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Lichfield
District Council

**District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YU**

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Friday, 23 February 2024

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 4TH MARCH, 2024 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

Kerry Dove
Chief Operating Officer

To: Members of Planning Committee

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



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AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 3 - 4
4. Planning Applications 5 - 50



PLANNING COMMITTEE

24 JANUARY 2024

PRESENT:

Councillors Marshall (Chair), Checkland (Vice-Chair), Anketell, Ashton, Cross, Galvin, Harvey-Coggins, Mears, Powell, Rushton, Salter and S Wilcox

34 APOLOGIES FOR ABSENCE

Apologies of absence were received from Cllrs Evans and Vernon.

35 DECLARATIONS OF INTEREST

Councillor Salter declared a personal interest on Agenda item no.4 Application number 23/01040/COUFLM as he is a ward member for Shenstone.

Councillor Harvey-Coggins declared a personal interest on Agenda item no.4 Application number 23/01040/COUFLM as she is a ward member for St Johns.

Councillor Wilcox declared a personal interest on Agenda item no. 4 Application number 23/00516/FUH as an objector is known to her.

Councillor Ashton declared a personal interest on Agenda item no. 4 application number 23/01216/COUM as he is a ward member of Stowe.

Councillor Anketell declared a person interest on Agenda item no.4 Application number 23/01040/COUFLM as he is a councillor for St Johns.

36 MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were signed and approved as a true record.

37 PLANNING APPLICATIONS

The Application for permission for development were considered with the recommendation of the Planning Management & Transformation Consultant and any letters of representation and petitions of observations/representations received in association with Planning Application 23/00516/FUH, 23/01040/COTFLM and 23/01216/COUM.

23/00516/FUH - 29 Alrewas Road Kings Bromley.

RESOLVED: That the application be Refused for reasons as outlined in the report and updated within the supplementary report.

(Prior to Consideration of the Application, Representations were made by Paul Till (Objector) and Councillor Richard Cox (Ward Member)).

23/01040/OUTFLM - Lichfield South Business Park Birmingham Road Wall.

RESOLVED: In line with the additional updates within the supplementary report and subject to referral and 'no call in' from the Secretary of State that the application be Approved, subject to completion of a S106 TCPA 1990 agreement to secure the following:

1. Highways Contribution of £100,000.00 for bus stop improvements in the location
 2. Land Transfer at site frontage required as highway maintainable at public expense at new position of the north bound bus stop
 3. Travel plan fee of £15,000.00 for monitoring and management of Travel Plan
- And to conditions outlined in the report.

(Prior to Consideration of the Application, Representations were made by Mr David Onions (Applicant Agent)).

23/01216/COUM - Former Debenhams and 36-44 Bakers Lane Lichfield.

RESOLVED: That the application be Approved subject to conditions.

(Prior to Consideration of the Application, Representations were made by Bernice Eisner (Objector) and Matthew Sobic (Applicant Agent)).

(The Meeting closed at Time Not Specified)

CHAIRMAN

Agenda Item 4

Planning Committee

4 March 2024

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

4 March 2024

CONTENTS

Case No.	Site Address	Parish/Town Council
23/00444/FUL	Blackbrook Hall London Road Lichfield	Weeford
23/01287/FUH	60 Upper Way Upper Longdon Rugeley	Longdon

ITEM B

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

CONTENTS

Case No.	Site Address	Parish/Town Council
23/01408/LBC	Land Adj Lichfield District Council Frog Lane Lichfield	Lichfield

LOCATION PLAN

Blackbrook Hall
London Road
Lichfield
WS14 0PS

Scale: 1:1,500

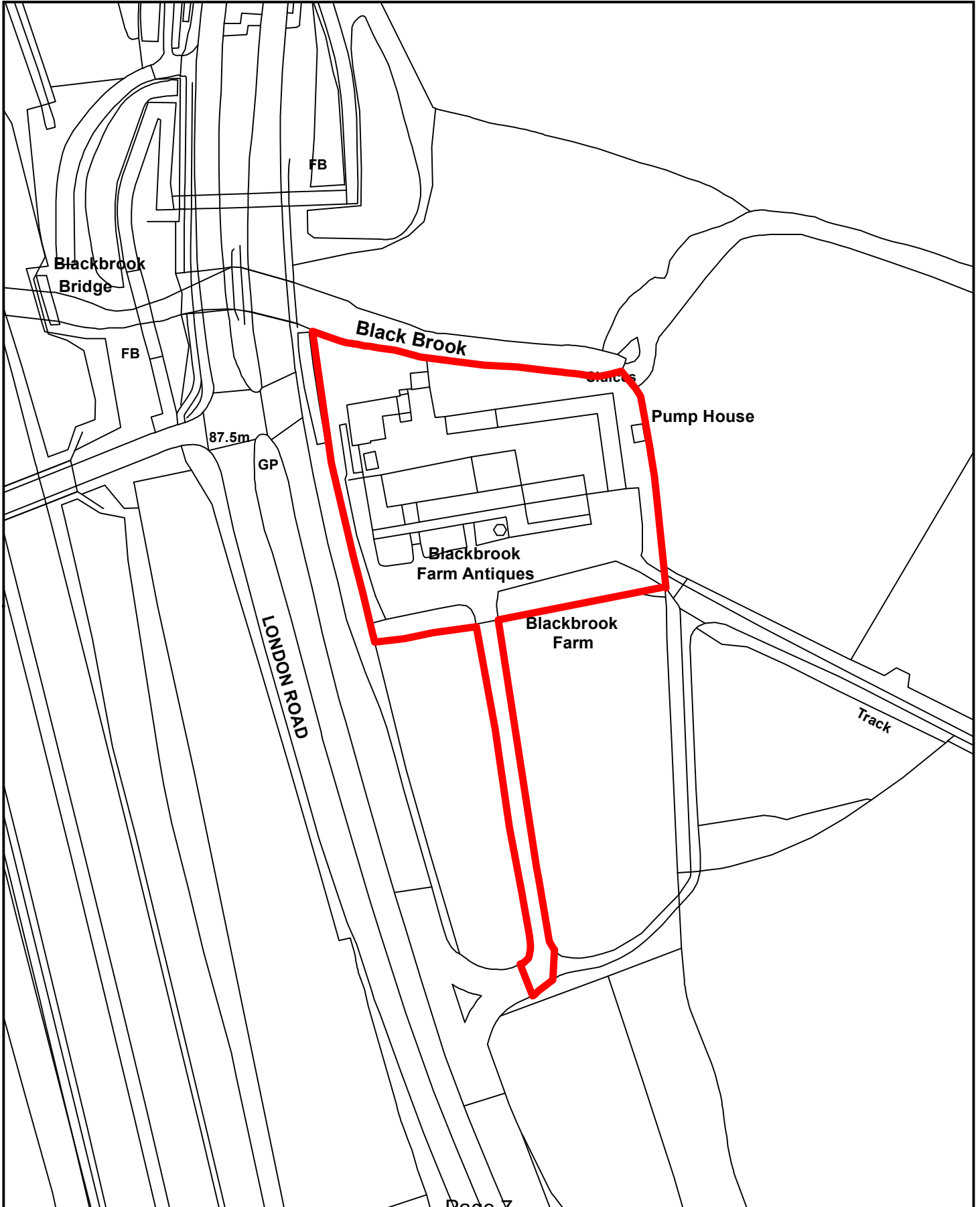
Dated: March 2024

Drawn By:

Drawing No:



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Planning committee report



Lichfield
District Council

Address:	Blackbrook Hall , London Road, Lichfield, Staffordshire		
Application number:	23/00444/FUL	Case officer:	Tom Ansell
Ward:	Bourne Vale	Date received:	08/05/2023
Parish:	Weeford		
Proposal:	Erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates		
Reason for being on agenda:	<p>This planning application is being reported to the Planning Committee due to significant planning objections raised by Weeford Parish Council.</p> <p>Weeford Parish Council objections include:</p> <ul style="list-style-type: none"> • Inappropriate materiality (i.e., metal cladding out of keeping with building). • Substantially more parking required than what is provided on site. • No public transport available. • No operational hours for the wedding venue, or information pertaining to noise provided. <p><i>Officer note: noise information has since been provided and a view on this has been sought from the Council's Environmental Health team.</i></p> <p>A further Parish Council objection was submitted on 21st February 2024. The objection raised the following <i>additional</i> concerns:</p> <ul style="list-style-type: none"> • The application should have been registered as a Major due to the amount of floorspace proposed – correct procedures have not been followed. • Statutory consultees have not provided correct advice as the Council has 'allowed alterations during the determination' (the Highways Authority is mentioned). • The Flood Risk Assessment incorrectly classifies the proposed development as 'less vulnerable' when a wedding venue is actually 'more vulnerable'. • The SUDS plan does not take the wall and gate into account. • Inappropriate development within the greenbelt, such as the gates/walls proposed as part of this application, must be accompanied by a statement outlining what very special circumstances exist to justify development. • The description of development within the PEA does not reflect what is being proposed on site. • The FRA and drainage strategy were prepared on the basis of the premises being in a different use. • An independent noise consultant has a different position/conclusion on background noise levels. <p><i>Officer note: a direct response to these concerns has been provided within the report below.</i></p>		

Recommendation:	Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices & Press Adverts), and subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours.		
Applicant:	Mr Kevin Sharkey	Agent:	Mrs Claire Preston

1. Executive summary

- 1.1 This application seeks full planning permission for a range of works and a change of use of an existing Grade II listed agricultural complex into a wedding venue with café, restaurant and other ancillary facilities. A separate Listed Building Consent application has been submitted to the Council.
- 1.2 The physical alterations to the building will include the erection of a two-storey 'in fill' extension of contemporary design and finish between the listed farmhouse and the existing range of agricultural buildings, and two further extensions on the northern elevation of the southernmost range, projecting into the courtyard. One of these extensions will be partly on the footprint of an existing modern lean-to agricultural building. Gates will also be installed to the south, close to where vehicles access the site from the A38.
- 1.3 After careful consideration, the introduction of a wedding venue in this location, along with associated facilities including a restaurant and café, is considered acceptable in principle. Furthermore, the proposed development is considered to be acceptable with regards to the special interest and significance of the listed building, resulting in a low level of less than substantial harm, which is outweighed by the public benefits of ensuring the building remains in a viable use while providing tourism facilities and employment opportunities within the district.
- 1.4 Furthermore, the development will not have a detrimental impact upon the green belt, inasmuch that it will not adversely impact upon its character or openness.

Summary

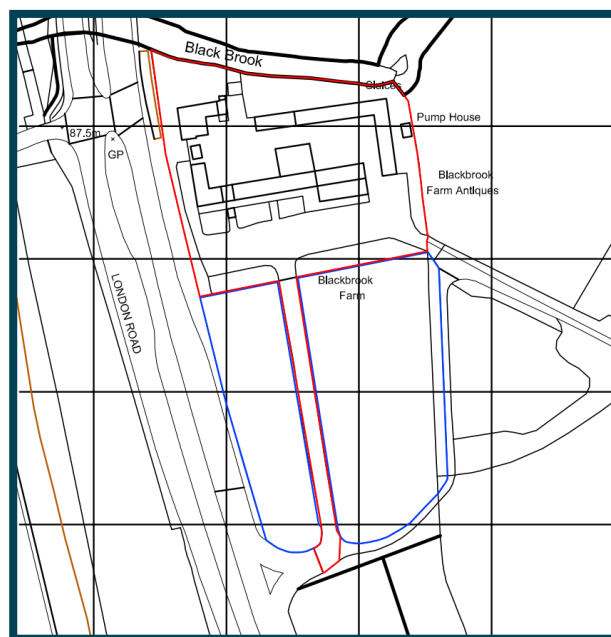
Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations/refusal with the reasons as outlined within this report.

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

2. The site

- 2.1 The application site comprises an attractive, historic and traditional range of agricultural buildings, including a farmhouse named Blackbrook Hall, which lie to the immediate east of the A38 (and which are accessed directly from the south-bound carriageway of this road), within the parish of Weeford.
- 2.2 The buildings comprise a double-piled farmhouse with a generally L-shaped footprint, which presents its impressive symmetrical, five-bay wide principal façade west towards the A38. The farmhouse lies in the north-western corner of the complex. A detached hayloft building lies immediately to the north-east of the farmhouse.
- 2.3 To the east and south/south-east of the farmhouse are two ranges of traditional agricultural buildings, both L-shape in form. These create a fully enclosed and highly legible rectangular farmyard which is nearly fully enclosed apart from a gated vehicular entrance on the south-eastern side of the yard. These buildings have been in use for the sale of antiques for a number of years.

- 2.4 A single, modern agricultural lean-to building, finished in corrugated metal over blockwork, projects into the courtyard on the northern side of the southern range of buildings. Its intrusion into the farmyard is unfortunate, but it was clearly built some time ago when the buildings were more likely to be in an agricultural use.
- 2.5 Apart from the modern building, the traditional complex is finished in red brick, with predominantly clay tile roofs, although there is some slate visible too.
- 2.6 Blackbrook Hall is Grade II listed, and the associated agricultural buildings are considered to be curtilage listed. The building and site have formerly been used to sell antiques and provide other modest retail units/services. The farmhouse is in a residential use.
- 2.7 The site lies in the open countryside, beyond the confines or built limits of any nearby settlements. It lies within the greenbelt, but not within any conservation area, or Special Area of Conservation buffer zone. Figure 1 below shows the extent of the boundary subject to this planning application.



3. Planning history

- 3.1 The site has extensive planning history. Of relevance to this application are the following:

22 June 2022- **22/00511/LBC**- Works to listed building to enable alterations including painting of windows and door and new window box planters to front, restoration of side window and internal alterations- Approved subject to conditions.

11 October 2021- **21/00055/FUL** -Removal of Condition 2 (Use of buildings) of permission 07/00033/COU to allow for use of buildings for uses falling within Class E- Approved subject to conditions.

18 December 2014- **14/01062/LBC**- Installation of stoves and flues in 5 locations with brick fireplaces- Approved subject to conditions.

22 April 2009- **07/00033/LBC**- Change of use of redundant farm buildings to workshop accommodation/antiques village (resubmission of 98/00299/COU) and formation of new access- Approved subject to conditions

22 April 2009- **07/00034/COU**- Change of use of redundant farm buildings to workshop accommodation/antiques village (resubmission of 98/00299/COU) and formation of new access- Approved subject to conditions

19 May 1998- **98/00299/COU**- Change of use of redundant farm buildings from offices to workshop accommodation and associated toilet block and staff canteen- Approved subject to conditions.

19 May 1998- **98/00300/LBC**- Change of use of redundant farm buildings from offices to workshop accommodation and associated toilet block and staff canteen- Approved subject to conditions.

24 February 1998- **97/01049/COU** -B2 use with ancillary showroom accommodation- Refused.

24 February 1998- **97/01050/LBC** -B2 use with ancillary showroom accommodation- Refused.

- 3.2 An application for Listed Building Consent (ref **23/00445/LBC**) has been submitted to address the works to the Listed Building which arise from these proposals.

4. Proposals

- 4.1 This application seeks permission for the erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates.
- 4.2 The works primarily focus on the gap between the farmhouse and the southernmost L-shaped range of buildings, with additional works taking place both internally and externally to the southernmost L-shaped range of buildings. The northern L-shaped range of buildings does not appear to be affected by the proposed development, as no obvious works are proposed. The buildings are included, however, within the red line, and would fall within the change of use element of the permission.
- 4.3 Breaking down each element, the two-storey link extension will infill the gap between the farmhouse and the southernmost range of agricultural buildings. Presently, this is infilled with a large timber hoarding, presumably erected for security reasons. The two-storey extension will be double-piled, like the farmhouse, meaning there will be two ridgelines running parallel to each other. It will be finished in contemporary materials – timber cladding to the principal elevation, with large minimally framed glazing panels positioned centrally, to give it the appearance of a threshing barn, and anthracite coloured wall cladding and metal cladding on the roof at the rear (the walling material is not specified). A balcony at first floor level will project from the rear elevation of the extension, and this will partly overlap the eastern part of the southernmost range of buildings.
- 4.4 The single storey extensions will project from the northern elevation of the southernmost range of buildings. One of these is to be used as an orangery/wedding breakfast/reception room, and sits partly on the footprint of an existing lean-to building. The replacement building will have a pitched roof, and be wider and project further out into the courtyard than the existing building.
- 4.5 The completely new single storey extension will be double-gabled, with the ridges running at right angles to the barns the extension is attached to, and will be finished in timber cladding under anthracite coloured louvre panels. The roof will be plain tile, to tie into the existing buildings within the farmyard.
- 4.6 The use of the building will change to that of a wedding venue with a café and restaurant facilities provided too.
- 4.7 An area within the southernmost range of buildings has been identified on the floorplan as being for the venue/holding, where ceremonies will take place. This will be close to the orangery – the replacement rear extension – and the orangery will be where the wedding breakfast and (it is assumed) the evening reception takes place. The extension that will be built adjoining this building and projecting north from the traditional barn will accommodate the kitchen associated with the orangery/wedding breakfast building.

- 4.8 Above the ground floor entrance into the restaurant/orangery, will be the bridal suite for the bride and groom. This will be formed on the first floor of the existing traditional agricultural building.
- 4.9 The two-storey extension between the farmhouse and the southernmost range of buildings will provide ground and first-floor seating for the café, with the counter/servery area and modest kitchen located within part of the existing barn. Some walls will be removed from within the barn to facilitate the construction of this area, and ensure the space can be used effectively. The external balcony will also provide outside seating overlooking the courtyard.
- 4.10 At the site's access, two gates will be installed, and walling will be constructed to provide space for illuminated signage to advertise the site more effectively. Opposite the site's entrance from the A38 will be a standard timber gate, providing access immediately onto the paddock that lies to the south of the buildings. A second gate, wrought iron and of a much more ornate design, will provide access down the north/south orientated driveway towards the complex itself. The plan below shows the proposed front elevation.



5. Policy framework

5.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

5.2 Local Plan Strategy

Policy BE1 - High Quality Development
Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy CP7 - Employment & Economic Development
Policy CP14 - Our Built & Historic Environment
Policy ST1- Sustainable Travel
Policy ST2 - Parking Provision
Policy NR1 - Countryside Management
Policy NR2 - Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their
Policy NR5 - Natural & Historic Landscapes

5.3 Local Plan Allocations Document

Policy BE2: Heritage Assets

5.4 **Supplementary Planning Document**

Sustainable Design SPD
Biodiversity and Development SPD
Historic Environment SPD
Rural Development SPD

5.5 **Neighbourhood Plan**

None relevant.

6. **Supporting documents**

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

Plans:

- Drawing 3860-01 Location Plan received 18th April 2023.
- Drawing 3860-02 Site Plan received 18th April 2023.
- Drawing 3860-24 Rev G Proposed Ground Floor Plans received 22nd December 2023.
- Drawing 3860-25 Rev F Proposed First Floor Plans received 2nd October 2023.
- Drawing 3860-26 Rev F Proposed Roof Plans received 22nd December 2023.
- Drawing 3860-27 Rev J Proposed Elevations 1 – 4 received 22nd December 2023.
- Drawing 3860-28 Rev J Proposed Elevations 5 – 7 received 22nd December 2023.
- Drawing 3860-14 Rev B Demolition Plan Ground Floor received 2nd October 2023.
- Drawing 3860-15 Rev B Demolition Plan First Floor received 2nd October 2023.
- Drawing 3860-18 Rev B Demolition Plan Elevations 5 – 7 received 2nd October 2023.
- Drawing 3860-16 Rev A Demolition Plan Roof received 18th April 2023.
- Drawing 3860-45 Proposed Access Gate Plan received 5th July 2023.
- Drawing 3860-46 Proposed Access Gates Elevations received 5th July 2023.
- Drawing 16327-ABA-23-GF-DR-S-500 A0 Drainage Plan received 18th April 2023.
- Drawing 11956 v1.0 'Layout of 14" cast aluminium plaque for Lichfield Civic Society' received 16th August 2023.
- Drawing 3860-50 Rev A Historical Plaque Location received 25th August 2023.
- Drawing 'Typical fixing detail for face-fixed wall-mounted plaque using concealed fixings' received 25th August 2023.

Supporting Documents:

- Document 1616 Sustainability Planning and Heritage Statement received 18th April 2023.
- Document 16352-FRA report 'Flood Risk Assessment and Drainage Strategy' dated 9th February 2023, prepared by 'aba consulting' and received by the Council on 18th April 2023.
- Document 'Preliminary Ecological Appraisal' dated January 2023, prepared by 'Elite Ecology' and received by the Council on 18th April 2023.
- Document 'Bat Activity Survey' dated October 2023, prepared by 'Elite Ecology' and received by the Council on 27th October 2023.
- Document Design and Access Statement Rev A dated April 2023 and received by the Council on 18th April 2023.
- Document 'Arboricultural Impact Assessment BS5837:2012' dated 3rd January 2023, prepared by Apex Environmental and received by the Council on 18th April 2023.
- Document 'Noise Impact Assessment' dated 21st November 2023, prepared by Parker Jones Acoustics and received by the Council on 22nd November 2023.
- Document 'Acoustic Response to EHO' (email), prepared by Chris Parker-Jones, received by the Council on 18th January 2024 (uploaded to the Council's website on 22nd January 2024) – this response is accompanied by Figures D2 – D5, which have been uploaded also with the heading 'Acoustic Response to EHO', dated 22nd January 2024.

7. Consultation responses

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

- Inappropriate materiality (i.e. metal cladding out of keeping with building).
- Substantially more parking required than what is provided on site.
- No public transport available.
- No operational hours for the wedding venue, or information pertaining to noise provided. (28/10/2023)

Further concerns were submitted on 21st February 2024. These have been bullet-pointed and summarised on the very first page of this report – Officers will therefore not duplicate them here. The concerns are addressed separately later in the report.

7.2 Environment Agency - Advises the Council that the application is not one that the Council should be seeking the EA's views on as it falls outside of the checklist issued to the Council by the EA. No comments provided. (28/10/2023)

7.3 Severn Trent Water - Raise no objections and advise that they no longer look at extensions to buildings under the planning application process as all extensions are dealt with under building regulations.

7.4 Historic England - No objections. (16/05/2023)

7.5 National Highways - No objections. (04/07/2023 and 02/10/2023)

7.6 Staffordshire County Council (Flood Risk Officer) – No objections. It is noted that there appeared to be little change to the impermeable area of the site and surface water runoff generated by the site, but it is suggested that floor levels within the extensions should be set no lower than existing floor levels, and flood resilience measures are considered. Advice is also provided with respect to sustainable drainage (link provided to SuDS handbook), processes for affecting flows to watercourses (consent for watercourse works), and information on how to make a consent application. (16/05/2023 and 02/10/2023)

7.7 Staffordshire County Council (Highways) – Final - No objections. Notes that the main access will be updated to provide a new gate and brick walls either side, this would not impede visibility. Therefore, no objections to the development on highway grounds are maintained, subject to conditional compliance with drawing 3860-45. (14/07/2023).

Initial - Noted that the barns are currently used as an antiques showroom and workshop, and that there are no proposed changes to the access or additional parking proposed. Noted that the additional staff requirement will be from 3 FTE to 11 FTE – it is submitted that there are ample car parking spaces within the curtilage to accommodate this. Concludes by advising there are **no objections** on highway grounds to the development. (30/05/2023)

7.8 LDC Conservation Officer – Final - Further to the submission of amended plans, the development results in a low level of less than substantial harm. It is confirmed that that there is a clear and convincing justification for the works with a future viable use illustrated. Advises that the less than substantial harm is balanced out by the heritage benefits – there is no net harm, and the scheme complies with relevant policies subject to conditions to secure final details and cross sections of external joinery and finishes, submission of appropriate record with recommendations for dealing with it if unknown evidence of historic character affected by the works is discovered, the submission of programme of building recording and analysis prior to commencement and full details of all internal and external materials to be submitted. (17/01/2024)

Updated - Following submission of amended plans relating to the extensions- further alterations are required. (25/10/2023)

Updated - Following submission of blue plaque details- Confirms that, should the stud positions be arranged in line with the mortar, this would be acceptable (*'least harmful'*). Confirms that the overall appearance of the signage is acceptable. (05/09/2023)

Updated - Confirms that the additional details (not specified in the comments, but likely regarding gates/signage/illumination) are acceptable, although details and colours should be submitted via condition. (23/08/2023)

Updated - Following submission of gate/ access details- these are considered to be acceptable. (13/07/2023)

Initial - The principle of the development is acceptable, further detail requested along with a range of minor amendments to the design. (07/06/2023)

7.9 **LDC Tree Officer** - Confirmed no comments to make on the application. (18/05/2023 and 04 October 2023)

LDC Ecology Officer - Final - Following the submission of additional information, satisfactory measures have been recommended (outline mitigation/compensation, method statement, and enhancements) to protect the protected species identified. No further surveys are required, and adherence to all methods of working detailed within the assessment must be made a condition of any a future planning approval, including all recommendations, including

- Apply for and obtain a bat mitigation licence from Natural England to legally carry out the works
- At the start of the works, site supervision by a licenced bat ecologist in accordance with the Natural England development licence.
- Install bat compensatory features on the site in accordance with Section 5 Recommendations of the Bat Activity Survey.
- Install a variety of bird boxes around the site post development to enhance the site for local bird populations. (13/02/2024)

Updated - Confirmation via email that the ecology team would be happy for details of ecological enhancements to be conditioned and submitted prior to commencement of works. (20/06/2023)

Initial - Further information required. (13/06/2023)

7.10 **LDC Environmental Health Officer** - Final - (responding to acoustician's response to EHO's comments)

- Subject to conditions, *'the proposals are broadly acceptable'*.
- Conditions recommended, including limiting external noise to 65 dB(A) at 3m from the noise source, and ceasing this noise by 21:00 hours.
- A further condition requiring all windows and doors on the northern elevation to be kept close after 21:00, and at all times during live amplified music being played.
- Submission of noise management plan, including how bands will be advised that they need to adhere to noise limits, and how an internal noise limiter will be installed/used to monitor the noise levels of live music. (12/02/2024)

Updated (in relation to Noise Impact Assessment) - Further information requested:

- Advises that concerns remain regarding the potential for noise to impact upon amenity, particularly from music and patrons that will be audible at nearby premises.
- Notes the *'very high'* average internal noise levels, relative to other wedding venues, its rural locality and proximity to residential property.

- It is submitted that the noise from the development would be *'incongruent'* to its surroundings.
- Advises that it is critical to ensure noise limits are readily achievable and controls in place are sufficiently robust.
- Does not consider the suggestion that *'exceedances would be acceptable provided they are not regular'* to be sufficiently robust as a control – limits should be lower than the 100 dB(A) maximum to enable a margin for error and adjustment.
- Requests further information concerning five points; how the monitoring system work in practice? How will a live act know it can comply with the noise limits? How will low frequency noise be controlled? How will external music noise, singing and applause be controlled? Could the noise mapping contours be updated as they do not tally with the key provided? (13/01/2023)

Updated - Advises that a noise impact assessment should be submitted for consideration to evaluate the potential impacts arising from the wedding venue. (27/10/2023)

Initial - No objections raised, but a condition requested securing a scheme for the control of odour and noise from the kitchen extractor to be submitted for approval. Informative requested pointing applicant to a document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', prepared by Ricardo. (07/06/2023)

8. Neighbour responses

8.1 4 letters of representation have been received in respect of this application. The comments made are all very similar in content, raise objections, and are summarised as follows:

- Potential disruption caused to residents (Dog Lane and Hungry Lane are mentioned), businesses and wildlife by noise and nuisance from the venue, noting the late evening hours that the venue will likely be open until.
- Higher risk of disruption because the prevailing wind direction will carry sound from the venue across towards nearby residents
- A time limit for noise and a decibel limit would be appropriate, as per other local wedding venues.

9. Assessment

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

- Policy & Principle of Development
- Design and Visual Impact on the Heritage Asset and on the Character and Appearance of the Surrounding Area
- Impact upon the greenbelt
- Residential Amenity
- Access and Highway Safety
- Impact on Trees
- Ecology
- Flood risk
- Response to Parish comments
- CIL / Planning Obligations
- Human Rights

10. Policy & principle of development

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 Allocations Document. There are no relevant 'Made' Neighbourhood Plans in this location.

- 10.2 The proposed development seeks to change the use of an existing range of buildings, used for retail purposes in association with a former antiques business, into a wedding venue with associated restaurant, café, and other services. The building will undergo two extensions of notable proportions to help facilitate this change of use. The entire site is in open countryside with an existing access onto the A38 trunk road.
- 10.3 Paragraph 4.2 of the Lichfield District Local Plan Strategy (LPS) advises that the Spatial Strategy of the Plan (Core Policy 1) intends to direct development towards the most sustainable locations as illustrated in Map 4.1. The map shows that the site, which is 5km to the south of Lichfield, and immediately adjacent to the A38 and the M6 Toll, is in open countryside, in green belt land. By contrast, the Plan seeks to direct development to its numerous urban centres in the first instance, including Lichfield and Burntwood, and then the smaller key rural settlements after this.
- 10.4 Core Policy 7 looks at Employment and Economic Development. This policy advises that '*...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 generally consistent with Section 6 of the NPPF '*Building a Strong, competitive economy*', and in particular guidance in Paragraph 88 under '*Supporting a prosperous rural economy*'. Paragraph 88(b) requires policies and decisions to enable '*the development and diversification of agricultural and other land-based rural businesses*'.
- 10.5 It is tenuously arguable that a wedding venue with café and restaurant are a tourist attraction, noting that people can travel some distance to attend weddings and it is not uncommon for people to spend a night or two in local holiday accommodation while they attend the wedding. Due to the venue's proximity to Lichfield, and the excellent highway network it benefits from to enable rapid access to this urban centre, in addition to the numerous other attractions within the district, it is submitted that the wedding venue increases the likelihood of other nearby services and attractions being utilised. This aligns with the Council's desire to support new tourism initiatives (Core Policy 9).
- 10.6 Core Policy 14 looks at Our Built & Historic Environment, and offers support for the '*sustainable re-use, maintenance and repair of listed buildings and other heritage assets*'.
- 10.7 The development before the Council will mainly reuse (sensitively) the existing historic buildings, with the scale and amount of new floorspace remaining significantly less than the existing floorspace which will be utilised to facilitate the change of use. These extensions are also considered to be broadly sympathetic or complementary to the existing traditional form and finish of the brick-built complex – more on this will be provided later in the report, however.
- 10.8 The overarching support offered by Core Policy 7 and Section 6 of the NPPF, together with the development's alignment with the 're-use' aspect of Core Policy 14, allows the development to be considered acceptable in principle, subject to compliance with other policies in the Plan.
- 10.9 In addition to its policy compliance, the building's extant lawful use is considered a material consideration that weighs in favour of the development. Photographs taken in May 2023 show the site in intense retail use, displaying and selling (on site, to members of the public) antiques. Further, the farm buildings appear to be divided into a number of different retail units and be in a commercial/employment use already.
- 10.10 This is particularly relevant due to the complex's unsustainable location. Not only is the site in open countryside, accessible only by private motor vehicle, but its access *only* directly serves the southbound carriageways of the A38. This means those arriving from the south, on the northbound carriageway, are required to travel a further 3km in total, north to the Weeford Interchange roundabout, and then south again. Those wishing to head north from the site must travel 800m south and perform a U-turn at a junction opposite an asphalt and concrete plant.

- 10.11 A public footpath does arrive at the site (footpath 0.474), originating from Dog Lane to the east (to the south of a building identified on GIS as Weeford Square). However, it is clearly unrealistic to expect this to be frequently used to access any existing or future enterprise operating at Blackbrook Hall.
- 10.12 Despite the site's unsustainable location, however, its extant lawful use, while not directly comparable, is commercial and employment based, with no apparent limitations placed upon customer visitations (other than the capacity of the car park), or the amount of stock which could be stored and sold from the site. Furthermore, a lawful retail use could permit the renting out of units within the building to other businesses, potentially creating a miniature employment/commercial park.
- 10.13 The intended use is also commercial, albeit in the hospitality and tourism sector of the market rather than retail, and will potentially increase the number of FTE employees required at the site. The site's visitation will be more prone to fluctuation as a wedding venue than it likely was in a retail use, with more notable peaks and troughs experienced as a result of weddings usually being held at the weekend. The number of people arriving at the venue to attend a wedding could exceed what has historically been experienced (on any single occasion) by the former antiques business; however, it is reasonable to presume that the lawful extant use *could* generate comparable intensity without there being any planning control to prohibit this.
- 10.14 Therefore, the extant use of the site (retail) and the evidence of its recent former operations as a place that sold antiques to visiting members of the public weighs in favour of the development, *in addition* to the positive weight afforded to its overarching compliance with the Lichfield LPS. In principle, the scheme is acceptable.

11. Design and Visual Impact on the Heritage Asset and on the character and appearance of the surrounding area

Policy

- 11.1 Core Policy 14 of the Lichfield LPS advises that the 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.*' It confirms that '*nationally protected listed buildings and their settings...will be conserved and enhanced and given the highest level of protection.*'
- 11.2 This is consistent with NPPF Paragraph 205, which required Councils to afford '*great weight*' to the conservation of a heritage asset, irrespective of the level of harm identified is substantial, less than substantial or total loss. Paragraph 208 requires Councils to offset less than substantial harm against public benefits identified as being delivered by the development.
- 11.3 Policy BE1 of the LPS strives to ensure development contributes towards a 'high quality sustainable built environment'. Specifically, development must show that it will have a positive impact on the significance of the historic environment, including listed buildings, and that new development such as 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*'.

Site / building appraisal

- 11.4 The existing site is a well-preserved example of an historic farmstead/agricultural complex, formed from a large, Georgian farmhouse (historically extended in the 'double pile' fashion), and closely associated agricultural buildings, detached but in close proximity. The farmhouse is Grade II listed, and its surviving historic fabric, its materiality and strong Georgian character all contribute positively

to its significance as a heritage asset. Furthermore, it is apparent that the architect James Wyatt was born at the property, in 1747.

- 11.5 A lot of the visual significance of the building is readily observable from the public realm (i.e. the A38), as it is towards this significant highway that the farmhouse's façade presents itself.
- 11.6 However, the extent of a listed building's setting is not limited to public views; it is simply from wherever the building/complex can be observed, be that a private or public realm. Once within the grounds of the farmhouse and complex, the legibility of the historic agricultural buildings (wrapping around an enclosed courtyard in two 'L' shapes) becomes more apparent. The complex's legibility is particularly acute from within the courtyard, and it is from this vantage point that historic disruption through the construction of the modern lean-to agricultural building is perceivable.
- 11.7 This is regrettable; however, while it detracts modestly from the significance of the farmhouse and the complex from vantage points within the courtyard, it lies within the courtyard rather than projecting outwards, thus preserving the strong 'edge' of the complex created by the outward facing elevations of the rural buildings. Thus, the majority of both public and private views remain unaffected completely by this disruption.
- 11.8 Therefore, notwithstanding the modern agricultural building's siting within the courtyard, Officers consider the farmhouse and complex to have a generous setting, with the materiality and legibility of its historic use and plan contributing positively towards this. Such materiality and legibility are appreciable from a number of public and private vantage points. The setting of the building therefore contributes substantially towards the building's significance as a heritage asset, and consequently Officers are mindful to consider how successfully the proposed works safeguard that setting.
- 11.9 The following appraisals are undertaken on the basis that the Heritage Officer has confirmed that the development results in the lower end of less than substantial harm.

Two storey extensions

- 11.10 At present there is a timber hoarding in a gap between the farmhouse and the southernmost run of agricultural buildings. As recently as May 2023, a brick effect wall with corbelling detail at the top spanned the gap, presumably to create a degree of security by hindering views into the site from the A38. This brick wall was not regarded as being of any historic or aesthetic significance. There is limited evidence on the gable of the farmhouse or southernmost agricultural building to suggest there was ever a more significant connection or building in this gap.
- 11.11 Notwithstanding this, it is considered unlikely that harm would arise to the legibility and attractive character of the farmyard by infilling this gap with a flat-fronted extension as long as it respected the scale and façade of the farmhouse (which is typically Georgian in its presentation and symmetry) and tied cohesively into the blankness of the west-facing wall of the agricultural building. Such a development would reinforce the strong sense of enclosure experienced within the courtyard and would not be atypical of historic agricultural development. The legibility of the complex would not be affected from prominent views from the A38.
- 11.12 The scale and siting of the two-storey extension is successful in that it is wholly subservient to both the farmhouse and existing agricultural building. The extension sits significantly behind the principal façade of the main dwelling, and appreciably behind the side elevation of the agricultural building. This allows the extension to be read successfully as a later addition, which does not compete with the existing farmhouse, or result in an overly broad expanse of walling with no relief or variation. Furthermore, its ridge sits significantly below the main farmhouse, and appreciably below the adjacent agricultural building, further emphasising its subservience as an addition to the existing complex.
- 11.13 In terms of materiality, the principal (west-facing) façade of the extension, which will be the most prominent part of the entire development, is to be finished in timber cladding (of unspecified type

and colour/finish). The plans suggest that the wall finish might be expanded onto the roof, although the east-facing roof elevation of the two-storey extension is listed as being profile metal cladding.

- 11.14 In either event, this deviation in materials from the existing brickwork and plain tiles seeks to make the extension 'obviously different', and the simple, full height glazing with minimal glazing bars are considered to contribute towards a more contemporary aesthetic. Successfully differentiating between old and new in this way, when developing historic buildings, required careful choice of materials and finishes.
- 11.15 On this occasion, Officers are of the view that avoiding further red brickwork, which would unlikely exactly match the distinctive bricks used on the existing buildings, is the preferred option, to avoid creating an expansive and somewhat monotonous wall of the same material. Timber is an appropriate material typically found on rural buildings, and depending on its finish, will complement the brickwork well. However, timber left to naturally weather (i.e., to become silvery grey) will have a significantly different effect than, for example, charred timber, which is typically black and very striking when used alongside orangey red colours found in older bricks. Therefore, controlling the materiality of the extension via a suitably worded planning condition is essential – Officers consider it reasonable to request the provision of samples (on site) for inspection, given the sensitivity of the site.
- 11.16 Officers are less convinced about carrying the same material onto the roof, as it is preferable for there to be some distinction between walling and roofing elements of the build. Depending on the treatment of the timber cladding, a metal profile roof could successfully complement this as an appropriate yet contemporary alternative material. A 'notwithstanding' planning condition could be used to separately control the roofing material of the extension.
- 11.17 In terms of siting, scale and materiality, the two-storey extension is considered to be acceptable, subject to conditions. Subject to those conditions, and by virtue of its sensitive siting and subservience, this element is considered to have a neutral impact on the setting, and significance, of the building.

Replacement of the modern agricultural building, single storey extension

- 11.18 The existing lean-to extension is an unfortunate addition to the original range of buildings, by virtue of its scale and incongruity with the plan and layout of the historic complex. The proposal does not seek its omission, which is somewhat unfortunate. This would result in an enhancement to the setting and significance of the complex but would clearly remove valuable existing floorspace for the wedding venue. Instead, the proposal seeks to replace the lean-to building with a new larger one with a pitched roof, and which projects further into the courtyard, overlapping more of the existing northern elevation of the historic agricultural building.
- 11.19 The replacement building will be more contemporary, modern and 'obviously different' in appearance, intending to be complementarily contrasting to the traditional brickwork buildings that surround it. The timber cladding and very simple, minimalistic glazing are preferable to the existing mixture of metal and timber cladding over blockwork, and the glazing will enable views of the original building to be glimpsed through it.
- 11.20 However, it remains regrettable that this extension is larger in footprint than the existing lean-to, and results in further encroachment into the legible, enclosed courtyard space, and also obfuscates slightly more of the building. Notwithstanding the more desirable materiality, which can be controlled appropriately via planning condition, the increase in scale and massing of the replacement building relative to the lean-to building in this sensitive location results in less than substantial harm, where that harm is on the lower end of less than substantial.
- 11.21 The completely new single storey extension will sit subserviently alongside the orangery and utilise a simple double-gabled roof which will be lower in height, overall, than the orangery's new pitched roof. It will be entirely timber clad and have no openings, with a tiled roof. It will adopt the

appearance of a basic, agricultural shed externally, and therefore will not appear incompatible in the context of the surrounding historic agricultural buildings. However, it represents a further northward encroachment of built form into the courtyard, and further disruption to the courtyard layout. Therefore, notwithstanding its sympathetic, and understated appearance, its siting will result in further harm, albeit of a similar scale (lower end of less than substantial).

Gates and walls

- 11.22 Officers are mindful of the allowances of Class A, Part 2, Schedule 2 of the GDPO, which would allow the erection of gates, walls and fences up to 2m high where they were deemed not to be immediately adjacent to a public highway, when appraising this element of the development. It is debatable whether the walling and piers are directly adjacent to the A38, being set around 7-8m away from what is assumed to be the adopted edge of the A38, and instead directly flanking the slip road off the A38 and into the site.
- 11.23 The construction of a brick wall and piers at the site's access point (facing the A38) will have the effect of formalising the site's vehicular entrance in a manner which is slightly discordant with its rural character and open countryside location. Particularly noting the height of the two pillars that 'frame' the entranceway – these are 2.8m high to the top of the decorative sphere – the former understated agricultural entrance will become more substantively defined. However, Officers note that temptation to also place a large, fortifying gate across the main entrance has been resisted, to the benefit of retaining a sense of informality and openness.
- 11.24 Opposite the site's main entrance will be a large, timber gate identified on the drawing as 'Proposed Black Country Sports Gateway'. This gate is of a traditional, five-bar design, and if finished in standard unstained timber, this will sit more comfortably in the site's rural context.
- 11.25 The walling will continue around from the main entrance, culminating at a second set of finialled piers which, on this occasion, have a wrought iron gate between them. This represents the entrance into 'Blackbrook Hall and Farm' as labelled on the submitted drawings. The use of an ornate, black wrought iron gate is somewhat regrettable, as it is an incongruous, formalising and fortifying feature which is atypical to its rural location.
- 11.26 However, it is noted that the gate will be angled perpendicularly to the main road and will not therefore be a prominent or noticeable feature from the public highway. The gate is sufficiently distant from the main building complex, such that it does not significantly disrupt the setting and significance of the listed buildings. Furthermore, a good landscaping scheme with strategically positioned planting could help soften views of the gate and entranceway over time, and this can be secured via planning condition (along with further details of the gate design, finish, and wall construction/capping etc).
- 11.27 Therefore, while Officers are of the view that the formalising walling and, in particular, the large piers and gates are unfortunate additions to the development, they do not inherently result in significant harm to the appearance or setting of the main complex, being sufficiently distant to only cause lower end of less than substantial harm.

Public benefits

- 11.28 Noting that three elements of the development result in lower end less than substantial harm, there is a need to consider what public benefits the development secures. Firstly, the development as a whole, will likely result in an increase in local employment opportunity, compared to the site's former use in retail (antiques). Secondly, a high-quality development, resulting in a desirable wedding venue, café and restaurant, will attract visitors to the district and increase tourism benefits in the area in the long term (also improving the local economy).
- 11.29 More pertinently, permitting the change of use of the building, the extensions and redevelopment will ensure the farmhouse and associated complex remain in optimal viable use, securing their long-

term function and occupation, maintenance, and ultimately presence within the Lichfield landscape. Importantly, a development that seeks to utilise the entire complex at once is more likely to preserve and safeguard the special interests of the building, its legibility, and its materiality, compared to subdividing the buildings into numerous residential units, or additional retail units and risk introducing private amenity spaces, residential paraphernalia or other elements which often detract from the setting and character of an historic agricultural building.

- 11.30 As per Para 205 of the NPPF, great weight is afforded to the preservation of the asset, in this instance securing the building's optimal viable use in the least harmful way, and accordingly, this weight is considered to successfully balance against the lower end less than substantial harm that is caused by the rear extensions within the courtyard and boundary treatments at the site's entrance.

Conclusion

- 11.31 The development is therefore considered to successfully safeguard and preserve the setting, and significance, of the listed building. The extensions that are necessary to facilitate the new use will avoid causing notable disruption to the legibility of the complex, noting that in the case of the two rear extensions, these will only be perceivable within the courtyard. Officers are satisfied that planning conditions will successfully control sensitive aspects of the scheme, such as materiality, windows, doors and joinery design, finish and fitting, and boundary treatments and landscaping. The development is therefore considered to comply with Core Policy 14 of the LPS, policy BE1 of the LPS and Sections 12 and 16 of the NPPF.

12. Impact upon the greenbelt

- 12.1 The site lies within the West Midlands Greenbelt. Policy NR2 of the Lichfield LPS provides the Council's position on development within the greenbelt. It advises that all development within the greenbelt must 'retain its character and openness', and that inappropriate development is considered harmful, and 'will not be approved except in very special circumstances'. Such circumstances do not exist unless the potential harm to the greenbelt (by reason of inappropriateness) is 'clearly outweighed by other considerations'.
- 12.2 The policy goes on to advise that 'the construction of new buildings is regarded as inappropriate in the greenbelt' unless it is one of the exceptions listed in the NPPF. Section 13 of the NPPF seeks to protect greenbelt land, and paragraph 154 lists the exceptions referred to in policy NR2. Exception (c) is 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building', and exception (d) is 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. Paragraph 155 also lists 'the re-use of buildings provided that the buildings are of permanent and substantial construction' as being not inappropriate, provided such development preserves the greenbelt's openness and does not conflict with the purposes of including land within it.
- 12.3 The proposal involves, predominantly, the re-use and redevelopment including extensions of an existing complex of buildings and mostly internal operations needed to facilitate the creation of a wedding venue.
- 12.4 Extensions to the building are required and proposed. The two-storey infill extension between the farmhouse and the southernmost range of agricultural buildings is considered to fall into the NPPF exception (c). This extension is not considered to be disproportionate in scale relative to the amount of surrounding built form; the farmhouse is a significant building, and the existing agricultural buildings are also substantial in height and breadth. Similarly, the single storey rear extension to the northern elevation of the southernmost agricultural building (to provide a kitchen) is also proportionate to the scale and massing of the agricultural building and will not really be discernible from any public realm vantage point.

- 12.5 The wedding breakfast/reception room element of the scheme would see an extension added to the northern elevation of the southernmost agricultural building. This extension will be larger in scale than the existing extension which it replaces. Again, this extension is considered to meet with the NPPF exception (c) which allows for extensions provided they do not result in disproportionate additions to the original buildings. The extensions are visually contained within the courtyard of the existing complex (i.e., they will not be detectable at all from public vantage points outside of the complex) and the increase in dimensions is very modest.
- 12.6 The remaining elements of the scheme include the walling and gates at the site's entrance. Walls and gates are considered buildings for the purposes of appraising impact on the greenbelt and are not listed in the exceptions given in Paragraphs 154 or 155 (none of the walls are for the purposes of 'retaining', and as such are not engineering operations). Therefore, the proposed walling and gates at the site's entrance are considered inappropriate in the greenbelt. As above, the Framework establishes that substantial weight should be given to any harm to the greenbelt, and development should not be approved except in very special circumstances.
- 12.7 The boundary enclosures proposed at the site's entrance and just within the site's vehicular access are formed from a number of elements. There are a number of pillars with spherical finials on top, which are all between 2.1m and 2.8m in height (the largest piers are those which sit either side of the site's main entrance, facing the A38). The walling between the piers is between 1.2m and 1.4m in height. The five-bar timber gate opposite the main entrance into the site is 1.6m high, and the large wrought iron gates that provide access into the wedding venue itself are 2.6m high.
- 12.8 Officers find that the cumulative impact of the walls and gates proposed at the site's entrance has a modest adverse impact on the openness of the greenbelt, mainly due to the visual opacity of the brick wall relative to the existing post and rail fencing, and the siting of the walls and gates, some distance from the built-up elements of the agricultural complex.
- 12.9 However, Officers must consider the provisions of Class A, Part 2, Schedule 2 of the GDPO, which permits the construction of gates, walls and fences up to 1m in height where 'directly adjacent' to a highway (or the footpath serving a highway), and up to 2m high elsewhere. Piers (and decorative finials) are included in this, and the total height of a pier should include any decorations atop. In this context, Officers must consider whether the harm caused by the proposed development, certain aspects of which require planning permission, is materially greater than the harm that could occur utilising Class A, Part 2 permitted development rights, which, critically, are not removed or prohibited by the greenbelt designation of the land.
- 12.10 Boundary enclosures 'immediately adjacent' to a highway must be no more than 1m in height. There is no set definition of 'immediately adjacent'; however, caselaw has established that a wall or fence does not have to touch the edge of a highway to be considered adjacent. If a wall or fence is close enough to the highway to maintain a perceived function of forming a boundary, it can be considered immediately adjacent. In some cases, a distance of 6m has been considered to be immediately adjacent. Furthermore, the term 'highway' is also undefined by the Order, and historically Inspectors have considered grass verges to be part of the highway. Arguably, the limitation intends to safeguard visibility splays and sightlines, and if a wall or fence does not inhibit these, it could be submitted that it falls outside the scope of being 'immediately adjacent'.
- 12.11 The wall proposed at Blackbrook Hall curves inwards, following the bell mouth opening of the junction between the site and the A38. The pier nearest the A38 will be 7.5-8m distant, but immediately adjacent to the (presumably) metalled road into the site. It will not directly face the A38 but be angled inwards. Officers consider the first couple of metres of the wall closest to the A38 could likely be considered 'immediately adjacent', and therefore the piers and wall would all have to be reduced to 1m in height to comply with Class A, Part 2, Schedule 2 of the GDPO. This would reduce the height of two piers by 1.2m, and a relatively short length of wall (around 2m of it) by around 400mm.

- 12.12 After this, maintaining that the wall is directly adjacent to the highway would be much more difficult, as it would have no impact on sightlines, and be facing away from the A38, and towards the private access track into the site. Therefore, all other boundary treatments from this point on that exceed 2m in height, would need to be reduced to 2m in height to comply with Class A, Part 2, Schedule 2. The two main entrance piers would therefore need reducing by 1m, the piers either side of the wrought iron fence would need reducing in height by 300mm, and the wrought iron gate itself would need reducing by 650mm.
- 12.13 It is important to note that all of the walling, except for the first 2m or so that is closest to the A38, would fall under the 2m height limit, and could be built under permitted development rights as proposed on the drawings. The majority of the piers would only need marginal reductions – in some cases, just the spherical finial decorations removing – to comply with permitted development rights. The five-bar timber gate and its piers all comply with the 2m limit. The wrought-iron gate would need a more substantial reduction of more than 0.5m, but critically it must be acknowledged that Class A, Part 2, Schedule 2 would not prohibit the applicant from selecting a 2m tall fully opaque, metal or timber gate, which would be substantially more disruptive to the openness of the greenbelt than the taller but much more visually permeable wrought iron gate that has been proposed as part of this development.
- 12.14 Altogether, the difference in terms of adverse impact on the greenbelt caused by the proposed development is not considered to be materially greater than what would be caused by the development very likely achievable utilising existing permitted development rights. Critically, it is considered that this fallback position would very likely be implemented by the applicant should the Council opt to request the omission of the gates and walling from the development.
- 12.15 Consequently, the very likely fallback position of permitted development rights that exists for gates, walls and enclosures is considered to represent a very special circumstance that, in this particular instance, weighs in favour of the development in that the adverse impacts caused by the development as proposed are not materially greater than the impacts those permitted development rights would have if implemented. Officers therefore consider it unreasonable to refuse permission, or request significant amendments to the development as proposed, solely on the basis that the walling and gates are not appropriate development within the greenbelt. In terms of the impact upon the Green Belt, the scheme complies with the requirements of respective policies.

13. Residential amenity

- 13.1 Policy BE1 of the Lichfield LPS requires new development to have a positive impact on amenity by avoiding development that causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 13.2 The proposed development has no impact on any non-ancillary residential dwellings with regards to the siting, massing or design (i.e., window locations) of the extensions that are proposed to it. This is because the site sits in isolation, adjacent to the A38, with no non-ancillary residences in close proximity.
- 13.3 However, concern has been raised by the Environmental Health Officer (EHO) regarding the impact of noise generated by the development, particularly noise from music and guests, on the amenities reasonably expected to be enjoyed by neighbouring dwellings that, according to the comments received, are located to the north-east in the prevailing wind direction. This matter has also been raised through representations received from local residents.
- 13.4 A noise impact assessment has been submitted, and subsequent queries arising from this have been answered by the applicant's noise consultant. The EHO has considered the submitted information and has concluded that, subject to conditions controlling the times during which the venue can play music, or operate, and putting in place measures to prevent noise generated on site exceeding

certain levels, the development will not put the amenities of any adjacent neighbouring properties at risk.

- 13.5 Consequently, subject to the imposition of those conditions, Officers are satisfied that the development does not result in harm to the amenities of any neighbouring residential properties that are not associated with the site.

14. Access and highway safety

- 14.1 The Highways Team have been consulted on this application and have provided a response. It is noted that there are no objections to the development, due to the significant on-site parking available, and the fact that the gates/walls at the site's access will not impede on visibility. Highways note that there have been no personal injury collisions on London Road within 215m of the development site within the past five years, while it has been used as an antiques showroom and workshop.
- 14.2 While no information relating to trip generation has been provided, or referred to by the Highways Team, Officers are of the view that the extant use of the complex (and how it could be lawfully used more intensively) would not generate significantly more traffic or visitations than the proposed use as a wedding venue, although the timings of visitations and intensity during events may exceed what is currently experienced at the site.
- 14.3 This alone, however, does not cause the application to fail. Officers note that Paragraph 115 of the NPPF advises Councils to only refuse development on highway grounds '*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. The access with the A38 benefits from adequate visibility and an 'on-ramp' allowing vehicles to gain momentum before pulling into the live lanes of the highway. Even with the site's access being used for short bursts of higher intensity as guests arrive and depart, there is no greater level of harm between the extant lawful use and what is proposed. Therefore, the test of Paragraph 115 is not met, and so the development should not be refused on highways grounds, as it is considered acceptable.

15. Impact on trees

- 15.1 The tree officer has been consulted on this application and has offered no comments. The new extensions proposed do not have any impact on trees that lie within or near the site, and neither does any of the new walling proposed at the site's entrance.
- 15.2 Policy BE1 requires new development to have a positive impact on the natural environment, which can be achieved partly through effective hard and soft landscaping, including tree planting. A condition can be used to secure additional tree planting as part of a larger landscaping scheme, with new planting important particularly around the site's entrance such that views towards and around the new walls and gates are softened. Officers also wish to avoid, if possible, the creation of a formal tree-lined avenue along the access road into the site, which is not coherent with the site's informal, rural context.

16. Ecology

- 16.1 The ecology officer has reviewed the submitted preliminary ecological appraisal and subsequent bat emergence surveys and has provided comments that offer no objection to the development subject to compliance with/imposition of conditions on the permission that seek to ensure development is implemented in accordance with mitigation and safeguarding measures set out in those reports.
- 16.2 The conditions recommended by the ecology officer will be imposed, to ensure the Council meets its obligations regarding the safeguarding of protected species.

17. Flood Risk

- 17.1 In terms of flood risk, a Flood Zone 2/3 affects the northernmost edge of the site; however, none of the area impacted is actually going to be built on as part of the proposed development. The gap between the farmhouse and the agricultural building, and the entire courtyard is in Flood Zone 1, which carries the lowest risk of flooding.
- 17.2 The entire site is covered, however, by a designation identifying it as being susceptible to ground water flooding, suggesting there are critical drainage issues affecting the land within and around the site.
- 17.3 No objections to the development have been raised with regards to flood risk, either from nearby water bodies or surface water drainage, from the Lead Local Flood Authority (LLFA) or Environment Agency (the latter has observed that the development falls outside of its remit for responding).
- 17.4 The LLFA correctly observe that the amount of impermeable surface area within the site is not changing significantly as a result of the development. The new extensions are being built on existing hard surfaces, which means the walling at the site's entrance, built on a grass verge, is the only element that could remove a very small amount of existing permeable grassland. This will not have any meaningful impact on surface water flood risk.
- 17.5 The supporting flood risk assessment and drainage plan show surface water being dealt with via a new drain underneath the two-storey extension, taking water to a trench soakaway that is within the red line of the development. An overflow pipe will then connect into the existing system.
- 17.6 Foul drainage is to be dealt with using a new Kingspan Klargester Biodisc Treatment Plan (a PTP) *if* the existing system is deemed unsuitable to take the new modifications and extensions to the existing buildings. In the event that a new system is required Officers will impose a condition requiring further details are submitted for approval in writing.
- 17.7 For the reasons mentioned above, and subject to the aforementioned condition, Officers are satisfied the development does not pose any risk of increasing the likelihood of surface water flooding or causing flood waters to impact other nearby properties.

18. Response to Parish comments dated 21st Feb 2024

- 18.1 Officers note that the Parish Council has submitted a lengthy objection on 21st February. This objection covers a number of bullet points. Officers consider it prudent to cover off/respond to some of these points below:

The application should have been registered as a 'Major' development on floorspace

- 18.2 The Parish submit that, because the development proposes 1175sqm of floorspace (the figure on the application form under 'Non-residential Floorspace'), the application should have been registered as a 'Major' as this number exceeds 1,000sqm, and additional information should have been submitted as a result.
- 18.3 The Development Management Procedures Order 2015 advises that 'major development' is defined as, amongst other things, where 'the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more' [underline added for emphasis].
- 18.4 The development before the Council does not involve the provision (i.e. delivery/construction) of new buildings exceeding 1,000sqm. The three extensions (one of which is a rebuild and results in a very low net increase in floorspace) do not exceed 1,000sqm, and the amount of floorspace changing use is also notably less than 1,000sqm.

18.5 The application form indicates that 959sqm of floorspace *already exists*, that around 335sqm of this having its use changed, that around 216sqm is being *added*, and the resulting total floorspace is 1,175sqm (which is 959 + 216).

18.6 As the site area is also less than 1ha, the application has been correctly registered as a 'Minor' development.

Changes were made to the application which prejudiced statutory consultees

18.7 The gates/walls etc were added in drawings received in early July. Re-consultations were sent out to the Highways Authority, Highways England and the Conservation Officer, notifying these parties that the description had been changed to include access gates/walls etc. Comments were subsequently received from all parties in respect of the additional gates/walls. The addition of the gates and walls has therefore been appropriately publicised, and the relevant consultees have not been prejudiced.

18.8 It was subsequently agreed in early October 2023 to allow the description to be changed again to refer to the intention to host weddings at the premises. New plans were duly submitted, which were uploaded to Public Access on 2nd October 2023. The Council subsequently reconsulted all relevant parties (twelve letters to consultees were issued), with the new description clearly provided on all of these letters. Therefore, the consultees were given an opportunity to comment on the intention to use the premises as a wedding venue; picking up on the Parish's example, Officers note that the Highway Authority did not respond to this consultation within the 21-day statutory re-consultation period.

The site is within a Flood Zone 2, the proposed use of the building is not classified correctly

18.9 It is submitted that the site's location within FZ2 prompts the need for a Flood Risk Assessment (correct), and that the FRA with the application was not updated when the description of the development changed to include a wedding venue (also correct).

18.10 The northern edge of the site – the existing farmhouse and land to the north of the northernmost L-shaped building – are within a FZ2 and FZ3. Importantly, none of the proposed buildings (i.e. the extensions) or any of the buildings on the southern side of the complex are within either a FZ2 or a FZ3. They are in a FZ1, the lowest risk of flooding.

18.11 Therefore, while it is acknowledged that a wedding venue use is more vulnerable than retail/restaurant uses, Officers submit that as these elements are within an area with the lowest risk of flooding according to the Environment Agency's own maps, the incorrect classification of the vulnerability does not, by itself, represent a reason to refuse permission.

The wall and gate are not accounted for in the SUDS plan

18.12 The walls and gates are a type of development that could be erected in that location without the need for planning permission, subject to compliance with Class A, Schedule 2 of Part 2 of the General Permitted Development Order. While this might mean they have to be reduced in height in places, walls and gates that are fully compliant with the requirements of Class A, Schedule 2, Part 2 would have precisely the same impact on surface water runoff and drainage that those shown in the drawings would do.

18.13 Therefore, Officers do not consider it reasonable to require the submission of update SUDS information taking the erection of walls/gates into consideration.

The gates/walls and impact on the green belt

18.14 Please refer to Section 12 of this report, where a full appraisal of the impact of the gates/walls on the openness of the green belt is provided.

The Preliminary Ecological Appraisal has not been updated to account for the use as a wedding venue

- 18.15 The Ecology Officer was provided with an opportunity to comment on the application with the new description (i.e., referring to the wedding venue) on 27th October 2023, responding on 12th February 2024, and has not outlined any concerns regarding the use of the premises as a wedding venue or noise in general.

Discrepancies between the findings of acousticians/background noise levels

- 18.16 It is unclear whether the acousticians have recorded background noise levels in comparable places, using comparable or identical equipment etc. However, notwithstanding this, the Council's Environmental Health Officer has responded to the noise information provided by the applicant's acoustician and appears to be happy with the methodology relating to how the information presented in the noise impact assessment has been collected.
- 18.17 The applicant's acoustician has provided information both in terms of the report and in subsequent emails providing answers to the EHO's initial response. The EHO has advised that, after considering this information, they are happy that noise impacts can be mitigated using planning conditions, which are set out in draft form at the end of this report. Officers see no reason to disagree with either the findings/views of the submitted specialist reports or the position reached by the Council's own specialist on noise issues.

Concerns about the applicant not ruling out the use of fireworks

- 18.18 The setting off of fireworks is strictly controlled by third party regulations and would be enforced by parties unrelated to the planning functions of the Council (<https://www.gov.uk/fireworks-the-law>). It has been established through caselaw that the Council should not use planning conditions to duplicate control mechanisms that are in place and enforced by third parties. However, if Councillors at the planning committee were concerned about this, and if the applicant were agreeable, the Council could use planning conditions (or an informative on the permission) to remind the applicant that they should not set off fireworks between 11pm and 7am (for example) unless one of the exceptions listed in the link above apply.

19. CIL/ Planning Obligations

- 19.1 The development does not attract any CIL charges as it is not included in any of the chargeable categories listed in the Council's Charging Schedule. Neither are any planning obligations required via Section 106 agreement or unilateral undertaking, noting the limited size and scope of the development, fall under thresholds for triggering the need for contributions towards local infrastructure.

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.

21. Conclusion

- 21.1 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.
- 21.2 The development as proposed seeks to establish a new wedding venue, complemented by new extensions to the existing range of historic buildings to provide a wedding breakfast/reception area, kitchen and café/restaurant. The new venue will result in a new tourist attraction within the district and be a source of additional employment. It will also secure an appropriate optimal viable use for the designated heritage asset, ensuring its continued occupation and maintenance, and avoiding more harmful works and long-term disruption to its legibility as a historic farm complex that could arise with a residential subdivision.
- 21.3 The development does propose works that result in harm to the significance of the heritage asset. The extensions to the northern elevation of the historic agricultural building encroach into the legible farmyard, disrupting its character and impacting the setting of the listed farmhouse. The gates and walling at the site's entrance are also somewhat uncharacteristic of the site's otherwise informal and rural setting. The harm this causes is less than substantial, and on the lower end of that scale.
- 21.4 However, the economic benefits through employment and tourism, and environmental benefits through securing the longer-term maintenance and upkeep of the heritage asset, are considered to outweigh this harm. Further, the disruptive extensions to the north are not all new; one replaces an existing building on a footprint that is only marginally larger than what is there presently. Furthermore, Officers believe that a substantial amount of the walling and gates at the site's entrance could be built in a manner that is comparably disruptive utilising permitted development rights (Class A, Part 2, Schedule 2). The scheme would be in compliance with Green Belt national and local planning policies.
- 21.5 Concerns regarding the noise impacts of the proposal have been reviewed alongside the noise assessment submissions by the Councils Environmental Health Officer. As set out in the above report, it can be concluded that the proposals, subject to appropriate conditions will not result in unacceptable detriment on neighbouring amenity.
- 21.6 Therefore, mindful of the above, and when taking a balanced view on the proposal in the round, noting all issues raised in the report, including the inappropriate development of the walls and gates within the greenbelt, Officers conclude that the application can be approved, subject to conditions, due to the overall benefits/circumstances of the development outweighing the harm identified.

22. Recommendation: Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the following conditions, upon completion of the application publication period (for Site Notices & Press Adverts), and subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours:

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. Approved plans and documents:

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies BE1, CP1, CP2, CP3, CP7, CP14, ST1, ST2, NR1, NR2, NR3, NR5 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 Rural Development SPD and the National Planning Policy Framework.

3. The development shall be carried out in complete accordance with the mitigation and recommendations contained within Section 5, Paragraphs 5.3.1 (badgers), 5.3.3 (nesting birds) and 5.3.4 (hedgehogs) of the Preliminary Ecological Appraisal, prepared by Elite Ecology, dated January 2023 and received by the Council on 18th April 2023. The mitigation and recommendations set out in Section 5 shall be implemented prior to the first occupation of the development hereby approved.

Reason: The protect habitats and/or species of importance to nature conservation from significant harm in accordance with Core Policy 13 and policy NR3 of the Lichfield Local Plan Strategy 2015, and in alignment with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

4. The development shall be carried out in complete accordance with the mitigation and recommendations contained within Section 5, specifically 5.1 (Bats) and 5.2 (Birds), of the Bat Activity Survey, prepared by Elite Ecology, dated January October 2023 and received by the Council on 27th October 2023. The mitigation and recommendations set out in Section 5 shall be implemented prior to the first occupation of the development hereby approved.

Reason: The protect habitats and/or species of importance to nature conservation from significant harm in accordance with Core Policy 13 and policy NR3 of the Lichfield Local Plan Strategy 2015, and in alignment with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

5. The development shall be carried out in complete accordance with the surface water drainage mitigation measures set out in Section 3.0 'Flood Risk Assessment and Mitigation Measures' of the Flood Risk Assessment and Drainage Strategy report prepared by 'aba consulting', dated 9th February 2023 and received by the Council on 18th April 2023, and in accordance with drawing 16352-ABA-23-GF-DR-S-500 received by the Council on 18th April 2023. The surface water drainage mitigation strategy shall be in place prior to the first occupation of the development hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development and public health, to comply with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and Section 14 of the NPPF.

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

6. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of building recording to Level 2 as defined in English Heritage: 'Understanding Historic Buildings (2016)'.

Reason: To secure a recording of the designated heritage assets in line with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and to comply with Government advice in Section 16 of the NPPF.

7. Within six months of the completion of the archaeological work in accordance with the programme of building recording approved pursuant to Condition 5 of this permission, the applicant (or their agents or successors in title) shall submit to the Local Planning Authority for its written approval an archaeological report comprising a post-recording assessment and analysis, preparation of a site

archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the building in line with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and to comply with Government advice in Section 16 of the NPPF.

8. Regarding foul water management, in the event that a package treatment plant is considered necessary, exact details of this, including manufacturer's specifications and its exact siting within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any extensions to the building hereby approved. The foul water management system shall thereafter be implemented in accordance with the details approved by this condition, prior to first occupation of the development hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development and public health, to comply with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and Section 14 of the NPPF.

9. Prior to the commencement of any extensions to the building(s) hereby approved, details of all biodiversity enhancement features that are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures submitted to the Council shall, where necessary, tie into the soft landscaping scheme required to be submitted by Condition 14 of this permission, and shall accord with the recommendations set out in Section 5.4 of the Preliminary Ecological Appraisal, prepared by Elite Ecology, dated January 2023 and received by the Council on 18th April 2023, and all recommendations within Section 5 of the Bat Activity Survey, prepared by Elite Ecology, dated January October 2023 and received by the Council on 27th October 2023. All biodiversity enhancement features shall be implemented prior to the first occupation of the development following its completion, or, where these features include soft landscaping, in line with the standard timescales for implementing landscaping as set out in Condition 20 of this permission.

Reason: To comply with the requirement to achieve a net gain in biodiversity through ecological enhancements in line with Core Policy 13 and policy NR3 of the Lichfield Local Plan Strategy 2015, and Section 15 of the NPPF.

10. In addition to complying with the requirements of Section 5.0 of the document 'Noise Impact Assessment' dated 21st November 2023, prepared by Parker Jones Acoustics and received by the Council on 22nd November 2023, prior to the commencement of any extensions to the building(s) hereby approved, an addendum Noise Management Plan shall be prepared and submitted to the Local Planning Authority for approval in writing, and it shall contain details/information relating to the following specific matters:
 - I. Wording or information to be imparted to all live music performers advising that they will not be able to perform music unless they can demonstrate, prior to their performance, that they can adhere to the noise limits established by the document 'Noise Impact Assessment' dated 21st November 2023, prepared by Parker Jones Acoustics and received by the Council on 22nd November 2023.
 - II. What internal noise limiter or other means of monitoring noise levels will be installed/used, where, and how this will work in order to limit noise to 100 Db(A) for recorded music.
 - III. How live music will be effectively monitored in real time during an event, and if live music exceeds the limit stipulated by Condition 16 of this permission, the actions that the venue will take to subsequently enforce the limit (which must include making performers aware of the consequences of consistently failing to adhere to the limit).
 - IV. How external noise will be effectively monitored in real time during an event to avoid noise levels exceeding the limit stipulated by Condition 17 of this permission, and what actions the venue will take to subsequently enforce the limit.

- V. A 'Warm Weather/Ventilation' strategy that sets out how the venue intends to ensure all doors and windows on the northern elevation of the building are kept shut at all times during live performances and after 9pm regardless, in compliance with Condition 17 of this permission, during wedding events which take place during events taking place at times when the weather is warm, or during heatwaves etc. Such a strategy might involve details of other means of ventilating the space and/or using air conditioners to keep the internal temperature tolerable.

All measures set out in the Noise Management Plan will be implemented and in place prior to the first wedding being booked follow completion of the development, and shall be retained for the duration of the development.

Reason: To safeguard the amenities of non-ancillary residential dwellings located to the north-east of the site, through limiting noise pollution and, in turn, avoiding disruption of the enjoyment of both internal and external amenity spaces belonging to those properties. In accordance with policies CP3 and BE1 of the Lichfield Local Development Strategy 2015 and Section 12 of the National Planning Policy Framework.

11. Prior to the commencement of any works on the extensions hereby approved proceeding above slab level, a full materials schedule, together with samples, shall be submitted to and approved in writing by the Local Planning Authority (**note: samples should be kept on-site for inspection and not submitted physically to the Council's offices**). The schedule shall include details of all proposed external walling and roofing materials for all extensions being constructed as part of this development, as well as any materials being used in re-roofing any building within the site. Notwithstanding the details shown on drawing 3860-27 Rev J Proposed Elevations 1 – 4 received 22nd December 2023, alternative details (to timber) shall be submitted for approval in writing in respect of the south-west facing roof elevation of the two-storey infill extension. The development shall thereafter be implemented in accordance with the material schedule and physical samples (inspected on site) hereby approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality, will complement the existing Grade II listed building and surrounding complex, and to ensure the satisfactory appearance of the completed development in accordance with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and in accordance with Sections 12 and 16 of the National Planning Policy Framework.

12. Full construction details of all new and replacement windows, doors and any other forms of opening hereby shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The construction details shall include elevational drawings, to a scale of no less than 1:20, and shall show/describe the intended finish (colour), and, to a scale of no less than 1:5, cross-sectional drawings shall also be provided showing glazing and frame thickness and the relationship these elements will have with any headers/lintels/cills etc. The drawings shall include details of any replacement headers/lintels/cills etc, should these be necessary. The development shall be carried out in accordance with the approved details.

Reason: To ensure that all new and replacement openings required to facilitate the development adequately preserve the appearance and setting of the conservation area and listed building in accordance with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and Section 16 of the National Planning Policy Framework.

13. No form of external lighting of any sort shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. These details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is approved by the Council and subsequently installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change any of its approved details.

Reason: In the interests of the visual amenity, to safeguard the appearance and significance of the listed building and to avoid undermining any measures taken to enhance biodiversity, in accordance with Core Policies 13 and 14 and policies BE1 and NR3 of the Lichfield Local Development Strategy 2015, and Sections 12, 15 and 16 of the National Planning Policy Framework.

14. The development shall not proceed beyond slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site, which shall include:
- a) Details of all proposed shrub, hedgerow and tree planting, including species, number, sizes and positions, together with any new grass seeded/turfed areas.
 - b) Details of all hedgerows and trees to be retained within and around the outside of the site.
 - c) Details of any soft landscaping intended to be biodiversity enhancement features as set out/required by Condition 9 of this permission.
 - d) Details of all new hard landscaping including hard surface areas, pavements/footpaths, any newly demarcated parking areas or ground-based detailing (i.e., setts).
 - e) Notwithstanding the requirements of Condition 15 of this permission, concerning the access/entrance into the site, all new hard boundary treatments (i.e., walls, fences) that are proposed elsewhere within the site.

Any new hard boundary treatments shall be implemented and constructed in accordance with the approved details prior to the occupation of the development hereby permitted.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of a well-planned development and visual amenity, to accord with Core Policy 13 and policies NR3, NR4, NR5 and BE1 of the Lichfield Local Development Strategy, and Section 12 of the National Planning Policy Framework.

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

15. Prior to the first occupation of the development, details of the proposed construction and materials (including brick samples, **to be kept on site for inspection**) of the proposed walls, piers and gates shown on drawings 3860-45 Proposed Access Gate Plan and 3860-46 Proposed Access Gates Elevations (both received 5th July 2023), including details of any resurfacing of the access with the A38 or access road into the site if this is required, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate and safe access is maintained into the site while also ensuring the materiality of the walls and appearance of the gates are appropriate in the context of the locality and the Blackbrook Hall complex, to comply with Core Policies 5 and 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and in accordance with Sections 9, 12 and 16 of the National Planning Policy Framework.

All other CONDITIONS to be complied with:

16. Live amplified music associated with the development must not exceed 100 dB(A) LAeq 15 minutes.

REASON: To safeguard the amenities of non-ancillary residential dwellings located to the north-east of the site, through limiting noise pollution and, in turn, avoiding disruption of the enjoyment of both internal and external amenity spaces belonging to those properties. In accordance with policy BE1 of the Lichfield Local Development Strategy 2015 and Section 12 of the National Planning Policy Framework.

17. External noise associated with the development must not exceed 65 dB(A) at 3m from the noise source and must end by 21:00.

REASON: To safeguard the amenities of non-ancillary residential dwellings located to the north-east of the site, through limiting noise pollution and, in turn, avoiding disruption of the enjoyment of both internal and external amenity spaces belonging to those properties. In accordance with policy BE1 of the Lichfield Local Development Strategy 2015 and Section 12 of the National Planning Policy Framework.

18. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order), and other than any boundary enclosures granted permission through the approval of Conditions 14 and 15 of this permission, no other fences, gates, walls or any other forms of enclosure shall be erected anywhere around the outside or within the curtilage of Blackhall Barn as defined by the red edged site plan drawing 3860-01 Location Plan received 18th April 2023 without the prior planning permission of the Local Planning Authority.

REASON: Taking into account the site's visibility from within the public realm and the context and sensitivity of the site as a Grade II listed historic agricultural complex, it is considered to be in the public interest to ensure new boundary treatments do not adversely impact visual amenity or the setting of the listed building in accordance with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and in accordance with Sections 12 and 16 of the NPPF.

19. All planting, seeding or turfing comprised in the landscaping scheme submitted to and approved in writing by Condition 14 of this permission, shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five 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 for any variation.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of a well-planned development and visual amenity, to accord with Core Policy 13 and policies NR3, NR4, NR5 and BE1 of the Lichfield Local Development Strategy, and Section 12 of the National Planning Policy Framework.

NOTES TO APPLICANT:

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

LOCATION PLAN

60 Upper Way
Upper Longdon
Rugeley
WS15 1QA

Scale: 1:1,250

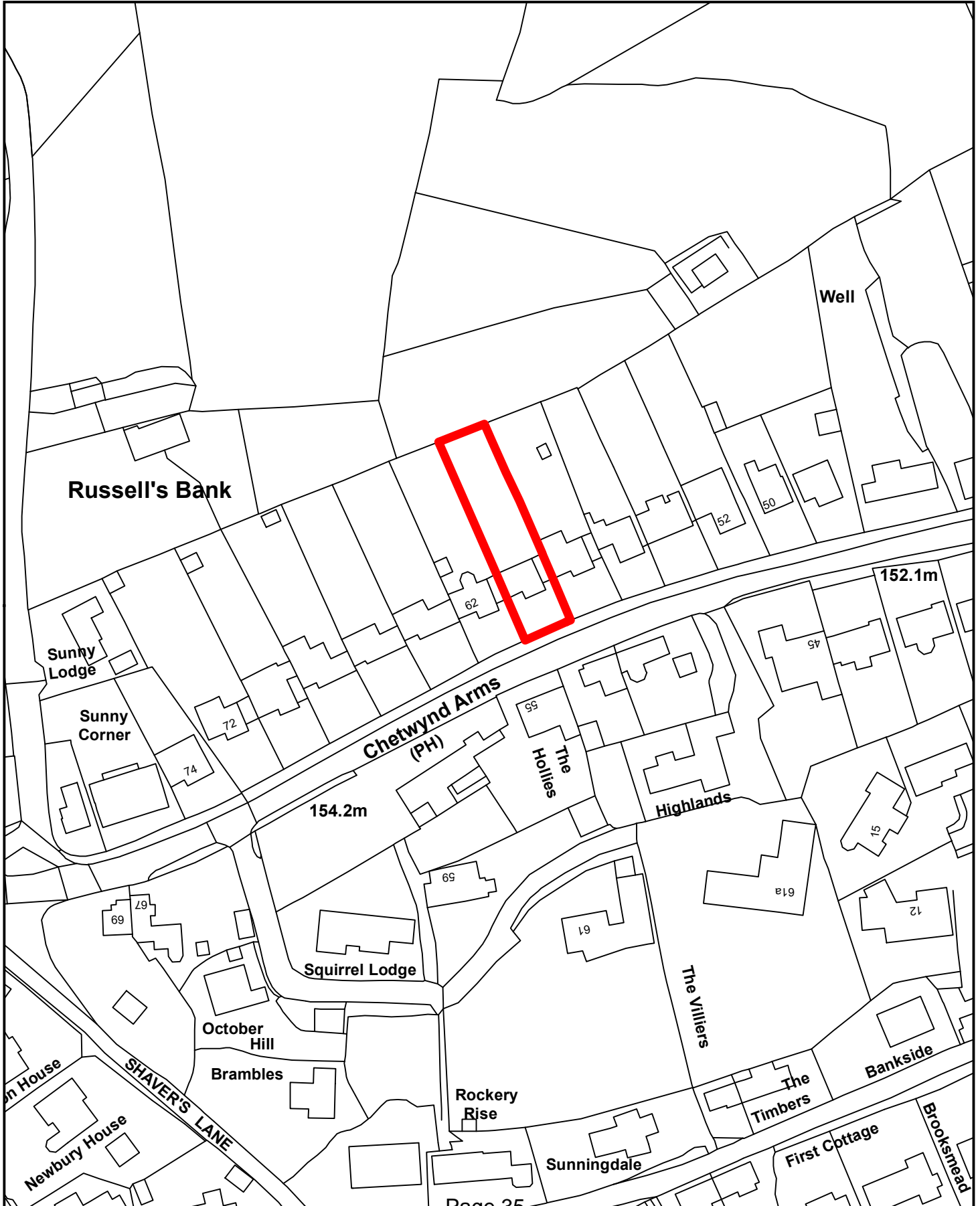
Dated: March 2024

Drawn By:

Drawing No:



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Planning committee report



Lichfield
District Council

Address:	60 Upper Way, Upper Longdon, Rugeley, Staffordshire		
Application number:	23/01287/FUH	Case officer:	James Hyde
Ward:	Longdon	Date received:	01/12/2023
Parish:	Longdon		
Proposal:	Erection of single storey front porch extension and front dormer extension		
Reason for being on agenda:	This planning application is being reported to the Planning Committee due to significant planning objections raised by Longdon Parish Council. Longdon Parish Council objections include: <ul style="list-style-type: none">• Change of streetscene and poor design.		
Recommendation:	APPROVE, subject to Conditions.		
Applicant:	Mr Ian Shardlow	Agent:	Stephen Capper

1. Executive summary

- 1.1. This application seeks consent for a new porch and dormer window to the frontage of the application site.
- 1.2. The proposals would be visible from within the main streetscene of Upper Way, Upper Longdon. Properties within the surrounding street scene vary in design and appearance, namely 62 Upper Way. The existing dwelling already has a dormer to the front and the front elevation includes rendering/cladding in two colours and brickwork. Overall, it is considered that the proposal would be in keeping with the design of the original dwelling and the surrounding street scene.
- 1.3. The key issue within this application is whether the development would cause a significant detrimental impact to the streetscene. The below report outlines that the development would meet all the relevant policies and guidance regarding design. The proposal is therefore considered acceptable and recommended for approval on this basis.

Summary

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

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

2. The site

- 2.1 The application site relates to a detached dwelling located on the norther side of Upper Way, Upper Longdon. The property currently consists of a mixture of materials to the front which include red brick, grey render and white Upvc cladding. The property benefits from a large rear garden along with off road parking to the front for 3No vehicles.

- 2.2 The property sits within the residential area of Upper Longdon. The dwellings along Upper way vary in design and scale. Surrounding properties benefit from a degree of personalisation and extensions to the front. The property sits within Flood Zone 1 and an Area of Outstanding Natural Beauty.
- 2.3 An extract from the location plan can be seen below. The site is outlined in red.

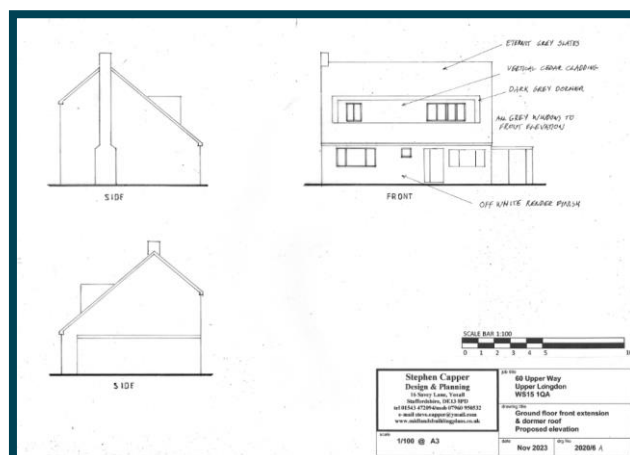


3. Planning history

- 3.1 There is no relevant planning history for this dwelling.

4. Proposals

- 4.1 This application seeks permission for the erection of a single storey front porch extension and front dormer extension.
- 4.2 The proposed single storey front porch would project out from the front façade by 2.15m and would have a width of 4.65m. The single storey extension would benefit from a mono pitched roof that would merge into the existing roof slope. The proposed eaves height would be 2.35m in height.
- 4.3 The proposed dormer to the front would project out from the front roof plane by 2.00m and would have an overall width of 9.00m. All windows to the front would be altered to Grey. The dormer would be dark grey in colour along with the roof tiles being grey slate. Off white render would be seen on the front elevation at the lower levels.
- 4.4 The proposed elevation plan can be seen below.



5. Background

5.1 There is no relevant background information relating to 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 CP3 - Delivering Sustainable Development
Policy CP13- Our Natural Resources
Policy BE1 - High Quality Development
Policy NR7 - CC SAC

6.3 Local Plan Allocations

N/A

6.4 Supplementary Planning Document

Sustainable Design SPD

6.5 Other

Longdon Neighbourhood Plan (2018)

7. Supporting documents

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

Location Plan 1:1250 as received 01.12.2023

Block Plan 1:500 as received 01.12.2023

2020/1, A as received 01.12.2023

2020/2, A as received 01.12.2023

2020/3, A as received 01.12.2023

2020/4, A as received 01.12.2023

2020/5, A as received 01.12.2023

2020/6, A as received 01.12.2023

8. Consultation responses

8.1 **Longdon Parish Council** – Objection – objects on the basis of the proposal being poor design and a change of streetscene. (10/01/2024)

8.2 **Cannock Chase AONB Unit** – No Objection – No impact on the Area of Outstanding Natural Beauty. The design is in keeping in terms of scale and materials in relation to the property and surrounding dwellings. The design specification for the development is in line with the AONB Design Guide. (21/12/2023)

9. Neighbour responses

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

10. Assessment

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

Determining Issues

- Policy & Principle of Development
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Other Issues
- Human Rights

11. Policy & principle of development

11.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Longdon Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

11.2 This application is for the extension of a dwellinghouse within the settlement of Longdon wherein there is no policy that would restrict such residential development as a matter of principle. However, proposals that are acceptable in principle are still required to meet all other policy tests. This report will go on to look at the proposal in the light of all other relevant policy tests.

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

12.1 Policy BE1 of the Lichfield District Local Plan Strategy states that “New development will have a positive impact on the public realm and ensure high quality, inclusive design” adding ‘development will be approved where the proposal can demonstrate that the “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”.

12.2 Furthermore, paragraph 135 of the NPPF states planning decisions should ensure that developments ‘are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’; ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting’ and ‘establish or maintain a strong sense of place’

12.3 The application site is located within a residential area. The dwellings within the area are mostly, detached in nature and are all, of a differing appearance. The proposals would be widely visible from within the surrounding streetscene. However, given the extensive and varying works carried out to neighbouring properties works within Upper Way, the proposal would be seen as a subordinate addition. The scheme would not cause sufficient detriment to the appearance of the property or the street scene to sustain a refusal of the application.

12.4 In respect to the impact on the character of the wider area it should be noted that it is not unusual to find larger dormers to the front within the local area. An example of a property that has benefited from planning permission and has seen a change in design is 62 Upper Way which is adjacent to 60 Upper Way. 62 Upper Way mirrored the design of 60, however the design is now drastically different.

- 12.5 It is considered that the proposed development would not detract from the established character of pattern of development in the immediately surrounding area. And, as such, considered acceptable.
- 12.6 Given the above, it is concluded that the proposed extensions and other works would respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views in accordance with Policy BE1 of the Local Plan Strategy and paragraph 135 of the NPPF.

13. Residential amenity

- 13.1 Policy BE1 of the Local Plan states ‘All development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on [among other things] amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance’. In addition, paragraph 135(f) of the NPPF requires that development proposals ‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 13.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. 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 including:
- At least 21m between dwellings where primary principal habitable rooms face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15m. (A primary window is the main or only window which illuminates the identified).
 - No windows serving principal habitable rooms shall be provided on side elevations at ground floor level unless there is an intervening screen (i.e., a wall or fence) blocking interaction.
 - In addition, any new development should pass the 45/45/25-degree standard with regards to loss of light.
 - Where one dwelling faces the two-storey side of a neighbouring property, and which is a blank elevation (i.e., no facing windows), the minimum distance separation between the 2 storey parts of each dwelling should be 13 metres or 10 metres in the case of single storey development.
- 13.4 In terms of the 45-degree angle test, the proposal would pass Stage 1 of the 45-degree test set out in the SPD given the neighbouring property has a garage adjacent to the proposal. As such, the proposal can be considered appropriate in terms of no loss of light to the neighbouring property.
- 13.5 The SPD states that there should be at least 21m between dwellings where primary principal habitable rooms face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15m. The property to the front site 21m away from the proposal. As such, the proposal would meet the minimum separation distances as set out in the SPD.
- 13.6 The above paragraphs have established that the extension meets the design policies set out within the Council’s SPD. As such, it is considered that the proposal would not have a detrimental impact on the amenity of any occupiers of any of the neighbouring properties and is therefore acceptable.

14. Access and highway safety

- 14.1 This proposal would not require the removal/ alteration to the off-road parking to the front in respect of the parking requirements set out within the Sustainable Design SPD. The proposal would not see the addition of additional bedrooms to the property. The application is therefore considered to meet the parking requirements of the SPD, and in highway terms is considered to be acceptable.

15. Other Issues

15.1 AONB

The property falls within the Cannock Chase Area of Outstanding Natural Beauty. The AONB officer was consulted on this application and raised no objections to the proposal. Given that this application is for a domestic extension to a residential property within a residential area, there would be no detrimental impact to the character of the AONB.

16. Human rights

16.1 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.

17. Conclusion

17.1 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.

17.2 This report has addressed the issues surrounding the impact of the proposal on the character of the area and the standard of residential amenity and has found that the proposed development would meet all the guidance contained with the Councils' SPD, local and national policy. Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

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

18. 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 CP3, CP13, NR7 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

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

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

4. Before the development hereby approved is commenced, details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life 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, Sustainable Design 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) and the Longdon Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2023, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £145 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.

ITEM B

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

4 March 2024

CONTENTS

Case No.	Site Address	Parish/Town Council
23/01408/LBC	Land Adj Lichfield District Council Frog Lane Lichfield	Lichfield

LOCATION PLAN

Land Adjacent
Lichfield District Council
Frog Lane
Lichfield

Scale: 1:1,250

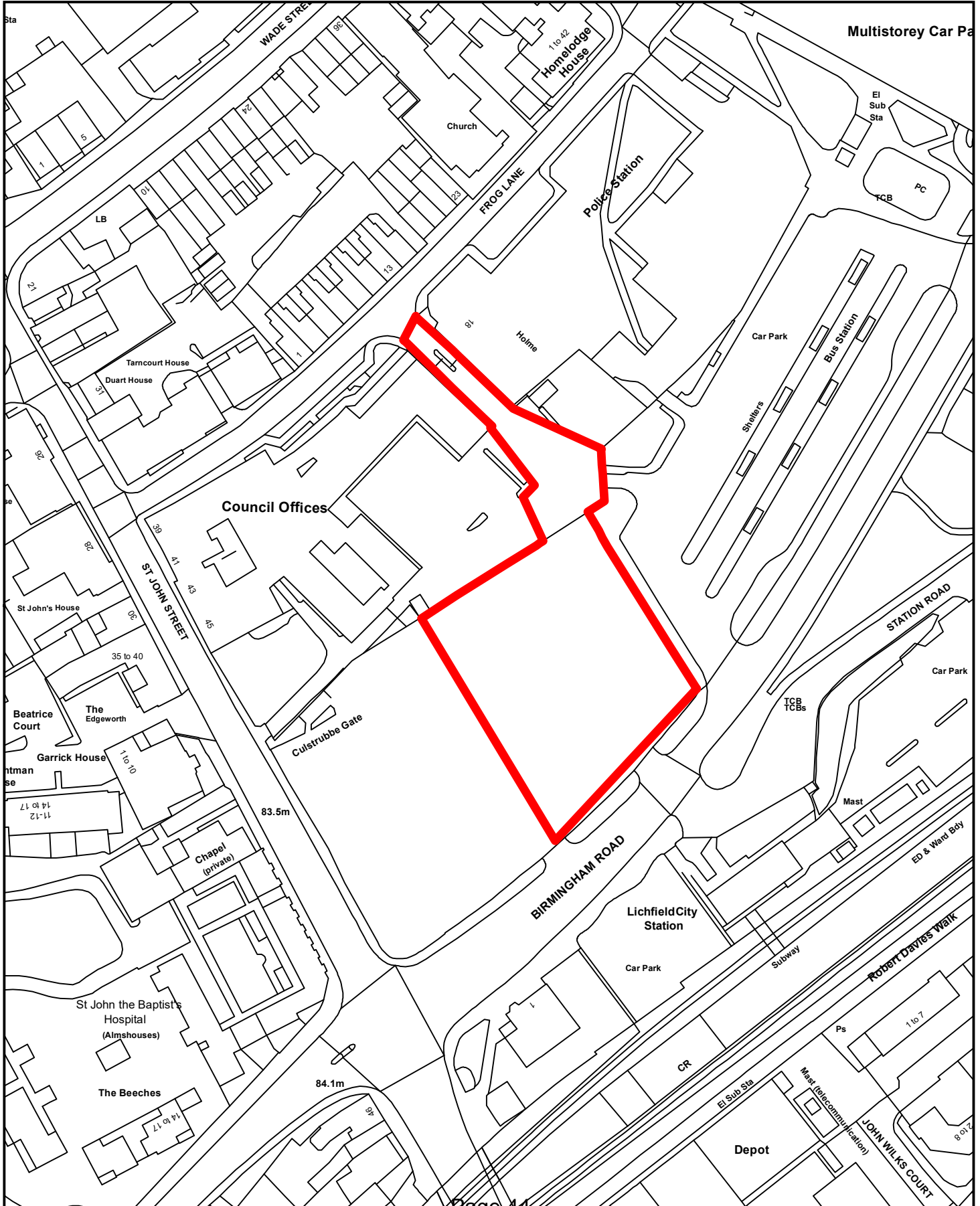
Dated: March 2024

Drawn By:

Drawing No:



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Planning committee report



Lichfield
District Council

Address:	Land Adjacent Lichfield District Council, Frog Lane, Lichfield, Staffordshire		
Application number:	23/01408/LBC	Case officer:	Kerry Challoner
Ward:	Stowe	Date received:	18/12/2023
Parish:	Lichfield City		
Proposal:	Retrospective Consent for works to listed building to enable the rebuilding of boundary wall		
Reason for being on agenda:	This application is brought forward to planning committee as the local authority claims an interest in the site.		
Recommendation:	Approve, subject to Conditions.		
Applicant:	Mrs Helen McKenzie	Agent:	N/A

1. Executive summary

- 1.1 This application seeks listed building consent for unauthorised works carried out to a boundary wall located within the District Council House Car Park. The works were required following the collapse of a small section of the boundary wall, which is a listed structure.
- 1.2 Whilst the works have been undertaken, notification was provided at the earliest opportunity and the works were carried out due to health and safety issues. The Conservation Officer has confirmed that the works have been undertaken with appropriate due care and materials and raises no objections. The section of wall to which this application relates is modern in construction, and no loss of historic fabric has occurred.
- 1.3 The impacts on the listed building and the Lichfield City Conservation Area are considered to be acceptable.

Summary

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

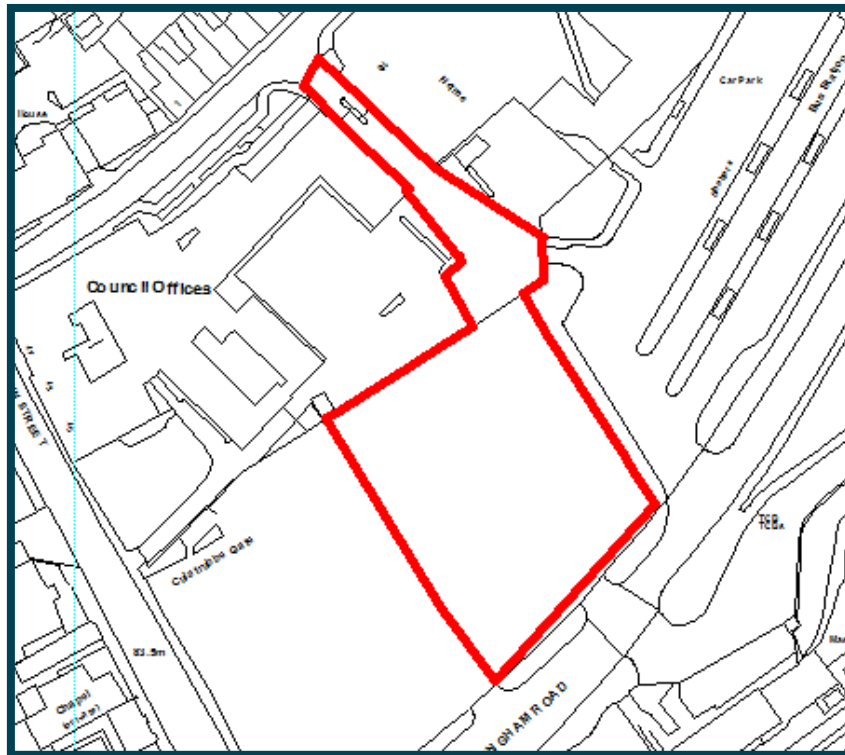
Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction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

2. The site

- 2.1 The application site comprises of land to the rear (south) of Lichfield District Council offices bordered by St John Street to the west and Birmingham Road to the south. The application site falls within the Stowe Ward of Lichfield and within the Lichfield City Parish. The site also falls within Lichfield City Conservation Area.
- 2.2 The application site is currently brownfield land, being previously occupied by a car dealership which was demolished in 2018. The site has remained vacant since, and works to install a temporary car park have recently been undertaken. The wider site is currently enclosed by a mix of boundary

treatments, including temporary hoardings, concrete panel fencing and a modern and historic brick wall that separates the site from the existing Lichfield District Council Car Park.

- 2.3 It should be noted that the area of land subject to this planning application does not include the full site to the south of Lichfield District Council Offices. Figure 1 below shows the extent of the boundary subject to this planning permission. The site is within the Zone of Influence for the Cannock Chase Special Area of Conservation.



3. Planning history

- 3.1 The site has extensive planning history relating to the sites former use as a car dealership. Of relevance to this application are the following:

17.11.2023- **23/01010/AMD**- Amendment: Reconfiguration of parking layout- Approved.

31.10.2023- **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- Approved subject to conditions.

31.10.2023- **23/01056/LBC**- Works to listed building to enable the creation of a temporary overflow car park to provide 60 spaces, installation of 2m high wooden fence and alterations to boundary wall- Approved subject to conditions.

27.05.2016- **15/01365/FULM** - Proposed demolition of existing multi-storey car park, car showroom, garage, semi-detached houses, police station, retail kiosks and partial demolition of a wall and erection of new mixed use retail-led development, known as Friarsgate, comprising 14,376 sq.m (gia) flexible units to be occupied for A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) purposes, 2,070 sq.m (gia) cinema (use class D2), 1,648 sq.m (gia) gym (use class D2), 81 apartments and 11 townhouses (use class C3) and relocated bus station and replacement multi-storey car park, together with associated landscaping, public realm, servicing, access and highways improvement works. Approved with conditions. This consent was not implemented.

4. Proposals

- 4.1 This application seeks retrospective permission for the recent works carried out to rebuild a section of the boundary wall located within the Council Car Park at District Council House, Frog Lane, Lichfield.
- 4.2 During recent works to implement the temporary car park approved under planning refs (23/01010/COU and 23/01056/LBC), a section of the original boundary wall was damaged, resulting in the rebuild of a small section at the entrance to the temporary car park area. This application seeks to regularise the works undertaken to rebuild the section of wall and implement the pier which had previously been approved. The section of wall which this application relates to is modern, rather than historic. It is recognised as a listed structure as it adjoins the historic wall adjacent to the rear of District Council House.
- 4.3 The application is supported by a heritage statement.

5. Policy framework

5.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

5.2 Local Plan Strategy

Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 5: Sustainable Transport
Core Policy 7: Employment and Economic Development
Core Policy 8: Our Centres
Core Policy 9: Tourism
Core Policy 14: Our Built and Historic environment
Policy ST1 – Sustainable Travel
Policy ST2- Parking provision
Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 – Natural and Historic Landscapes
Policy NR7- Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy

5.3 Local Plan Allocations Document

Policy BE2: Heritage Assets
Policy E2 – Service Access to our centres
Policy Lichfield 3 – Lichfield Economy
Policy LC2 – Lichfield City Mixed use Allocations
L26 – Land at Birmingham Road

5.4 Supplementary Planning Document

Sustainable Design SPD
Historic Environment SPD

5.5 Lichfield City Neighbourhood Plan

No relevant Policies

5.6 Other Documents

6. Supporting documents

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

- 4013-00 Rev 5 1:1250 Location Plan dated as received 18 December 2023
- 4014-29 Proposed Car Park Layout dated as received 18 December 2023
- 4013-09 Proposed Car Park dated as received 18 December 2023
- Pillars as built photographs dated as received 18 December 2023
- Damage to wall photographs dated as received 18 December 2023

7. Consultation responses

7.1 **Lichfield City Council**- No objections (20 December 2023)

7.2 **Lichfield Civic Society**- No objections (04 January 2024)

7.3 **Historic England**- Confirmed no comments to make on application. (20 December 2023)

7.4 **LDC Conservation Officer**- Whilst the works have been undertaken, notification was provided at the earliest opportunity and the works were carried out due to health and safety issues – furthermore, the works have been undertaken with appropriate due care and materials. As such, I have no objections to these proposals and support the works. (03 January 2024)

8. Neighbour responses

8.1 No responses from neighbouring occupiers or local residents were received.

9. Assessment

9.1 The main consideration in the determination of this application for listed building consent is the heritage asset impact implications.

9.2 The National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource, and they should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations.

9.3 Whilst considering proposals which affect the character of Listed Buildings regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to “have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”. As an application for listed building consent the proposal engages policies CP3 and CP14 of the Local Plan Strategy and BE2 of the Local Plan Allocations and the heritage policies of the NPPF.

9.4 Sustainability is placed at the heart of plan and decision making within the NPPF 2023 identifying that there are three key elements, economic, social, and environmental. Specified within the environmental objective to protect and enhance our natural, built, and historic environment are included:

9.5 The site is allocated as site L26: Land at Birmingham Road within the Lichfield District Local Plan Allocations and is allocated through Policy LC2. Policy LC2 identifies the site for mixed use development within the plan period.

9.6 L26 states that the site comprises of a large area within the City Centre which includes a bus station, 1960s office building and a multi storey car park. Adjacent to the site are a number of listed buildings including the District Council offices and Wade Street Church.

Key development considerations for the site include:

- Impact of the proposals on the designated heritage asset being the listed building.

9.7 In accordance with Local Plan Policy BE2 and Paragraph 200 of the NPPF December 2023, the applicant has submitted a heritage statement which has been reviewed by the Local Authorities Conservation Officer. The Conservation Officer raised no objections to the works carried out to the boundary wall. It is noted that the scheme has not resulted in the loss of any historic fabric and therefore it can be concluded that the proposal would have a neutral impact on the significance of this designated heritage asset.

9.8 The proposal is therefore compliant with the policy requirements of adopted local plan policies and the National Planning Policy Framework December 2023. The proposed works have not resulted in any harm to the Listed Building, or its setting and the principle of this development is therefore considered acceptable.

10. Human rights

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

11. Conclusion

11.1 It is concluded that the works carried out fulfil Policies CP14, BE1 and NR5 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, and design and heritage policies contained within the National Planning Policy Framework December 2023. S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990 is engaged by this proposal and has been addressed above. Therefore, with all the above taken into consideration, the application is recommended for the approval of the Listed Building consent, subject to conditions.

11.2 It should be noted that this application only reviews material pertinent to Listed Building Legislation.

12. Recommendation : Approve with conditions

CONDITIONS:

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

Reason: To safeguard the historic character of the Grade II Listed Building in accordance with the requirements of Core Policy 14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

2. Any disturbed works resulting from the approved alterations is to be made good to match the existing building in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the historic character of the Grade II Listed Building in accordance with the requirements of Core Policy 14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

SUMMARY OF REASONS FOR GRANTING Listed Building Consent including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant Listed Building Consent has been taken because the Council is satisfied that the works would not adversely affect the special character of the Grade II Listed Building.

The decision to grant Listed Building Consent has also been taken having regard to all relevant material planning considerations, government guidance contained in the National Planning Policy Framework and, to the following relevant policies and proposals of the Development Plan: Core Policy 14 (Our Built & Historic Environment), Policy NR5 (Natural and Historic Landscapes) Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015) and Policy BE2 of the Local Plan Allocations (2019), Historic Environment Supplementary Planning Document) and the Lichfield City Neighbourhood Plan (2018). The proposals are considered to be a sustainable form of work which complies with the provisions of paragraph 38 of the NPPF.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018)
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £145 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. The Council considers the works to be of a sustainable form which complies with the provisions of paragraph 199 of the National Planning Policy Framework.