

# Public Document Pack

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Friday, 17 November 2023

Dear Sir/Madam

## **PLANNING COMMITTEE**

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

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

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), Checkland (Vice-Chair), Anketell, Ashton, Evans, Galvin, Harvey-Coggins, Hughes, Powell, Rushton, Salter, Vernon and S Wilcox



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## AGENDA

1. Apologies for Absence F\_PRO
2. Declarations of Interest F\_PRO
3. Minutes of Previous Meeting F\_PRO
4. Planning Applications F\_PRO



**PLANNING COMMITTEE**

**30 OCTOBER 2023**

**PRESENT:**

Councillors Marshall (Chair), Anketell, Ashton, Evans, Galvin, Harvey-Coggins, Hughes, Powell, Rushton, Vernon and S Wilcox

**18 APOLOGIES FOR ABSENCE**

Apologies of absence were received by Cllrs Checkland and Salter.

**19 DECLARATIONS OF INTEREST**

Councillor Ashton declared a personal interest on Agenda item no.4 Application number 23/01010/COU & 23/01056/LBC as he is a ward member of Stowe.

Councillor Hughes declared a personal interest on Agenda item no.4 Application number 23/01010/COU & 23/01056/LBC as she is a ward member.

Councillor Marshal declared a personal interest on Agenda item no.4 Application number 22/00516/FUH as he is Chairman of parish council at Armitage with Handsacre.

**20 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 4<sup>th</sup> September 2023 previously circulated were taken as read, approved as a correct record and signed by the chair.

**21 PLANNING APPLICATIONS**

23/00516/FUH - Erection of single storey granny annex for ancillary use to the main dwelling.  
FOR: Mr and Mrs Kipps

RESOLVED: This item was Deferred

22/00992/COUM - Conversion of former Library building to residential apartments (21 units) together with associated demolition, alterations, ancillary structures, external site works and landscaping.  
FOR: GR8Space (Library) Limited

RESOLVED: Approved

(Prior to consideration of the Application, representations were made by Bernice Eisner (Objector) and Martin Mence (Applicant's Agent)).

23/00694/COU - Demolition of existing structures, conversion of barn to a dwelling house (use class C3) and erection of double garage.  
FOR: Mr David Shaw

RESOLVED: Approved

23/00603/FUH - Demolition of existing garage and conservatory. Erection of two storey wraparound extension.  
FOR: Mrs Pauline McHale

RESOLVED: Approved subject to conditions and an additional condition that The extension shall not be brought into use until the window shown in the side elevation has been fitted with obscure glazing to Pilkington Level 3 standard. The window shall be non-opening . The obscure glazed non opening window shall be retained as such throughout the lifetime of the development.

(Prior to consideration of the Application, representations were made by Vincent McHale (Applicant's Agent)).

23/00248/FUH - Proposed two storey extension and porch to front elevation. Minor changes to garage and driveway resurfacing.  
FOR: Mr Steve Kirwan

RESOLVED: Approved subject to conditions with an additional condition that The windows to be installed at first floor level in the front (northern) elevation of new extension, serving the master bedroom, shall only be fitted with obscure glazing to Pilkington Level 3 standard and non-opening, unless that part of the window that can be opened is no lower than 1.7m above the finished floor level of the room that it serves. Thereafter the windows shall be retained and maintained as such for the lifetime of the development.

23/01010/COU - Creation of a temporary overflow car park to provide 60 spaces, installation of 2m high wooden fence and alterations to boundary wall.  
FOR: Mrs Helen Mckenzie

RESOLVED: Approved subject to conditions

23/01056/LBC - Listed Building Consent for the creation of a temporary overflow car park to provide 60 spaces, installation of 2m high wooden fence and alterations to boundary wall.  
FOR: Mrs Helen Mckenzie

RESOLVED: Approved subject to conditions

(The Meeting closed at Time Not Specified)

CHAIRMAN

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# Agenda Item 4

## Planning Committee

27 November 2023

### Agenda Item 4

Contact Officer: Artemis Christophi

Telephone: 01543 308010

## Report of Planning Management & Transformation Consultant

### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

### FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

## **AGENDA ITEM NO. 4**

### **ITEM A**

#### **APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT**

**27 November 2023**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
18/00840/OUTMEI	Land North Of Browns Lane Tamworth	Wigginton And Hopwas
21/00545/OUTM	Maff Warehouse Burton Road Streethay Lichfield	Fradley And Streethay
23/01004/FULM	Fairfields Farm Raikes Lane Lichfield	Shenstone
23/01139/FUL	18 Eastridge Croft Shenstone Lichfield	Shenstone



# LOCATION PLAN

18/00840/OUTME1  
Land North Of Browns Lane  
Tamworth

Scale: 1:3,250

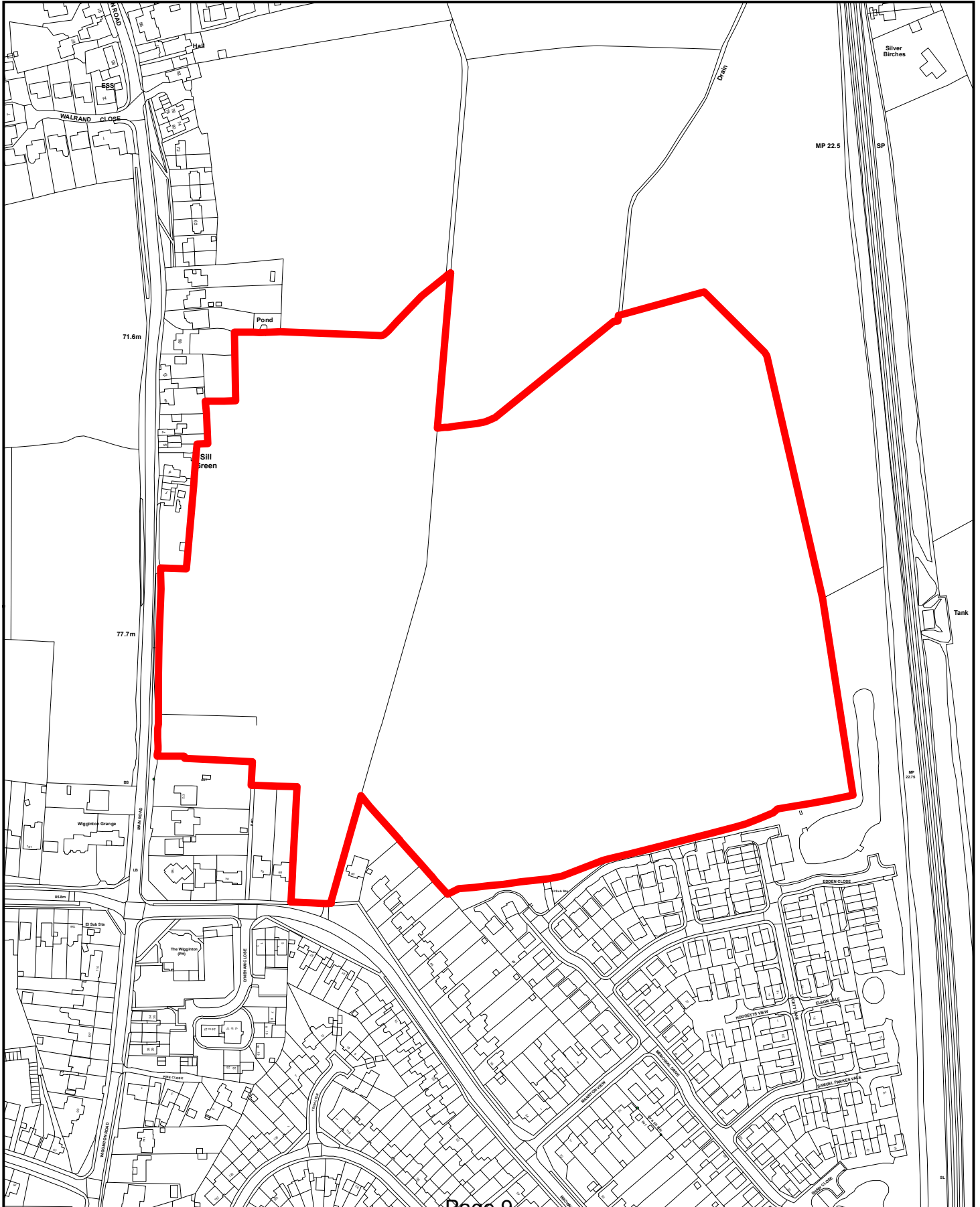
Dated: November 2023

Drawn By:

Drawing No:



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<b>Address:</b>	Land North Of Browns Lane, Tamworth, Staffordshire	
<b>Application number:</b> 18/00840/OUTMEI	<b>Case officer:</b> Kerry Challoner	
<b>Parish :</b> Wigginton And Hopwas <b>Ward:</b> Whittington And Streethay	<b>Date received:</b> 31/05/2018	
<b>Proposal:</b> Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access).		
<b>Reason for being on Agenda</b>	<p><b>Note: This outline planning application is being reported to the Planning Committee for determination due to the opinion of two or more senior officers it is considered appropriate for the Committee to determine the proposal in view of the scale of development and the issues arising. Furthermore, a planning objection has been received from the Wigginton &amp; Hopwas Parish Council.</b></p> <p><b>The objections raised by Wigginton, Hopwas and Comberford Parish Council are summarised as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Object to the development proposal on the grounds of conflict with the Neighbourhood Plan</b></li> <li>• <b>The detrimental impact on the character of the area/ inappropriate development</b></li> <li>• <b>Impacts on highway safety/ traffic impacts</b></li> <li>• <b>Disruption during construction</b></li> <li>• <b>Impact on the local landscape</b></li> </ul>	
<b>RECOMMENDATION: Refusal</b>		
<b>Applicant:</b> Summix BLT Developments Ltd	<b>Agent:</b> Summix Planning Limited	

## 1. Executive summary

- 1.1 The proposed development seeks outline consent, with all matters reserved except for access for 210 dwellings to the Northern limits of Tamworth. The application is a 'cross boundary' application, as part of the application site falls within the Tamworth Borough Council administrative area. As such it falls for both Lichfield District Council and Tamworth Borough Council to determine the application separately. Government guidance, which encourages joint working between LPAs in relation to the use of their planning powers, and in particular paragraphs 24-27 of the National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities.
- 1.2 The scheme has been amended during the course of the application, and specifically, additional information has been provided in relation to the nature of the proposals and the highways and ecology impacts. The applicant has more recently confirmed in October 2023 that the scheme would provide for 100% affordable housing.
- 1.3 The application site is a greenfield site. In principle location terms, the site is located outside of any defined settlement boundaries and is not allocated for housing development within the local plan. It is considered that there is insufficient evidence to suggest that there is a need for affordable housing of this scale in this particular location. The site is contrary to the adopted plan and that whilst weight needs to be given to the delivery of affordable housing this is not sufficient to outweigh the conflict with the adopted plan.

- 1.4 The Conservation Officer has confirmed that the proposals would detrimentally impact the rural setting of the Wiggington Conservation Area, resulting in harm.
- 1.5 Other statutory consultees have not raised any other objections which cannot be overcome by condition or financial obligation secured by an appropriate legal agreement.
- 1.6 The scheme is outside of settlement boundaries and is not allocated for development as defined in the Local Plan, and results in a harmful impact upon designated heritage assets. Whilst a number of the issues, including highway impacts and ecological concerns have been addressed, this would not overcome the conflict with the spatial strategy for new residential development set out in the local plan or the harm to heritage assets.

### Summary

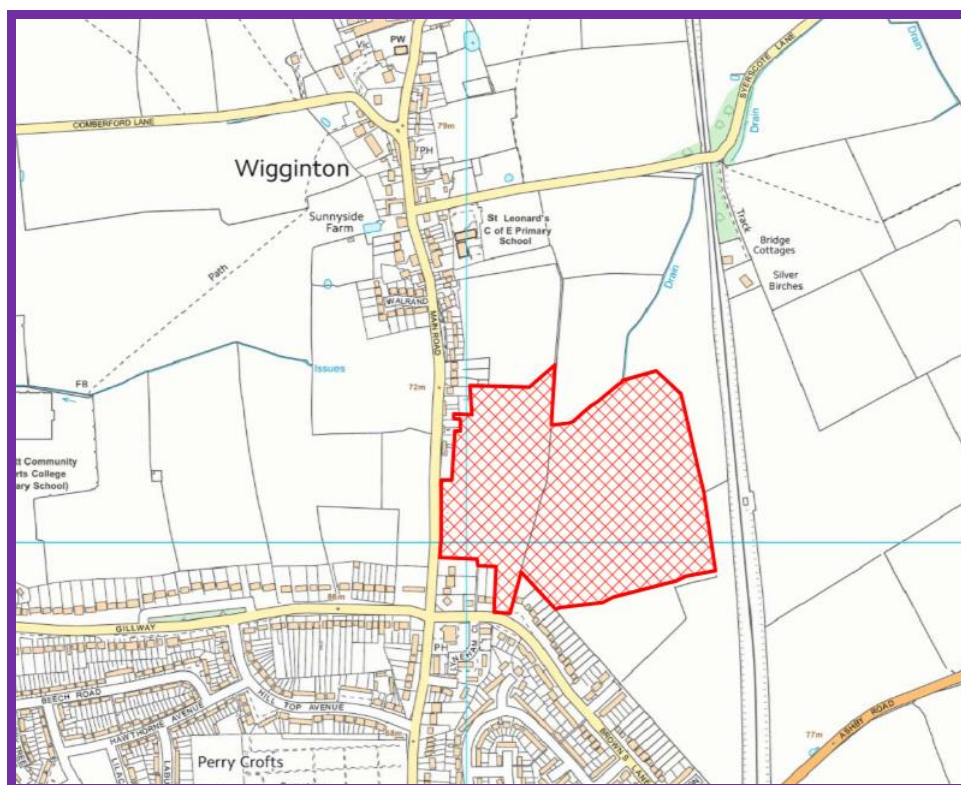
**Overall, the scheme is considered inappropriate and unacceptable and is recommended for refusal with the reasons set out in this report.**

**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 This application relates to an irregular shaped site located to the rear of properties fronting onto Browns Lane in Tamworth. The site equates to 12.89 hectares of land, 12.65 hectares of which is within the Lichfield District Council boundary. The main access to the site would be located in between No's 60 and 68 Browns Lane and lies within Tamworth Borough. The site would adjoin the boundary with an existing residential development of 175 dwellings to the South known as Chestnut Walk. To the north is open agricultural land, with Syerscote Lane beyond. To the West is Main Road, Tamworth and to the East is the Birmingham to Derby Railway line.
- 2.2 Public footpath Tamworth 21 routes through the site from North to South connecting Browns Lane to Public footpath Hopwas No.1 to the North of the site.
- 2.3 The site is situated to the north of the urban area of Tamworth and to the south of the village of Wiggington, and falls mainly within the Lichfield District administrative area. The Tamworth Borough Council District boundary runs along the rear boundary of properties fronting onto Browns Lane, meaning that part of the access falls within Tamworth Borough. The site is also largely located within the Wiggington & Hopwas Neighbourhood Plan Area.
- 2.4 The application site is situated outside of Green Belt designation and outside of any Special Area of Conservation (SAC) zones of influence. The site does not fall within any Conservation Area, does not contain any Listed Buildings, or Tree Preservation Orders. It is noted that the village of Wiggington includes a Conservation Area and a number of Listed Buildings. The site is located within Flood Zone 1.

2.5 An extract from the submitted location plan is shown below:



### 3. Planning history

3.1 **07/01160/OUTM**- Outline application for approximately 250 residential units with associated access, open space and landscaping- Refused 29.1.2008

Arkall Farm located to the east of this site

3.2 **14/00516/OUTMEI**- Phased development of up to 1000 homes, primary school, local centre, public open space, landscaping, new vehicular and pedestrian accesses, primary substation and associated infrastructure- Approved by the Secretary of State 07.06.2018

3.3 **19/00777/REMM**- Application for approval of Reserved Matters (access, scale, layout, appearance and landscaping) for provision of access, road, cycleway, and drainage infrastructure for phases 1 and 2, and open space for phase 1 in accordance with application ref 14/00516/OUTMEI (APP/K3415/V/17/3174379)- Approved, subject to conditions 03.03.2020

3.4 **20/00772/REMM**- Reserved Matters application relating to application 14/00516/OUTMEI for the provision of public open space for Phase 2 in the central area of the site including details of access, appearance, scale, layout and landscaping- Approved subject to conditions. 22.7.2021

3.5 **23/00428/FULMEI**- Application under Section 73 of the 1990 Town and Country Planning Act to vary condition 24 of permission 14/00516/OUTMEI relating to Monitor and Manage Mitigation Strategy- Under Consideration.

3.6 Various applications to discharge conditions have been submitted and approved or are under consideration in relation to planning ref: **14/00516/OUTMEI**.

## 4. Proposals

- 4.1 This application seeks outline planning permission for the erection of up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. This outline submission is with all matters reserved except access. Matters relating to appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time.
- 4.2 The proposed access would be located between No's 60 and 68 Browns Lane where there is an existing field entrance, with the indicative masterplan showing that residential development would be located broadly to the East of the site, with areas of public open space located to the West. The Planning Statement confirms that 40% of the dwellings (84 Units) would be provided as affordable housing and 5.1 hectares of public open space would be included within the development.
- 4.3 Footpath/ cycle links would run through the development and align with linkages outside of the site and children's play areas are proposed. A storm water attenuation pond which would include biodiversity and ecological enhancements would be located in the Northern area of the site.
- 4.4 The latest planning statement and sketch layout plan (Appendix D) received on 31 October 2023 sets out a mix of housing as follows:

Unit size	Number	%
1 bed	10	5%
2 Bed	87	41%
3 Bed	88	42%
4 Bed	25	12%
	210	100%

- 4.5 The application is made in outline, with an illustrative master plan showing how the resultant site could appear. The outline planning submission currently under consideration is with all matters reserved except for access. The applicants have provided a planning statement addendum in October 2023 which confirms that the proposals would provide for 100% affordable housing- as such all dwelling houses will be affordable. The submissions indicate that this would be delivered with Platform Housing Group.
- 4.6 The application is supported by a Planning Statement, Environmental Impact Statement, Ecology Surveys, Noise Assessment, Transport Assessment, Archaeological Assessment and Report, Statement of Community Involvement, Landscape and Visual Impact Assessment and drainage information.
- 4.7 The Environmental Impact Statement was updated in part between September and November 2022, in order to reflect the committed development of 1000 houses at Arkall Farm, which was allowed on appeal in July 2019, after the submission of this application in June 2018. Specifically, the Air Quality, Ecology and Transport sections were updated.



- 4.8 As part of the Planning Statement addendum received in October 2023, a sketch layout plan was provided, shown below:



## 5. Background

- 5.1 This application is a cross boundary application and as such an application has also been made to Tamworth Borough Council for the same development. The application (Ref 0241/2018) was registered on 11 June 2018 is currently under consideration by Tamworth Borough Council.
- 5.2 The application is in the vicinity of the Arkall Farm development, where outline permission for up to 1000 dwellings was approved under planning reference 14/00516/OUTMEI in the summer of 2019 (following the submission of this application). Consent was granted by the Secretary of State, which included specific conditions to secure a 'monitor and manage' mitigation strategy to monitor, and if necessary, mitigate the transport impacts of phases of the development. The phases, secured through conditions 27, 28 and 29 of the consent require various evidence, information and mitigation to be provided upon the completion/occupation of 200, 300 and 500 houses. Currently, completion records indicate that over 200 houses have been completed, but the trigger set out in the planning conditions for the occupation of 300 dwellings has not yet been met. The Arkall Farm developers have recently submitted a S73 application (planning ref 23/00428/FULMEI) to make amendments to the approved monitor and manage strategy, this application is presently under consideration.

## 6. Policy framework

### 6.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 6.2 Local Plan Strategy

Policy CP1 – The Spatial Strategy  
Policy CP2 – Presumption in Favour of Sustainable Development  
Policy CP3 – Delivering Sustainable Development  
Policy CP4 – Delivering Our Infrastructure  
Policy CP5 – Sustainable Transport  
Policy CP6 – Housing Delivery

Policy CP13 – Our Natural Resources  
Policy CP14 – Our Built & Historic Environment  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
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 Habitat Corridors & Multi-functional Greenspaces  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy ST1- Sustainable Travel  
Policy ST2 – Parking Provision  
Policy BE1 – High Quality Development

### 6.3 **Lichfield Local Plan Allocations Document**

Policy NT1 - North of Tamworth Housing Land Allocations

### 6.4 **Wigginton, Hopwas & Comberford Neighbourhood Plan (2016)**

Policy WHC1  
Policy WHC2  
Policy WHC3  
Policy WHC4  
Policy W1

### 6.5 **Supplementary Planning Documents**

Biodiversity & Development SPD  
Developer Contributions SPD  
Rural Development SPD  
Sustainable Design SPD  
Trees Landscaping & Development SPD

## 7. **Supporting documents**

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

- 1:7500 Location Plan dated as received 07 June 2018
- Environmental Statement and Appendices dated as received 07 June 2018
- Planning Policy Update Statement dated as received 25 February 2022
- Gungate Corridor stage 1&2 Road Safety Audit dated as received 17 March 2022
- Gungate Corridor Improvement Scheme dated as received 17 March 2022
- GGLE-HAD-OF-DR-CE-SKO6 Gungate Improvements dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1 dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-100 Rev D S278 Overview Layout dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-101 Rev D S278 General Arrangement dated as received 17 March 2022
- GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1 dated as received 17 March 2022
- 211019\_Traffic Flows\_REV3\_DTA\_mode (traffic flow diagrams) dated as received 17 March 2022
- Highways Technical Note 21017 dated as received 17 March 2022
- Highways Technical Note (Response to SCC Highways Comments) dated as received 17 March 2022
- Residential Travel plan dated as received 22 March 2022

- J32-4320-PS-001 Site Access Arrangements dated as received 18 March 2022
- Environmental Statement- Updated Cover Report (Transport) dated as received 12 September 2022
- Environmental Statement-Figure 2.1 Updated Off Site Junction Locations dated as received 12 September 2022
- Environmental Statement- Updated Highways and Transport Technical Notes 002, 003, 004 Rev C dated as received 20 September 2022
- Environmental Statement- updated Air Quality Information dated as received 15 November 2022
- Environmental Statement- Updated Cover Report (Air Quality) dated as received 15 November 2022
- Planning Statement Addendum dated as received 31 October 2023.
- Planning Statement Addendum Appendix A- Platform Housing dated as received 31 October 2023.
- Planning Statement Addendum Appendix B- Affordable Housing Supply Review dated as received 31 October 2023.
- Planning Statement Addendum Appendix C- Proposed Parameter Plan dated as received 31 October 2023.
- Planning Statement Addendum Appendix D- Sketch Layout dated as received 31 October 2023.
- Biodiversity Net Gain Update reports dated as received 11 April 2023

## 8. Consultation responses

8.1 **Wiggington, Hopwas and Comberford Parish Council** - Object to the development proposal on the grounds of conflict with the Neighbourhood Plan, detrimental impact on the character of the area including the coalescence of Tamworth and Wiggington, highway safety, disruption during construction, impact on landscaping, the loss of land which includes evidence of medieval farming, inappropriate development, increase in traffic. (12.07.2018, 11.01.2020, 25.03.22 and 10.11.2023).

8.2 **Tamworth Borough Council** - Whilst the scheme is unlikely to harm the designated asset (Perrycrofts) within the Tamworth District, concerns raised with regards to the Wiggington Conservation Area which is located within the Lichfield District are supported. (23.03.20)

Initial comments- It has not been demonstrated that the development will not have a significant adverse impact on the highway network within Tamworth Borough. S106 contributions would be required towards mitigating the impact on, but not limited to, sports and leisure facilities in Tamworth Borough. (17.01.20)

8.3 **Tamworth Borough Council (Conservation Officer)**- Concurs with the views of the LDC Conservation Officer. Concerns raised regarding the impact on the Wiggington Conservation Area. (23.03.20)

8.4 **Natural England – Updated**- No further comments to add in relation to the updated Environmental Impact information submitted. (28.11.2022)

Initial comments- No objections – (03.07.18/ 22.03.22/ 13.04.22)

8.5 **National Highways – Updated**- No further comments to add in relation to the updated Environmental Impact information submitted. (24.11.2022)

Initial comments- No comments to make. (27.06.18; 10.03.22; 23.03.22)

8.6 **Architecture Liaison Officer** - No objections to the proposals. Recommendations in relation to anticrime advice provided (05.03.22)



- 8.7 **Environmental Agency** – Comments were previously made in relation to the scoping opinion. Position remains the same. This falls outside our statutory remit therefore, have no comments to make. – (19.06.18 & 10.03.22)
- 8.8 **Severn Trent Water** - No objections, subject to a condition requiring drainage plans to be submitted. (16.07.18; 14.03.22; and 28.03.22)
- 8.9 **Staffordshire Fire & Rescue** – No objections were raised. Points outlined for consideration (14.06.18 & 25.03.22)
- 8.10 **Staffordshire Integrated Care Board**- A sum of £136,498.00 is requested to mitigate the healthcare infrastructure requirements arising from the development. This would be pooled to support the expansion of Aldergate Medical Practice, Laurel House Surgery, Hollies Medical Centre and Peel Medical Practice where there is a shortfall in clinical rooms to serve the development proposed. (09.06.2023)
- 8.11 **Network Rail**- No objection in principle, further information in relation to drainage, fencing and protection of railway assets is required. (20.06.18)
- 8.12 **Sport England** - No objections. (10.03.22 & 23.03.22)
- 8.13 **The Ramblers Association** – Note that there is a public right of way within the site. Careful consideration of the public routes is requested. (16.03.22)
- 8.14 **Staffordshire County Council (Highways)- Final- In relation to the updated** Environmental Impact information submitted, the County Highway comments remain unchanged, as the majority of the technical transport and highways information has been previously agreed. (14.12.2022)
- Updated- Additional information provided, including a mitigation scheme and travel plan. No objections, subject to reserved matters applications and conditions/ S106 agreement to include a construction management plan, a masterplan, bus stop locations and off-site highway works. (13.01.22; 10.03.22; and 18.03.22)
- Initial comments- Further justification and details required with regards to the transport assessment, Transport Environmental Statement and the travel plan. (03.07.18)
- 8.15 **Staffordshire County Council (Minerals & Waste)**- No comment to make on the application. (13.06.18)
- 8.16 **Staffordshire County Council (School Organisation) – Final**- Request for financial contribution of £1,619,176.00 to deliver 65 primary school places and 23 secondary school places. (15.05.2023)
- Updated- No further comments to add in relation to the updated Environmental Impact information submitted. The previously requested financial contribution is still required. (05.12.2022)
- Updated- Request financial contribution of £1,619,176 to deliver 65 primary school places, 23 secondary school and 5 6<sup>th</sup> Form Places. (23.03.22 & 30.03.22)
- Initial comments- Request financial contribution of £1,099,321.00 to deliver 65 primary school places, 23 secondary school and 5 6<sup>th</sup> Form Places. (02.07.18)
- 8.17 **Staffordshire County Council (Rights of Way) – Updated**- No further comments to add in relation to the updated Environmental Impact information submitted. (24.11.2022)

Initial comments- Public Footpath No.1 Wiggington Parish runs through the site. This should not be diverted, extinguished or blocked by the proposals. (10.03.22/ 23.02.22)

- 8.18 **Staffordshire County Council (Flood Risk team) – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Initial comments- No objections, subject to a drainage condition to be applied (03.07.18 & 22.03.22)

- 8.19 **Staffordshire County Council (Economic Development & Planning Policy)-** Confirmation provide that SCC are satisfied with the technical engineering scheme and modelling work undertaken to mitigate the impacts of this proposal in relation to traffic. Arkall Farm and other commitments were taken into account when modelling the proposal at Browns Lane. (21.11.19)

- 8.20 **Staffordshire County Council (Archaeology)-** A programme of Archaeological work should be secured by condition given the potential for archaeological remains across the site. (08.12.2022)

- 8.21 **LDC Spatial Policy & Delivery Team – Final-** The applicant has submitted additional information through an addendum to the Planning Statement, in particular this relates to the change to the proposals to now deliver a 100% Affordable Housing Scheme. The applicant makes the case that the delivery of up to 210 Affordable Homes in this location should be given significant weight and that this would outweigh the proposals conflict with the adopted Local Plan and Neighbourhood Plan. Having considered the submitted information, alongside the Council's current housing land supply, recent delivery of a significant number of affordable homes and supply of affordable homes which are to be delivered in the short term, alongside the relatively limited need for affordable homes in the proximity of the proposed development (based upon the Council's affordable housing waiting lists) it is my view that the delivery of 210 affordable homes whilst clearly of weight is not sufficient to outweigh the harm, caused by conflict to the adopted development plan. (10 November 2023)

Updated- The site is not allocated for residential development and the committed development exceeds the level of growth planned for this area in the Local Plan. Furthermore, the dwelling mix cannot be supported and there is conflict with provisions made in the Wiggington, Hopwas and Comberford Neighbourhood Plan. (29.03.22)

Initial comments- The proposed development would be contrary to the Local Plan Spatial Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth. It is considered that an addition 210 units would result in an alteration to the proportionate level of growth set out in the Local Plan. The proposed housing mix is not supported and the development conflicts with several policies in the 'Made' Wiggington, Hopwas and Comberford Neighbourhood Plan, particularly in relation to the potential coalescence of the village of Wiggington with development to the North of Tamworth. (11.07.18)

- 8.22 **LDC Housing and Wellbeing Manager – Final-** The proposal now seeks to deliver 100% affordable housing. Provision of affordable homes is usually supported however in the area of Wiggington there are concerns that as this site borders the area of Tamworth, the demand on the Lichfield Housing Register demonstrates that in this area the need is somewhat met by existing stock. Demand for these proposed properties maybe low given recent development in the area. Out of 409 people on the Lichfield Housing Register 14 people have advised that Wiggington is their first area of preference.

We have liaised with Tamworth Borough Council who have supplied their housing register figures. There are 431 applicants on their housing register however local need in Wiggington is

unknown due to them being unable to supply the localised need data for the area.

Unless a more localised need can be evidenced it is likely that the site may lead to an over provision of affordable homes in relation to the demand in the area. (14.11.2023)

Updated- Whilst delivery of affordable housing is generally supported, this site is surplus to other strategic sites and may exceed the need of the area. (12.04.22)

Initial comments- Concerns were raised regarding the level of growth in this location. The affordable housing level of 40% is welcomed and bungalows should be included. (24.07.18)

- 8.23 **LDC Arboriculture-** Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Initial comments- Although the proposals are in outline with all matters reserved, the scale, density of the development will impact on the ability of the developer to provide sufficient landscaping and trees and the NPPF requirements for tree lined streets. Additional information is requested. (21.03.22)

- 8.24 **LDC Parks & Leisure Services – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (15.12.2022)

Initial comments- The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all Public Open Space areas are covered by a suitable management organisation and plan. (14.03.22)

- 8.25 **LDC Ecology Team – Final-** The Ecology team is satisfied with the updated ecology survey submitted and it can be considered that the development would not harm a protected species. Mitigation as set out in the reports should be conditioned. However, objections remain as insufficient information regarding biodiversity impacts or net gain has been submitted. (26.01.2023)

Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Updated- Further survey works required given the age of the original surveys submitted. The originally requested biodiversity impact and net gain information is also required (21.04.22)

Initial comments- The Ecology team is satisfied with the ecology information submitted and it can be considered that the development would not harm a protected species. However, insufficient information regarding biodiversity impacts or net gain has been submitted. (11.07.18)

- 8.26 **LDC Environmental Health – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (16.12.2022)

Initial comments- No objection to the proposals. A full noise survey would be required. (22.06.18; 22.03.22; 05.04.22)

- 8.27 **LDC Joint Waste Service –** No objections. Advice provided with regards to refuse requirements and unobtrusive areas for bin storage and collection protocol. – (12.06.18; 11.03.22; 24.11. 2022)

- 8.28 **LDC Economic Development Officer-** No objections. (03.07.18)

- 8.29 **LDC Conservation & Design Team– Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (19.12.2022)

Final- An amended Heritage Statement has been submitted. The proposed development would diminish the rural setting of the Conservation Area, resulting in harm. This harm should be given significant weight in the planning balance. (24.02.20 & 08.04.22)

Initial comments- Object to the proposals on the grounds that the proposal would harm the significance of Wiggington Conservation Area. (28.06.18 & 30.12.19)

## 9. Neighbour responses

9.1 Upon receipt of the original application, neighbouring properties were notified and site and press notices were posted. 11 Responses were received from neighbouring occupiers/ local residents raising objections to the proposals. Objections are summarised as follows:

- The scheme would have a detrimental impact upon existing services including doctors surgeries and schools which are over capacity at present.
- Effects on amenities of Tamworth residents unacceptable from an additional 210 houses.
- Destruction of the Countryside, Impact on Wildlife, including protected species unacceptable
- Highway impacts in terms of congestion
- Highway safety impacts
- Detrimental impact on the character of the area and loss of green space
- Impact on wellbeing of residents
- Extra houses not required or justified, will just put more pressure on Tamworth services
- Conflict with local plan
- Lichfield DC relying upon development at Tamworth to the detriment of Tamworth

9.2 Following the submission of amended information in March 2022, a further re-consultation was undertaken with neighbouring occupiers and local residents. A further 13 responses were received, two from properties who had previously responded, raising objections on the grounds set out above.

9.3 Following receipt of updated Environmental Impact Assessment information, a further round of consultation was carried out with neighbouring occupiers and local residents in November 2022. 10 responses were received, raising objections to the scheme on the following grounds:

- Impact on local facilities including doctors surgeries and schools which are already over-subscribed.
- The land is green space and should be retained as such.
- The land is not allocated for development, there is no need for further housing in Tamworth.
- Traffic impacts and congestion on local roads
- Highway safety
- Impact on wildlife
- The site is important green space for the local community.

9.4 In addition to the above, letter of objection has been received from Bird, Wilford and Sale Solicitors on behalf of Barwood Land (the developers of the Arkall Farm development) dated 11.04.2022. Objections were raised in relation to the response received from the County Highway Authority dated 13.01.2022. A separate letter raising concerns with the basis for the response was also sent to the County, which submits that there is no rational justification for the response raising no objections. In particular, they consider that this response is based on false information and fails to take into consideration all of the committed development at the nearby Arkall Farm development. It is considered that the scheme would result in a severe impact on the highway network, being in conflict with the requirements of paragraph 111 of the NPPF.

9.5 On the 3<sup>rd</sup> February 2023, a letter of representation was received from Barwood Land, the developers of the Arkall Farm development who raised further objections to the proposals. The representations included Counsel advice obtained on their behalf which related to consideration of highway and Environmental Impact matters in the Report. The advice sets out that they disagree with the Stance of the Highway Authority and on highways matters and also question the conclusions of your Officers on Environmental Impact matters. Members may recall that the representations led to the application being deferred from the agenda of the 6<sup>th</sup> February 2023. Officers have sought further advice on this matter, and obtained Counsel opinion. The advice received by officers confirmed that the decision making relating to the highways and environmental aspects of the case are not flawed and the evidence does not confirm that this scheme would undermine the delivery of the Arkall Farm development

9.6 An amended planning statement was submitted on 31 October 2023, which outlined that the scheme sought consent for 100% affordable housing and provided additional information in connection with the affordable housing provider and the proposed layout of the scheme with respect to heritage impacts. Neighbours and local residents were notified for a period of 14 days of this updated information. 18 responses were received raising objections to the scheme, which can be summarised as:

- concerns that a previous decision by the Secretary of State relating to Arkall Farm is being ignored.
- The scale of the development in this location is inappropriate.
- No need for this many houses.
- Access and highway safety issues
- Existing roads too narrow
- Impact on flooding and drainage/ sewerage infrastructure
- Unacceptable encroachment into the countryside.
- Loss of gap between Tamworth and Wiggington
- Loss of greenfield/ brownfield available, why is this not being used?
- Houses built for profit not for locals
- Impact on wildlife
- Concerns re the amount of affordable housing proposed, is it needed? Mix should include owner occupation
- Lack of play areas proposed
- Council tax will be paid to Lichfield, but impacts will be felt in Tamworth.
- Lack of infrastructure to support the provision of 210 houses- including schools, shops, doctors
- Impact on existing emergency services such as police and fire service who are already overstretched.
- Increased crime

## 10. Assessment

### Determining Issues

- Policy & Principle of Development
- Design & Impact on Heritage Assets
- Residential Amenity
- Access & Highway Safety
- Arboricultural Impacts
- Ecology
- Drainage
- Planning Obligations
- 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. In this location the Wiggington, Hopwas and Comberford Neighbourhood Plan was also made in 2016 and as such, also carries full material weight.
- 11.2 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 11.3 The Five Year Housing Land Supply 2023 for Lichfield shows that the District Council can currently demonstrate a 9.5 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 can be considered as up to date.
- 11.4 Given that the Council can demonstrate a 5-year housing land 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 Wiggington, Hopwas and Comberford Neighbourhood Plan.

### The Local Plan

- 11.5 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with several stated locations, which includes the North of Tamworth Broad Development Location (BDL). Allocations within the BDL were to be made through the Local Plan Allocations document.
- 11.6 Core Policy 6: Housing Delivery sets out the Councils approach to housing delivery in particular. This policy outlines that the Council will plan, monitor and manage the delivery of at least 10,030 houses between 2008- 2029, with 1000 dwellings coming forward on the allocations to the North of Tamworth. 500 of these dwellings would meet the needs arising within Tamworth Borough.
- 11.7 Core Policy 3: Delivering Sustainable Development provides a number of key issues that development should address in order to ensure sustainable development. The policy includes the following key issues which are of relevance to this application: Protect and enhance the character and distinctiveness of Lichfield District and its settlements; Be of a scale and nature appropriate to its locality; Encourage the reuse of previously developed land in the most sustainable locations, and encourage the reuse of buildings as a sustainable option; and Ensure that all new development and conversion schemes are located and designed to maximise energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible.
- 11.8 The Local Plan Allocations Document defines the sites which are allocated for residential development with Policy NT1: North of Tamworth Housing Land Allocations allocating Site NT1: Land at Arkall Farm for 1,000 dwellings and Site NT2: Land north of Browns Lane for 165 units. Both of these sites benefit from planning permission with construction underway on Site NT1 and development at Site NT2 complete. The application site is not within either of these

sites and has not been identified and proposed for allocation within the adopted Local Plan or the adopted neighbourhood plan.

- 11.9 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2- & 3 bedroom houses and 2 bedroom apartments, to increase local housing choice and contribute to the development of mixed and sustainable communities. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings is sought and supported by the Local Plan.
- 11.10 Policy H2: Provision of Affordable Homes confirms that the District Council is committed to improving the housing affordability within the District. The policy sets thresholds and the tenures upon which affordable dwellings will be required. It is stated that outside of Lichfield and Burntwood, housing development on small rural exception sites may be supported where affordable homes can be delivered to meet the needs of local people from the Strategic Housing Market Area (SHMA) and the following criteria are met:
- The majority of the homes are affordable
  - The site is adjacent to village settlement boundaries
  - A housing need has been identified in the Parish, or in one or more of the adjacent Parishes for the type and scale of development proposed
  - The proposed development is considered suitable by virtue of its size and scale in relation to existing settlements
  - The affordable housing provision is maintained in perpetuity.

Wigginton, Hopwas and Comberford Neighbourhood Plan

- 11.11 Policy WHC1 requires that the existing rural environs of the Neighbourhood Plan Area shall be maintained to ensure that there is a clear distinction between the villages of Wigginton, Hopwas and Comberford and the urban area of Tamworth. Any proposed development shall have regard to this distinction and shall only be allowed where it is supported by evidence that the distinctiveness as defined is not adversely affected. There shall be no coalescence with Tamworth. Policy WHC7 provides support for the provision of affordable and retirement accommodation which meets the local needs of the Parish, subject to it not compromising the overall appearance of the village in which it is proposed.
- 11.12 Policy W1 sets out that there shall be no coalescence of any development north of Tamworth with Wigginton and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wigginton Village.

#### Assessment

- 11.13 In location terms, the site is not located within any strategic development allocation within the Local Plan and, is not situated within any defined development boundary. For the purposes of the development plan, the site is considered to be in the open countryside. The Council has adopted a positive approach in seeking to meet the objectively assessed development needs of the District through the Lichfield Local Plan Strategy and the Local Plan Allocations Document. The policies in these documents cover a period up to 2029 and provide a clear framework to guide sustainable growth and the management of change, thereby following the Governments presumption in favour of sustainable development.

- 11.14 Lichfield District Council can demonstrate a healthy 5-year housing land supply, as set out above and as such policies contained within the Local Plan can be considered as up to date.
- 11.15 It is noted that the level of growth proposed by this application would equate to an additional 210 units (or 18%) of growth in excess of the 1,165 dwellings which were allocated to the North of Tamworth through the Local Plan Allocations document and in accordance with Core Policy 1 and Core Policy 6. Both Core Policy 6 and Policy North of Tamworth make allocations through the proper planning making processes, identifying land for development through the Local Plan Allocations document using current information gathered by, and in conjunction with the local community. The land falls outside of the development allocation and is not allocated for development within the 'Made' Neighbourhood Plan.
- 11.16 Whilst it is acknowledged that the housing numbers set out in the Local Plan are only approximate, the proposed development would represent a significant increase in residential development in this area, well in excess of that envisaged through the Local Plan. This level of growth would be contrary to the adopted spatial plan. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Planning Practice Guidance states that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.
- 11.17 Development beyond settlement boundaries or remaining rural areas beyond strategic housing allocations should only be permitted if the exceptions for residential development are met, as set out in Policy CP6 of the Local Plan Strategy. The exceptions include infill development, affordable housing delivered through rural exception sites, changes of use/ conversion schemes, small scale development supported by the Local Plan Allocations Document or a Neighbourhood Plan or agricultural/ forestry workers dwellings. Development which would conflict with and undermine the strategy of an approved development plan and the National Planning Policy Framework when read as a whole, would in planning terms, be harmful.
- 11.18 It is noted that the scheme would provide for 100% affordable housing, which the applicant has confirmed would be secured by condition and legal agreement. The provision of affordable housing can be afforded weight as a material planning consideration. However, in the context of affordable housing delivery within the District, where the housing supply is robust, it is considered that limited weight can be attached to this. Furthermore, it is noted that the identified need for affordable housing in this locality is significantly less than the number of dwellings proposed. This may result in affordable properties coming forward which are not needed. The Councils housing team have confirmed that whilst there are 409 people listed on the Lichfield Housing Register, only 14 people have identified that Wiggington as their first area of preference. Tamworth Borough Council have been approached to enable Officers to identify if there is a significant need for affordable housing in this location from their records. Whilst they have confirmed the number of people on their housing register seeking an affordable home, they were unable to provide specific localised data. It is noted that Tamworth have a 10.5 year housing land supply, indicating that they are delivering the requirements of their adopted local plan. As such, there is limited evidence to suggest that 210 affordable properties are specifically required in this location.
- 11.19 The proposals also reduce the area between the established built-form of the Northern Tamworth border and the village of Wiggington, in conflict with the specific requirements of Policy W1 of the Wiggington, Hopwas and Comberford Neighbourhood Plan. The associated



impacts on the Wiggington Conservation Area are discussed in more detail in the heritage section of this report.

- 11.20 The housing mix as revised and set out on the submitted sketch layout would comply with the requirements of policy H1. It can be concluded in this respect that a suitable housing mix could be secured through the necessary reserved matters applications.
- 11.21 It is therefore concluded that, due to the location of the site, beyond any defined settlement boundary and the level of growth in the adjacent Land North of Tamworth Strategy Development Allocation already being achieved, that this proposal is contrary to Policies CP1, CP3 and CP6 of the Local Plan Strategy and the aims of paragraph 11 of the framework. Whilst the provision of affordable housing should be given appropriate weight in the planning balance, it is the view of Officers that the delivery of affordable housing in this location would not outweigh the conflict with the spatial strategy for new housing set out in the local plan. The proposed further development of housing in this area is unjustified and represents a significant departure from the Local Plan Strategy.

## 12. Design and Impact on Heritage Assets

- 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 NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 12.3 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.
- 12.4 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.
- 12.5 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

- 12.6 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.
- 12.7 Policy WHC 3 of the Wiggington, Hopwas and Comberford Neighbourhood Plan confirms that new development throughout the Plan Area should protect assets of the historic environment and enhance and reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the Plan Area's environment. In particular, new development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings, care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. Policy W1 states that there shall be no coalescence of any development north of Tamworth with Wiggington and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wiggington Village.
- 12.8 Policy W1 is specific to Wiggington and sets out that there shall be no coalescence of any development north of Tamworth with Wiggington and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wiggington Village. Any new development must present a screen of trees and shrubs to the village view by new planting where necessary.

#### Assessment

- 12.9 As described in the 'Proposal' section of this report, the application is made in outline, with an illustrative master plan showing how the resultant development could appear. Matters relating to appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time. Notwithstanding this, the proposal would represent a significant number of dwellings and built form located in open countryside, beyond the edge of existing development on the Northern edge of Tamworth. Whilst it is noted that appropriate landscaping may provide mitigation, this would be insufficient to screen the wider landscape impacts of further encroachment into the countryside and infilling the area between the village of Wiggington and the Tamworth urban areas from the proposed quantum of development. In principle, the landscape impacts associated with the development and the encroachment of land between Tamworth and the village of Wiggington would fail to meet with the design and appearance related policies contained within both the Local Plan Strategy and the Neighbourhood Plan.
- 12.10 In terms of impacts upon heritage, the application is supported by a Heritage Statement which has been updated during the course of the application. As set out above, the proposals would extend the northern edge of Tamworth much closer to the village of Wiggington, of which the historic part is a designated Conservation Area. It is considered that the proposed development would cause harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with views in and out which make a positive contribution to the setting. The latest submissions by the applicant in October 2023 provide for a revised sketch layout, however this fails to address the harm that the additional built form would cause to the setting of the Wiggington Conservation Area. The Conservation Officer has advised that this harm should be given significant weight in the assessment of the application. In line with the requirements of the NPPF, this harm must therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the land.

- 12.11 In terms of public benefits, none have been identified which would outweigh the harm to the setting of the Wiggington Conservation Area. Whilst the delivery of affordable housing may be considered a benefit, there is insufficient evidence to suggest that the level of affordable housing in this location is required. In the absence of evidence, there is no reason to consider that the necessary affordable housing requirements of both Lichfield District and Tamworth Borough cannot be located in more appropriate brownfield locations within defined settlement boundaries in accordance with adopted local plans. In terms of overall housing delivery, it is noted that Lichfield District can demonstrate a strong delivery of housing with a 9.5 year housing land supply. Tamworth Borough Council confirm on their website that they can demonstrate a 10.5 year housing land supply, against their local plan which was adopted in 2016. New housing within Lichfield District is located in accordance with a defined spatial strategy set out in the Local Plan. This site is not allocated within the Local Plan as set out above. In this case, the harm identified to the heritage assets associated within the scheme is not considered to be outweighed by public benefits. In heritage terms, the scheme is considered to be unacceptable in this regard.

### **13. Residential amenity**

- 13.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.
- 13.2 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling. Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup> and for 5 bedroom dwellings 100m<sup>2</sup>. All gardens should have a minimum length of 10m.

#### Assessment

- 13.3 This application is made in outline with matters of layout reserved for future consideration. To ensure that the above requirements are achieved a condition requiring a Design Code for the development could be conditioned to agree the need to agree spaces around dwelling standard. Similarly, the impacts on existing neighbouring residential dwellings would also be given full and thorough consideration at the necessary reserved matters stage, should the proposals be deemed to be acceptable in principle and on all other matters.

### **14. Access and highway safety**

- 14.1 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.
- 14.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling, 2 bed homes require 1 space.
- 14.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through

unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 14.4 During the course of the application, additional information has been provided by the applicant in relation to Highways impacts arising from the proposal.
- 14.5 The Wiggington, Hopwas and Comberford Neighbourhood Plan makes reference to traffic along local roads, including the impacts on the village of Wiggington as being a major concern to local residents. Policy W4 requires suitable off-road parking to be provided in new developments where there is a potential to increase the number of vehicles in the village.
- 14.6 During the course of the application, additional information in relation to the highways impacts of the proposal have been provided. In particular, an updated Transport Assessment, visibility splays, vehicle tracking, traffic flow diagrams, junction capacity assessments and an assessment in relation to committed development on the nearby Gungate corridor have been submitted. The forecasts of the submitted information reflect adjacent committed residential developments and their associated impacts until 2029. An updated design for a traffic mitigation scheme along the Gungate Corridor has been provided. It is noted that the County Highway Authority initially objected to the proposals on the basis that further justification was required with regards to the transport assessment, Transport Environmental Statement and the travel plan.

#### Assessment

- 14.7 Throughout the application process the applicant/ agent have engaged with the Highways team at Staffordshire County Council to revise the development proposal, in order to achieve a scheme that can be supported on access and highways safety related grounds. Additional information has been provided which concludes that the impact on the local road network would not, in their view, be severe if the proposed package of mitigation is provided. Such mitigation would be delivered by the developer via the Highways Act as part of a S278 agreement.
- 14.8 Updated plans and information in relation to the proposed access have been provided, which have addressed the initial concerns raised by the County Highway Authority. The overall volume of collisions on Browns Lane itself does not suggest there are any existing safety problems that would be exacerbated by the proposed development. In terms of the impact on the wider road network, including the Upper Gungate corridor which is located within the Borough of Tamworth, Staffordshire County Highways Officers have fully assessed the submissions. It is considered that appropriate mitigation can be secured, which will mitigate the impacts of this proposed development. Traffic flows have been given consideration in relation to committed development in the vicinity of the application site including approved development at Arkall Farm, and its associated monitor and manage approach to mitigating impacts on the local highway network. The County Highways team have concluded that sufficient information has been provided to conclude that there would not be a severe impact on the Local Highway Network as a result of this development. Conditions are recommended by Highways Officers which would include the securing of the necessary off site highway improvement works prior to the first occupation of the development.
- 14.9 In April 2022, the position of the County Highway Authority has been challenged by representatives of the Arkall Farm Development who are concerned that there is a fundamental highways impact arising from this proposal which could prejudice the delivery of the committed planning consent at Arkall Farm for 1000 houses. The consent for Arkall Farm is subject to a monitor and manage approach to traffic mitigation, which is assessed at different phases during the delivery of the development. A number of conditions allow flexibility in the delivery of highway improvements to support the 1000 dwellings granted

consent, which is assessed at the point of the delivery or occupation of 200, 300 and 500 dwelling houses. Currently, the development is in its early stages, with less than 300 dwellings being constructed and occupied. Notwithstanding this, there is a clear commitment to deliver all 1000 houses on Arkall Farm site. The validity of the information submitted (and upon which the Highways Authority have provided a consultation response on) and the need for further Environmental Impact Assessments have been raised as fundamental issues.

- 14.10 The County Highway Authority have been informed of the challenge, as set out above, and have reiterated their position in detail. They note that, the proposal has been assessed on the grounds of its impact along with committed development of up to 300 dwellings from the 1000 permitted at Arkall Farm. The evidence concludes that the proposals, along with 300 dwellings at Arkall Farm and the package of off-site highway works to be delivered by the applicant along the Gungate corridor (to be secured by S278 Highway Works Agreement (design and build) and S106 (programme of delivery)) would result in a nil detriment to baseline traffic conditions in the locality. Whilst they acknowledge that there is a commitment to deliver a further 700 houses on the Arkall Farm site, any mitigation necessary would be captured in the relevant discharges of condition necessary to allow the Arkall Farm development to proceed and the operation of the monitor and manage strategy.
- 14.11 Given the scope of the proposals and the information already provided, it is not considered that a further revised Environmental Impact Assessment is necessary. The updated chapters of the EIA recognise that 1000 homes are committed at Arkall Farm and considers their cumulative potential effect on the environment. This approach to the EIA is justified because there is no equivalent environmental 'monitor and manage' strategy at Arkall and nor is it suggested that the proposal would achieve environmental 'nil-detriment' with the proposals and only 300 dwellings at Arkall Farm (such as with traffic impact). The developer has therefore accepted that the EIA must consider the combined full effect of the proposal and Arkall Farm.
- 14.12 The Council have considered the Arkall Farm developers concerns and the detailed response of the County Highway Authority whose views as a statutory consultee should be given 'great weight' as set out in case law (Shadwell Estates Ltd. v Breckland DC [2013] EWHC 12). This approach is considered to be reasonable given the Secretary of State decision to approve the Arkall Farm development with a staged monitor and manage approach to traffic mitigation and resolving conflicts on the local highway network. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed development is considered, in relation to surrounding committed developments to not result in an unacceptable impact and it can be concluded that the proposals would therefore not result in a severe detrimental impact upon the highway network.
- 14.13 In terms of parking provision within the site, this would be assessed as part of the necessary reserved matters application. The requirements of the Sustainable Development SPD which specified parking requirements based on the number of bedrooms proposed within each dwellings would be given full consideration at this stage to ensure there is no harm to the surrounding highway network. A Travel Plan has been submitted, which seeks to reduce the number of single occupancy car trips through a package of measures, including improved public transport information, residential welcome packs and bus/ train taster tickets. The travel plan is considered to be acceptable and should be monitored for a period of 5 years. Monitoring would be carried out by the County Highway Authority with a fee to be paid by the developer through a S106 agreement.
- 14.14 Following the receipt of the professional County Highways advice it would however be considered unreasonable to suggest that the scheme of development would be unacceptable on highway related grounds having no technical evidence to the contrary and the need to give 'great weight' to a statutory consultee's detailed response (as per the Shadwell Estates

Caselaw set out above). The development proposal is therefore considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## **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 & Development SPD.
- 15.2 Policy WHC2 of the Wiggington, Hopwas and Comberford Neighbourhood Plan sets out that all existing trees and hedges are an integral part of the character of the Neighbourhood Plan area and shall be retained wherever possible and where removal is justified the impact of removal shall be mitigated against by the provision of additional appropriate planting. Policy W1 requires any new development to present a screen of trees and shrubs to the village view by new planting where necessary.

### Assessment

- 15.3 The Councils Arboriculture team has advised that although the proposal is outline with all other matters reserved, the scale/ density of the proposal will impact on the scope/ disposition of structural landscaping able to be accommodated within any eventual layout. As per paragraph 131 of the NPPF, planning policy and decisions should ensure that all streets are tree lined. In order to be sustainable and to maintain the integrity of any scheme, trees will need to be planted in areas that are not part of land conveyed into private ownership. It is noted that the proposals do not involve the removal of any protected trees. Notwithstanding the request for further information in relation to landscaping and tree planting, details of landscaping have been reserved for a later stage and, would be assessed on their merits in line with the requirements of National and Local Planning policies. Green Infrastructure detail, along with the tree planting requirements set out in the Neighbourhood Plan can be secured through a masterplan for the site, which could be secured by an appropriately worded condition. In terms of arboricultural impacts, the scheme at this outline stage, subject to conditions, is considered to be acceptable.

## **16. Ecology**

- 16.1 Core Policy 13 and 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.
- 16.2 Policies within the Local Plan Strategy are supplemented by the Biodiversity & Development Supplementary Planning Document. The requirement that all development within the Lichfield District achieve for a measurable net gain to biodiversity value is further detailed in paragraphs 6.30 and 6.33 of Biodiversity and Development SPD where a requirement of 20% above the biodiversity unit value of habitats lost is confirmed.

## Assessment

- 16.3 The original application was supported by ecological surveys which were considered to be acceptable. An updated preliminary ecological appraisal was submitted following further surveys of the site carried out in September 2022. The Councils Ecology team have assessed the updated information and are satisfied with the methodology and the information provided in the ecological appraisal and consider that it is unlikely that the proposed works will impact on protected species. No further surveys would be required at this time, however the proposed mitigation and monitoring would need to be secured by appropriate conditions.
- 16.4 Turning to biodiversity net gain, which is a policy requirement as set out above. The Councils Ecology Team are now satisfied that the 20% net gain across the site can be achieved. It is noted that there is significant scope to create a net gain within the site, notably the areas of public open space and areas around the SUDs drainage basin would offer appropriate opportunities within the development, which would need to be evidenced at any reserved matters stage. In this respect, the proposals comply with the requirements of the Local Plan.

## **17. Drainage**

- 17.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding nor increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

## Assessment

- 17.2 The application site hereby under consideration is situated within Flood Zone 1 and as such there are no flooding related concerns in principle. The Lead Local Flood Authority and Severn Trent Water have raised no objections in principle, requiring drainage details to be submitted. Subject to details of drainage being secured by an appropriately worded planning condition, the development proposal is considered to be acceptable in this regard.

## **18. Planning Obligations**

- 18.1 Under the provisions of Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/ community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/ or by a contribution made for the provision of facilities elsewhere.
- 18.2 The School Organisation at Staffordshire County Council have been consulted with regards to this development proposal. A total education provision request of £1,619,176.00 to deliver 65 primary school places and 23 secondary school places has been requested.
- 18.3 The Staffordshire Integrated Care Board have requested a sum of £136,498.00 to mitigate the healthcare infrastructure requirements arising from the development. This would be pooled to support the expansion of Aldergate Medical Practice, Laurel House Surgery, Hollies Medical Centre and Peel Medical Practice where there is a shortfall in clinical rooms to serve the development proposed.
- 18.4 A S106 agreement would be required to secure the above financial requirements along with the provision of affordable housing and the maintenance of any public open space as the Council would not adopt such facilities. Subject to compliance with the appropriate Schedule



of the S106 agreement, the development will comply with the requirements of the Development Plan and NPPF, in this regard. The applicant has provided written confirmation that they are willing to enter into a S106 agreement to secure the necessary obligations.

## **19. Other Issues**

- 19.1 The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (Statutory Instrument 2017 No. 571) (as amended) – the EIA Regulations – form part of the development management system in England. The EIA Regulations cover certain types of development which have the potential to give rise to significant effects on the environment. The EIA Regulations enable planning authorities to take account of the environmental implications of development in their decisions on planning applications.
- 19.2 In this case, an Environmental Statement has been provided, and recently relevant sections have been updated to reflect the committed development of 1000 dwellings at Arkall Farm which were granted consent by the Secretary of State following the submission of this planning application. The submissions have been subject to the necessary 30-day publicity period, which included consultation with statutory consultees. The Statement has been assessed and is considered to address the requirements of EIA regulations.

## **20. Human Rights**

- 20.1 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. Furthermore, the applicant has a right of appeal in accordance with Article 6.

## **21. Conclusion**

- 21.1 The proposed development has been revised during the course of the application submission in order to address highways and access related issues and relevant sections of the Environmental Impact Statement have been updated. The overall outline planning submission, with all matters reserved except for access, is considered to be unacceptable in principle in terms of the site not been an allocated housing site, and the reduction in countryside between the built form of Tamworth and the village of Wiggington. The proposal would fail to comply with the objectives of the Local Plan and results in less than substantial harm to the Wiggington Conservation Area, with insufficient public benefits to outweigh this.
- 21.2 The applicant has submitted additional information through an addendum to the Planning Statement, to confirm delivery of a 100% Affordable Housing Scheme. The applicant makes the case that the delivery of up to 210 Affordable Homes in this location should be given significant weight and that this would outweigh the proposals conflict with the adopted Local Plan and Neighbourhood Plan. Having considered the submitted information, which includes the Council's current housing land supply, recent delivery of a significant number of affordable homes and supply of affordable homes which are to be delivered in the short term, alongside the relatively limited need for affordable homes in the proximity of the proposed development (based upon the Council's affordable housing waiting lists) Officers remain of the view that the delivery of 210 affordable homes whilst clearly of weight is not sufficient to outweigh the harm, caused by conflict to the adopted development plan.



- 21.3 The applicant has agreed to s106 heads of terms to provide on site affordable housing and public open space along with the necessary financial contribution towards education requirements arising from the development.
- 21.4 Overall, the proposal fails to accord with relevant policies within the Development Plan and the National Planning Policy Framework, and therefore this application is recommended for refusal.

## **22. Recommendation : RECOMMENDATION: Refuse for the following reason(s):**

1. The site is not allocated for development and is located outside of any defined settlement boundaries within the adopted Lichfield Local Plan Strategy. Furthermore, the level of housing growth from this development would be contrary to the spatial strategy as set out in the adopted Local Plan Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth in line with the settlement hierarchy of approximately 1,000 units. Whilst the housing figure is an approximate, it is considered important to maintain the general thrust of the adopted Local Plan Strategy. To date the current committed development and completions in this location equates to 1,165 units and it is considered that an additional 210 units would result in an alteration to the proportionate level of growth set out within the adopted Local Plan. Whilst the proposed housing would provide affordable units, there is no evidence to conclude that such housing is necessary in this location and could not be provided within more sustainable locations where there is an evidenced need. The proposed scheme of development is therefore contrary to the spatial plan for new housing and requirements set out in policies CP1 (The Spatial Strategy), CP3 (Delivering Sustainable Development), CP6 (Housing Delivery), Policy Rural 1: Rural Areas of the Local Plan Strategy 2015, Policy NT1 (North of Tamworth Housing Land Allocations) of the Local Plan Allocations Document and the National Planning Policy Framework.
2. The proposed development would extend the northern edge of Tamworth much closer to the village of Wigginton, of which the historic part is a designated Conservation Area. The proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. None of the public benefits associated with the proposal would outweigh this harm. The proposals are therefore contrary to policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies W1, WHC1 and WHC3 the Wigginton Hopwas & Comberford Neighbourhood Plan (2016) and the National Planning Policy Framework.

### **NOTES TO APPLICANT:**

1. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt 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.

# LOCATION PLAN

21/00545/OUTM  
Maff Warehouse Burton Road  
Streethay Lichfield  
WS13 8LN

Scale: 1:2,000

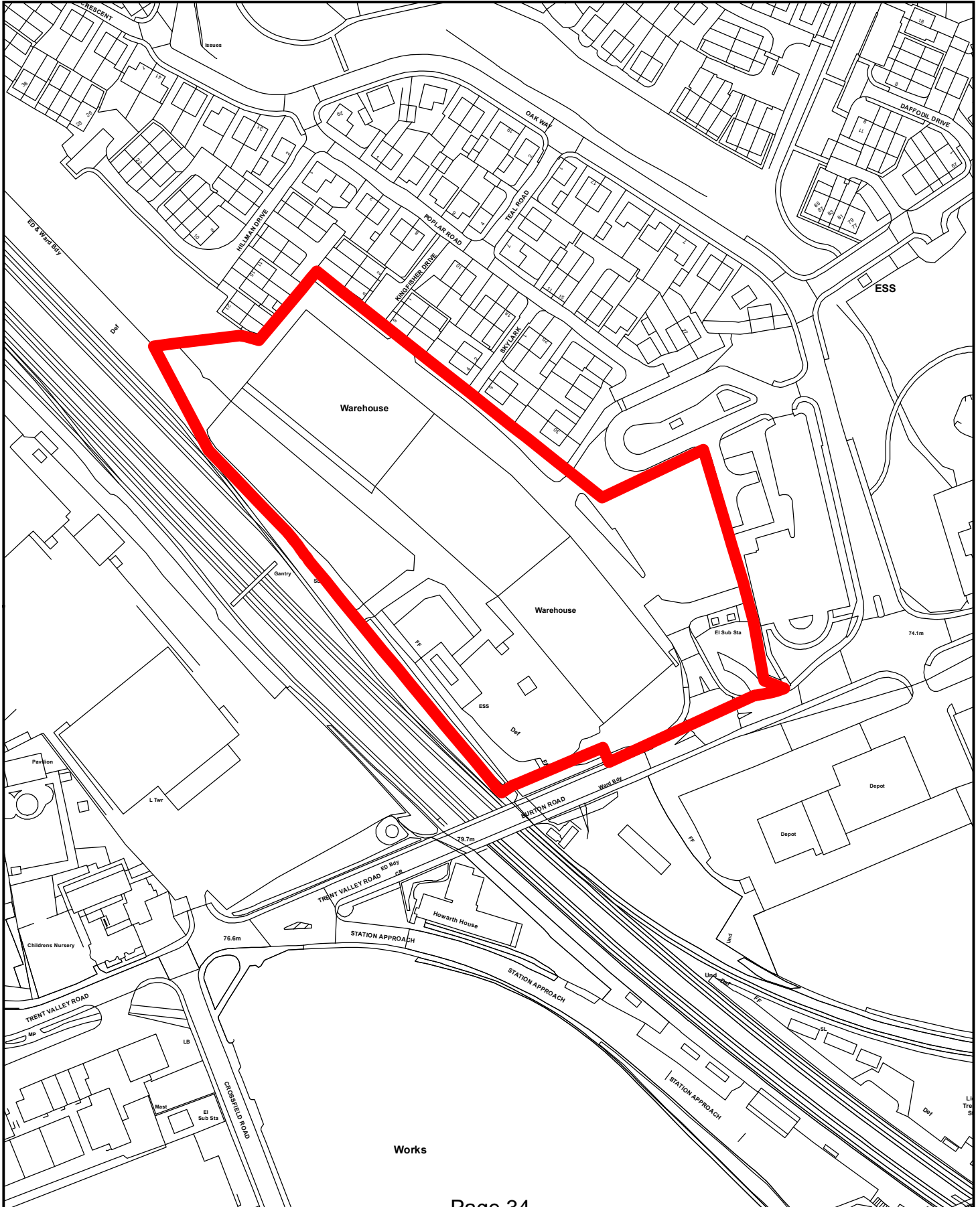
Dated: November 2023

Drawn By:

Drawing No:



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<b>Address:</b>	Maff Warehouse, Burton Road, Streethay, Lichfield	
<b>Application number:</b> 21/00545/OUTM	<b>Case officer:</b> Kerry Challoner	
<b>Parish :</b> Streethay <b>Ward:</b> Whittington And Streethay	<b>Date received:</b> 28/06/2021	
<b>Proposal:</b> Outline application with all matters reserved, except for access, for residential development of up to 55 dwellings and car park following demolition of warehouse buildings		
<b>Reason for being on Agenda</b>	This planning application is being reported to the Planning Committee due to there being more than 2 planning obligations necessary to make the development acceptable in planning terms.	
<b>RECOMMENDATION: Approve, subject to the completion of a S106 TCPA 1990 agreement to secure education, healthcare and Cannock Chase SAC mitigation payments and conditions.</b>		
<b>Applicant:</b> Network Rail Infrastructure	<b>Agent:</b> Mrs S Wood	

## 1. Executive summary

- 1.1 The application site comprises of 2.1 hectares of land located to the North of Burton Road on the North Eastern edge of Lichfield. The site currently contains disused warehouse buildings and is allocated within the Local Plan Allocations Document for the development of 50 dwellings.
- 1.2 This is an Outline application seeking consent for the construction of up to 55 dwellings, along with details of access. Matters including the layout, scale, design and landscaping are reserved for future determination under a separate application.
- 1.3 The proposals also seek Vacant Building Credit to offset the affordable housing requirement. The Vacant Building Credit, which was introduced to incentivise the development of brownfield sites is applicable in this case, demonstrating that no affordable housing is required.
- 1.4 In terms of the matter of access, the scheme has been assessed by both the County Highway Authority and Highways England. The scheme is considered to be acceptable and in order to mitigate impact on the wider highway network a financial contribution towards improvements to the A5192/A5127 Trent Valley Junction is provided.
- 1.5 All other matters are reserved and will form the subject of further applications.
- 1.6 Statutory consultees have raised no technical objections that cannot be overcome by way of planning conditions or a legal agreement. Necessary commuted sums for education, off site highway works and Cannock Chase SAC can be collected via a s106 agreement.
- 1.7 In addition to the appropriateness of the scheme in outline form, some weight should also be given to the Section 106 Agreement where fair and reasonably related contributions are secured. Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Development Plan, the Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.

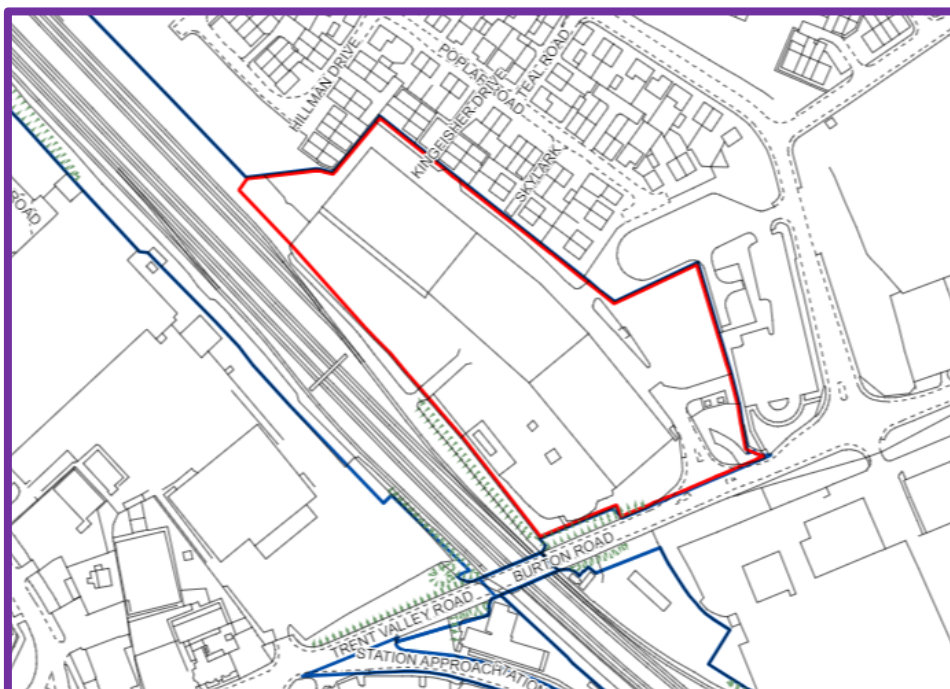
## Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as outlined/ made 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 This application relates to a 2.1-hectare site located to the North of Burton Road, an A classified Road on the North Eastern edge of Lichfield. The site is rectangular in shape and benefits from an existing vehicular access point off the Burton Road. The site contains two large warehouse buildings which were previously used by the Ministry of Agriculture, Fisheries and Food. In addition, the site is mainly laid out to hard surfacing. To the North and Eastern boundaries of the site are dwellings associated with the Roman Heights residential development at Streethay. To the Western boundary is the West Coast Mainline. The site is enclosed by fencing and within the site there is a maintenance access point for the railway.
- 2.2 The site is set down from the Burton Road but is generally flat lying. The site is within flood zone 1, there are no protected trees. There are no heritage assets within the vicinity of the site, and it is located within the zone of influence for Cannock Chase Special Area of Conservation.
- 2.3 Arriva operate several bus services which run along Burton Road, providing regular connections to Lichfield, Burton and Birmingham. There are also railway links at the Lichfield Trent Valley Railway Station positioned on the West Coast mainline railway, some 840m to the south of the site. This provides a public transport connection with London and the south east, and Manchester and the north west in addition to the regular local connection to Birmingham New Street and Redditch. There are two public rights of way within close proximity to the development site; namely Fradley and Streethay No. 1 and Fradley and Streethay No. 3, neither of which will be directly affected by the re development of the Former MAFF depot site.
- 2.4 An extract from the submitted location plan is shown below:





### 3. Planning history

3.1 There is no planning history.

### 4. Proposals

4.1 This application seeks outline permission with all matters reserved except for access for the residential development of the site for up to 55 dwellings and a car park following the demolition of warehouse buildings.

4.2 The proposed car park (82 No. parking spaces) would be used in association with the Lichfield Trent Valley railway station. At least 5% of the station parking spaces required needs to be for disabled parking which equates to approximately 4 spaces.

4.3 The application is accompanied by an indicative outline layout which shows how 55 dwellings could be accommodated on the site. It should be noted that the precise layout of the proposed dwellings and their scale and appearance are reserved for later approval, meaning that this application is concerned solely with the principle of residential development on the site together with the means of access to the site which is proposed to be taken from Burton Road. The precise housing mix would be confirmed through the Reserved Matters applications, however the submissions confirm that a mix of 2, 3 and 4 bed properties would be provided.

4.4 The application is supported by a suite of reports including a Planning Statement, an Arboricultural Impact Assessment, Air Quality Assessment, Affordable Housing Statement, Noise Assessments, Flood Risk Details, and a Transport Statement.

4.5 A plan showing the indicative outline layout is shown below:



### 5. Background

5.1 The site is allocated in the Local Plan Allocations Document under Policy LC1, reference L10 (Lichfield 24) for the delivery of 50 dwellings. Key development considerations include the requirement to integrate the development into the wider development of East Lichfield, access to amenities within the East Lichfield strategic development allocation and consideration of mitigation for noise from the West Coast mainline and other adjacent uses.

## 6. Policy framework

### 6.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 6.2 Local Plan Strategy

Policy CP1 – The Spatial Strategy  
Policy CP2 – Presumption in Favour of Sustainable Development  
Policy CP3 – Delivering Sustainable Development  
Policy CP4 – Delivering Our Infrastructure  
Policy CP5 – Sustainable Transport  
Policy CP6 – Housing Delivery  
Policy CP13 – Our Natural Resources  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy IP1 – Supporting & Providing Our Infrastructure  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy ST1- Sustainable Travel  
Policy ST2 – Parking Provision  
Policy BE1 – High Quality Development

### 6.3 Lichfield Local Plan Allocations Document

LC1: Lichfield City Housing Land Allocations (Site L24)

### 6.4 Supplementary Planning Document

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

### 6.5 Neighbourhood Plan

There is no 'made' neighbourhood plan.

## 7. Supporting documents

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

- 7887003-1 Location Plan dated as received 28 June 2021
- 4172 Rev A Topographical Survey dated as received 28 June 2021
- 193990-SK03 Pumping Station Tracking dated as received 16 January 2023
- Bat Survey Report dated as received 28 September 2022

## 8. Consultation responses

8.1 **Fradley and Streethay Parish Council-** No objections raised, however concerns highlighted regarding whether sufficient parking can be provided to serve the proposed dwellings and that no affordable housing is proposed. (23.07.2021)

8.2 **Lichfield City Council-** Object to the proposal on the basis of the lack of affordable housing proposed. Additional spaces to serve Lichfield Trent Valley are supported. (08.07.2021)

- 8.3 **Severn Trent Water**- No objections subject to a drainage condition being applied. Advice provided regarding the location of potential sewers within the site. (16.07.2021)
- 8.4 **National Highways**- No objection. (20.07.2021)
- 8.5 **Natural England**- No objection. (05.08.2021/ 14.04.2022)
- 8.6 **Staffordshire Fire and Rescue**- No objections- appropriate levels of water for fire fighting and vehicle access should be provided at the site. (02.07.2021)
- 8.7 **Architectural Liaison Officer**- No objections raised. Designing out crime advice provided. (22.07.2021)
- 8.8 **SCC Education**- Updated- An updated sum of £884,170.00. has been requested. The uplift is due to build costs which have risen. (04.04.2023)
- Initial- A sum of £741,069.32 is required to mitigate the educational impacts of the development. This would fund 16 primary school places and 14 secondary school places. (22.07.2021)
- 8.9 **SCC Highways**- Final- No objections raised subject to a sum of £42,140 towards improvements to the A5192/A5127 Trent Valley Junction and conditions requiring further details at reserved matters stage, a construction management plan. (03.04.2023)
- Updated- Objections raised on the basis of the indicative layout submitted. (10.02.2023)
- Initial- No objections raised subject to a sum of £42,140 towards improvements to the A5192/A5127 Trent Valley Junction and conditions requiring further details at reserved matters stage, a construction management plan. (05.08.2021)
- 8.10 **SCC Flood Risk Officer**- Final- Additional information provided. No objections raised subject to a drainage condition. (21.12.2022)
- Initial- Additional information requested. (23.07.2021)
- 8.11 **SCC Minerals and Waste Team**- Confirmed no comments to make on the application. (02.07.2021)
- 8.12 **LDC Spatial Policy Team**- Subject to affordable housing provision, the proposed development complies with national and local planning policies in principle. The submissions indicate that the applicant seeks to offset the affordable housing requirement through vacant building credit, this is subject to a separate assessment in line with government guidance. (19.07.2021)
- 8.13 **LDC Economic Development Officer**- Queried if the future commercial use of the site has been investigated. (06.07.2021)
- 8.14 **LDC Housing Team**- No objections subject to compliance with Vacant Building Credit requirements. (22.10.2021)
- 8.15 **LDC Conservation Officer**- No objections raised; however it would be useful if basic design principles were included in a Design and Access Statement. (13.07.2021)
- 8.16 **LDC Environmental Health Officer**- Final- Additional information provided, no objections subject to conditions to secure a scheme of noise protection, land contamination assessments and a construction environment management plan. (07.10.2022)
- Initial- Concerns raised regarding noise impacts, additional information requested. (23.07.2021)

- 8.17 **LDC Tree Officer**- No objections raised and confirmation provided that the landscaping elements of the scheme will be the focus. Any reserved matters application should include 20% canopy cover as required in the Trees Landscaping and Development SPD. (01.07.2021)
- 8.18 **LDC Ecology Officer**- Final- No objections raised, all methods of working must be adhered to as set out within reports submitted. (11.10.2022)
- Updated- Additional information submitted, further information requested in relation to protected species. (04.03.2022)
- Initial- Ecology surveys required along with evidence that biodiversity net gain can be achieved. (22.07.2021/ 12.11.2021)
- 8.19 **LDC Parks and Leisure Team**- No objections raised. Issues for the applicant to consider at reserved matters stage provided, including the future maintenance of public open space which would need to be carried out by a management company. (19.07.2021)
- 8.20 **LDC Joint Waste Team**- Developments of individual houses must include unobtrusive areas suitable to accommodate at least 3 x 240l wheeled bins. Residents will be expected to present their bins at the nearest appropriate highway on collection days. Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard. A suitable bin collection point (BCP) may be required with due consideration to the distance from the residents' properties (maximum of 30m) and the main highway. (01.07.2021)

## 9. Neighbour Responses

- 9.1 One response was received from a local resident in July 2021. Concerns were raised regarding the lack of facilities on the Streethay development, including shops and public houses.

## 10. Assessment

### Determining Issues

- Policy & Principle of Development
- Housing Mix
- Affordable Housing
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Impact on Trees
- Ecology
- Cannock Chase Special Area of Conservation
- CIL / Planning Obligations
- Drainage
- 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 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five-year supply of housing.
- 11.3 The Five-Year Housing Land Supply 2023 for Lichfield shows that the District Council can currently demonstrate a 9.5 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 can be considered as up to date.
- 11.4 Policy CP1 of the Lichfield District Local Plan Strategy sets out 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, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.
- 11.5 Policy CP6 of the Lichfield District Local Plan Strategy sets out that a sufficient supply of deliverable/developable land is available to deliver around 478 new homes each year. Housing development will be focused upon the following key urban and rural settlements:
- Lichfield City
  - Burntwood
  - Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
  - Adjacent to the neighbouring towns of Rugeley and Tamworth
- 11.6 Policy LC1 ‘Lichfield City Housing Land Allocations’ of the Lichfield Local Plan Allocations Document sets out a number of sites within Lichfield, which, alongside strategic development sites identified within the Local Plan Strategy are allocated for residential development. These allocations are subject to ‘key development considerations’. The policy notes that the key development considerations are not all encompassing, other matters may arise during the planning process which the applicants will need to address. The application site is allocated in the Local Plan Allocations Document under Policy LC1, site reference L24 for the delivery of 50 dwellings.
- 11.7 Key development considerations include the requirement to integrate the development into the wider development of East Lichfield, access to amenities within the East Lichfield strategic development allocation and consideration of mitigation for noise from the West Coast mainline and other adjacent uses.
- 11.8 The proposed development is within the Zone of Influence for the Cannock Chase Special Area of Conservation. Policy NR7: Cannock Chase Special Area of Conservation requires that, before development can be permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect upon the integrity of the SAC having regard to avoidance or mitigation measures. This is considered in more detail later in the report.

### Assessment

- 11.9 The site is within the sustainable settlement of Lichfield. The site is allocated for residential development through the Local Plan Allocations Document and the site can be considered as an infill site, given the proximity and siting of surrounding residential development. In principle, the proposal is considered to be acceptable in terms of principle and the policies set out in the Local Plan, by providing a residential development in a sustainable location. The key considerations associated with the allocation and material impacts of the scheme are addressed in further detail in the report below.

## 12. Housing Mix

- 12.1 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high-quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 states that there is currently an imbalance of dwelling types within the district. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2–3-bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.

### Assessment

- 12.2 The definitive housing mix would come forward as part of the necessary reserved matters applications. It is however possible to conclude that a housing mix in accordance with the policies as set out above can be achieved.

## 13. Affordable Housing

- 13.1 Core Policy 6 of the Local Plan Strategy confirms that new residential development is expected to assist in meeting identified housing needs, including the provision of affordable homes. Policy H2 expands upon this requirement with a specific focus on the provision of affordable homes. Policy H2 confirms that the overall delivery of affordable homes in the district will be related to the ability to deliver in market conditions that prevail at the time. The District Council will vary this percentage in line with a model of dynamic viability. The levels are reviewed annually and are informed by market land values, house prices and the index of building costs. The policy confirms that the threshold upon which affordable housing will be sought in Lichfield City will be set at 15 or more dwellings, or sites of more than 0.5ha in size. Affordable housing should be provided on site, however in exceptional circumstances contributions will be sought in lieu.
- 13.2 The affordable housing requirements are set out in percentage form within the Councils Authority Monitoring Report (AMR) which is published each year. The authority monitoring report (AMR) is a position statement setting out our monitoring strategy in relation to the local plan. The most up to date figure is provided in the AMR 2023, which sets a requirement of 28% of new development to be affordable. This is a reduction from 35% which was set out in the AMR 2022.
- 13.3 The NPPF at paragraph 60 confirms that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Para 64 goes on to state ‘to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount’.
- 13.4 The applicant has put forward a Vacant Building Credit case (Affordable Housing Statement dated as received 28 June 2021) which falls to form part of the assessment of this application as required by Paragraph 64 of the NPPF.
- 13.5 Further advice is provided in the National Planning Practice Guidance in relation to the implementation of the Vacant Building Credit. The advice sets out that National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant

building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

13.6 In terms of a building being brought back into use, the NPPG advises that the vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:

- the condition of the property
- the period of non-use
- whether there is an intervening use; and
- any evidence regarding the owner's intention

13.7 Each case is a matter for the local planning authority to judge. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

#### Assessment

13.8 It is noted that in line with the latest AMR 2023 figures, 28% of the development (15 dwellings) should be provided as affordable housing under local plan policies.

13.9 As set out above, the applicant has provided a Vacant Building Credit case, which has been assessed by Officers. In line with Government guidance, the two buildings have been maintained on site by the applicant Network Rail since 2004. The buildings have been maintained to a good standard, who in line with their responsibilities as owners have secured the site and prevented neglect which may detrimentally affect the surrounding area. The lawful use of the buildings is for B8 warehousing. The site was used as storage for Network Rail in association with railway upgrades until 2013. Whilst the wider site including the hard standing areas have been used since, notably for the storage of vehicles and equipment by HS2, the buildings themselves have not been used as they were not required. The buildings have not been abandoned, but it is noted that the site has not come forward for residential reuse due to railway upgrades and HS2 involvement. It is clear that the buildings have not been abandoned and the applicant has been unable to lease or use them for their lawful use. The buildings have not been in continuous use for a six-month period within the last three years, which is a benchmark used by many planning authorities. Whilst the term 'vacant' is not defined within the National Planning Policy Framework, 36 months of continuing non-use is considered to be compelling evidence of vacancy. Officers therefore consider that the tests relating to the application of vacant building credit to this site are met.

13.10 In terms of the application of vacant building credit, the floor space of the existing buildings is off set against the proposed floor space of the new dwellings. It is a calculation of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme compared to the gross area of the consented scheme after development. In line with the NPPG guidance, the affordable housing contribution should be reduced by an amount equivalent to the floor space of the existing buildings. In this case, the reduction can be applied against the floor space of the existing buildings, the total gross floorspace of the existing two buildings is 4706sqm, and the gross floorspace for the proposed residential development, taken from the indicative plans provided is 4,469 sqm such that 100% credit is available and no affordable housing is required.

## 14. Design and impact on the character and appearance of the surrounding area

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

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

14.2 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and its surroundings. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the district.

### Assessment

14.3 Matters including the layout, scale, design and landscaping are reserved for future determination under a separate application. In overall design terms it is considered that the residential development can be integrated into this site and would complement the surrounding built form. In this respect, at this outline stage it can be considered that the scheme would be compliant with the development plan.

## 15. Residential amenity

15.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

15.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. 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. 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 external amenity space based upon the number of bedrooms in a dwelling.

### Assessment

15.3 The precise layout, scale and design of the dwellings will necessarily follow at any reserved matters stage. It is, however, possible to conclude at this stage that the site is of sufficient size to accommodate up to 55 No. dwellings without giving rise to negative impacts on existing and future residential amenities.

15.4 In terms of noise and disturbance, it is considered that the activities generated by the occupation of the proposed development, including traffic movements, would not be detrimental to surrounding existing residents. A suitably worded condition is recommended to ensure that controls are in place during the construction period to protect neighbouring amenity.

- 15.5 It is acknowledged through the site allocation and the location of the site adjacent to the West Coast Mainline and an 'A' classified Road that the future amenity of occupiers should be given thorough consideration in relation to noise impacts. The Councils Environmental Health Officer has reviewed the submissions and additional information provided by the applicant, concluding that subject to the necessary noise mitigation set out within the submitted noise reports the scheme would cause no unacceptable detriment to future occupiers of the dwellings.
- 15.6 In terms of residential amenity, at outline stage it is concluded that subject to appropriate conditions as set out above, the proposal is acceptable.

## **16. Access and highway safety**

- 16.1 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 16.2 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 and capacity are factors which should be given consideration.
- 16.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out maximum parking standards for new dwellings.

### Assessment

- 16.4 The application is supported by a Transport Assessment and a Travel Plan. The likely traffic generation has been calculated and agreed by both National Highways and the County Highway Authority, who conclude that subject to improvements to the A5192/A5127 Trent Valley Junction the scheme would be acceptable. A sum of £42,140 towards improvements to the A5192/A5127 Trent Valley Junction has been requested by the County Highway Authority and agreed by the applicant. This sum would be secured through a S106 legal agreement.
- 16.5 The Highway Authority are satisfied that the access arrangements to serve the development are acceptable in highway safety terms and that adequate car parking provision can be accommodated to serve dwellings within the site. The precise details of parking provision shall be fully assessed at the necessary reserved matters stage.
- 16.6 Accordingly, in terms of policies set out within the Local Plan Strategy and the NPPF, the scheme is considered to be acceptable in relation to highway safety and parking provision.

## **17. Impact on trees**

- 17.1 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 Council's Tree's, Landscaping and Development SPD.

### Assessment

- 17.2 There are no trees within the site protected by means of a Tree Preservation Order. The proposals do not result in the loss of any trees, and the Tree Officer is satisfied, subject to the provision of an appropriate landscaping scheme at reserved matters stage that the scheme is acceptable on arboricultural grounds. Subject to a condition to secure these details the submissions would comply with relevant local and national planning policies.

## **18. Ecology**

- 18.1 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

- 18.2 The Council’s Ecology Manager was consulted as part of the planning process and updated reports were provided by the applicant to confirm that no protected species would be affected by the proposals. In particular the potential for bats within the existing warehouse buildings was investigated further. The methods of working and enhancement opportunities set out in the submitted reports should be conditioned and form part of this recommendation. In terms of biodiversity net gain, the applicant has confirmed that this will be delivered on site through various methods. The Ecology Manager was satisfied with this approach and a condition is recommended requiring a biodiversity enhancement plan to be submitted, approved and implemented.
- 18.3 As such, subject to the aforementioned conditions, it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

## **19. Cannock Chase Special Area of Conservation**

- 19.1 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.
- 19.2 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.
- 19.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

### Assessment

- 19.4 It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. In this case, as the proposal involves a net increase of up to 55 dwellings being provided. An Appropriate Assessment has been undertaken and it can be concluded that the development,

alone, or combined with other development, will have an adverse effect upon the integrity of the Cannock Chase SAC.

- 19.5 A bespoke form of mitigation is therefore required, or the applicant can choose to contribute towards the Cannock Chase Partnership Detailed Implementation Plan at the current rate of £329.83 per dwelling to mitigate the impacts of the development. The applicant has agreed to provide financial mitigation which will be included in the S106 agreement.
- 19.6 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 20. CIL/Planning obligations

- 20.1 Should Members be minded to grant permission, a Section 106 agreement would be required with regards to a range of required planning obligations to make the proposals acceptable. The applicant has agreed to the following provisions.
- 20.2 Paragraph 57 of the National Planning Policy Framework confirms that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms.
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 20.3 Firstly, as recommended by the School Organisation Team at Staffordshire County Council should planning permission be granted an education contribution of £884,170.00 (index linked from April 2023) should be sought from the developer to mitigate the impact on education from the development. It has been noted by the School Organisation Team that the scheme would be acceptable from an education perspective subject to a S106 agreement which meets this requirement. The requirement is in line with the objectives of policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD which seek to ensure that appropriate infrastructure needs arising from a development are delivered.
- 20.4 The County Highway Authority have requested a sum of £42,140 (index linked to April 2023) towards improvements to the A5192/A5127 Trent Valley Junction. The applicants transport assessment acknowledges the County would request a proportionate contribution towards the junction upgrades, which includes signalisation. Similar contributions have been pooled from surrounding developments, including the Roman Heights development and Liberty Park. In order to provide a fair and consistent contribution level for the current proposal, the Highway Authority has compared the number of trips arising from the development travelling through the junction. The requirement is in line with the objectives of policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD which seek to ensure that appropriate infrastructure needs arising from a development are delivered.
- 20.5 Should planning approval be recommended, the Council would not be adopting any open space, communal areas, shared parking spaces, hedgerows, or verges etc or the future maintenance of the drainage system. Arrangements would be required to ensure that the future maintenance of areas are covered by a suitable management organisation and plan. Such would be required as part of a Section 106 agreement should approval be recommended.
- 20.6 This development is likely to have an impact upon Cannock Chase SAC (CC SAC). As set out in section 18 above, protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. From 1st April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the Cannock Chase SAC. In this case, the development falls within the Zone of Influence



and as such a financial contribution towards the Detailed Implementation Plans would be required from this development at a rate of £329.83 per dwelling in mitigation. It is noted that without an agreement secured to ensure appropriate Cannock Chase SAC mitigation, the proposals would be unacceptable, on such grounds.

- 20.7 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the higher charging area as identified on the CIL Charging Schedule, the recommendation includes an informative to remind the applicant of this charge.

## **21. Drainage**

- 21.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

### Assessment

- 21.2 The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of the relevant specialist consultations the County Council as Lead Local Flood Authority and Severn Trent Water have raised no objection, subject to a pre-commencement drainage condition being incorporated should planning permission be granted.
- 21.3 Overall, subject to details of drainage being secured by an appropriately worded condition, the development proposal is considered to be acceptable in this regard.

## **22. Human rights**

- 22.1 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.

## **23. Conclusion**

- 23.1 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.
- 23.2 The proposed erection of up to 55 dwellings is considered to present a sustainable and appropriate form of development within this location. The principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Lichfield within an allocated site for residential development. The application is of course an outline application, with all matters reserved except for access details.



- 23.3 The highway impacts of the proposal have been fully addressed and the County Highways Authority no longer raise any technical objections to the scheme. The proposals include provisions for off-site highway works to support the development.
- 23.4 Relevant points arisen through the consultations carried out have been addressed through the submission of updated supporting information and consequently this planning application is recommended for planning approval, subject to a S106 agreement and relevant planning conditions as set out above.

## 24. Recommendation

- (1) Approve subject to the owners/applicants first entering into a S106 agreement to secure the following:
- i. Education Contribution of £884,170.00 (index linked from April 2023).
  - ii. Off Site Highway Works Contribution of £42,140 (Index linked to April 2023)
  - iii. Management and maintenance company for the private internal roads and shared parking areas, public amenity areas and communal areas and drainage system.
  - iv. Cannock Chase SAC- financial contributions towards mitigation of additional visitors to Cannock Chase SAC at a rate of £329.83 per dwelling
- (2) If the S106 legal agreement is not signed/completed by 27<sup>th</sup> February 2024 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.

### CONDITIONS:

1. An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until plans and particulars of the layout, scale and appearance of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP2, CP3, CP4, CP5, CP6, CP13, CP14, H1, H2, IP1, BE1, NR3, NR4, NR7, ST1 and ST2 of the Lichfield Local Plan Strategy, LC1 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Design 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:**

5. Before the development approved is commenced above damp proof course samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork, rendering finish and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out 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 and the National Planning Policy Framework.

6. Before the development approved is commenced, the detailed drainage design to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

7. Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include details relating to construction access, hours of construction, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of noise, vibration, dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall only be undertaken in strict accordance with the approved details of the CEMP for the duration of the construction programme.

Reason: In the interests of highway safety and to minimise the impact of construction activity on the surrounding environment and neighbouring occupiers, in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

8. Before the development hereby approved is commenced, a scheme for protecting the dwellings from noise from the surrounding commercial noise sources and the railway shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and prior to the first occupation of any of the dwellings hereby approved a validation report shall be submitted to an approved in writing by the Local Planning Authority. The approved noise mitigation shall thereafter be maintained for the lifetime of the development.

Reason: In the interests of the amenity of the future occupiers of the dwelling(s) in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. Before the development hereby approved is commenced, 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 Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

10. Before the development hereby approved is commenced a scheme of biodiversity enhancement to indicate 20% gain on site 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 dwellings 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 Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

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

11. Prior to the first occupation of any of the residential units hereby granted permission a scheme of cycle storage facilities to serve each dwelling shall be submitted to and agreed in writing by the local planning authority. Each dwelling shall be provided with cycle storage in accordance with the approved details and they shall be thereafter retained for the life of the development.

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:**

12. The details required under condition 2 above shall include details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

13. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

14. Notwithstanding the details on submitted Drg. No.193390-SK03 (Pumping Station Tracking) details pursuant of the reserved matters consent shall indicate the vehicular access to the proposed pumping station to be separate from adjacent domestic curtilages and their vehicular parking facilities.

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

15. All planting, seeding or turfing shown on the details of landscaping required under condition 2 shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

16. Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 2 above shall be completed prior to the development first being brought into use.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

17. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed the submitted Bat Survey Report dated as received 28 September 2022.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and 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. 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](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant is advised that the drainage details required under condition 6 must demonstrate the following within the design:
  - Discharge Methods and Calculations- It is noted that the attenuation storage values relating to AT1, AT2Z, AT3 and AT4 and orifice plate diameters shown on the drainage plans do not match those shown in the micro drainage calculations in Appendix I of the flood risk assessment. The hydraulic calculations do not show that the half drain time for the proposed attenuation storage is less than 24 hours. Evidence will be required to demonstrate that the attenuation tanks will have 50% capacity available 24 hours after a 1 in 30 year storm event. There is a Severn Trent Water 100mm diameter combined rising main that terminates under a footpath- details of the proposals in relation to this (will it be retained, diverted, capped?) need to be provided.
  - Maintenance and exceedance- the submitted drainage plans show a pumping station located under 2 properties. Details of how this pumping station will be maintained should be provided in terms of access and egress. Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system are required, these should correlate with the building floor levels (required under condition 12) and drainage levels.
6. The applicant is advised in relation to the noise mitigation details required under condition 8, where a scheme requires windows to be kept closed to achieve a reasonable internal noise level, a ventilation strategy including an overheating risk assessment should also be submitted to the LPA to support the noise mitigation scheme proposed.
7. The applicant is advised that any garages pursuant to the reserved matters applications shall have a minimal internal dimension of 6.0m x 3.0m.
8. The applicant is advised that residential road construction details will require approval under Section 7 of the Staffordshire Act 1983 and will require approval under Section 38 of the Highway Act 1980.
9. The applicant is advised when submitting the reserved matters application that that the residential road layout should be designed for a maximum speed of 20 mph and swept path analysis should be demonstrated for an 11.9m long refuse vehicle. Any soakaways should be located a minimum of 5.0m rear of the highway boundary and where a private access falls towards the public highway a surface water drainage interceptor, connected to a surface water outfall, shall be provided across the access immediately to the rear of the highway boundary.

# LOCATION PLAN

23/01004/FULM  
Fairfields Farm  
Raikes Lane  
Lichfield WS14 0EL

Scale: 1:3,000

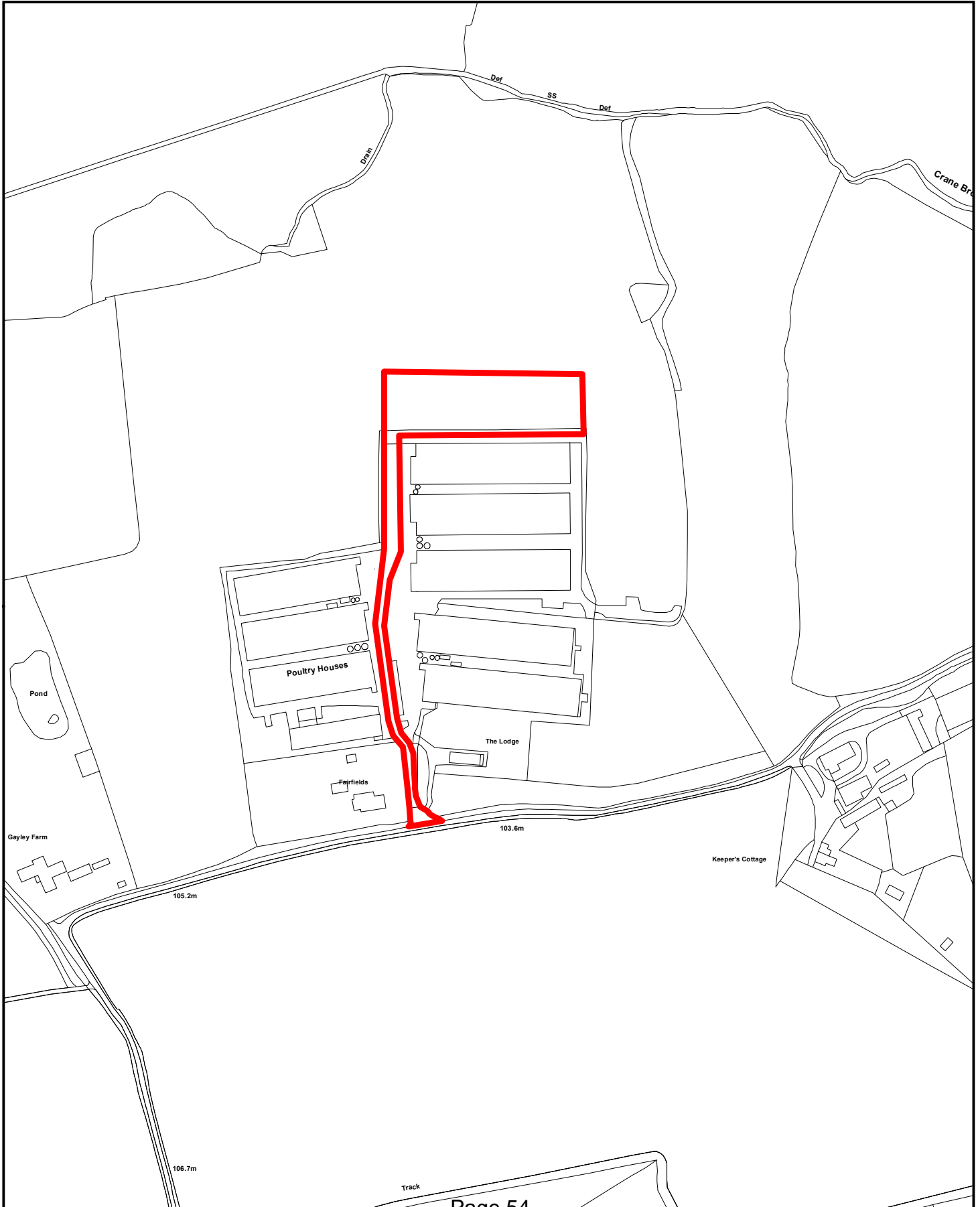
Dated: November 2023

Drawn By:

Drawing No:



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<b>Address:</b>	Fairfields Farm, Raikes Lane, Lichfield, Staffordshire	
<b>Application number:</b> 23/01004/FULM	<b>Case officer:</b> Clare Saint	
<b>Parish :</b> Shenstone <b>Ward:</b> Shenstone	<b>Date received:</b> 29/08/2023	
<b>Proposal:</b> Erection of an additional livestock unit and associated works and facilities		
<b>Reason for being on Agenda</b>	<p>This planning application is being reported to the Planning Committee due to a member call-in from Cllr David Salter and significant planning objections raised by Wall Parish Council and Shenstone Parish Council.</p> <p>The Councillor call-in relates to:</p> <ul style="list-style-type: none"> <li>• Highways Impacts of the proposal</li> <li>• Probity</li> <li>• Residential impacts of the proposal</li> </ul> <p>Wall Parish Council objections can be summarised as:</p> <ul style="list-style-type: none"> <li>• Vehicular movements are causing detrimental effects to the road surface, substructure and drainage, damage to the hedgerows and verges of Ashcroft Lane and Raikes Lane</li> <li>• Noise and disturbance during the hours from evening to early morning.</li> <li>• Safety issues for pedestrians along the narrow lanes</li> <li>• Request a plan to be developed for vehicle movements to minimise the damage and safety issues created by heavy vehicles servicing the farm eg. A change of route</li> <li>• Conditions should be included to control vehicle movements</li> <li>• A condition should be included to control any future increase in stock should the contracts requiring these proposed improvements end and the anticipated welfare legislation does not become law in England.</li> </ul> <p>Shenstone Parish Council objections can be summarised as:</p> <ul style="list-style-type: none"> <li>• The proposal does not contain a total HGV vehicle movement restriction</li> <li>• The proposal does not include a commitment to HGV vehicle day of the week or time of day of movements</li> </ul>	
<b>RECOMMENDATION:</b> Approve, subject to conditions.		
<b>Applicant:</b> Mr George Adsetts	<b>Agent:</b> Mr Sam Harrison	

## 1. Executive summary

- 1.1 In principle, the principle of the addition of an additional livestock unit in this location is acceptable. The site is an established agricultural premises and there are a number of existing buildings of a similar scale to the proposed. Whilst the site is located in the West Midlands Green Belt, the scheme would comply with national and local planning policies where there is support for agricultural development.

- 1.2 The issue of heavy goods vehicles and vehicular movements has been raised by both Wall and Shenstone Parish Council and highlighted within the call in request. Officers note that the County Highway Authority have raised no objections to the proposal and consider that the impacts of the proposal can be suitably controlled by appropriate planning conditions.
- 1.3 There are no impacts associated with the proposals relating to trees or ecological concerns.
- 1.4 The proposed development and its intended use are not considered to result in undue harm on neighbouring amenities or the Green Belt, and overall, the scheme is in compliance with the development plan.

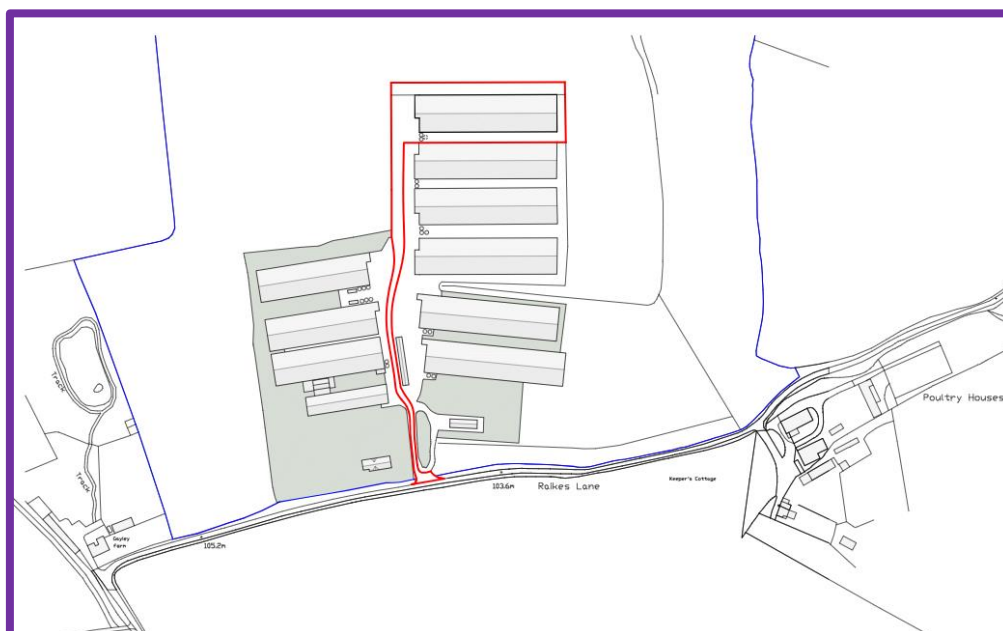
### Summary

**Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations 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 existing farm located to the north of Raikes Lane in the parish of Shenstone. The site comprises a range of modern agricultural buildings. The nearest residential amenity to the site is located on site at the farm. The nearest neighbours are approximately 150m to the south-east of the site. The site is located in the West Midlands Green Belt and the Cannock Chase Special Area of Conservation.
- 2.2 An extract from the submitted location plan is shown below:



## 3. Planning history

- 3.1 The site has extensive planning history which relates to the use of the site for agricultural purposes. Of relevance to this application are the following:



12 July 2021- **21/00412/FULM**- Erection of a replacement poultry rearing unit- Approved subject to conditions.

16 November 2020- **20/01072/FULM**- Erection of a replacement poultry rearing unit- Approved subject to conditions.

25 November 2019- **21/00412/FULM**- Retention of 5 No. containerised biomass boilers and 5 No. wood pellet silos - Approved subject to conditions.

06 February 2020- **19/01539/CLP**- Certificate of Lawfulness (Proposed): Single storey extension to rear- Approved.

14 April 2016- **16/00060/FULM**- Erection of a replacement poultry unit, with associated feed bins and hardstandings- Approved subject to conditions.

19 February 2016- **15/01420/FUL**- Variation of condition to allow permanent occupation of agricultural workers dwelling- Approved.

15 October 2014- **14/00392/FULM**- Erection of 2 no poultry units with linked control room and associated hard standing and feed bins- Approved subject to conditions.

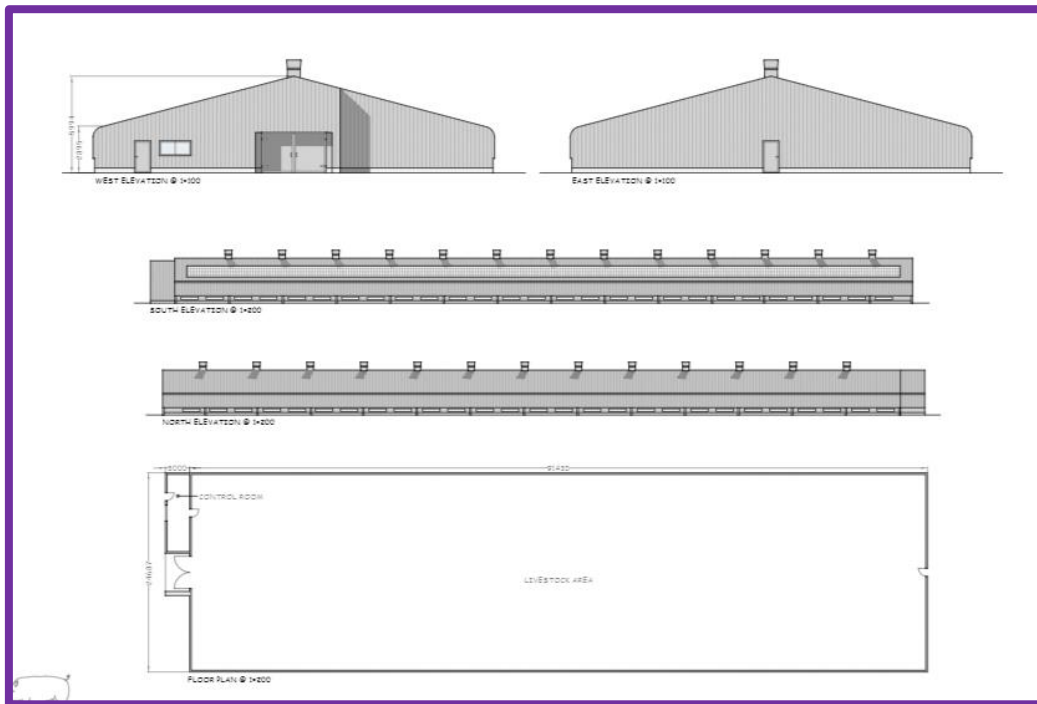
30 October 1996- **L960690**- 2 NO 91 4 M X 21 3 M POULTRY HOUSES FOR GROWING BROILERS- Approved subject to conditions.

25 June 1996- L960345- EXTENSION TO 2 POULTRY HOUSES- Approved subject to conditions.

## 4. Proposals

- 4.1 This application seeks permission for the erection of an additional livestock unit and associated works and facilities. The applicants operate an existing poultry rearing operation at Fairfields Farm. There are currently 9 existing units, and this proposal is for the erection of 1no. additional poultry unit. The proposed unit will sit adjacent to the most northern existing unit, with the addition of concrete aprons to the front and rear and 2no. additional feed silos. The proposed unit would have a footprint of 91435mm x 24687mm, with an eaves height of 2895mm and a ridge height of 5994mm, along with an attached control room and catching canopy which would amount to 15219mm x 3000mm. The submissions confirm that the control room includes a specialist computer system to control the temperature, with feeding and lighting controlled separately. The management of the manure is controlled by an environmental permit. The proposed unit will be of a generic agricultural appearance, constructed from a steel frame with cladding consisting of polyester coated steel profile sheeting, finished in slate blue walls and goosewing grey roof, mirroring the adjacent poultry house. The unit will match the adjacent units in appearance. Solar panels will be installed on the southern elevation roof.
- 4.2 The justification for the additional poultry unit is due to the 'Better Chicken Commitment (BCC)' which is a set of standards for broiler welfare. Currently the farm has a permit in place which allows for 38kg per sqm, with a legal capacity of 325,000 birds within the existing buildings. The new rules under BCC will mean that the legal capacity will drop to 30kg per sqm and therefore reducing the number of birds down to 250,000. The additional poultry unit will allow for more birds and mean the number of birds on site can be up to 285,000. Overall, it is noted that this still amounts to a drop in bird numbers on the existing situation.

4.3 The proposed elevations and layout are shown below:



## 5. Policy framework

### 5.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 5.2 Local Plan Strategy

Policy CP1 – The Spatial Strategy  
Policy CP2 – Presumption in Favour of Sustainable Development  
Policy CP3 – Delivering Sustainable Development  
Policy CP4 – Delivering Our Infrastructure  
Policy CP5 – Sustainable Transport  
Policy CP7 – Employment and Economic Development  
Policy CP13 – Our Natural Resources  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy ST1- Sustainable Travel  
Policy ST2 – Parking Provision  
Policy BE1 – High Quality Development

### 5.3 Local Plan Allocations

No relevant policies

### 5.4 Supplementary Planning Document

Sustainable Design SPD  
Rural Development SPD  
Biodiversity and Development SPD

### 5.5 Shenstone Neighbourhood Plan

Policy GB1: Green Belt  
Policy SAC1: Cannock Chase Special Area of Conservation  
Policy GSC3: Minimising the Environmental Impact of Development.

## 6. Supporting documents

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

- GA010723 - LOCATION PLAN A1 Location Plan dated as received 29.08.2023
- GA040723 - EXISTING SITE PLAN A1 Existing Site Plan dated as received 29.08.2023
- LARGE SCALE LP Large Scale Location Plan dated as received 29.08.2023
- GA030723 - ELEVATIONS A1 Proposed Elevations dated as received 29.08.20
- GA050723 - FEED BIN ELEVATIONS A4 Proposed Elevations dated as received 29.08.2023
- GA020723 - SITE PLAN A1 Site Plan dated as received 29.08.2023
- Design and Access Statement.
- Preliminary Ecological Appraisal.

## 7. Consultation responses

7.1 **Shenstone Parish Council** – Object to the proposals on the following grounds:

- The proposal does not contain a total HGV vehicle movement restriction
- The proposal does not include a commitment to HGV vehicle day of the week or time of day of movements (28.09.2023)

7.2 **Wall Parish Council** – Object to the proposals on the following grounds:

- Vehicular movements are causing detrimental effects to the road surface, substructure and drainage, damage to the hedgerows and verges of Ashcroft Lane and Raikes Lane
- Noise and disturbance during the hours from evening to early morning.
- Safety issues for pedestrians along the narrow lanes
- Request a plan to be developed for vehicle movements to minimise the damage and safety issues created by heavy vehicles servicing the farm eg. A change of route
- Conditions should be included to control vehicle movements
- A condition should be included to control any future increase in stock should the contracts requiring these proposed improvements end and the anticipated welfare legislation does not become law in England. (28.09.2023)

7.3 **Environment Agency** –No objections to the proposal. (05.10.2023)

7.4 **Severn Trent Water** - No objections to the proposal. (26.09.2023)

7.5 **Staffordshire County Council (Highways)** – No objections to the proposal. (20.09.2023)

7.6 **LDC Spatial Policy and Delivery Team** – No objections to the proposal. (29.09.2023)

7.7 **LDC Environmental Health Team** - No objections to the proposal. (29.09.2023)

7.8 **LDC Tree Officer** – Confirmed no comments to make. (14.09.2023)

7.9 **LDC Waste Management** – Confirmed there are no comments in relation to the Joint Waste Service. (06.09.2023)

7.10 **LDC Ecology Team** - No objection, subject to the inclusion of conditions. (24.09.2023)

7.11 DEFRA, Architectural Liaison Officer, the Campaign To Protect Rural England, Cadent Gas Limited, Central Networks, South Staffordshire Water, National Grid (Gas) were consulted, but provided no comments on the application.

7.12 Councillor Salter called the application in to be heard at Planning Committee on highways, probity and residential amenity grounds. The Call-in request set out:

*'the existing business has a detrimental impact on the road and verges and has a severe impact on residents. Those residents deserved to see an open deliberation and reasoned decision'.*

## 8. Neighbour responses

- 8.1 1 letter of representation have been received in respect of this application. The comments made are summarised as follows:
- Concerns over more heavy commercial vehicles using lanes which are not designed or built for these vehicles and are causing damage to the roads and vegetation.
  - There are too many heavy commercial vehicles using these roads and causing noise and air pollution.
  - The vehicles should be re-routed to Lynn Lane/Raikes Lane

## 9. Assessment

### Determining Issues

- Policy & Principle of Development including Green Belt Impacts
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Impact on Trees
- Ecology
- Cannock Chase Special Area of Conservation
- Other Issues
- Human Rights

## 10. Policy & principle of development including Green Belt Impacts

- 10.1 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. In this location, the Shenstone Neighbourhood Plan was also made in 2016 and as such, also carries full material weight.
- 10.2 In terms of national guidance, the NPPF includes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:
    - l. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 10.3 Para 182 of the NPPF states that 'The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.' In this case the site falls within a 15km radius of the boundary of the Cannock Chase Special Area of Conservation (SAC). Therefore, the guidance of the NPPF is that the presumption in favour of development would not apply in this case and thus it is necessary for the development to demonstrate that the integrity of the SAC will not be adversely

affected, having regard to avoidance or mitigation measures. The impacts on the Cannock Chase SAC are dealt with later in this report.

- 10.4 Paragraph 84 states that planning decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and (b) the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 of the NPPF highlights that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Paragraph 84 continues that in these circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 10.5 Core Policy 7: Employment and Economic Development states: 'The District Council, working in partnership with business and local communities, will maintain and enhance a diverse local economy and encourage opportunities for inward investment'. Proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies'. This is further echoed in Policy NR1: Countryside Management which supports the delivery of diverse and sustainable farming enterprises. Policy Rural 1: Rural Areas, also supports rural employment and diversification where it accords with Core Policy 7. Development Management Policy NR1: Countryside Management recognises the important economic role of the countryside and at paragraph 11.12 the role that planning plays in supporting and facilitating positive countryside management and in strengthening the rural economy.

#### Green Belt

- 10.6 The site of the proposed development lies within the Green Belt. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 requires authorities to ensure that substantial weight is given to any harm to the Green Belt and that 'Very Special Circumstances' will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 149 is clear that the construction of new buildings in the Green Belt should be considered as inappropriate development unless it is one of a number of exceptions. One of the exceptions includes the provision buildings for agricultural and forestry.
- 10.7 Policy NR2 of the Local Plan Strategy follows the NPPF policies and approach to assessing applications within the Green Belt. It states opportunities to enhance the beneficial use of the Green Belt will be supported. Similarly, Policy GB1 of the Shenstone Neighbourhood Plan confirms that the NPPF approach to what is considered to be appropriate development should be followed. All development within the Green Belt must retain its character and openness. The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework.

#### Assessment

- 10.8 In terms of the principle of the development, currently the land is used for an established agricultural use. Agricultural use of the land and sustainable farming enterprise is considered to be acceptable within the countryside, and policies offer support to existing and viable farming enterprises. The proposal for an additional livestock unit is therefore deemed appropriate in this location and in compliance with relevant policies within the Local Plan Strategy.
- 10.9 As set out above, the application site is located within Green Belt and therefore whether the development is appropriate in Green Belt will need to be determined. The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is one of the exceptions listed

in the National Planning Policy Framework. One of the exceptions (set out in para 149) for new buildings is for agriculture and forestry. In respect of the above, the development proposal is acceptable in Green Bet terms and does not amount to inappropriate development as it is in accordance with paragraph 149 (part a) of the NPPF and Policy NR2 of the Lichfield Local Plan. As such, the principle of the scheme is acceptable.

## **11. Design and impact on the character and appearance of the surrounding area**

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

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

11.2 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and its surroundings. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the district.

11.3 Policy GSC3: Minimising the Environmental Impact of Development of the Shenstone Neighbourhood Plan requires new development to be sustainably designed and developments which demonstrate energy saving measures will be supported.

### Assessment

11.4 The proposed development seeks to add a new unit based on the scale and appearance of the existing poultry sheds. The unit would be located adjacent to the existing built form and is agrarian in appearance. It is noted that the scheme proposes similar materials and colour finish to the surrounding buildings which are appropriate to the rural context and solar panels would be installed to the roof. It is considered that no unacceptable detriment is caused to the character and appearance of the area, while the character and quality of the landscape would be maintained. The scheme is acceptable in terms of design and impact upon the character and appearance of the area.

## **12. Residential amenity**

12.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance.

12.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. 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. 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 external amenity space based upon the number of bedrooms in a dwelling.

### Assessment

- 12.3 The proposed development would provide for an additional building with no increase of overall poultry activity at the site. The site would be regulated by a permit issued by the Environment Agency. In this instance Environmental Health and the Environment Agency have raised no objection to the proposed development. The LPA can therefore only conclude that no adverse amenity issues would arise.
- 12.4 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

## **13. Access and highway safety**

- 13.1 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 13.2 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 and capacity are factors which should be given consideration.

### Assessment

- 13.3 Objections have been raised with regard to vehicular movements associated with the development. The applicant has confirmed that vehicular movements will be reduced in line with the farms aim to become a 'Better Chicken Commitment' farm. The addition of the unit will not cause an increase or unacceptable impact on highway safety, nor will it add to severe cumulative impacts on the road network. However, a condition has been recommended to request a Travel Management Plan in order to control the future vehicular movements to and from the site.
- 13.4 Staffordshire County Council Highways were consulted on the application and raised no objections to the proposals. It is therefore considered that the application is acceptable in access and highway safety terms.

## **14. Impact on trees**

- 14.1 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. Particular regard should be taken to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows. 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 Council's Tree's, Landscaping and Development SPD.

### Assessment

- 14.2 There are no trees within the site protected by means of a Tree Preservation Order, and the proposals do not result in the loss of any trees. The Tree Officer raised no concerns. As such it is considered that the proposals will accord with Policy NR3 and in Arboricultural terms, is acceptable.



## 15. Ecology

- 15.1 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.
- 15.2 Policy GSC3: Minimising the Environmental Impact of Development in the Shenstone Neighbourhood Plan sets a requirement for high quality proposals which respect the environment and achieve environmental and biodiversity enhancement.

### Assessment

- 15.3 The Council’s Ecology Manager was consulted as part of the planning process and updated reports were provided by the applicant to confirm that no protected species would be affected by the proposals. The methods of working set out in the submitted report can be secured by an appropriately worded condition which forms part of the recommendation. The Ecology Manager was satisfied with this approach and a condition is also recommended requiring a biodiversity enhancement plan to be submitted, approved, and implemented.
- 15.4 As such, subject to the aforementioned conditions, it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

## 16. Cannock Chase Special Area of Conservation

- 16.1 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy and policy SAC1 of the Shenstone Neighbourhood Plan, which requires that before development is permitted, it must be demonstrated that alone or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.
- 16.2 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.
- 16.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

### Assessment

- 16.4 Taking into consideration the nature of the proposals, which do not result in residential development, it is not considered that the scheme would result in a negative impact or significant effects on the Cannock Chase SAC. A Habitat Regulation Assessment has been undertaken. This has assessed the proposals and concluded that there will be no additional recreational harm to the SAC resulting from the proposal, as such an Appropriate Assessment is not required in this case. The objectives of Local Plan policy NR7 are met by this scheme.

## 17. Other Issues

- 17.1 Concerns have been raised by the parish councils and neighbouring objectors which mention damage to hedgerows and road surfacing. This matter would be an enforcement matter for Staffordshire County Highways, not this council.



- 17.2 Comments were made by Wall Parish Council with regards to a condition should be included to control any future increase in stock should the contracts requiring these proposed improvements end and the anticipated welfare legislation does not become law in England. This has been discussed internally and it is felt that a condition would be unenforceable and is also something that is controlled via the Environment Agency.

## **18. Human rights**

- 18.1 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.

## **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 proposal is deemed a sustainable and appropriate form of development that complies with relevant policies contained within the Development Plan and the National Planning Policy Framework. The principle of the development is considered to be acceptable in terms of the impact on the Green Belt, and agricultural use is supported in the development plan. The highways impact of the proposal has been fully addressed and the County Highways Authority raise no technical objections to the scheme. The scheme will amount to a decrease in vehicular movements.
- 19.3 Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

## **20. 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 Policies CP1, CP3, CP5, CP7, CP13, NR1, NR2, NR3, NR4, NR5, NR7, BE1, Rural1 and Rural 2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Rural Development SPD, the Shenstone Neighbourhood Plan 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. Before the development hereby approved is commenced, an Ecological Enhancement Plan (EEP), shall be submitted to, and approved in writing by, the Local Planning Authority. The EEP shall include:
- A plan/drawing on proposed landscaping and enhancement to biodiversity to make up for the loss of ecology. This can be achieved through the inclusion of creating/planting new habitats, trees, and hedgerow or enhancing what is existing on site.
  - Details on the species to be planted.
  - Provision for species such as bat boxes, bird boxes, bee bricks, hibernacula, log piles, hedgehog houses and connectivity for wildlife through the site.

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 Supplementary Planning Document and the National Planning Policy Framework.

4. Before the development hereby approved is commenced, a Travel Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The submitted Service Management Plan shall include the following details:
- i.) the type and size of delivery vehicles;
  - ii.) the type and size of heavy goods vehicles; and
  - iii.) the hours of deliveries and heavy goods vehicle movements
  - iiii.) hedgerow and road surface management
  - v.) routeing of heavy goods vehicles

The Travel Management Plan shall thereafter be adhered to for the lifetime of the proposed development.

Reason: In the interests of highway safety and in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

5. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in pages 18-22 of the Preliminary Ecological Appraisal dated as received 29<sup>th</sup> August 2023. The measures shall be implemented prior to commencement of the buildings hereby approved and shall thereafter be retained for the life of the development.

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.

6. The premises shall only be used for the purposes of described in the application documents and for no other purpose within the schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure any future use of the premises does not adversely affect the amenities of occupiers of adjoining properties and the locality in general, and to not adversely affect the Green Belt in accordance Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

## NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Shenstone Neighbourhood Plan (2016).
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](http://www.lichfielddc.gov.uk/cilprocess).
5. Please note that there may be Western Power Distribution assets in the vicinity of the development. The developer should contact Western Power Distribution prior to any works commencing.

# LOCATION PLAN

23/01139/FUL  
18 Eastridge Croft  
Shenstone Lichfield  
WS14 0LN

Scale: 1:1,000

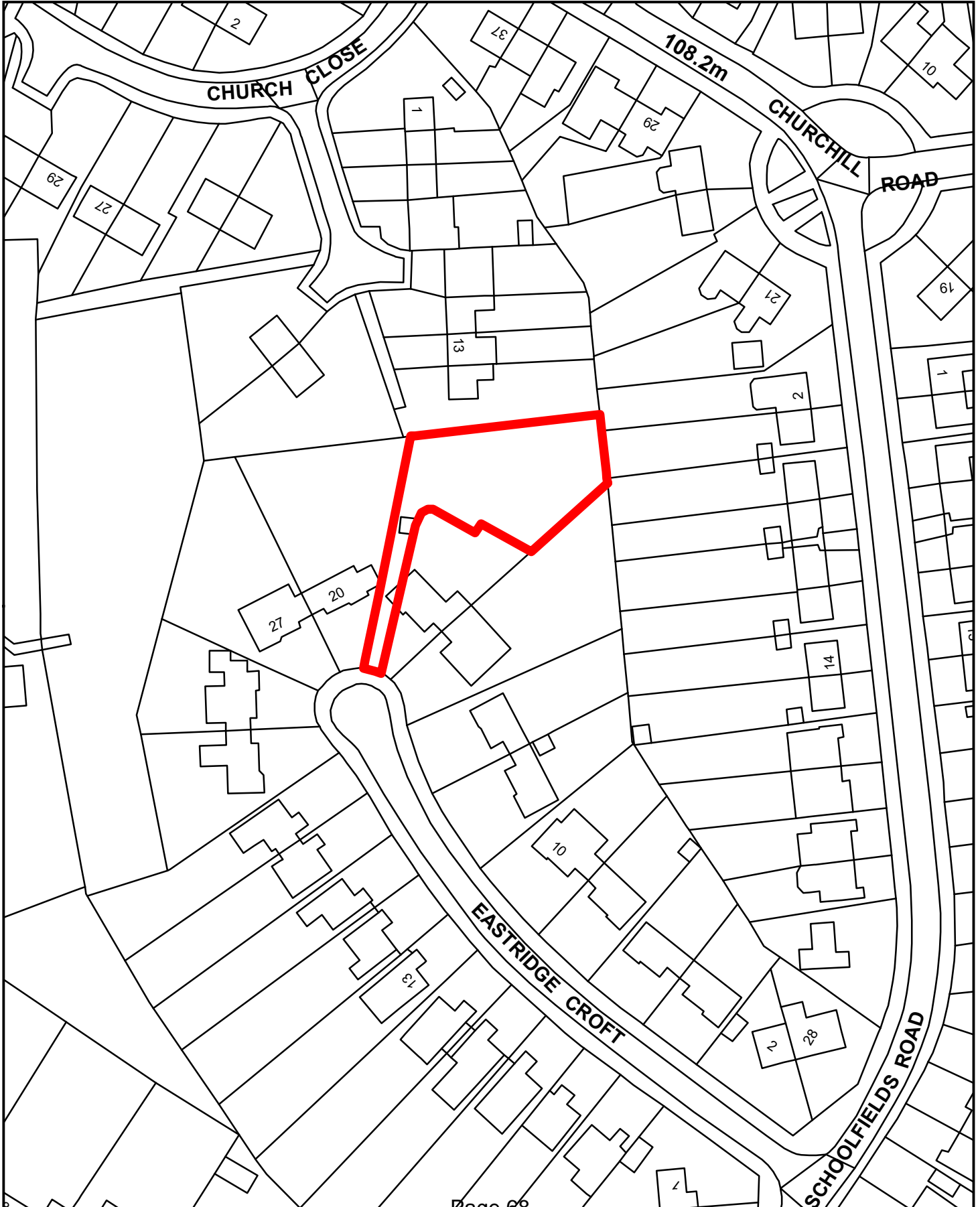
Dated: November 2023

Drawn By:

Drawing No:



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<b>Address:</b>	18 Eastridge Croft, Shenstone, Lichfield, Staffordshire		
<b>Application number:</b> 23/01139/FUL	<b>Case officer:</b> Sukhjeevan Bains		
<b>Parish :</b> Shenstone <b>Ward:</b> Shenstone	<b>Date received:</b> 12/10/2023		
<b>Proposal:</b> Section 73 application to vary condition 2 (approved plans and specifications) of permission 22/00086/FUL to change the design of the dwelling to incorporate larger dormer windows, changes to external materials, boundary treatments and site levels of the rear plot			
<b>Reason for being on Agenda</b>	<p>This application has been called in to be heard at Planning Committee by Cllr Salter on the following grounds -</p> <ul style="list-style-type: none"> <li>• Design</li> <li>• Planning Policy</li> <li>• Probity</li> <li>• Residential amenity</li> </ul> <p>Objections have also been received from Shenstone Parish Council, which can be summarised as:</p> <ul style="list-style-type: none"> <li>• Original concerns with ground levels at site have not been addressed.</li> <li>• Insufficient evidence has been submitted to allow for ground levels to be established.</li> <li>• Utilising incorrect or inaccurate ground levels could impact position of rear plot.</li> </ul>		
<b>RECOMMENDATION:</b> Approve, subject to the owners/applicants submitting a Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the conditions.			
<b>Applicant:</b> Mr and Mrs Wright	<b>Agent:</b> Thomas Bristow		

## 1. Executive summary

- 1.1 Section 73 of the Town and Country Planning Act allows applications to be made for permission to develop without complying or by varying a condition or conditions attached to a planning permission. This is a S73 application to amend the design of the dwelling previously approved to the rear of the application site and to clarify boundary treatments and land levels.
- 1.2 The principle of residential development has already been established on the site, and the alterations relate solely to the rear plot and the design of the dwelling which occupies it. They are considered to be modest and appropriate in regard to scale and design.
- 1.3 Due to the scale and position of the proposed alterations, the new dwelling is not considered to unduly impact neighbour amenity. In terms of highways implications, no changes are proposed that would impact the assessment undertaken within the parent permission.
- 1.4 The LPA has reviewed relevant topographical surveys to establish pre-existing, existing, and proposed ground levels across the site. It is considered that sufficient detail has been provided to make a robust assessment of the proposals.

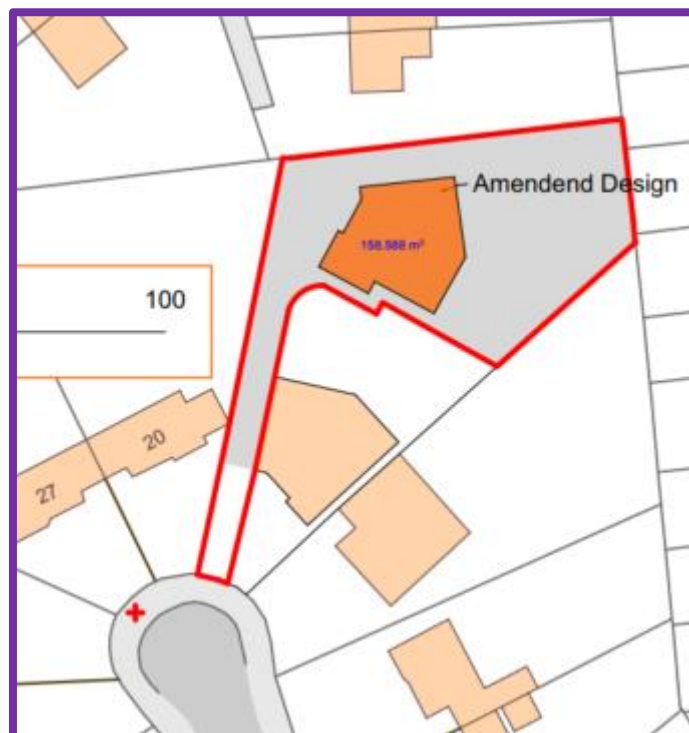
### Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations 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 sits to the rear of a larger plot situated at the northern end of Eastridge Croft cul-de-sac. The site previously comprised of a semi-detached bungalow and associated garden. Work has commenced on site in relation to the front plot. The topography of the site is such that the front dwelling is situated on higher ground with the rear garden sloping away towards the rear of the site, with neighbouring residential properties situated beyond the rear of the application site.
- 2.2 The site is located within the Shenstone village settlement boundary as identified on Inset 22 of the Local Plan Strategy Policies Map. The site does not fall within Shenstone Conservation Area, or impact upon any Listed Buildings. However, the site does fall within the 8-15km Cannock Chase Special Area of Conservation (SAC), and within Flood Zone 1.
- 2.3 An extract from the submitted location plan is shown below:



## 3. Planning history

- 3.1 06 July 2022- **22/00086/FUL**- Demolition of 1No bungalow and erection of 2No dormer bungalows- Approved subject to conditions.
- 3.2 29 March 2023- **22/00086/DISCH**- Discharge of conditions 4 (landscape and planting) and 5 (materials) of permission 22/00086/FUL- Approved.

## 4. Proposals

- 4.1 This application seeks permission for the variation of condition 2 (approved plans and specifications) of permission 22/00086/FUL to change the design of the dwelling situated to the rear of the application site to incorporate larger dormer windows and changes to external materials. Furthermore, alterations to boundary treatments and clarification of the site (garden) levels of the plot form part of the proposals. These amendments are considered to form 'minor material amendments' to the originally granted scheme.
- 4.2 The proposed dwelling would have the same footprint as that previously approved. The front dormer window is to be increased in width to allow for more internal floorspace within the new dwelling and the southern rear dormer would also be altered and increased in size to match a dormer already approved on the property. Close board timber fencing is proposed to the north, east and western boundaries of the site and site levels have been clarified which confirm that the proposed dwelling would be in the same position as the approved scheme, and the rear garden would slope down to the north and eastern boundaries to the existing natural ground level.
- 4.3 The proposal also includes a change in the external materials with a contemporary palette of materials proposed to match the front dwelling.
- 4.4 This application relates solely to the rear plot of the site which is now under new and separate ownership from the front plot.
- 4.5 The extract from the submitted Block Plan is shown below. The areas in purple identify the alterations to the dormer windows, and the orange area identifies the position of the approved dwelling (approved as part of the original host planning permission) at the front of the site, where construction is underway.





## 5. Background

- 5.1 Planning permission was granted under application reference 22/00086/FUL on 06 July 2023 for the demolition of 1No bungalow and erection of 2No dormer bungalows. Since this decision, separation of the two plots on site has been formalised with the rear plot being sold to the applicant. Works have commenced on site to the dwelling at the front of the site only.
- 5.2 Section 56(4) of the Town and Country Planning Act 1990 states 'development is taken to be begun on the earliest date on which a material operation is carried out'. A material operation is defined in the Act and can include any relevant works of construction or demolition. In this case, it is considered that works have commenced on site, not least through the demolition of the original property which occupied the application site.
- 5.3 As set out above, works have started to implement the scheme on site, with the original property being demolished and the works to construct the approved dwelling occupying the plot to the front of the site underway. Following receipt of a complaint to the Council relating to alleged breaches of planning control, a detailed site visit from the enforcement team was undertaken. This led to the serving of a temporary stop notice on 2<sup>nd</sup> August 2023. The reasons for issuing the notice were set out as:
- 'The Council understands the development which was permitted under planning permission reference 22/00086/FUL is not being carried out in accordance with the approved plans. Furthermore, significant engineering operations have been carried to alter the original levels of the site without the benefit of planning permission.'*
- 5.4 The notice took effect immediately and for a period of 28 days. During this period, further site visits were carried out by officers and evidence, including topographical surveys, were supplied. The dwelling under construction was found to be in general accordance with approved plans, albeit due to the incorporation of additional insulation below floor level, the finished floor level of the replacement dwelling at the front of the site was increased by 210mm from that of the original dwelling. This difference in isolation is considered to be 'de minimis' and therefore not expedient to pursue with further enforcement action.
- 5.5 Notwithstanding this, during the investigation, it became clear that alterations proposed by the applicants to ground levels associated with the rear garden and raised patio areas across the site would require consent. As such, to regularise these changes and ensure they do not unduly impact on neighbouring amenity, a formal application was requested under section 73 of the Town and Country Planning Act. As set out above in paragraph 5.1, the site has been subdivided, with the rear plot (subject of this application) under separate ownership. The Council have not, to date, received the requested application for the plot at the front of the site. This matter is being dealt with separately and has no material bearing on this application.

## 6. Policy framework

- 6.1 **National Planning Policy**  
National Planning Policy Framework  
National Planning Practice Guidance
- 6.2 **Local Plan Strategy**  
Policy CP1 - The Spatial Strategy  
Policy CP2 - Presumption in Favour of Sustainable Development  
Policy CP3 - Delivering Sustainable Development  
Policy CP4 - Delivering Our Infrastructure  
Policy CP5 - Sustainable Transport  
Policy CP6 - Housing Delivery  
Policy CP13 - Our Natural Resources  
Policy CP14 - Our Built & Historic Environment



Policy H1 - A Balanced Housing Market  
Policy H2 - Provision of Affordable Homes  
Policy NR3 - Biodiversity, Protected Species & their Habitats  
Policy NR4 - Trees Woodland & Hedgerows  
Policy NR5 - Natural & Historic Landscapes  
Policy NR6 - Linked Habitat Corridors & Multi-functional Greenspaces  
Policy NR7 - Cannock Chase Special Area of Conservation  
Policy SC1 - Sustainability Standards for Development  
Policy SC2 - Renewable Energy  
Policy ST1 - Sustainable Travel  
Policy ST2 - Parking Provision  
Policy BE1 - High Quality Development  
Policy Shen1 - Shenstone Environment  
Policy Shen4 - Shenstone Housing

**6.3 Local Plan Allocations**

Policy BE2 - Heritage Assets

**6.4 Supplementary Planning Document**

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

**6.5 Shenstone Neighbourhood Plan**

Policy H1- Dwelling Mix  
Policy H2- Residential Infill and Backland Development  
Policy H3- Design of Residential Development  
Policy H4- Provision of Private Amenity Space to serve Residential Development

**7. Supporting documents**

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

1 of 8 Location and Block Plan dated as received 12 October 2023  
2 of 8 Site Layout Plan dated as received 12 October 2023  
3 of 8 Proposed Elevations dated as received 12 October 2023  
4 of 8 Proposed Layout dated as received 12 October 2023  
5 of 8 Section and Roof Plan dated as received 12 October 2023  
6 of 8 Materials dated as received 12 October 2023  
7 of 8 Height Level dated as received 12 October 2023  
8 of 8 Site Sections dated as received 12 October 2023

7.2 The following plans/ documents formed part of the approved scheme 22/00086/FUL and remain relevant:

1 of 12 Location Plan dated as received 20 December 2021  
Preliminary Bat Roost Assessment - Ref: CE2007 dated as received 13 January 2022  
Ea-2022-006(aia) rev.a dated as received 04 April 2022  
Ea-2022-006(tcp) rev.a dated as received 04 April 2022  
Ea-2022-006(tpp) rev.a dated as received 04 April 2022  
Ea-2022-006(tshp) rev.a dated as received 04 April 2022

## 8. Consultation responses

- 8.1 **Shenstone Parish Council**- Object to the application. The Parish Council do not see why the front plot, under construction, is not included within this application. Concerns were raised regarding the need for the front plot to be included to be used as a datum point or reference point for ground levels across the site. There are concerns that the ground and ridge heights for the application property (the rear plot) are ambiguous without the same data for the front section of the site. The property under construction at the front of the site has a DPC which is higher than the original property which occupied the site (estimated between 700 and 900mm), and this raises concerns regarding the position and scale of the dwelling at the rear of the site which is the subject of this application. The Parish are concerned that this application has not made transparent how the original concerns of the District Council have been resolved. (06 November 2023).

## 9. Neighbour responses

- 9.1 Responses were received from two neighbouring properties. Objections and concerns can be summarised as:
- Queries raised on how the levels for the rear plot or datum level can be established when the levels on the front plot are ambiguous/ not approved.
  - Loss of privacy
  - Loss of green corridor when viewing across the village from St Johns Churchyard
  - Confirmation provided that no objections are raised to the individual house design.

## 10. Assessment

- 10.1 This application seeks to vary the approved drawings (condition 2) of planning permission 22/00086/FUL to include the changes outlined within section 4 of this report. Under the terms of a Section 73 application, recognising that the approved development has commenced on site, it is the impact of the proposed changes which is before members for consideration. The principle of residential development will not be revisited as this aspect has already been determined to be in compliance with the local plan. As such, the determining issues in this case are:

### Determining Issues

- Design and Impact upon Heritage Assets
- Residential Amenity
- Access and Highway Safety
- Arboricultural Impacts
- Ecology
- Drainage
- Planning Obligations & Cannock Chase SAC
- Other Issues
- Human Rights

## 11. Design and impact on upon Heritage Assets

- 11.1 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”.

- 11.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 11.3 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.
- 11.4 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.
- 11.5 Local Plan Strategy Policy BE1: High Quality Development lists a number of issues that new development must have a demonstrable positive impact on. Particular aspects of the policy are relevant to this development proposal: - The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views; - New development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail.
- 11.6 Core Policy 14: Our Built and Historic Environment states that the District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. Furthermore, 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.
- 11.7 The Shenstone Neighbourhood Plan (2016) (SNP) states at Policy H2 that all residential infill and backland development within the built-up area of Shenstone shall reflect the character of the surrounding area and protect the amenity of neighbours, and development should reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours. Furthermore, Policy H3 of the SNP requires architectural styles to be in-keeping with locality.

#### Assessment

- 11.8 The proposal involves increasing the scale of the front dormer window and one rear dormer window. The front dormer windows would be increased from 3.45m in width to 5.38m and incorporate a dual hipped roof extending from the main ridge line. It has been designed to match the northern rear dormer in scale and design. While it represents an increase in scale

above the approved, similarly to the northern dormer, it is considered to be of an appropriate scale, which sits comfortably within the roofspace and building envelope. It is also considered to add uniformity to the site.

- 11.9 The redesigned glazing is considered appropriate in the context of the contemporary appearance of the dwelling.
- 11.10 The front dormer window would be no wider than the approved scheme but would extend out from the roof slope rather than sit within it. This would result in the addition of a window and increase the internal floorspace. Again, it is considered to be of an appropriate scale and design in relation to the dwelling as a whole.
- 11.11 The proposal also involves the use of new external materials including white render to the walls, grey roof tiles, black aluminium glazed windows and shadow line cladding. It would result in a more contemporary appearance compared to the approved scheme which was of a more traditional design. However, these materials are becoming a common addition within residential areas and would also be similar to the front dwelling which is of a contemporary design. Overall, the proposed materials are considered acceptable.
- 11.12 The proposed boundary treatments would comprise 2.0m high close board timber fences which is a common and appropriate form of treatment in this residential location.
- 11.13 This scheme does not propose a relocation or change in levels of the proposed dwelling and therefore this remains acceptable. It is also noted that this relates to the rear plot which is not particularly visible along the street scene.
- 11.14 Overall, the proposal is considered to result in modest and appropriate amendments to the approved scheme and is considered acceptable.

## **12. Residential amenity**

- 12.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. The Sustainable Design SPD includes recommendations for space about dwellings and amenity standards in order to ensure an acceptable level of privacy and light to neighbouring properties and future occupiers is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings. The SPD also sets requirements in terms of the size of private amenity space necessary to serve new dwellings, whereby 65 square metres should be provided for 3 or 4 bedrooled dwellings and rear garden depths in excess of 10 metres should ideally be achieved. Policy H4 of Shenstone Neighbourhood Plan expects residential development proposals to provide adequate private amenity space to serve each property.  
Assessment
- 12.2 The standard of accommodation for future occupants of the property has previously been determined as acceptable. The changes proposed within this scheme would increase the internal floor area of the dwelling therefore providing a betterment over the previous scheme. The external amenity areas remain the same.
- 12.3 In regards the impact on neighbour amenity the newly proposed window within the front dormer would face west over toward the rear garden of No.20 Eastridge Croft. However, this

would serve a bathroom and be obscure glazed therefore not increasing overlooking from the site towards this neighbouring property. The finished floor levels and garden levels have been provided and following assessment are considered to be acceptable, resulting in no unacceptable overlooking impacts. More detail is provided on this later in this report.

- 12.4 The proposal includes an increase in size of the southern rear dormer. While it would be materially larger than the approved, it still sits within the envelope of the approved dwelling and as such is not envisaged to result in a material loss of light or outlook for adjacent properties. Additionally, the orientation of the window is the same meaning it would still face toward the rear of the neighbouring garden rather than toward an adjacent property. It is also noted that there is only a modest increase in the area of glazing which is not considered to materially increase the potential for overlooking from the site.

### **13. Access and highway safety**

- 13.1 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.
- 13.2 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. The proposed dwellings will have 3 bedrooms each. The SPD recommends that a 3/4-bedroom dwellings provides 2no parking spaces. The development would provide parking in accordance with the recommended standards.
- 13.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes, or other disturbance. The National Planning Policy Framework sets out in paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### Assessment

- 13.4 The proposed access and parking layout would remain the same as the approved scheme. Relevant conditions as required under the host consent shall be transferred to this application should permission be granted.

### **14. Impact on trees**

- 14.1 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

- 14.2 The application site is not situated within a conservation area and does not facilitate any tree preservation orders. The application site contains a number of mature trees with a number also along the eastern boundary but outside of the site. Works to remove some trees were

approved within the parent permission. This scheme does not propose any additional works to trees.

- 14.3 As such, the development would be in accordance with the requirements of the development plan and NPPF, in this regard.

## 15. Ecology

- 15.1 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

- 15.2 The Ecology Team were consulted on the parent permission and satisfied that sufficient mitigation and measures to achieve a net gain in biodiversity could be achieved through appropriately worded conditions. No changes are proposed to the layout or positioning of the development therefore it is considered appropriate to transfer the relevant conditions should planning permission be granted.

## 16. Drainage

- 16.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

### Assessment

- 16.2 The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of pressure on local utilities Severn Trent Water have stated that they have no objection to the development proposal and do not require a drainage condition to be applied in this instance.
- 16.3 Therefore it is considered that the proposals would accord with the development plan and NPPF in this regard.

## 17. Planning Obligations and Cannock Chase SAC

- 17.1 This development is likely to have an impact upon Cannock Chase SAC (CC SAC). Protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. From 1st April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the Cannock Chase SAC. In this case, the development falls within the Zone of Influence and as such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £329.83 for each net new dwelling (plus

a 5% monitoring fee) in mitigation. Subject to the agreement of the applicant, this contribution could be secured by means of a S106 agreement.

- 17.2 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the higher charging area as identified on the CIL Charging Schedule and would be charged at a rate of £55 per square metre for residential development (not including indexation).

## 18. Other Issues

- 18.1 It is noted that the Parish Council and neighbouring occupiers raised issues in relation to the ground levels associated with the application. Officers have reviewed the pre-existing topographical survey of the site where it establishes the finished floor level (FFL) of the original semi-detached bungalow as 112.77. Following an investigation by the Councils Planning Enforcement department under case reference 23/00175/EUD, an existing topographical survey was submitted to establish the 'as built' levels on site. This identified the FFL of the dwelling on Plot B at the front of the site as being 112.98. This represents a 210mm increase in FFL from the original dwelling.
- 18.2 The reason provided for this was the incorporation of additional insulation below floor level. It was considered that the difference in FFL was 'de minimis' and therefore not expedient to pursue with further enforcement action. As the FFL of the front dwelling within Plot B has been established and considered acceptable, it is therefore possible to use this as a reference point when assessing the current application which relates solely to the rear dwelling.
- 18.3 The proposed plans state that Plot A (the subject of this application) would be -1110 below the datum of Plot B. With Plot B being at 112.98, this would mean Plot A would be at 111.88. The pre-existing topographical survey identifies the ground levels within the original rear garden varied significantly due to the natural sloping of the site. However, to the north-eastern end of the site where Plot B is to be erected, the ground levels are shown between 112.42 and 111.16. With the proposed FFL being 111.88, it is therefore shown that Plot B would be no higher than the existing ground levels and in fact the ground would be levelled to an average of the existing ground level in that vicinity. As the garden extends to the west, it would match the existing ground levels along the boundary of the site. The levels of the proposed dwelling and the garden areas have been assessed and it can be concluded that there would be no unacceptable impact upon the privacy of the neighbouring occupiers arising from the proposals.
- 18.4 A neighbour response also raised issues in relation to the loss of a green corridor when viewing the locality from the vantage point of a nearby Church yard. The proposal is for amendments to the previously approved scheme for the erection of 2no dwellings. The amendments proposed within this application are not considered to have an undue impact on existing views across the village.

## 19. Human rights

- 19.1 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.



## 20. 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 principle of the development on the site has already been established. It is considered that the amended scheme meets with the requirements of the relevant development plan policies and subject to conditions, the development would not have an adverse impact upon the character or appearance of the surrounding area, nor have a detrimental impact on the amenity of neighbouring residents or prejudice highway safety, to justify refusal.

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

## 21. Recommendation : Approve, subject to the owners/applicants submitting a Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:

### CONDITIONS

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP2, CP3, CP4, CP5, CP6, CP13, CP14, H1, H2, NR3, NR4, NR5, NR6, NR7, SC1, SC2, ST1, ST2, BE1, Shen1, and Shen4 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.

2. The materials and finishes for the scheme of development hereby approved shall accord with the descriptions/ details outlined within the approved documentation of this planning permission.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.

3. The development hereby approved shall not be brought into use until a 2m wide bound and porous retaining strip is implemented directly behind the highway boundary covering the full width of the vehicular access and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of providing adequate parking provision and highway safety in accordance with Policies CP3, 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 the access, parking and turning areas have been completed in accordance with the submitted 'Proposed Layout Plan' and shall be thereafter retained for the lifetime of the development.



Reason: In the interests of providing adequate parking provision and highway safety in accordance with Policies CP3, CP5, ST1, and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

5. Before the first occupation of the dwellings hereby approved, the boundary treatments shall be provided in accordance with the approved plans. The boundary treatments shall be maintained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.

6. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during the period of 5 years from the date of first planting shall be replaced in the next planting season with other of a similar size and species.

Reason: In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1, and NR3 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.

7. Before the first occupation of the dwellings hereby approved 2 No. Bird Boxes, one for each plot, shall be installed within the application site and retained for the lifetime of the development.

Reason: In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.

8. All existing trees shown as being retained on the approved plans shall be retained and protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

Reason: To ensure the adequate retention and protection of trees within the site, in accordance with Policies BE1, CP3, NR3, and NR4 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Shenstone Neighbourhood Plan (2016), and the National Planning Policy Framework.

9. The development authorised by this permission shall also be carried out in complete accordance with the approved Preliminary Bat Roost Assessment - Ref: CE2007.

Reason: In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.

10. All site clearance works shall occur outside of the bird nesting season (March to September). This shall include sensitive clearance of vegetation to avoid harm to any hedgehogs and other small mammals - also ensuring connectivity to allow travel onto and out of the site (i.e.

hedgehog holes/small gaps along the bottom perimeter of walls and fences) and the inclusion of hedgehog homes.

Reason: In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.

11. 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 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: To protect the amenities of local residents and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

### NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Shenstone Neighbourhood Plan (2016).
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](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant's attention is drawn to the comments of Severn Trent Water dated 19 January 2022 and 08 April 2022.
6. The applicant's attention is drawn to the comments of the Lichfield District Waste Management Officer dated 14 January 2022 and 07 April 2022.
7. The applicant's attention is drawn to the comments of the Lichfield District Arboriculture Officer dated 04 February 2022.

8. The applicant's attention is drawn to the comments of the Lichfield District Ecology Officer dated 28 January 2022.

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