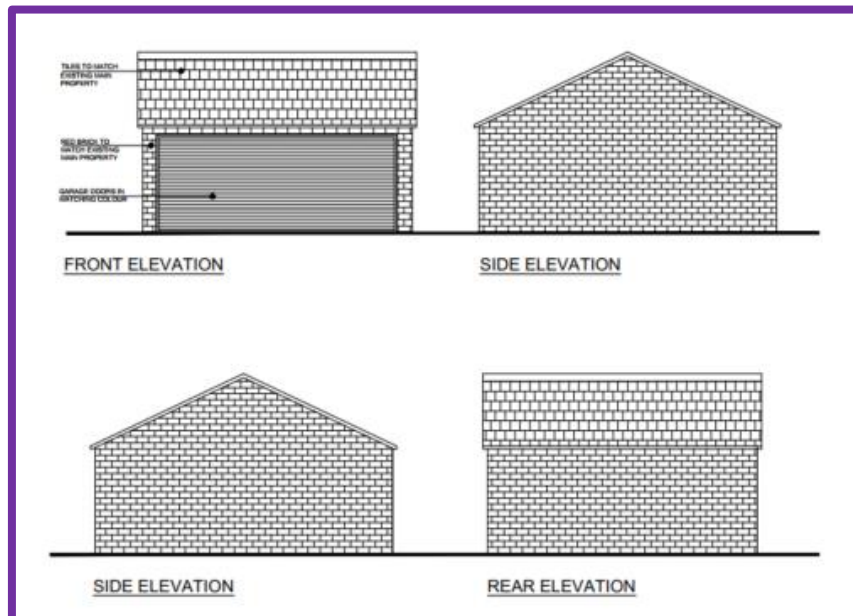


3. Planning history

- 3.1 Apart from the previous decisions of planning committee to grant planning permission (but no planning permissions being issued for the reasons set out within this report): There is no relevant planning history.

4. Proposals

- 4.1 This application seeks permission for the retention of a detached double garage and hence is retrospective.
- 4.2 The garage, subject to this application, is positioned to the northern side of the existing property, in garden space forward of the front elevation of the host property. The garage measures 6m x 5m with a height of 3.7m and have a pitched roof. The garage has been constructed of brick and tile to match the existing dwelling. The elevations and proposed site plan are shown below:



5. Background

- 5.1 This matter was originally presented to Planning Committee on 9th January 2023, when Members resolved to approve the Application in accordance with the Officer Recommendation. However, following a clerical error an incorrect plan was included in the Officer presentation. Following Legal advice, the matter was returned to Planning Committee held on 6th February.
- 5.2 At that Committee representations were received from an objector which included that the required correct Statutory Notice had not been served on 16th November 2022 on behalf of the Applicant on the owners of No11 Foden Close, part of which (mainly a shared Drive) is included in the Application Site.
- 5.3 Following an adjournment for officers to obtain information from the applicant and consider the points raised, legal advice was given that Members could proceed to determine the application as the substantive information requirements within the Statutory Notice had been met and that it had been served by the applicant. In addition, the recipient of the Statutory Notice was aware of the application and had made representations. Planning committee therefore resolved, to approve the application in accordance with the officer recommendation.

- 5.4 Following the meeting, and before the planning permission was issued, further representations were made, and, following a further review, it was found that, although the Statutory Notice served included the necessary details of the application itself, it omitted some mandatory general information regarding owners' rights.
- 5.5 The grant of planning permission does not affect owners' rights to retain or dispose of their property unless there is some provision to the contrary in an agreement or lease. As further representations had been received to the effect that the application site plan, within the agenda pack, and set out in the officer presentation, had incorrectly included land in the objector's ownership. Following further legal advice, the planning permission was not issued, and the applicant agreed to serve a fresh Statutory Notice. This triggered a further 21-day statutory consultation period to allow for further representations from the recipients of the Statutory Notice.
- 5.6 This period has since expired at the time of writing this report. However, further representations have been received and considered as part of this assessment. Any further representations received following the publication of this report, will be summarised in the update sheet in the usual way.
- 5.7 As the planning permission has not been issued, the application has been returned to planning committee for re- determination, and to allow officers to respond to further concerns raised.
- 5.8 Members are advised that they should consider the application afresh. Members are however reminded that, there is a principle of consistency in planning decision-making. This requires like-applications on the same site to be decided in a like-manner unless there has been a change in Local Plan policies or other material considerations. Where there have been no such material changes then planning reasons should be given for departing from a previous resolution. Members are therefore advised that they should give weight to the previous decisions of planning committee to grant this application.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Policy BE1: High Quality Development
Policy ST2: Parking Provision

6.3 Supplementary Planning Document

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

6.4 Shenstone Neighbourhood Plan (2016)

There are no relevant policies in the Shenstone Neighbourhood Plan.

6.5 Lichfield District Local Plan 2040

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft

Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy
Strategic Policy SP10: Sustainable Development
Local Policy SD1: Sustainable Design and Master Planning
Policy LT1: Parking Provision

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

7. Supporting documents

7.1 The following plans and supporting documents form part of this recommendation:

- 9FC-05 Proposed Plans and elevations dated as received

8. Consultation responses

8.1 **Shenstone Parish Council** - Object on the following grounds: -

- Original title of application is misleading (retention of double garage) as the proposal is for a new garage in a separate location with the existing garage being converted.
- This is a retrospective application as construction has commenced.
- Other development works ongoing are not covered in the application.
- Affected neighbours have not been consulted and a site notice has not been put up
- The land surface that the proposed garage is being built on is subject to covenanted restrictions.
- Application does not conform to H2 of the Shenstone Neighbourhood Plan in respect of backland development.
- The garage does not reflect the character of the existing property and would result in cramming.
- The proposal would be a discordant structure restricting the openness and causing harm to the residential amenity of the estate. (14.11.2022)

8.2 **Network Rail** - No comments. (11.11.2022)

9. Neighbour responses

9.1 On 08.11.2022 neighbour consultation carried out with regards to the initial planning application as submitted. On 01.12.2022 a further neighbour consultation was carried out following amendment to description of application.

9.2 13 letters of objection have been received from the occupiers of neighbouring properties. These objections are available to view on the Council website and their objections are summarised below: –

- The application is misleading. There would be no need to 'retain' the proposed garage if the existing garage had not been converted.
- A garden brick wall, lawn, shrubs and trees have been removed and so the depiction of 3 car parking spaces showing as existing is an attempt to mislead.
- The objections of the parish council are reiterated.

- The erection of a separate building will block out light and change the overall view of open space.
- The proposal will reduce both the feeling and enjoyment of open amenity space.
- The garage could be used as an office or even small bungalow
- A precedent would be set that could lead to crowding of the estate.
- The building work to the house has impacted neighbours with loud music and vans blocking access.
- The application does not include the ongoing work to the house and front porch.
- The garage would take away an open view onto communal land.
- Reference was made to the similarities to application 20/00721/FUL which related to the demolition of a boundary wall and the erection of a repositioned fence at a property in the nearby Oakwood Close and was refused in 2020 on the grounds of restricting openness.
- Land ownership issues.

Further representation was received on 15th May 2023 from 1 neighbour with the following objections:

- The completed garage has been used as a home gym with residents exercising in the morning/evening within. The door has been left open and so the neighbour has been subject to new noises including a guttural working out noise.
- The garage emits significant artificial light.
- The garage is not being used to house cars resulting in additional road parking which creates new obstructions.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & Principle of Development
- Design and Impacts on the Character of the Area
- Residential Amenity
- Parking and Highway Safety
- Ecology/ Biodiversity
- Cannock Chase SAC
- Other Matters
- Human Rights

11. Policy & principle of development

11.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015, the Local Plan Allocations Document (2008-2029), adopted in July 2019 and the Shenstone Neighbourhood Plan (2016). The Local Plan Policies Maps form part of the Local Plan Allocations Document.

11.2 The NPPF sets out a presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.

11.3 The application relates to an outbuilding at a residential property located within a predominantly residential area. The application site is sustainably located within the settlement boundaries for Shenstone as identified in the Local Plan and, as such, the principle of the development is considered to be acceptable. However, proposals that are acceptable in principle are subject to all other policy tests which will now be discussed in turn.

12. Design and impact on the character and appearance of the surrounding area

- 12.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces, and wider area development schemes. Paragraph 130 of the NPPF states that ‘planning decisions should ensure developments’ are (b) ‘visually attractive as a result of good architecture, layout and appropriate and effective landscaping’ and are (c) ‘sympathetic to local character and history including the surrounding built environment and landscape setting’. This sentiment is echoed in Core Policy 3 of the Local Plan Strategy which states that development should: “protect and enhance the character and distinctiveness of Lichfield District”; “be of a scale and nature appropriate to its locality” and “encourage the re-use of previously developed land”. Policy BE1 of the Local Plan Strategy states “development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on new development in terms of layout, size, scale, design and public views”. The policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.
- 12.2 The garage is located to the northern side of the property in the existing front garden and has been designed with matching materials and of domestic scale to ensure a satisfactory appearance that reflects those materials found on Foden Close.
- 12.3 It is noted that an objection has been made regarding the size and scale of the garage. From a design perspective, it is considered that the development is of a similar scale and footprint to the garage of the neighbouring property at No11 Foden Close that it sits alongside.
- 12.4 Objections have also been raised on the grounds that the garage would/ has changed the overall view of open space and would/ has taken away an open view onto communal land. However, although there has been some erosion of openness within the streetscene this would have been marginal and insufficient to warrant refusal. Furthermore, although the garage has reduced views of the open land to the west of Foden Close it should be noted that these views are already restricted by the garage at No11 and the former wall that separated the close from the open land to the west. Some views of the trees to the west remain over the garage. Again, the overall effect has been marginal, has not significantly affected the character of the area and is insufficient to warrant refusal.
- 12.5 In terms of overall design and impacts on the character of the area, it is considered that the garage meets the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.

13. Residential amenity

- 13.1 Paragraph 130(f) of the NPPF states “planning policies and decisions should ensure that developments [amongst other things] create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”. Similarly, Core Policy 3 of the Lichfield Local Plan Strategy states that development should “protect the amenity of our residents”.
- 13.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 13.3 Objections have been raised from the occupiers of a neighbouring property with regards to a potential loss of light. The Sustainable Design SPD sets out that a 25-degree guideline will be

utilised to assess the impact of a new building opposite an affected window. Given that the garage is single storey with a maximum height of 3.7m and is largely screened from No11 by the existing double garage serving that property, there is no possibility of any part of it intercepting a perpendicular line drawn with a 25-degree vertical angle from the centre of the nearest neighbouring window. It is therefore concluded that the garage has not resulted in a significant loss of light to neighbouring properties. Therefore, the amenities of the occupiers of neighbouring residential properties have been preserved.

- 13.4 In respect to any adverse impact upon the amenities of the existing and future occupiers of the application property, it is noted that the garage has been built forward of the front elevation. As such, the development would retain a rear private amenity area of approximately 90m² which exceeds the 65m² set out in the Design SPD. Therefore, it is considered that sufficient amenity space has been retained and preserved to meet the needs of occupiers.
- 13.5 The development is considered to achieve a high standard of residential amenity in accordance with Policies CP3 and BE1 of the Local Plan Strategy and paragraph 130(f) of the NPPF.

14. Ecology/ Biodiversity

- 14.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it “Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”. It further requires that all development deliver a net gain for biodiversity.
- 14.2 Taking into account the submitted development, the site of the garage originally formed part of the garden area. It is not considered that the garage has caused significant harm to existing biodiversity. The original officer report presented at planning committee, contained a recommendation to attach an informative in respect to wildlife law to any permission granted. However, as the garage has since been completed in its entirety, such an informative would now no longer serve any planning purpose. The garage is therefore considered acceptable. with regard to the ecological policies of the development plan.

15. Cannock Chase Special Area of Conservation

- 15.1 Policy NR7 of The Lichfield Local Plan Strategy states that before development is permitted it must be demonstrated that either alone or in combination with other developments the proposal will not be likely to lead directly or indirectly to an adverse effect on the integrity of the Special Area of Conservation (SAC).
- 15.2 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impacts of the development on the Cannock Chase SAC.
- 15.3 A Habitat Regulation Assessment has been completed which has screened out the requirement for an ‘appropriate assessment’ as the development would not increase the number of dwellings within the defined zone of influence for the Cannock Chase SAC. Where the number of dwellings does not increase through the development proposals there is no requirement for mitigation through a financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.

16. Other Matters

- 16.1 Further concerns raised by neighbouring residents and the Parish Council not addressed in the above report will be considered below.
- 16.2 Objections have been raised on the grounds that this application deals solely with the garage development and does not include other works to the property. Officers’ comment that

objections relating to other work carried out at the property, such as a wall, porch, or integral garage conversion, are not the subject of this application – and thusly, not material to its determination. For the avoidance of doubt these elements would constitute permitted development and would not require formal permission from the Local Planning Authority.

- 16.3 Objections received, stating that letters to neighbours had not been sent and a site notice not erected, were made somewhat prematurely. Letters notifying neighbours of the application were initially sent on 08/11/2022, with further letters sent on 01/12/2022, including a site notice posted to advise of an updated application description. However, this may have been as a result of the retrospective nature of the application, at that time.
- 16.4 In respect to restrictive covenants, officers would advise that the existence of a restrictive covenant is not a material planning consideration. Rather, it is a civil matter for the relevant parties to that covenant to settle.
- 16.5 Comments were received relaying that the development herein being assessed, would conflict with Policy H2 of the Shenstone Neighbourhood Plan, with respect of it being considered as backland development. However, it is the view that, as the garage is sited forward of the front elevation of the dwelling - this does not constitute backland development and therefore does not engage Policy H2.
- 16.6 With respect to the comments received that the garage may be used for other purposes, such as, an office or separate bungalow, officers would comment that although the use of an office for personal use would be incidental, the use as a separate bungalow would require planning permission. The use of the garage for purposes other than incidental to the enjoyment of the dwelling house could be adequately addressed by a condition restricting the use of the garage to purposes incidental to the enjoyment of the dwelling. It is recommended that any approval should be subject to a condition that the garage shall only be used for purposes incidental to the enjoyment of the main dwelling.
- 16.7 Comments were received that objected to the use of the garage as an area for exercise. The use of the garage for personal exercise would be incidental to the enjoyment of the main dwelling and as such would be acceptable in planning terms.
- 16.8 Objections were raised regarding the removal of shrubs, a wall and 2 trees in the front garden. Council records indicate there were no trees of importance and this would therefore constitute landscaping of a private amenity space which the owner would be entitled to undertake.
- 16.9 Although the application site includes a shared drive, it is confirmed that land ownership is not a material planning consideration and any approval issued would not override any rights of access which would be a civil matter. The National Planning Practice Guidance provides as follows:
- “What if there are restrictions through deeds or covenants that prevent development?
Land ownership, including any restrictions that may be associated with land, is not a planning matter. An appropriate legal professional will be able to provide further advice on this if necessary.”*
- 16.10 For the avoidance of doubt, officers can confirm that the garage would project 3m from the plane of the front elevation of the garage at the neighbouring property at No 11 Foden Close.
- 16.11 Reference was made by objectors to the similarities of this case to application 20/00721/FUL, which, related to the demolition of a boundary wall and the erection of a repositioned fence on a prominent corner position at a junction in the nearby Oakwood Close. This was refused in 2020, on the grounds of restricting openness. This, in effect, repositioned the boundary treatment to the back edge of the public footpath and enclosed what appeared to be a wide-open verge at the entrance to a cul-de-sac. Although the planning history of a site can be a

material planning consideration, and there is a principle of consistency of decision making in Planning Law, ultimately each application must be determined on its own merits. The proposal submitted for the erection of a garage is substantially different from that at Oakwood Close, both in terms of the characteristics of the site and its impact on openness of the estate. It is therefore, not considered that the situation in this current case is similar to the one at Oakwood Close.

- 16.12 With respect to comments relating to artificial lighting, it is not considered that light emitting from the garage would cause additional harm over lighting that already exists on the main dwelling house. A condition restricting the use of external lighting would ensure that neighbouring residential amenity is safeguarded and has been recommended within the report.

17. Human rights

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

18. Conclusion

- 18.1 Having had regard to all relevant local and national policies and guidance, it is concluded that the development, in its retrospective form, is acceptable at this location. Furthermore, it is considered that the development would not cause significant harm to the character and appearance of the area, the amenity of neighbouring properties or biodiversity.
- 18.2 Consequently, it is recommended that this application be approved, subject to conditions included in this report.

19. Recommendation : Approve, subject to the following conditions:

CONDITIONS

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, BE1 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

2. The garage hereby approved shall only be used for purposes incidental to the enjoyment of the main dwelling at 9 Foden Close.

Reason: In the interest of protecting the residential amenity in accordance with paragraph 130(f) of the National Planning Policy Framework

4. No external illumination shall be brought into use until details of the external illumination have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard neighbouring residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Shenstone 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. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Severn Trent Water standard advise is that there may be a public sewer located within the application site. Even where statutory sewer records do not show any public sewers within the application area, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

LOCATION PLAN

22/01688/COU
Sunnyview House
Seedymill Lane Elmhurst
Lichfield

Scale: 1:1,000

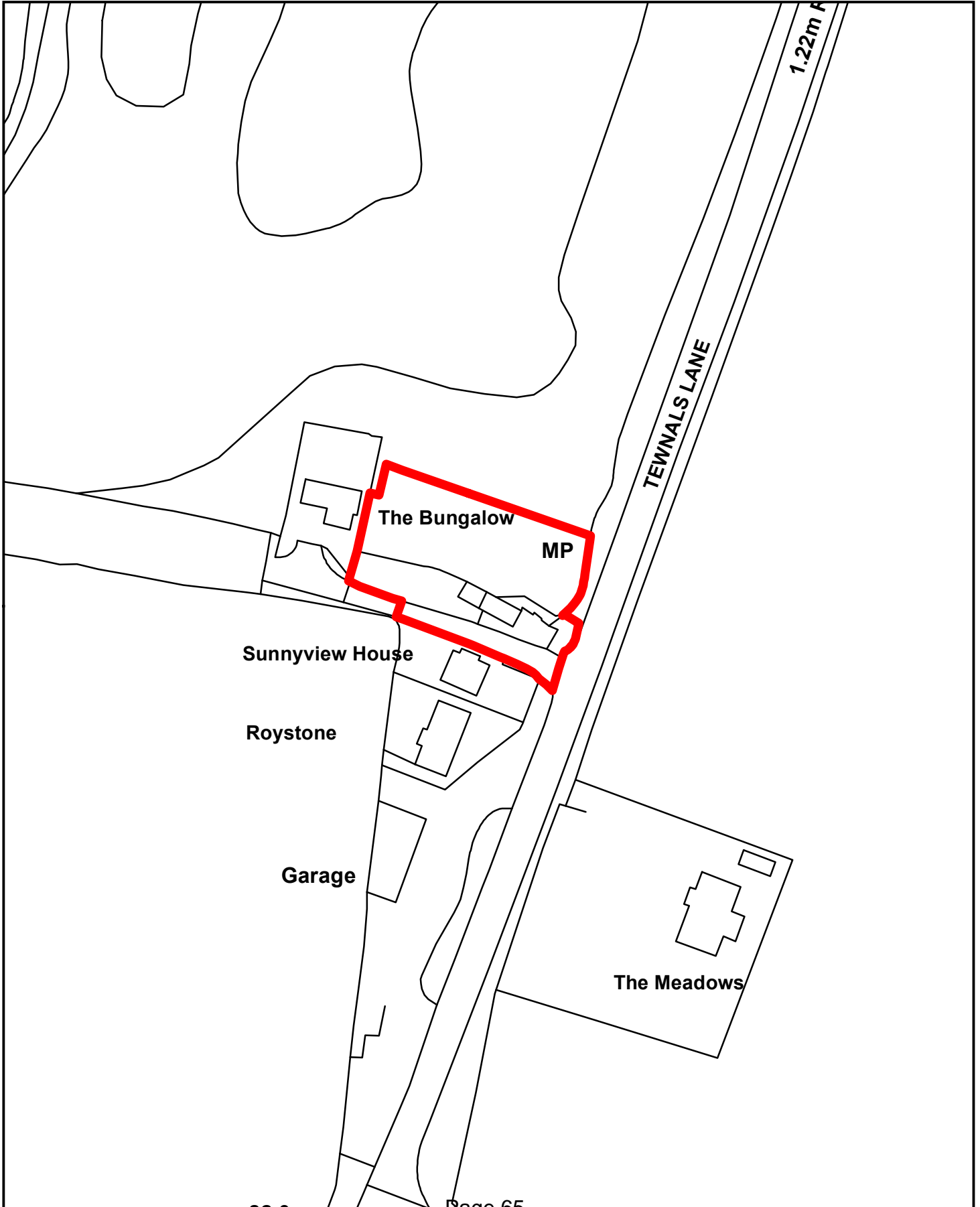
Dated: June 2023

Drawn By:

Drawing No:



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| | | | |
|--|---|--|---------------|
| Address: | Sunnyview House, Seedy Mill Lane, Elmhurst, Lichfield | | |
| Application number: | 22/01688/COU | Case officer: | Karen Bentley |
| Ward: Parish: | Longdon Curborough and Elmhurst | Date received: | 16/01/2023 |
| Proposal: Change of use from ancillary accommodation to independent residential dwelling | | | |
| Reason for being on agenda: | <p>This planning application is being reported to the Planning Committee due to an objection raised by the County Highway Authority.</p> <p>The objection can be summarised as:</p> <p>The application fails to demonstrate that sustainable transport can be achieved and would result in a detriment to highway safety as there are no public footpaths connecting the site to amenities.</p> | | |
| Recommendation: Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and conditions. | | | |
| Applicant: Mr Parkes | | Agent: Ms Louise Hinsley, CT Planning | |

1. Executive summary

- 1.1 The principle of the development, the conversion of a building to provide a new dwelling within the rural area, would be in accordance with policies contained within the Local Plan Strategy and the National Planning Policy Framework and is therefore deemed acceptable.
- 1.2 There have been no letters of representation from members of the public received in respect of this application.
- 1.3 There is no design related or ecology objections to the proposed change of use to allow the building to become an independent dwelling rather than an ancillary unit associated with the main dwelling as existing. Appropriate mitigation for the impacts on Cannock Chase SAC will be secured through a legal agreement which forms part of the recommendation.
- 1.4 Whilst objections have been raised by the Highways Authority relating to the location of the new dwelling, in sustainability terms, and regard to associated highway safety - with no footways connecting the site to local amenities; it is considered that these are of limited weight. National and local policy outline support, to the conversion and re-use of rural buildings and, the role such proposals play in the careful use of natural resources.
- 1.5 In this regard, the benefits are outweighed by the harm highlighted by the Highways Authority, in this instance. In terms of highway safety, it is not considered that the scheme would result in a severe detrimental impact on the network. Notwithstanding the County Highways position, the scheme is considered to be acceptable.

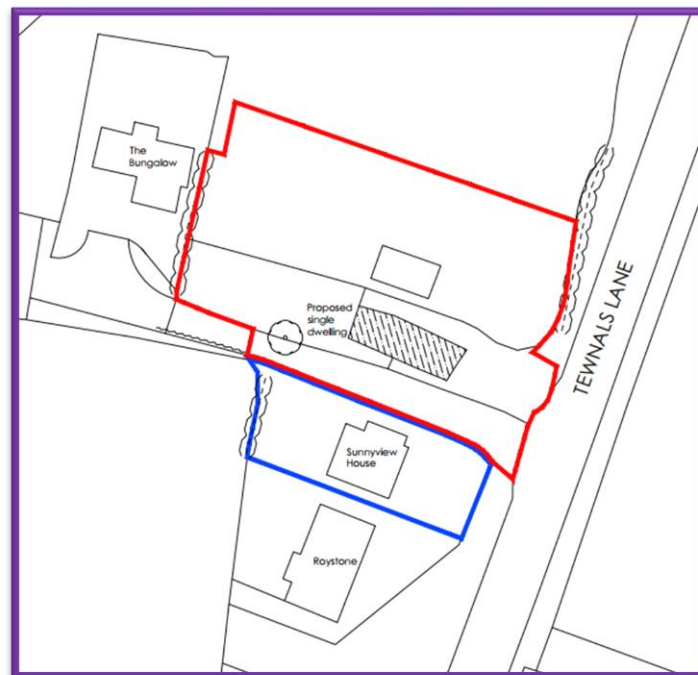
Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations set out in this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 This application relates to a detached brick and tile single storey outbuilding located to the western side of Tewnalls Lane (A515). The building is approached via a shared driveway off Tewnalls Lane, with Sunnyview House and sits within a small group of 3 No. residential properties and a car garage/ sales forecourt. The building is currently used as ancillary accommodation to Sunnyview House.
- 2.2 The land is enclosed to the west, north and east boundary by mature native hedgerow. To the north, is located the golf course which serves the Lichfield Golf and Country Club. To the east, is the A515, providing access to Lichfield in the south to Rugeley and Kings Bromley to the north.
- 2.3 The application site is located within the West Midlands Green Belt and within the Cannock Chase SAC Zone of Influence. There are no designated or non-designated heritage assets within the vicinity of the site. An extract from the Location Plan is shown below, with the red line indicating the application site.



3. Planning history

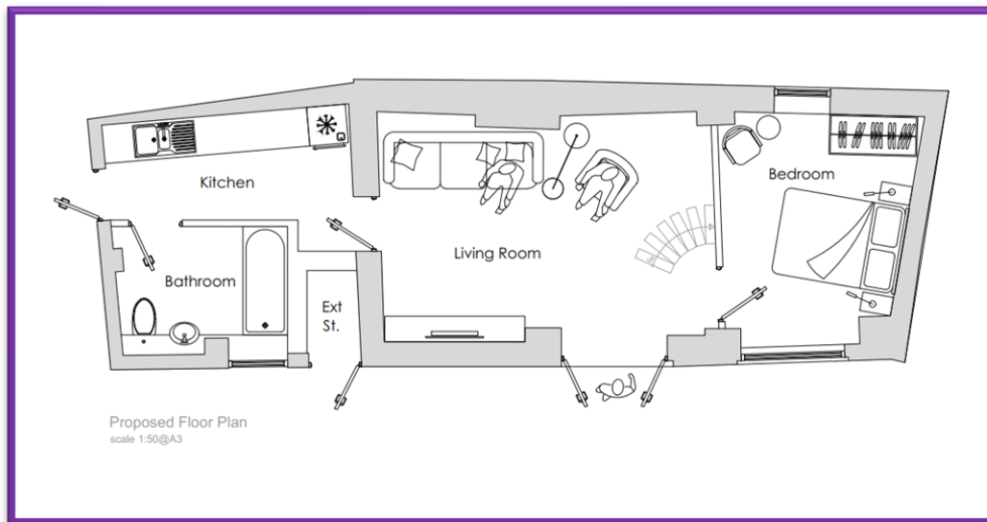
| Reference | Description | Decision | Decision Date |
|--------------|--|----------|---------------|
| 21/01320/CLP | Certificate of Lawfulness (Proposed): Erection of a detached home office/ workspace | Approved | 14.09.2021 |
| 21/00540/FUH | Raising the roof height to allow for loft conversion and creation of new roof space bedroom and ensuite bathroom | Approve | 01.09.2021 |

| | | | |
|--------------|--|-----------|------------|
| 21/00539/FUH | Erection of detached single storey annexe to form garden room | Refuse | 12.07.2021 |
| 19/00681/CLP | Installation of a steel container | Approved | 09.08.2019 |
| 18/01527/COU | Change of use of land (D2) to domestic curtilage and change of use of outbuilding to domestic use | Approve | 08.01.2019 |
| 18/00264/COU | Change of use of agricultural barn to domestic use and change of use of land from agricultural use to domestic curtilage | Withdrawn | 27.06.2018 |

4. Proposals

4.1 This application seeks permission for the change of use of the building from ancillary accommodation to an independent residential dwelling. No extensions or alterations to the external appearance of the building are proposed. Internally, one double bedroom, living room, bathroom and kitchen would be provided. There is space for one vehicle within the curtilage of the site to turn and access Seedymill Lane in forward gear. In addition, there is ample outdoor amenity space provided within the site.

4.2



5. Background

5.1 Permission was granted under planning ref: 18/01527/COU for the change of use of the land to the north of Sunnyview House and the outbuilding to domestic use. The red line plan for this consent replicates the application site used for this application.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy CP5 - Sustainable Transport
Policy CP6 - Housing Delivery
Policy CP13 - Our Natural Resources

Policy NR2 - Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their habitats
Policy NR7 - CC SAC
Policy H1 - A Balanced Housing Market
Policy BE1 - High Quality Development

6.3 Supplementary Planning Document

Sustainable Design SPD
Biodiversity and Development SPD
Rural Development SPD

6.4 Lichfield District Local Plan 2040

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

Strategic Policy SP1: The Spatial Strategy
Strategic Policy SP10: Sustainable Development
Local Policy SD1: Sustainable Design and Master Planning
Policy LT1: Parking Provision
Local Policy NR2: Habitats and Biodiversity
Local Policy NR3: Trees, Woodland, and Hedgerows

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

6.5 Neighbourhood Plans

There are no neighbourhood plans relevant to this application site.

7. Supporting documents

7.1 The following plans and supporting documents form part of this recommendation:

- Visibility Layout 25126-01 dated as received 2nd May 2023
- Block Plan SK218-100 dated as received 13th December 2022
- Location Plan SK218-101 dated as received 13th December 2022
- Proposed Elevations/Plans SK218-200 dated as received 13th December 2022
- Proposed Elevations/Plans SK218-300 dated as received 13th December 2022
- Existing Elevations/Plans 3441 dated as received 13th December 2022

8. Consultation responses

8.1 **Curborough, Elmhurst, Farewell and Chorley Parish Council-** No response received.

8.2 **Severn Trent Water-** No response received.

8.3 **Staffordshire County Council (Highways) Final-** Additional drawings have now been provided delineating the requisite visibility spays from the access and these would be acceptable to the highway authority providing the shed and hedgerow are fully removed. However, these drawings do not address the key reasons for the initial refusal response which is the unsustainable location of the development. (16.05.2023).

Initial - The submitted information shows that the applicant seeks to change the use of the single-story outbuilding to form an independent residential dwelling. This would be considered an intensification in use over the existing ancillary use of the outbuilding. No visibility splays have been provided to show that this access can achieve the necessary visibility required for this type of road and can accommodate the traffic from this new proposal. The existing hedgerow towards the north of the access is severely restricting visibility from the private access drive onto the A0515. As this application is an intensification of this access, the applicant will need to demonstrate that the access provides the necessary visibility. This lack of information is not acceptable to the highway authority and will need to be addressed. The location of the site means there are no local amenities such as schools, shops or community facilities within 2km of the proposed site, so not accessible by sustainable modes of travel. Although there are bus services running past this proposal along the A0515 there are no footways connecting the application site to these bus stops. Serious concerns are raised regarding school aged children and vulnerable pedestrians walking along the A Class Road (which is unlit at this location) to access the bus stops.

The lack of safe and suitable routes for sustainable travel from this proposal would leave future occupants no other option other than to be reliant on the private motor vehicle or to walk along the A Class Road, which would be extremely unsafe for pedestrians and/or cyclists, especially school children. This application should be refused as it fails to demonstrate a safe and suitable access for all modes of travel, and the site is in a sustainable location - (09.02.2023)

Staffordshire County Council (Highways)- Amended - Additional drawings have now been provided delineating the requisite visibility splays from the access and these would be acceptable to the highway authority providing the shed and hedgerow are fully removed. However, these drawings do not address the key reasons for the initial refusal response which is the unsustainable location of the development. For clarity, I include my initial Form X refusal comments below:

The submitted information shows that the applicant seeks to change the use of the single-story outbuilding to form an independent residential dwelling. This would be considered an intensification in use over the existing ancillary use of the outbuilding.

The location of the site means there are no local amenities such as schools, shops or community facilities within 2km of the proposed site; therefore, they are not accessible by sustainable modes of travel. Although there are bus services running past this proposal along the A0515 there are no footways connecting the application site to these bus stops. I would have serious

concerns about school aged children and vulnerable pedestrians walking along the A Class Road (which is unlit at this location) to access the bus stops.

The lack of safe and suitable routes for sustainable travel from this proposal would leave future occupants no other option other than to be reliant on the private motor vehicle or to walk along the A Class Road, which would be extremely unsafe for pedestrians and/or cyclists, especially school children. This application should be refused as it fails to demonstrate that sustainable transport can be achieved - (16.05.2023).

8.4 **LDC Conservation and Urban Design Team-** There are no conservation objections to the proposed change of use to allow the building to become an independent dwelling rather than an ancillary unit associated with the main dwelling - (13.02.2023).

8.5 **LDC Ecology Team- Final-** No further information in relation to bat activity is required. Original comments in relation to bird nesting and biodiversity enhancement remains relevant. (16.05.2023)

Initial- Further information required regarding bat activity. The building proposed for development has numerous potential roost features for bats to ingress/egress. These are mainly slipped tiles and gaps around the roof structure. The location of the site is within an area with numerous protected species records for bats. Furthermore, awareness is needed of bird nesting season, (March-August inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. Under policy NR3 of the adopted Lichfield District Council Local Plan, a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of onsite habitat improvement works or the creation/planting of new habitats or features i.e., additional tree or hedgerow planting, hibernacula creation, wildlife pond creation, bird boxes, bat boxes, bee bricks etc. (13.03.2023)

8.6 **LDC Tree Officer-** Confirmed no comments to raise in relation to the application. (26.01.2023)

8.7 **LDC Waste Management** - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 4 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying. (18.01.2023)

9. Neighbour responses

9.1 There have been no letters of representation received from neighbouring occupiers or local residents in respect of this application.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & Principle of Development (Including Green Belt)
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Impact on Trees
- Ecology
- Cannock Chase SAC
- Human Rights

11. Policy & principle of development (including Green Belt)

- 11.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document.
- 11.2 The spatial strategy for the district, set out in 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. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. Policies CP6 and Rural 1 of the Local Plan Strategy both support the conversion of existing buildings to residential use.
- 11.3 The Rural Development Supplementary Planning Document (SPD) provides further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Core Policy 3 of the Local Plan Strategy states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 11.4 Policy H1 sets out that there is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties to increase local housing choice and contribute to the development of mixed and sustainable communities.

Green Belt

- 11.5 The site lies within the West Midlands Green Belt. The decision-making process when considering proposals for development in the Green Belt is in the 3 stages as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application must be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies. The development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 11.6 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The principles in the NPPF are reiterated in Policy NR2 of the Local Plan Strategy.

Assessment

- 11.7 The proposals entail the re use of an existing outbuilding, with no extensions or external alterations proposed. The building appeared in good condition at the time of the Officer's site visit and is considered to be of permanent and substantial construction. Accordingly, the proposal would comprise an appropriate re-use of a rural building and appropriate development

within the Green Belt in accordance with paragraph 150 of the NPPF. The change of use would be achieved through the conversion of an existing building, to create a 1 No. bedroom independent dwelling house. The existing domestic curtilage of the host dwelling Sunnyview House would be subdivided, with no changes to the outer boundaries of the existing site to avoid further encroachment into the countryside.

- 11.8 Given the that the proposals principally re use an existing building within the site, it is considered that the development, would comply with the requirements of Policies CP3, CP6, H1 and NR2 of the development plan in terms of the principle of development.

12. Design and impact on the character and appearance of the surrounding area

- 12.1 Core Policy 3 of the Local Plan Strategy states that development should protect and enhance the character and distinctiveness of the Lichfield District, while development should be of a scale and nature appropriate to its locality. Policy BE1 underlines the fact 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 upon this point advising that good design should be informed by appreciation of context, as well as plan, scale, proportion, and detail.

- 12.2 The NPPF attaches great importance to the design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces, and wider area development schemes. It also states that development should respond to local character and history and reflect the identity of local surroundings. This sentiment is echoed in Policy H3 of the Shenstone Neighbourhood Plan and Policy BE1 of the Local Plan Strategy.

- 12.3 The National Design Guide and the National Model Design Code illustrate how well-designed places that are beautiful, healthy, greener, enduring, and successful can be achieved in practice. The purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. The National Design Guide addresses the question of how we recognise well designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The NPPF sets out that the National Design Guide and National Model Design Code should be used to guide decisions on applications in the absence of locally produced guides or codes. These documents provide guidance on what constitutes well-designed and beautiful places as well as providing a default checklist of issues that schemes will be expected to address.

- 12.4 Further to the above, Core Policy 3 of the Local Plan states that the Council will require development to [amongst other things] conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible'. This is expanded upon in Policy NR5 of the Local Plan which states:

'Development will be permitted where it does not negatively impact upon the geological, archaeological and historically important landscapes in the Lichfield District. The character and significance of the natural and historic landscape will be safeguarded through decisions which protect, conserve, and enhance sites of international, national, regional and local importance'.

Assessment

- 12.5 The proposed change of use does not require any external changes to the existing building and as such there will be a neutral impact on the character and appearance of the area. The LDC Conservation and Design Officer has commented that they have no objections to the proposed change of use to allow the building to become an independent dwelling rather than an ancillary unit associated with the main dwelling. Consequently, the proposal is considered acceptable in terms of design and impact on the surrounding environs of the site.

13. Residential amenity

- 13.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance.
- 13.2 Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive daylight and sunlight.

Assessment

- 13.3 The scheme of development hereby under consideration for change of use of the existing building does not seek to add further windows or built form and as such meets the separation distances and required minimum amenity space standards as set out in the Sustainable Design SPD. Sunnyview House, the host property would retain a garden which also meets with the amenity space standards. The proposal therefore provides appropriate levels of amenity for future occupiers whilst causing no harm to the existing residential amenity enjoyed by neighbouring residents. The scheme complies with relevant policies CP3, BE1 of the Local Plan Strategy and the Sustainable Design SPD and in terms of residential amenity, is acceptable.

14. Access and highway safety

- 14.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 112 requires applications for development to give priority to pedestrian and cycle movements and ensure there is with minimal conflict with vehicles.
- 14.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 14.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street, car parking standards are defined within Appendix D of the Sustainable Design SPD.

Assessment

- 14.4 The application site would be able to accommodate the parking required for a 1-bed dwelling and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy. Parking and access serving dwelling Sunnyview house is unaffected by the proposals. Amended plans have been provided during the course of the application to indicate improved visibility splays at the access to the site off Tewnalls Lane (the A515).

- 14.5 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location and related matters. Whilst the objections are noted, such matters should be weighed against other considerations that weigh in favour of the application.
- 14.6 The first consideration is that both national and local policy supports the reuse and adaptation of rural buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find roads that have pavements and, or streetlights. To insist that conversions of rural buildings should only be allowed in circumstances where they are served by roads with pavements and streetlights would, in effect, negate the policy.
- 14.7 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of 1 No. one bedroom dwelling, which the Highway Authority notes will be largely served by private cars. Taking into consideration the existing status, where the building is separate ancillary accommodation, it is considered that there would be no significant detrimental impact upon highway safety.
- 14.8 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the re-use of natural resources, often referred to as environmental capital, and includes not only the existing materials that a building is constructed from, but also the energy expended in manufacturing and transporting those materials. As such, the proposal is wholly consistent with the overarching environmental objective of ‘using natural resources prudently’ and ‘minimising waste and pollution’, as identified in paragraph 8 of the NPPF, which sets out what ‘achieving sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy, as they give rise to the sustainability benefit from the re-use of environmental capital.
- 14.9 On balance, it is considered that any considered harm to highway safety by virtue of proposed dwelling’s unsustainable location, is outweighed by the policy support for the re-use of rural buildings, and the environmental benefits arising from the re-use of the environmental capital invested in the existing building.
- 14.10 The objection from the Highway Authority is noted, however this is outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate adopted parking standards required for a 1 bed dwelling, and therefore, in accordance with the objectives of policies set out in the Local Plan Strategy.

15. Impact on trees

- 15.1 Policy NR4 of the Local Plan Strategy states that Lichfield District’s trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Policy NR4 is supported by the Councils Tree’s, Landscaping and Development SPD.

Assessment

- 15.2 The Council’s Tree Officer has been consulted as part of the process and has raised no objection to the change of use of the building to residential dwelling.
- 15.3 The proposal is not located within a conservation area and there are no trees located within the vicinity and as such it is considered that the proposals would accord with the development plan.

16. Ecology

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

Assessment

- 16.2 The site does not benefit from any nature conservation designation and is not known to support any species or habitat that is protected or of special nature conservation importance. The Council's Ecologist has reviewed the proposals and raised no objections, concurring with the information provided by the applicant. The revised visibility splays which are proposed at the access to the site involve the removal of a small section of hedging. To compensate this, the Ecology Officer has requested enhancements to mitigate this loss of habitat. A condition is therefore recommended requiring an ecological enhancement scheme to be provided. Furthermore, an informative to remind the applicant of their responsibilities in terms of wildlife legislation is also recommended.
- 16.3 Subject to the proposed condition and informative, it is considered that the proposal would meet the requirements of policies CP13 and NR3 of the Local Plan Strategy and paragraph 174 of the NPPF.

17. Cannock Chase SAC

- 17.1 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 17.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

Assessment

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

18. Human rights

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

19. Conclusion

- 19.1 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.
- 19.2 The principle of the development, a conversion of a building to provide a new dwelling within the rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority relating to the location of the new dwelling, related to sustainability and highway safety, it is considered that, in this instance, these are of limited weight and are clearly outweighed by the support offered to the conversion and re-use of rural buildings, as set out in national and local planning policy.
- 19.3 Other matters related to ecology and materials meet the appropriate policy tests and are considered acceptable subject to the attached conditions.
- 19.4 It is therefore recommended that this application be approved, subject to conditions, as set out above.

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

CONDITIONS

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, BE1, NR2, NR3 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Rural Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Prior to the first use of the development hereby approved, the visibility splays indicated on drawing number 25126-01 dated as received 2nd May 2023 shall be provided and retained as such thereafter with no obstructions placed forward of the splays above 0.6m in height.

Reason: To ensure highway safety in accordance with the requirements of Policies CP3, CP5 and ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

4. Prior to the first use of the development hereby approved an updated scheme of biodiversity enhancement shall be provided and agreed in writing by the Local Planning Authority. The Enhancement measures shall be provided prior to the first occupation of the dwelling hereby approved and retained for the lifetime of the development.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

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

Reason: In the interests of preserving the openness of the West Midlands Green Belt and to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A

CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

5. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

Awareness is needed of bird nesting season, (March-August inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. This is in specific reference to; onsite vegetation ' which works would cause disturbance to, should birds choose to inhabit and nest within.

If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged.

All nesting birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981, and it is thus an offence, with certain exceptions to: Intentionally kill, injure, or take any wild bird. Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built.

6. Developments of individual houses must include unobtrusive areas suitable to accommodating at least 4 x 240l wheeled bins.

The Joint Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying.

Where the roads are unadopted/there are private drives, consideration may need to be given for the provision of a bin collection point. A bin collection point can be a simple paved area but must be sufficient to accommodate 4 x 240l bins for each property served by the private drive. It must be adjacent to the highway and must be designed to prevent it's use as an extra car parking space

LOCATION PLAN

23/00190/COU
8 Old Wood Farm
Blithbury Road
Colton

Scale: 1:1,000

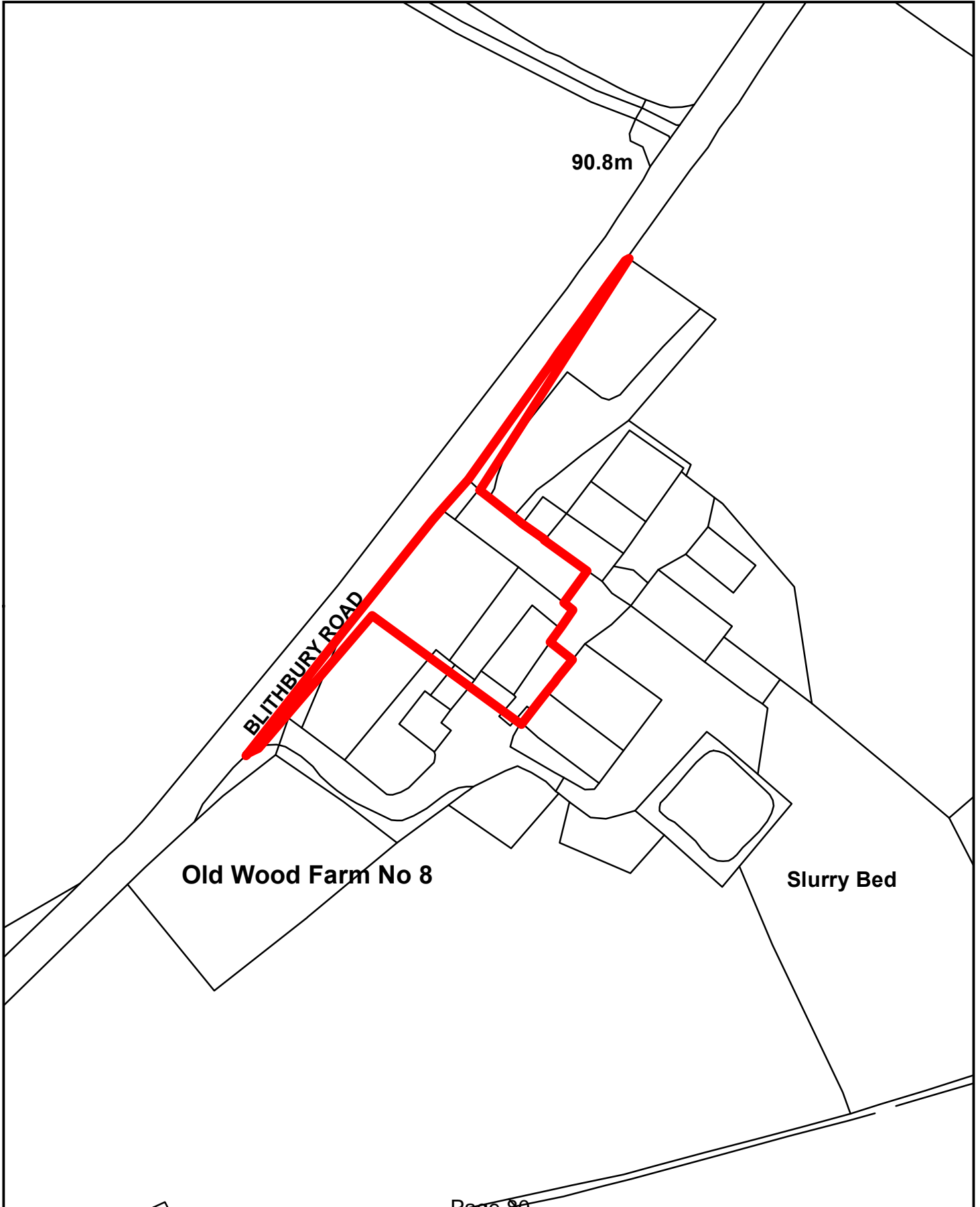
Dated: June 2023

Drawn By:

Drawing No:



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|--|--|---|-------------------|
| Address: | 8 Old Wood Farm, Blithbury Road, Colton, Rugeley, Staffordshire, WS15 3HW | | |
| Application number: | 23/00190/COU | Case officer: | Samantha Stockley |
| Ward: | Colton and the Ridwares | Date received: | 28/03/2023 |
| Parish: | Colton | | |
| Proposal: Conversion and alteration of agricultural buildings to form 1no. dwelling and ancillary annex | | | |
| Reason for being on agenda: | <p>This planning application is being reported to the Planning Committee due to an objection raised by the County Highway Authority.</p> <p>The objection can be summarised as:</p> <p>The application does not constitute sustainable development as future residents would be unable to have access to sustainable modes of transport and the proposals would exacerbate the risk of conflict between vehicles and pedestrians/ cyclists due to the lack of segregated facilities and street lighting.</p> | | |
| Recommendation: Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and conditions. | | | |
| Applicant: Mr. A. Donnison | | Agent: Rob Duncan Planning Consultancy Ltd | |

1. Executive summary

- 1.1 The application seeks permission for the conversion of two buildings into 1 No. three bed dwelling and a one-bedroom annex with associated amenity space, parking and access (access from Blithbury Road). The site is located within a rural area.
- 1.2 Objections have been received from the County Highways Authority pertaining to the development being in an unsustainable location solely reliant on motor vehicles and highway safety.
- 1.3 It is considered that the scheme would not require any additions or redesign of the existing buildings or further access arrangements to facilitate the conversion. Sufficient space to facilitate existing off road parking standards along with the storage of waste bins as per the requirements of waste management, is provided. Further, there is sufficient external private amenity space to accommodate a 4-bedroom dwelling by way of a shared garden and courtyard.
- 1.4 No harmful impacts on protected species would be anticipated by the development proposal, and whilst the site falls within the Cannock Chase Special Area of Conservation Zone of Influence, appropriate mitigation for the impacts on the SAC will be secured through a legal agreement which forms part of the recommendation.
- 1.5 Having had regard to all relevant local and national policies and guidance, it is concluded that the proposed development is acceptable in principle at this location and would not have a significant impact on acknowledged interests. Notwithstanding the objections raised by the County Highway Authority, the concerns raised in relation to the location of the proposal are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations set out in this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site is located in a rural area on the southeast side of Blithbury Road, Colton. The site comprises of two traditional buildings that lie to the northeast of the existing residential dwelling known as 8 Old Wood Farm. 8 Old Wood Farm benefits from an existing vehicular access off Blithbury Road. The buildings, which are the subject of this application, are accessed via a separate farm access. This farm access also leads to additional agricultural buildings to the north of the site and to surrounding farmland. There is an additional agricultural shed to the southeast of the smaller building, which is accessed from the driveway of the existing dwelling.
- 2.2 The first building (indicated as building A in the submission documents) comprises of an L-Shape red brick traditional agricultural building, with a grey corrugated metal roof with skylights. This building is adjoined to the existing dwelling via a modest redbrick and tiled roof garage/storage area. The building is currently used for storage and stables.
- 2.3 There is a second building (indicated as Building B in the submission documents) which is rectangular and smaller in size, and of similar traditional materials to the first. The building is located to the southeast of the first building and is also currently used as stables. The buildings are both single storey with pitched roofs over. The layout of both buildings provides for a central courtyard.
- 2.4 There is a large lawned area between the application buildings and the Blithbury Road, with hedging located along the front boundary of the site and the highway. The nearest neighbouring residential properties lie approximately 250 metres to the northeast, and 215 metres to the northwest on the opposite side of the Blithbury Road.
- 2.5 The site also lies within the Cannock Chase Special Area of Conservation Zone of Influence. An extract from the Local Plan is shown below, with the red line indicating the application site.



3. Planning history

3.1 There is no relevant planning History.

4. Proposals

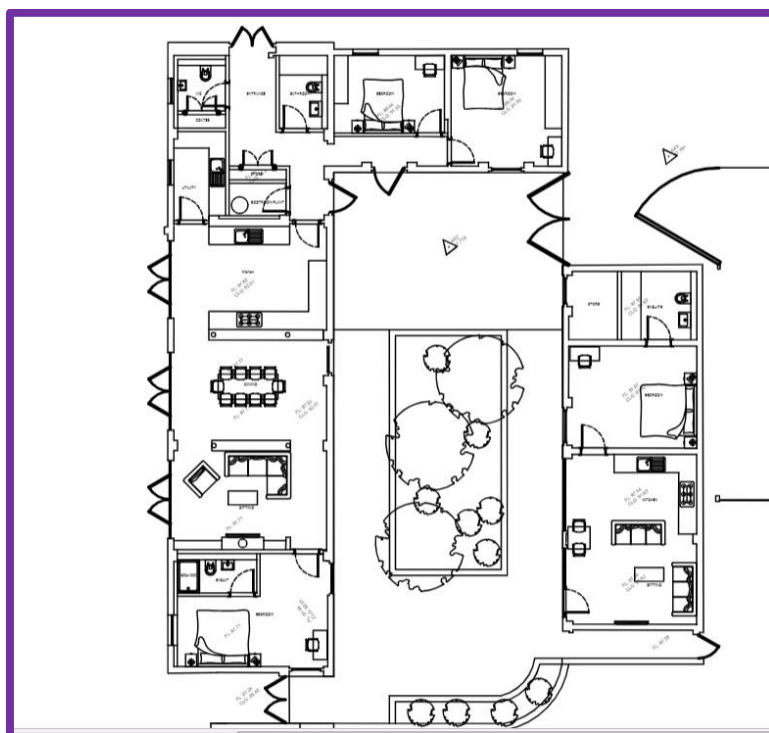
4.1 This application seeks permission for the change of use of 2 No. Buildings to a dwelling house and Annex.

4.2 The proposals would not increase the size or height of the existing outbuildings. The larger 'L' shaped building on the site (Building A) is proposed to form a single dwelling house whose accommodation will comprise of an open plan lounge / kitchen / dining room, utility, cloakroom, boot room, three bedrooms (one en-suite) and family bathroom. The proposed dwelling would have a gross internal floor area of 144 square metres.

4.3 The adjacent smaller, rectangular shaped building is proposed to be converted into a residential annex that will be ancillary to the proposed dwelling house. The annex would comprise of an open plan kitchen / living area, bedroom, and en-suite bathroom. The annex would remain in the same ownership as the proposed dwelling – jointly sharing its utility services, parking areas and amenity space.

4.4 An area of grassed amenity space is to be provided to the northwest of the building (between the building and Blithbury Road), with further amenity space provided within the central courtyard between the two buildings.

4.5 Vehicular access to the site is to be taken direct off the Blithbury Road via an existing farm access point that is to be widened and remodelled to provide improved visibility on egress. Three off-street parking spaces are to be provided off the access to serve the new dwelling house.





5. Background

5.1 There is no relevant background information.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy CP5 - Sustainable Transport
Policy CP6 - Housing Delivery
Policy CP13 - Our Natural Resources
Policy NR3 - Biodiversity, Protected Species & their habitats
Policy NR7 - CC SAC
Policy H1 - A Balanced Housing Market
Policy BE1 - High Quality Development

6.3 Supplementary Planning Document

Sustainable Design SPD
Biodiversity and Development SPD
Rural Development SPD

6.4 Lichfield District Local Plan 2040

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

stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy
Strategic Policy SP10: Sustainable Development
Local Policy SD1: Sustainable Design and Master Planning
Policy LT1: Parking Provision
Local Policy NR2: Habitats and Biodiversity
Local Policy NR3: Trees, Woodland, and Hedgerows

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

6.5 Neighbourhood Plans

There are no neighbourhood plans relevant to this application site.

7. Supporting documents

7.1 The following plans and supporting documents form part of this recommendation:

- Drawing number E22-50_SIT00 C Revised Site Plan received 15th May 2023
- Drawing number E22-50_GAP00, Proposed Floor Plans received 28th March 2023
- Drawing number E22-50_ELE00, Proposed Elevation Plans received 28th March 2023
- Drawing number E22-50_SIT01 A location Plans received 28th March 2023
- Structural Survey- Barn A Report No: 220514A dated as received 21st February 2023
- Structural Survey- Barn B Report No: 220514A dated as received 21st February 2023
- Preliminary Bat Roost Assessment dated as received 28 March 2023

8. Consultation responses

8.1 **Colton Parish Council**- No objections or comments raised (14.04.2023).

8.2 **HS2**- Confirmed no comments to raise. (23.04.2023).

8.3 **Severn Trent Water**- Confirmed no comments to raise. (16.05.2023).

8.4 **Coal Authority**- Comments the application site is within a low-risk area and therefore there is no requirement for a Coal Minding Risk Assessment to be submitted but advise standing advice should be included with any recommendation. (03.04.2023)

8.5 **Staffordshire County Council (Highways)** - Recommend Refusal. The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport from the site as required by national and local planning policies. The proposed development would exacerbate the risk of conflict between vehicles and pedestrians and cyclists due to the lack of segregated facilities and street lighting on a C class road subject to the national speed limit leading to an increase in the likelihood of danger to the highways users particularly those considered vulnerable. (08.05.2023).

8.6 **LDC Environmental Health Officer** - Comments no objection to the proposals in principle however owing to the previous uses of the building and surroundings conditions relating to contamination are recommended. (23.04.2023)

8.7 **LDC Ecology** -Advised that the Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment and Bird Survey.

The team agrees with the conclusions in the reports. Conditions recommended to ensure that works carried out in accordance with the mitigation outlined in the report including appropriate biodiversity enhancement in the form of bat boxes (12.05.2023)

9. Neighbour responses

9.1 No letters of representation have been received in respect of this application.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Design and impact upon the character and appearance of the surrounding area
- Residential amenity
- Access and highway safety
- Ecology
- Cannock Chase Special Area of Conservation
- Human rights

11. Policy & principle of development

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

11.2 Paragraph 80 of the NPPF states that the developed of isolated homes should be avoided in the countryside unless a number of circumstances apply. This includes development that would re-use redundant or disused buildings.

11.3 The spatial strategy for the district, set out in 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. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. Policies CP6 and Rural 1 of the Local Plan Strategy both support the conversion of existing buildings to residential use.

11.4 The Rural Development Supplementary Planning Document (SPD) supports Core Policy 3 of the Local Plan Strategy providing further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Such buildings can include agricultural buildings, as well as buildings which have been in other uses. It states in paragraph 1.2 of Appendix B that buildings which require major or complete reconstruction, alteration or extension to allow their reuse would not normally be acceptable, as this is effectively the creation of a new building in the countryside. Residential use is generally only appropriate for buildings which are structurally sound; are capable of conversion without substantial alteration or extension; and where any domestic curtilage can be accommodated without creating a visual intrusion into the surrounding countryside. Furthermore, buildings in more sustainable locations, with easy access to local services and public transport are more

suitable for residential conversion than those in more remote locations. The creation of live/work units can however result in a more sustainable form of development.

Assessment

- 11.5 The application buildings are located adjacent to the existing farmhouse and within a cluster of existing agricultural buildings and sheds. Given this context, and having regard to case law, the application buildings cannot be considered as 'isolated'. As such the exception permitted by paragraph 80 is of limited relevance in this case. Notwithstanding Para 80 in the NPPF, this does not prevent a development plan policy being relevant on this matter.
- 11.6 The application is supported by a structural statement which evidences that the buildings are in generally good condition and currently in use. The proposed works to convert the buildings, which require minimal works or interventions and no extensions are necessary to facilitate their re-use as a dwelling house and annex. Accordingly, the proposals would comprise the appropriate re-use of rural buildings. In principle, the proposals are deemed to be in accordance with Local Plan Strategy Policies CP1, CP6 and Rural 1, as well as the Rural Development SPD which sets specific criteria for barn conversions and the NPPF and would be acceptable.

12. Design and impact on the character and appearance of the surrounding area

- 12.1 The NPPF (Section 12) advises that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"* and that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.
- 12.2 The National Planning Practice Guidance has recently been amended to state that, *"the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented"*. In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 12.3 Core Policy 3: Delivering Sustainable Development states that the Council will require development to contribute to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, make prudent use of natural resources, reduce carbon emissions, enable opportunities for renewable energy and help minimise any environmental impacts.
- 12.4 Policy BE1: High Quality Development 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.

Assessment

- 12.5 The proposal is set outside of a defined settlement boundary in a rural area and would consist of conversions with minimal alterations for creation of access and light to serve the new residential use. As such proposed dwelling and annex would maintain their existing scale, mass, height and retain the existing traditional rural built form and architecture, and thus remaining appropriate to the locality. Conditions are recommended in order to control the final external materials and prevent and any further additions.
- 12.6 The proposal is therefore acceptable in design and impact on the surrounding area and in accordance with Policy BE1, CP3 and other related Policies set out in the Local Plan.

13. Residential amenity

- 13.1 Local Plan Strategy Core Policy 3 seeks to protect the amenity of residents and Policy BE1 seeks to protect amenity by avoiding development, which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design, which sets out the Council's guidelines for 'Space about Dwellings'.
- 13.2 In terms of garden space, the SPD guidance recommends that 3 or 4 no bedroom dwellings have 65m² of private amenity space. The SPD also states that flexibility will be applied to these standards for conversion schemes, dependent upon the individual merits of the scheme and proximity to existing public open space.

Assessment

- 11.3 With the exception of the existing farmhouse, the site is a significant distance from any surrounding neighbouring properties. The buildings would remain as single storey and as such there would be no amenity impact on the neighbouring properties in terms of loss of light, privacy, or overbearing impacts. The primary windows in the proposed conversion would either overlook the garden area to the northwest or central courtyard shared with the proposed annex. The proposed annex window openings would look onto the central courtyard.
- 11.4 The development proposal will provide a high level of occupier amenity and will exceed the requirements for private amenity space. It is determined that due to the design of the proposal, it would provide future users of the proposed dwelling (including the annex) with an adequate level of amenity by way of the external garden and courtyard. It is deemed there would not result in an unacceptable detrimental impact on the amenity of current and future occupiers of the neighbouring residential dwelling in accordance with adopted local plan policies. A condition is recommended to ensure that the annex remains as ancillary accommodation to the dwelling house which forms part of this scheme.

14. Access and highway safety

- 14.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 112 requires applications for development to give priority to pedestrian and cycle movements and ensure there is with minimal conflict with vehicles.
- 14.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 14.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street, car parking standards are defined within Appendix D of the Sustainable Design SPD.

Assessment

- 14.4 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location and

related matters (set out in full above). However, such matters should be weighed against other considerations that weigh in favour of the application.

- 14.5 The first consideration is that both national and local policy supports the reuse and adaptation of rural buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find roads that have pavements and, or streetlights. To insist that conversions of rural buildings should only be allowed in circumstances where they are served by roads with pavements and streetlights would, in effect, negate the policy.
- 14.6 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of one dwelling and associated annex which the Highway Authority notes will be largely served by private car. As such the risk to highway safety, over and above that which currently exists would be marginal and could not be deemed to be severe.
- 14.7 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the reuse of natural resources, often referred to as environmental capital, and includes not only the materials that a building is constructed from but also the energy expended in manufacturing and transporting those materials. As such the proposal is wholly consistent with the overarching environmental objective of 'using natural resources prudently' and 'minimising waste and pollution' as identified in paragraph 8 of the NPPF which sets out what 'achieving sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy as they give rise to the sustainability benefit from the reuse of environmental capital.
- 14.8 When assessed in the planning balance it is considered that the harm to highway safety and to the purpose of achieving sustainable development by virtue of the proposed dwelling's location is outweighed by the policy support for the reuse of rural buildings, and the environmental benefits arising from the reuse of the environmental capital invested in the existing building.
- 14.9 The objection from the Highway Authority is noted, however this is determined to be outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate the parking required for a 4-bed dwelling and annex and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy.

15. Ecology

- 15.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where "*Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings*". It further requires that all development deliver a net gain for biodiversity.

Assessment

- 15.2 The Council's Ecology Officer was consulted as part of the planning process. The Ecology Team advised satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment and Bird Survey. The team agreed with the conclusions in that there was no evidence of bats using the buildings as a place of shelter and there were no roosting opportunities other than the exceptionally poor place of shelter. There was evidence of nesting birds.
- 15.3 The submitted Ecology survey includes a series of recommendations, which includes methods of working and mitigation/ enhancement for bats and swallows. These items are secured by appropriately worded conditions which form part of the recommendation.

- 15.4 Subject to appropriate conditions the scheme complies with the objectives of relevant policies in the local plan and the NPPF.

16. Cannock Chase Special Area of Conservation

- 16.1 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 16.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

Assessment

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

17. Human rights

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

18. Conclusion

- 18.1 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.
- 18.2 The principle of the development, a conversion of a building to provide a new dwelling within the rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority related to the location of the new dwelling in sustainability terms and highway safety, it is considered that these are of limited weight and are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the

careful use of natural resources. In terms of highway safety, as set out in the above report it is not considered that the scheme would result in a severe detrimental impact on the network.

18.3 Other matters related to landscaping, ecology and materials meet the appropriate policy tests and are considered acceptable subject to the attached conditions.

18.4 It is therefore recommended that this application be approved, subject to conditions, as set out below.

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

CONDITIONS

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP6, NR3, NR4, NR7, ST1, ST2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping & Development SPD, the Biodiversity and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. No development hereby approved shall be commenced, until details of all external materials (including roof and fenestration materials) to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

4. Before any part of the development commences the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the LPA. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the LPA within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the LPA.

Reason: To ensure that all contaminated land issues on the site have been adequately addressed to protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, full details of the height and materials, 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 development shall thereafter be undertaken in accordance with the approved details before the development is first occupied.

Reason: To ensure the use of material appropriate to a rural setting in accordance with Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees Landscaping and Development SPD, and the National Planning Policy Framework.

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

6. Before the development hereby approved is first occupied, the access, parking and manoeuvring areas shall be provided in accordance with Drawing number E22-50_SIT00 C Revised Site Plan received 15th May 2023 and surfaced in a bound material. The parking and manoeuvring areas shall thereafter be retained as such for the life of the development.

Reason: In the interests of highways safety, in accordance with Policies CP3, CP5, ST1 and ST2 and of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

7. Before the development hereby approved is first occupied, 1 No. bat box and 1 No. Swallow Nest Box shall be installed on each building as indicated within the approved Preliminary Bat Roost Assessment dated as received 28 March 2023. The bat boxes and Swallow Nest boxes shall thereafter be retained as such for the life of the development.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

8. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.

Reason: To ensure that all contaminated land issues on the site have been adequately addressed to protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. There shall be no external lighting installed within the application site with out the prior written consent of the Local Planning Authority.

Reason: In the interests of ecology and to safeguard the visual amenities of the area and the amenities of the occupiers of adjacent properties in accordance with Policies CP3 and BE1 of the Lichfield Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

10. The development shall be undertaken in strict accordance with the methods of working set out in the approved Preliminary Bat Roost Assessment dated as received 28 March 2023.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

11. The annex hereby approved shall be occupied in a manner which is wholly ancillary to the residential use of the dwelling hereby approved and shall not be used, sold or let as a separate dwelling unit.

Reason: To ensure an acceptable form of development that would not cause detriment to the amenities of neighbouring occupiers or highway safety, in accordance with Policies CP3, CP5, ST2 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework .

12. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwelling(s) hereby permitted shall not be altered or extended, no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new dwelling(s) unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its rural surroundings and to ensure the satisfactory appearance of the development and prevent the proliferation of built form in accordance with Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Rural Development SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The 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. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
5. The applicant is advised that the application site falls a Coal Authority Development Low Risk Area and in accordance with the agreed approach in assessing coal mining risks as part of the

development management process the applicant should refer to The Coal Authorities Standing Advice in the interests of public health and safety.

6. The applicant is advised that the site should be cleared sensitively. Removal of any vegetation possibly utilised by birds must occur outside of nesting bird season between September to February. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged. All nesting birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981, and it is thus an offence, with certain exceptions to: Intentionally kill, injure, or take any wild bird. Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built. If any clearance works are to occur, caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. This planning permission does not absolve the applicant from any responsibilities relating to wildlife legislation.

Appendix 1

22/01282/FUL

Retention of 8 no dwellings and associated works

Land Adj 121 Upper St John Street, Lichfield, Staffordshire

For: Mr Bujar Cekrezi

Registered 08/09/2022

Parish: Lichfield City

Note: This planning application is being reported to the Planning Committee as it has been called in by Councillor Baker, elected member for Lichfield City ward, on the following grounds:

- Design dominates the skyline and streetscene;
- Loss of ecology and no opportunity to improve;
- Sloping access and hardstanding parking (garage loss) will lead to more run off onto what is already a slippery footpath in the winter – need porous maintainable materials;
- Vehicle turning, access and egress and likely additional on street parking;
- Will impact even more on commercial viability of pub/ premises;
- Bin storage issues for residential and commercial use;
- Built without due regard to LPA and conditions and designs; use of the Inn for accommodation etc; and
- Impact of neighbouring properties especially those to the north of the build.

Lichfield City Council also raise significant objections on the grounds of over-intensification, the scale and massing of the proposal, the failure to improve the scheme, parking provision and highway safety, bin positioning, lack of residential amenity for existing and future residents, conservation issues, impact on trees and biodiversity and the proposed development will compromise the operation of the Greyhound Inn, taking parking and bin storage spaces and creating difficulties for deliveries and those customers who, in the main, walk to the pub or use mobility scooters.

Note: This planning report should be read in conjunction with the report for 22/00072/COU for the Greyhound Inn which is also on this agenda as the two applications are intrinsically linked.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP4, CP5, CP6, CP13, CP14, ST1, ST2, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Practice Guidance and the National Planning Policy Framework.

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

2. The dwellings hereby approved shall not be occupied until the existing access, within the limits of the public highway, has been revised and completed broadly in accordance with the submitted layout drawings.

Reason: In the interests of highway safety in accordance with the requirements of policies CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

3. The dwellings hereby approved shall not be occupied until the parking and turning facilities have been provided in full in accordance with the approved plans. The parking and turning facilities shall be retained and not be used for any other purposes for the lifetime of the development

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

4. The dwellings hereby approved shall not be occupied until a scheme of biodiversity enhancement has been provided and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the occupation of the dwellings.

Reason: In order to provide replacement nesting opportunities and encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

5. The dwellings hereby approved shall not be occupied until details of secure weatherproof cycle storage have been provided and agreed in writing by the Local Planning Authority. The approved cycle storage shall then be provided prior to first occupation of the dwelling to which it serves and maintained as such thereafter.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

6. The garages and car parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. These parking areas shall be used solely for the benefit of the occupants of the dwellings hereby permitted and their visitors and for no other purpose and permanently retained as such for the lifetime of the development.

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

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

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

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
 4. The biodiversity enhancement measures required within the scheme to be submitted under condition 5 above shall include bird nesting and bat roost facilities and opportunities for hedgehogs to navigate the site.
-

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 4: Delivering our Infrastructure

Core Policy 5: Sustainable Transport

Core Policy 6: Housing Delivery

Core Policy 13: Our Natural Resources

Core Policy 14: Our Built and Historic Environment

Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

Policy H1: A Balanced Housing Market

Policy NR3: Biodiversity, Protected Species and their Habitats

Policy NR7: Cannock Chase Special Area of Conservation

Policy BE1: High Quality Development

Local Plan Allocations

Policy BE2: Heritage Assets

Supplementary Planning Documents

Sustainable Design SPD

Trees, Landscaping and Development SPD

Biodiversity and Development SPD

Developer Contributions

Lichfield City Neighbourhood Plan (2018)

Policy 3 Primary Movement Routes

Lichfield District Local Plan 2040

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

Strategic Policies

Strategic Policy 1 (SP1): The Spatial Strategy
Strategic Policy 2 (SP2): Sustainable Transport
Strategic Policy 3 (SP3): Sustainable travel
Strategic policy 10 (SP10): Sustainable development
Strategic policy 12 (SP12): Housing provision
Strategic policy 13 (SP13): Employment and economic growth
Strategic policy 14 (SP14): Centres
Strategic policy 17 (SP17): Built and historic environment

Local Policies

Local policy LT1: Parking provision
Local policy INF3: Retention of social and community infrastructure
Local policy SD1: Sustainable design and master planning
Local policy H1: Achieving a balanced housing market and optimising housing density
Local Policy NR2: Habitats and Biodiversity
Local Policy NR3: Trees, Woodlands and Hedgerows
Local Policy NR4: Linked Habitats and Connectivity
Local Policy NR5: Cannock Chase Special Area of Conservation

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

Other Documents

Manual for Streets
Technical Housing Standards- Nationally Described Space Standard

RELEVANT PLANNING HISTORY

98/00420/ADV- Hoarding- Refused. 10.06.1998.

01/01310/FUL- Proposed door into yard area- Approved. 19.02.2002.

07/00388/OUTM- Proposed housing development (outline)- Withdrawn. 05.08.2007.

13/00505/OUT- Erection of 8 dwellings and associated works (outline: access, scale and layout)- Refused 12.09.2013. Allowed on appeal ref **13/00014/REF**

17/00307/REM- Erection of 8 dwellings and associated works (Reserved Matters)- Approved. 18.05.2017

19/01317/FUL- Erection of 8 No. three bedroom dwellings and associated works- Approved. 14.10.2020 (Conditions discharged under applications **19/01317/DISCH** and **19/01317/DISCH1**)

20/00609/FULM- Demolition of single storey building and erection of 10 No. dwelling houses and associated works- Withdrawn.

21/00448/FUL- Erection of 8 No dwellings and associated works- Refused. 20.10.2021.

22/00072/COU- Retention of Public House with single storey extension to rear and first floor side/ rear extension and alterations to form 3 No. first and second floor apartments- Under consideration elsewhere on this agenda.

CONSULTATIONS

Lichfield City Council: recommends refusal and notes that objections stated under previous application 21/00448/FUL remain:

- This latest iteration fails to improve on previous applications upon which LCC have recommended refusal on a number of material and policy principles; the updated NPPF adds weight to the decision to refuse.
- Inappropriate development in the area, with an increase in the over-intensification of the site, poor scaling and massing of dwellings.
- The provision for parking is inadequate for the number of proposed units and spaces appear too narrow.
- Bin stores positioning is inappropriate.
- Inadequate provision for vehicle turning on site for safe exit/parking.
- Likely addition of more parking along Upper St Johns Street impacting existing residents.
- Highways issues are noted with regard to capacity, safety and visibility. The proposed development will compromise this well used footpath serving commuters and residents using the City Rail Station, Bus Station and City centre facilities, along with the many school children and other footpath users of the City. Vehicles accessing the proposed site will be regularly driving over the footpath here adding to safety concerns.
- Potential adverse impact on the planned cycle way included in the Lichfield City Plan from Cricket Lane to St John Street.
- The proposed development will compromise the operation of the Greyhound Inn, taking parking and bin storage spaces and creating difficulties for deliveries and those customers who, in the main, walk to the pub or use mobility scooters. This could lead to the 'Loss of an Asset of Community Value' and a building that is a landmark in this area. Loss of this valuable asset will have a profound impact on both the employees and customers in a Ward where such amenities are already limited.
- The development would have a detrimental impact on the amenity and quality of residents' wellbeing including those that might live on the new development if it were to go ahead.
- Further damage to the visual amenity will be its impact on the Listed Holy Cross Church and its ancient frontage. Conservation issues are raised.
- The land has considerable differences in gradient which would further impact the amenity and street scene, it will also affect the wellbeing of residents of Beech Gardens whose gardens and homes will directly face the proposed dwellings.
- Concerns raised by the Arboricultural Officer and loss of biodiversity will be evident.
(13.10.2022)

Severn Trent Water- No objections to the proposals subject to the inclusion of the following condition: The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. (13.10.2022)

SCC Flood Risk Team- Confirmed they have no comments to make on this application. (15.09.2022)

SCC Highways- Updated- At the fortnightly Highway Surgery meeting the Highway authority has advised that they have no objections to the proposal subject to the provision of the external parking areas prior to the first occupation and that they would confirm this in writing. At the time of writing this report no

written confirmation of the Highway Authority's stance has been received. However, Planning Committee will be advised of the full written response of the Highway Authority by way of a supplemental.

Updated- Queries raised regarding the updated parking layout, specifically clarification of the number of spaces allocated to the Greyhound and the positioning of spaces in relation to the houses which they serve. Query also raised regarding the provision of disabled spaces. (29.12.2022)

Initial- Request for further information in relation to parking provision (09.10.2022)

LDC Conservation and Urban Design Team - No objections raised. The application is for the regularisation of the works that have been carried out on site.

The properties have been constructed not in accordance with the previously approved scheme in order to gain an additional floor onto the properties. Whilst in general the properties have retained the form of the previously approved scheme, the amendments have affected the fenestration to the front elevation and added rooflights to the front roof slopes of the properties. The site levels have also been altered within the site based upon the previously approved scheme.

It is felt that the proposed changes have watered down the quality of the development in terms of the form and scale of the dwellings. However, these changes will not have a detrimental impact upon the setting of any designated heritage assets, over and above the impact of the previously approved scheme. (06.10.2022)

LDC Ecology Team - No objections subject to conditions. Having reviewed this application, the submitted documents, and consulted the Staffordshire Ecological Record, the Ecology Team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats.

Under policy NR3 of the adopted Lichfield District Council Local Plan, a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of onsite habitat improvement works or the creation/planting of new habitats or features i.e., additional tree or hedgerow planting, bird boxes, bat boxes, bee bricks etc.

Once incorporated into the development scheme such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of the National Planning Policy Framework 2019. (17.10.2022)

LDC Environmental Health Team - No objections subject to conditions. Comments in regards 19/01317/FUL and the need for consideration of noise still apply. Note, the comment for 19/01317/FUL raised concern regarding the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings, and recommended that the previous pre-commencement condition recommended for 13/0050/OUT (requiring submission of a scheme of noise protection for the proposed dwellings from The Greyhound Inn) be applied to any planning permission. (13.10.2022)

LDC Tree Officer - The design and access statement references an arboricultural report for the site. However, at the time of making the comments, such a report was not available. Further comments may be made once arboricultural detail becomes available. (16.09.2022)

Waste Management - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling sack. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying.

Where the roads are unadopted/there are private drives consideration may need to be given for the provision of a bin collection point. A bin collection point can be a simple paved areas but must be sufficient to accommodate 3 x 240l bins and 1 x recycling sack for each property served by the private

drive. It must be adjacent to the highway and must be designed to prevent it's use as an extra car parking space. The inclusion of a bin collection point is noted. (14.09.2022)

No responses were received from Staffordshire County Council (School Organisation), Central Networks, South Staffs Water, Staffordshire County Council (Flood Risk Officer), Staffordshire Police Architectural Liaison Officer, Housing Manager LDC.

LETTERS OF REPRESENTATION

No letters of representation have been received in relation to this application.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

19-864 111-A Location Plan dated as received 12 September 2022
19-864-541- C Proposed Street Scenes and Tracking dated as received 25 November 2022
19-864- 241-R Proposed layout dated as received 19 January 2023
19-864 242 Plots 1-3 layout and elevations dated as received 26 August 2022
19-864 242 Plots 4-5 layout and elevations dated as received 26 August 2022
19-864 243 Plots 6-9 layout and elevations dated as received 26 August 2022
19-864 248 A Site Layout with Overlay of Approved Scheme dated as received 16 November 2022
5437-01 Topographical Survey dated as received 16 November 2022
CS210316-110 Vehicle Tracking dated as received 17 November 2022

OBSERVATIONS

Site and Location

The application site is located on the eastern side of Upper St John Street in Lichfield. It is immediately adjacent to the Greyhound Inn (an Asset of Community Value), with the toilet block and servicing area to the public house sitting adjacent to the red line boundary for this application. Adjacent land uses include residential dwellings to the east, north-east, west and south on Greenwood Drive, Beech Gardens and Upper St John Street; and buildings associated with the army cadet centre immediately adjacent to the northern boundary. The land to the rear (east) of the site has a land level approximately 3m higher than the Greyhound Inn and the frontage of Upper St Johns Street. The 8 No. dwellings which are the subject of this application have been completed, and garden areas provided. The access and parking areas remain uncomplete, although double yellow lines were provided across the frontage of the site to Upper St John Street in January 2023.

The site is within walking distance of the Lichfield City train station and bus station on Birmingham Road as well as services and amenities in the city centre. The Grade II listed Holy Cross Presbytery church is located c. 50m to the south west of the application site on the opposite side of Upper St John Street. The site is located within the 0-15km zone of influence of Cannock Chase Special Area of Conservation (SAC).

There are no trees located within the site. There is a blanket Tree Preservation Order which covers an area adjacent to the north-eastern boundary of the site (ref 1964/18004/TPO).

An Ariel photograph of the site is shown below, with the red line broadly indicating the application site. It should be noted that the ariel photograph does not show the 8 No houses which have now been completed.



Background

The site has a lengthy planning history. Outline planning permission was refused (13/00505/OUT) and granted on appeal in March 2014 (ref 13/00014/REF) for the erection of 8no. dwellings comprising 3no. 3 bed dwellings and 5no. 2/3 bed dwellings. Matters for consideration at the outline stage related to scale, siting (layout) and access, with all other matters reserved. The appeal was lodged against the Council's reason for refusal in 13/00505/OUT which is set out as follows:

"The development would have a detrimental impact on highway safety due to the position of the access on a busy road and inadequate on-site parking to serve the development. It is there considered that the development is contrary to Policies DC1 and T4 of the Lichfield District Local Plan (1998) (Saved Policies), Policies BE1 and ST2 of the Lichfield District Local Plan Strategy and government guidance contained within the National Planning Policy Framework".

Within their decision at paragraph 8, the Inspector noted that cars would be able to enter and leave the site in forward gear and the proposed means of access would represent a substantial enhancement in comparison to the current parking arrangements. The Inspector was also of the opinion that pedestrian safety would not be impaired as a result of the scheme at paragraph 9. The Inspector noted that the Council raised no objection in relation to the layout or scale of the development and considered that the layout, height and scale of the proposed development was appropriate in its context.

The reserved matters application sought planning consent for the outstanding matters of appearance and landscaping (planning reference 17/00307/REM), however the consent was not implemented and has since lapsed.

Subsequently, an application for the erection of 8no. 3 bed dwellings was validated in 2019 and approved in October 2020 (planning reference 19/01317/FUL). The approved plans appeared very similar to those which formed part of the previous application 13/00505/OUT, where no concerns were highlighted with respect to the layout or scale of development, although it is noted that 5no of the dwellings were proposed as 2/3 bed rather than 3 bed. Details required by conditions were discharged under 19/01317/DISCH and 19/01317/DISCH1.

Construction at the site commenced in 2021 and in 2022 the Council identified that the proposals had not been built in accordance with planning permission 19/01317/FUL. The current application was submitted in order to seek to regularise the development. The differences between the current proposal and extant permission are highlighted in the following section.

It should be noted that in the interim period an application for the erection of 8no. dwellings and associated works (planning reference 21/00448/FUL) was refused due to its scale, layout and design and unacceptable parking layout.

There is a linked application for the retention of the Public House with single storey extension to rear and first floor side/ rear extension and alterations to form 3 No. first and second floor apartments (reference 22/00072/COU) which is also included on this agenda and should be read alongside this report.

Proposals

This application seeks permission for the retention of 8 no dwellings and associated works. Access is provided from Upper St John Street and would lead to an internal parking courtyard containing no.9 car parking spaces. The same access also provides access to the public house parking and servicing/ bins area to the rear of the building. In constructing the dwelling houses, the ground within the site were excavated and levelled, reducing the ground level by c. 2m compared to the original. A 2.1m high retaining wall is provided along the eastern boundary of the site.

All 8 No. dwellings provide accommodation over three floors, with plots 1-5, the dwellings within the rear of the site containing a bedroom and en suite bathroom within the roof. The dwellings have all been completed with brick elevations and a gable tiled roof over. Plot 4 is the only dwelling to benefit from a garage to the side. Gardens are provided and have been turfed and all boundary fences to the rear, which comprise of 2m high close boards fencing have been provided. It is noted that some of the gardens are tiered in accordance with the ground levels, but all plots also include a paved patio area.

Architectural detailing is provided on the front elevation of all plots including lintels, bay windows and front door canopies and chimneys are included on the dwellings which face the street scene.

As this is an application to regularise the 8no. dwellings have already been constructed and are mostly fitted out. The site has been levelled and garden boundary treatments have been installed, although some boundaries would be modified to reflect the submitted plans. The parking arrangement is yet to be set out.

The main differences between the extant permission 19/01317/FUL and this planning application are summarised as:

- Change to the layout of the scheme with plots 1-3 and plots 4-5 provided c.1m further to the east within the site than the previously approved (see 19-864 248 A Site Layout with Overlay of Approved Scheme);
- Change in topography of the site which is now levelled rather than graded;
- Increase in ridge height of all dwellings,
- Addition of a bathroom into the loft spaces of plots 1-5;
- Removal of the garden terrace from plots 6-8 and alteration to fenestration in the rear elevations;
- Removal of 1no. garage from plot 1;
- Adjustments to the parking arrangements, although the overall number of spaces provided remains the same, there would be 1no. less space provided due to the loss of the plot 1 garage;
- Adjustments to the positions of the boundary lines of the individual plots.

An overall site plan has also been provided to demonstrate how the proposals relate to the proposed redevelopment of The Greyhound Public House building in the adjacent site, which is under the same ownership. The overall site plan is shown below:



Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area (including Heritage Assets)
3. Residential Amenity
4. Access and Highway Safety
5. Drainage
6. Ecology
7. Trees
8. Other Issues
9. CIL / Planning Obligations
10. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 1.2 The Five-Year Housing Land Supply 2021 for Lichfield shows that in August 2021 the District Council could demonstrate a 13.4 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies are considered up to date.
- 1.3 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.

- 1.4 Core Policy 1 of the Lichfield District Local Plan Strategy states that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, and that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Core Policy 3 states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 1.5 Core Policy 6 sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District will seek to provide 50% of housing on previously developed land. Housing development will be focused upon key urban and rural settlements of which Lichfield City is one. Policy Lichfield 4 outlines that 38% of the District's housing growth to 2029 will take place in and around Lichfield City, with around 46% of this being located within the urban areas.
- 1.6 Policy H1 sets out that there is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 1.7 Policy CP4 of the Local Plan Strategy confirms that the District Council will seek to protect, and where appropriate improve services and facilities that provide a key function in the operation of existing communities. Development proposals leading to the loss of a key facility from a settlement, will not be supported unless a replacement facility of improved quality, accessibility and size is provided for the community in a sustainable location.

Assessment

- 1.8 The development would provide 8 No. dwellings on previously developed land within the sustainable settlement of Lichfield. The 'principle' of development of the site with 8 dwellings would comply with Local Plan Strategy Policies CP1, CP3, CP6 and the housing mix, where houses are provided with 2/ 3 bedrooms would be in compliance with policy H1. This position is consistent with the previous appeal and planning permissions on the site, and therefore the principle of the development is acceptable. Other material considerations are assessed in detail below.
2. Design and Impact upon the Character and Appearance of the Surrounding Area (including Heritage Assets)
 - 2.1 The NPPF (Section 12) advises that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*" and that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".
 - 2.2 The National Planning Practice Guidance has recently been amended to state that, "*the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented*". In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
 - 2.3 In this respect it is noted that the nearest heritage asset to the application site is the Grade II listed Church of Holy Cross which is located to the South of the site on the Western side of Upper St John Street at the junction with Chapel Lane. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal also engages the relevant parts of Policies BE1, CP3 and CP14 of the Local Plan Strategy; Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF.

- 2.4 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should protect and enhance the character and distinctiveness of the District and be of a scale and nature appropriate to its locality. New development should carefully respect the character of the surrounding area.
- 2.5 Core Policy 14 'Built and Historic Environment' sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2 'Heritage Assets' of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.
- 2.6 Section 16 of the NPPF provides policies in relation to heritage assets, which begins by setting out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. The following paragraphs of section 16 go on to identify how the conservation of such assets should be achieved.
- 2.7 The National Model Design Code advises that, *"In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings"*. The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.

Assessment

- 2.8 Upper John Street comprises a number of traditional style brick terraced properties, which directly front onto and adjoin the pedestrian footpath and originate from the late 19th century. Newer terraced properties are located on the opposite side of Upper St John Street from The Greyhound Inn. The Grade II listed Holy Cross Presbytery church is located c. 50m to the south west of the application site on the opposite side of Upper St John Street.
- 2.9 One of the reasons that the scheme was called in was a concern that the *"design dominates the skyline and streetscene"*. Additionally, the Parish comments raised concerns related to the *"over-intensification of the site, poor scaling and massing of dwellings"*. Also, related to the damage to visual amenity and impact on the listed Holy Cross church.
- 2.10 The Conservation Officer was consulted as part of the planning process and highlighted that the amendments have affected the fenestration to the front elevation and added rooflights; and that the changes have watered down the quality of the development in terms of form and scale. The Conservation Officer raised no objection to the proposal however and advised that the changes do not have a detrimental impact upon the setting of any designated heritage assets, over and above the impact of the previously approved scheme where it was considered that there would be no harm caused.
- 2.11 The scheme adopts a similar design of dwellings to the surroundings, with gable roof form and detailing such as windows lintels, that are in keeping with the Upper St Johns streetscene. Although plots 6-8 have a higher ridge height than the adjoining building, there is variation in ridgelines along the main road, despite the terracing of properties. The general design and massing of plots 6-8 is considered consistent with the existing street scene. To the rear of the site, plots 4-5 are visible through the new access and the gable end of plots 1-3 are visible above

the single storey component of The Greyhound Inn, as was the case in the previous consents. It is noted that the external materials for all plots are in accordance with those previously approved under 19/01317/DISCH.

- 2.12 The extant planning permission 19/01317/FUL is a material planning consideration. It is noted that the scheme has some key design changes compared to 19/01317/FUL, including minor adjustments to the layout, alteration of the ground levels, increase in the ridge heights of the development (taking into account ground level differences) and other matters described above. Furthermore, planning decision 21/00448/FUL is also a material consideration in the assessment of the current proposals as a refusal was issued due to the scale, layout and design and unacceptable parking layout of an alternative scheme. This scheme included properties with a larger footprint, which then raised implications on the external areas in particular of the development. The garden sizes were reduced further from previous consents and the parking layout failed to work- with tracking drawings showing that manoeuvring around the site was impossible.
- 2.13 This application seeks to regularise the existing development and the proposed changes are considered to be minor in overall nature and have not reduced the quality of the scheme in comparison to the extant consents to the extent where a refusal could be sustained. Concerns have been raised regarding bin storage. Further to a site visit it is evident that bins can be stored within each plot, which benefits from external access from the parking courtyard to the private amenity areas. The applicant has confirmed that bins would be presented to the side of the Greyhound Inn on collection day, as set out in previous proposals. This situation is considered to be acceptable and given the introduction of double yellow lines to the frontage of the site which prohibit parking will allow appropriate bin collection from Upper St John Street.
- 2.14 Following the receipt of the professional Design advice from the Conservation Officer and on the basis of previous consents it would be unreasonable to suggest that the scheme of development would be unacceptable on design, character and appearance or heritage related grounds. The refused scheme, which proposed larger dwellings has also been given consideration in the assessment of the proposals. On the whole, the development proposal is considered to be in accordance with the requirements of the Development Plan and NPPF in this regard.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters. It sets out numerical guidance that requires:
- At least 21m between dwellings where primary principal habitable windows face each other for the purposes of protecting privacy;
 - At least 6m between a primary principal habitable room window and private neighbouring residential amenity space except where no overlooking is demonstrated; and
 - 13m where one dwelling faces the two-storey side of a neighbouring property and which is a blank elevation (i.e. no windows) to avoid overbearing impact; and

- A minimum of 10m length private amenity space and 65 square metres for dwellings with 3-4 bedrooms.

3.3 National space standards set out requirements for internal space within new dwellings, this document sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

3.4 The concerns of the City Council are noted with respect to the potential impact on the amenity of neighbouring residents. The Environmental Health department was also consulted about the proposals and reiterated the comments previously provided for 19/01317/FUL, i.e. that there are concerns related to the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings, and a pre-commencement condition would be required for submission of a scheme of noise protection for the proposed dwellings from The Greyhound Inn.

Assessment

3.5 In terms of the impact on privacy of habitable rooms of neighbouring dwellings, the dwellings in plots 1-3 and 4-5 are orientated such that they do not directly face any existing neighbouring dwellings and there would be no loss of privacy to habitable rooms. Plots 6-8 face directly towards properties on the west of Upper St John Street and there is only 19.3m separation distance such that the SPD 21m standard is not met. Also, the proposed layout shows that there is only 15m between the front elevations of the plot 2-3 dwellings and those in plots 4-5.

3.6 In terms of the impact on privacy of neighbouring private amenity space, all plots meet the 6m separation distance as set out in the Sustainable Design SPD. With respect to the impact on neighbouring outlook, there would be 19m between the plot 6-8 dwellings and existing houses on the opposite side of Upper St John Street i.e. exceeding the required 13m. There are no directly facing dwellings on the eastern, northern or southern site boundaries. Within the site the standard related to outlook would be met in all cases.

3.7 The internal layout of the dwellings generally accords with the Technical Housing Standards (National Described Space Standard). It is noted that plots 1-5, located within the rear of the site, include a room at first floor which would fail to meet with the space standard for a single bedroom. The standard is 7.5 sqm, whilst the rear facing room would achieve a space of 6.9 sqm. This room cannot therefore be considered as a bedroom in planning terms, notwithstanding this it is noted that the room would adequately provide for a study or storage room.

3.8 The dimensions of private amenity space for each of the dwellings is set out in the Table below.

| Plot | No. of bedrooms | Length | Area | Area required in SPD |
|------|-----------------|--------------|--------------------|----------------------|
| 1 | 2 | 7.1m | 38.9m ² | 45 sq m |
| 2 | 2 | 7.1m | 33.3m ² | 45 sq m |
| 3 | 2 | 7.1m | 55.9m ² | 45 sq m |
| 4 | 2 | 10.9m | 82.3m ² | 45 sq m |
| 5 | 2 | 11.4m | 84.4m ² | 45 sq m |
| 6 | 3 | 6.1m | 36.1m ² | 65 sq m |
| 7 | 3 | 6.5 to 8.9m | 38.7m ² | 65 sq m |
| 8 | 3 | 9.6 to 12.3m | 52.0m ² | 65 sq m |

3.9 Whilst the shortfalls in private amenity space on some plots are noted, each dwelling benefits from a private area which includes turfed garden and patio areas. There is ample room for outdoor activities including sitting outside in privacy and drying clothes etc. On balance, whilst the shortfall in outdoor space in some of the plots is not ideal, it is not considered that a refusal

could be sustained given the previous planning consents and appeal decision. Previous consents and the appeal scheme which are very similar in layout provided acceptance for dwellings with small outdoor private amenity areas.

3.10 With respect to daylight and sunlight, the Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of light to habitable rooms of neighbouring dwellings. This includes the 45- and 25-degree guidelines to assess the impact on light. The 45-degree guideline is used to assess the impact of development adjacent to existing properties whereas the 25-degree guideline is used to assess the impact of development opposite. The scheme is in compliance with the 45-degree standard and therefore in daylight and sunlight terms the scheme is acceptable.

3.11 The Environmental Health department was also consulted about the proposals and reiterated the comments previously provided for 19/01317/FUL, i.e. that there are concerns related to the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings, and a pre-commencement condition would be required for submission of a scheme of noise protection for the proposed dwellings from The Greyhound Inn. The Officer's report for 19/01317/FUL stated that:

"The Environmental Health Officer originally expressed concern regarding the impact of The Greyhound Inn and its associated extraction system on the proposed new dwellings. Whilst noted, it is considered that the impact will be minimal; Upper St John Street is a predominantly residential area with terraced properties abutting the public house on either side. Furthermore, a condition was not requested with the previous application when it was allowed on appeal".

3.12 It is accepted that this issue did not preclude the granting of planning permission by appeal APP/K3415/A/13/2206361 and therefore it is unlikely that a refusal could be sustained on this basis. Furthermore, it should be noted that a condition is recommended on the application to extend the public house (planning ref 22/00072/COU) to ensure that details of any external extraction, air conditioning units or any other plant equipment are provided for assessment by the Council prior to any installation to safeguard the amenities of neighbouring occupiers.

3.13 On balance, whilst the scheme does not consistently meet the private amenity space guidelines, it would not be worse than the situation previously permitted and in some cases would represent an improvement as larger gardens are provided on three of the plots. The impact of the noise from The Greyhound Inn on the occupants of the scheme would not be materially different to that previously approved, and proposed condition 11 of 22/00072/COU would ensure appropriate control over future installation of any external plant or equipment. The scheme would be acceptable in relation to the residential amenity and would accord with policy BE1, CP3 and the Sustainable Design SPD. Nonetheless, given the small amenity areas for plots it is considered necessary to remove the permitted development rights for all dwellings to prevent any extensions or buildings being erected without planning permission and a condition is proposed .

4. Access and Highway Safety

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

- 4.2 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off street car parking standards are defined within Appendix D of the Sustainable Design SPD.
- 4.3 The following reasons for call-in and the concerns from the Parish are noted:
- Vehicle turning, access and egress and likely additional on street parking
 - Sloping access and hard standing parking (garage loss) will lead to more run off onto what is already a slippery footpath in the winter – need porous maintainable materials;
 - The provision for parking is inadequate for the number of proposed units and spaces appear too narrow.
 - Inadequate provision for vehicle turning on site for safe exit/parking.
 - Likely addition of more parking along Upper St Johns Street impacting existing residents.
 - Highways issues are noted with regard to capacity, safety and visibility. The proposed development will compromise this well used footpath serving commuters and residents using the City Rail Station, Bus Station and City centre facilities, along with the many school children and other footpath users of the City. Vehicles accessing the proposed site will be regularly driving over the footpath here adding to safety concerns.
 - Potential adverse impact on the planned cycle way included in the Lichfield City Plan from Cricket Lane to St John Street.

Assessment

- 4.4 Staffordshire County Highways was consulted on the planning application and raised no objection to the proposals. Whilst 2no. parking spaces would ordinarily be required for 3-4 bed dwellings it was agreed that one parking space per house would be sufficient on the basis of the sustainable location of the site which is within walking distance to a number of facilities in the City centre and surrounds. It is noted that plot 5 benefits from a parking space and a garage. A condition is recommended to ensure that the parking and garage is provided prior to occupation and retained for the lifetime of the development.
- 4.5 Vehicle tracking has been provided that demonstrates that there is sufficient turning space within the site so that vehicles would not have to reverse out onto Upper St John Street.
- 4.6 In relation to the other points raised by consultees, the Highways authority has raised no concerns related to the potential increase in parking along Upper St Johns Street or related to the impact of the vehicle crossing on users of the footpath. Double yellow lines have recently been added to the frontage of the site along Upper St John Street which were required under previous consents. The introduction of parking restrictions serves to increase visibility and improve highway safety at the access point to the site.
- 4.7 Following the receipt of the professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highway safety or parking related grounds with no technical evidence to the contrary. The development proposal is therefore considered acceptable on highways grounds subject to conditions being applied to any planning approval to secure the relevant details. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.
5. Drainage
- 5.1 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). The application site is located within Flood Zone 1 and site area is under 1ha such that no Flood Risk Assessment is not required.

Assessment

- 5.2 Severn Trent Water was consulted on the planning application and raised no objection to the proposals, subject to any forthcoming planning permission incorporating conditions to require the submission of drainage plans and that the scheme be implemented with any approved drainage details. The scheme however is retrospective and such a condition could not be applied. Notwithstanding this, the applicant has provided evidence of the Severn Trent Water connection agreement for the scheme. The County Flood Team have also raised no objections.

6. Ecology

- 6.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *“Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”*. It further requires that all development deliver a net gain for biodiversity.

Assessment

- 6.2 The Council’s Ecology Officer was consulted as part of the planning process. The Ecology Officer advised that the proposed works would be unlikely to negatively impact upon protected or priority species or habitats. The requirement to secure a net gain was highlighted.
- 6.3 It is recommended that a condition be attached to any forthcoming planning condition to requiring the installation of bat/bird boxes in order to secure biodiversity net gains. As such it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

7. Trees

- 7.1 Policy NR4 of the Local Plan Strategy iterates that the District’s trees, woodland and hedgerows are important visual and ecological assets. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.

Assessment

- 7.2 The Tree Officer requested further arboricultural detail in relation to the scheme and it is noted that there is a blanket Tree Preservation Order adjacent to the north-eastern boundary of the site. Previous planning consent 19/01317/FUL included a planning condition that required protective fencing to be erected around the root protection area of adjacent retained trees for the duration of the construction period. No other conditions related to trees were included as part of the previous planning permission.
- 7.3 The previous planning application highlighted concerns related to the impact of development on trees during the construction phase only. The trees remain in situ and there is no further development proposed that would impact on these trees. It is assumed that the tree protection measures required under 19/01317/FUL were implemented during construction and given the retrospective nature of this planning application, it would not be necessary or reasonable to incorporate such a planning condition in this instance.

8. Other Issues

- 8.1 Bin storage was raised as an issue by consultees and an area has been incorporated within the site for this purpose.

9. CIL / Planning Obligations

- 9.1 Local Plan 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 required.
- 9.2 In this case, a payment was made in relation to 19/01317/FUL for Community Infrastructure Levy, which included a contribution towards the SAC. It is not necessary to duplicate this payment as appropriate mitigation has already been secured.

10. Human Rights

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

Conclusion

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

The objections raised through the consultation process are noted and have been addressed in the above report. It is considered that the proposal constitutes an appropriate form of development in this location and is broadly in accordance with previous proposals for development permitted at the site. The proposal would not detrimentally impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The Waste Management, Ecology, County Highways, and Environmental Health teams, as well as Severn Trent, have been consulted and have raised no objections to the scheme. No technical issues have been raised which cannot be addressed by suitably worded conditions.

In respect of the above, the proposal constitutes a sustainable form of development that enables further housing to an important settlement within the district; whilst complying with the relevant policies contained within the Local Plan Strategy and the relevant policies within the NPPF.

Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

Appendix 2

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (6 March 2023)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

Page 3 **TPO 2022/00472/TPO**
Vine Cottage, Church Road, Shenstone, Lichfield, WS14 0NG

Additional Options

At 'Alternative Options' within the report, point 2 was omitted. This should read 2. The Committee may choose to confirm the Tree Preservation Order with modifications.

Page 16 **21/01956/OUTFLM - Full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating the 169 dwellings (phase 2A) approved and built under 19/00478/REMM).**
Land South Of, Shortbutts Lane, Lichfield, Staffordshire

Amended Condition

If members were minded to delegate authority it is noted that there is a typo in condition 42 which relates to 1m standoff to Phase 2E when in fact it should be Phase 2C

The condition 42 is reworded for clarity as follows:

Condition 42

Prior to the occupation of any dwelling facing the north eastern boundary with London Road (within Phase 2c), The applicant shall provide details of the 1m stand off/maintenance boundary (including height) which shall be submitted to and approved by the Local Planning Authority. This stand off maintenance boundary shall be implemented prior to the occupation of the dwellings hereby permitted and shall be retained thereafter.

The reason for the condition shall remain as set out in the Planning Committee Report.

Additional Representations Received

Further comments had been received from the South Lichfield Alliance representing local residents with a suggested condition regarding the location and extent of the built form and a 15m distance from the boundary of properties in London Road along with the maintenance stand off. Officers have considered this and find the stand off can be conditioned effectively (as noted above) however further restriction in terms of the built form and distance from the boundary would fail to meet the tests for conditions as outline in paragraph 55 of the NPPF.

ie: Necessary
Relevant to planning
Relevant to the development to be permitted
Enforceable
Precise and
Reasonable in all other respects

Here the distance separations far exceed the minimum distance separations to ensure amenity levels are maintained and it would not be considered reasonable to impose further restrictions in this regard. It may be a case that an agreement /covenant is place on the development by the developer in lieu of this outside of this planning application process.

The applicant has requested their legal opinions regarding the density and the concerns over design be published and are now available to view on the website.

Page 147 **22/00072/COU - Retention of Public House with single storey extension to rear and first floor side/ rear extension and alterations to form 3 No. first and second floor apartments.
The Greyhound Inn, 121 Upper St John Street, Lichfield, Staffordshire**

Additional Consultation responses

A final consultation response has been received from the County Highway Authority on 23 February 2023. The response confirms no objections are raised subject to a condition requiring the car parking, access and servicing areas to be provided within a month of the consent being granted.

Additional / Further Observations

It should be noted that works have not yet commenced on this proposal. As such, the requirement to complete the parking, turning and access within one month of the date of the decision being issued would be considered as unreasonable. Recommended condition 6 in the Committee report secures the parking, access and turning areas prior to either the first occupation of the dwellings or the first use of the extended public house hereby granted permission whichever is the earlier. This condition is considered to adequately secure the highway requirements for the site.

Consequently, there are no updates to the recommendation set out in the Planning Committee report.

Page 167 **22/01282/FUL - Retention of 8 no dwellings and associated works
Land Adj 121, Upper St John Street, Lichfield, Staffordshire**

Additional Consultation responses

A final consultation response has been received from the County Highway Authority on 23 February 2023. The response confirms no objections are raised subject to a condition requiring the car parking, access and servicing areas to be provided within a month of the consent being granted.

Additional / Further Observations

This is a retrospective application where the dwellings have been completed. Whilst the requirement for the parking, turning and access areas to be provided within one month of the date of decision is noted, the Officer recommendation includes two conditions (No's 2 and 3) which require these elements to be provided prior to the first occupation of any of the dwellings.

It is considered that the recommended wording of these conditions is reasonable in this case and sufficient to secure the parking, turning and access at the appropriate time. There are no updates to the recommendation set out in the Planning Committee report.

Page 186 **19/01015/OUTM – Outline application for the erection of up to 200 residential dwellings for Phase 2 of the Streethay Strategic Development Allocation (site reference LC1) including green infrastructure, footpaths, open space, children's play area, surface and foul water drainage including attenuation pond, and other ancillary infrastructure and works. All matters reserved except access.**
Land At Streethay, Burton Road, Streethay, Lichfield

Amended Plans

The location plan has been amended to reflect the altered arrangement into the existing development

Plan reference: P22 1437 002 DE B 01 Dated 1.3.23

This should be reflected in the submitted plans referred to within the 'report back report'

P22 1437- 002 DE B 01 - Location Plan
P22 – 1817- EN_07_C_01 LMP - Illustrative Masterplan
WIE12822-SA-03-001-A05 - Site Access

Amended Condition

It is recommended that Condition 13 is amended to reflect the updated ecology walkover survey, note and updated biodiversity net gain submitted as follows:

No development shall take place until a Construction Environmental Management Plan and Habitat Management Plan (HMP) has been submitted to and approved by the Local Planning Authority. The HMP shall detail, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 3.99 Biological Units (which equates to 24.54%) This should be supported by an updated biodiversity metric for the site.

Information submitted within the HMP should expand upon the information 'fcpr' Ecology Letter, dated 20th July 2022 and 'fcpr' BIA Technical Note 16th September 2022 and must detail.

- 1. 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)**
- 2. 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.**
- 3. Details of both species composition and abundance (% within seed mix etc....) where planting is to occur.**
- 4. Proposed management prescriptions for all habitats for a period of no less than 25 years.**
- 5. Assurances of achievability.**
- 6. Timetable of delivery for all habitats.**
- 7. A timetable of future ecological monitoring for which reports should be submitted to the LPA every 5 years, to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended**

Appendix 3

Reason: In order that the LPA can assess the likelihood of any proposed habitat to deliver biological enhancements as part of the development, and that the creation works being successful in achieving both desired habitat type and condition in accordance with the requirements of Core Policies 3 and 13 and Policies BE1, ST2, NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

Page 239 **22/01680/FUL – Demolition of existing bungalow and erection of replacement with one bungalow and one dormer bungalow**
15 Beecroft Avenue, Lichfield, Staffordshire, WS13 7EZ

Additional Representations

A further response has been received from a neighbouring occupier following publication of the Planning Committee Report. Objections raised have been summarised as following:

- Concerns regarding the future enforcement of landscaping condition relating to the hedgerow at the frontage of the site.
- Parking provision and highway impact
- Impact on retaining wall between the application site and No. 17 Beecroft
- The Re-siting of lamppost

Observations

In terms of future landscaping of the site, condition 12 requires the hedging at the front to be maintained at a maximum height of 600mm to ensure appropriate visibility splays are maintained from the new driveways. This condition is considered to be enforceable by the Local Planning Authority.

The concerns raised regarding parking provision are noted, however the scheme is in accordance with the requirement set out in the Sustainable Design SPD which requires the provision of a maximum of 2 spaces for 3 to 4 bedroom dwellings.

The proposals do not include the loss of a retaining wall along the boundary with No.17 Beecroft, and it is noted that the physical impacts of the development on this structure will be addressed through the necessary Building Regulations application and the Party Wall Act.

Condition No.8 ensures that the existing lamppost is relocated prior to the first occupation of the development, to ensure that the new driveways can be accessed. The specific positioning of the relocated lamppost would not be a planning matter. The lamppost is located within the highway, which is maintained by Staffordshire Council. A highways work agreement would be required from the highway authority for these works.

Notwithstanding the further representations received, there are no updates to the recommendation set out in the Planning Committee report.

PLANNING COMMITTEE

6 MARCH 2023

PRESENT:

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

46 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Powell.

47 DECLARATIONS OF INTEREST

Councillor Baker declared a non-pecuniary interest in application nos. 22/00072/COU and 22/01282/FUL as Ward Councillor speaking in objection to these applications. She did not participate in the debate or the vote and left the room.

Councillor Checkland declared a non-pecuniary interest in application no. 21/01956/OUTFLM as due to comments made, he would be approaching a decision with a 'closed mind' and pre-determined. He did not participate in the debate and left the room.

Councillor Cross declared a personal interest in application no. 19/01015/OUTM as he is a Fradley & Streethay Parish Councillor but advised he was not aware of this application.

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

Councillor Salter declared that he was Chairman of Shenstone Parish Council but advised he was not aware of the TPO application no. 2022/00472/TPO Vine Cottage, Church Road, Shenstone.

48 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 27 February 2023 previously circulated were taken as read, approved as a correct record and signed by the Chair.

49 TREE PRESERVATION ORDER NO. 2022/00472/TPO VINE COTTAGE, CHURCH ROAD, SHENSTONE, LICHFIELD, WS14 0NG

Confirmation of Tree Preservation Order no. 2022/00472/TPO at Vine Cottage, Church Road, Shenstone, Lichfield, WS14 0NG

RESOLVED: Tree Preservation Order confirmed without modification.

50 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Chief Executive and any letters of representation and petitions of observations/representations received together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 21/01956/OUTFLM, 22/00072/COU, 22/01282/FUL, 19/01015/OUTM and 22/01680/FUL

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

Land South of Shortbutts Lane, Lichfield, Staffordshire
FOR: Persimmon Homes West Midlands

Members debated the proposal and Officers responded to comments and comments raised.

RESOLVED:- That this planning application be approved subject to conditions contained in the report of the Chief Executive; and with additional conditions regarding ecology of the site towards Marsh Lane and protection of existing properties from the pond bund; and subject to the prior completion of s106 obligations as outlined in the Report; and that the final decision be delegated to Planning Officers to finalise and agree the final conditions and Heads of Terms for the s106 in consultation with the Chair and Vice-Chair.

(Prior to consideration of the application, representations were made by George Petrou, (Objector) (Written Representation) and Alastair Stewart of Persimmon Homes West Midlands (Applicant)).

22/00072/COU - Retention of Public House with single storey extension to rear and first floor side/ rear extension and alterations to form 3 No. first and second floor apartments.

The Greyhound Inn, 121 Upper St John Street, Lichfield, Staffordshire
FOR: Mr Bujar Cekrezi

Members debated the proposal at length and Officers responded to comments and comments raised. Members concerns included that before it closed the Pub was a live music venue; and that there were no specific noise mitigation measures proposed to protect the residential amenity of future occupiers of the flats from the noise of live music from the Pub; this in turn could lead to complaints about noise and so affect the future viability of the Pub.

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

noise scoping assessment and subsequent noise report be submitted and agreed any mitigation required to be carried out be secured ; and subject to the prior completion of a s106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC. That Officers be delegated to finalise conditions in consultation with the Chair.

(Prior to consideration of the application, representations were made by Adam Randall (CAMRA, Objector) (Written Representation) and Cllr Deb Baker (Ward Member)).

22/01282/FUL - Retention of 8 no dwellings and associated works
Land Adj 121 Upper St John Street, Lichfield, Staffordshire
FOR: Mr Bujar Cekrezi

Members debated the proposal and Officers responded to comments and comments raised.

RESOLVED:- That this planning application be deferred to allow further information regarding noise impact on the site.

(Prior to consideration of the application, representations were made by Adam Randall (CAMRA, Objector) (Written Representation) and Cllr Deb Baker (Ward Member)).

19/01015/OUTM - Outline application for the erection of up to 200 residential dwellings for Phase 2 of the Streethay Strategic Development Allocation (site reference LC1) including green infrastructure, footpaths, open space, children's play area, surface and foul water drainage including attenuation pond, and other ancillary infrastructure and works. All matters reserved except for access (AMENDED)
Land at Streethay, Burton Road, Streethay, Lichfield
FOR: Miller Homes

Officers reported a late representation on the impact that the proposed access arrangements would have on the nearby residents. Members debated the proposal and Officers responded to comments and comments raised.

RESOLVED:- That this planning application be approved subject to the conditions contained in the report of the Chief Executive, the amended condition in the supplementary report and the prior completion of a Section 106 Agreement

1. To secure the following contributions/planning obligations:-

- i 40% Affordable Housing provision on site (80 units 65% 35% split affordable and intermediate)
- ii Provision and future maintenance of public open space including park, local equipped play area, allotments and sustainable drainage and other green infrastructure
- iii Highways Contribution of £1,172,673.40 in lieu of condition 10 of the Outline approval 12/00746/OUTMEI
- iv Scheme for highways improvements around Cappers Lane Eastern Avenue and A5127 - £312,712.00
- v Education contribution for Primary School provision

- vi Travel Plan fee £2,407.00
- vii Contribution for Mitigation of Cannock Chase SAC unilateral/S106 of £58,116.00
- viii Fees for Monitoring and Management of legal agreement £2500.00

2. If the S106 legal agreement is not signed/completed by 6th May 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.

(Prior to consideration of the application, representations were made by Helen Dawkins (Miller Homes) (Applicant)).

22/01680/FUL - Demolition of existing bungalow and erection of replacement with one bungalow and one dormer bungalow
15 Beecroft Avenue, Lichfield, Staffordshire, WS13 7EZ
FOR: Mr Sundip Hopal

Members debated the proposal and Officers responded to comments and comments raised.

A Resolution to refuse the Application on the grounds of poor design as the development was cramped on one part of the site, and insufficient biodiversity net gain was lost.

RESOLVED:- That this planning application be approved subject to conditions contained in the report of the Chief Executive and subject to the prior completion of a s106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC.

(Prior to consideration of the application, representations were made by Cllr Joanne Grange (Ward Member) and Alan McBeth of McBethdesign Ltd (Applicant's Agent)).

(The Meeting closed at 10.00 pm)

CHAIR

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