

# Public Document Pack

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Tuesday, 16 January 2024

Dear Sir/Madam

## **PLANNING COMMITTEE**

A meeting of the Planning Committee has been arranged to take place **WEDNESDAY, 24TH JANUARY, 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

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

Kerry Dove  
**Chief Operating Officer**

**To: Members of Planning Committee**

Councillors Marshall (Chair), Checkland (Vice-Chair), Anketell, Ashton, 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 - 84



**PLANNING COMMITTEE**

**15 JANUARY 2024**

**PRESENT:**

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

**30 APOLOGIES FOR ABSENCE**

Apologies of absence were received from Cllr Andrew Rushton.

**31 DECLARATIONS OF INTEREST**

Councillor Checkland declared a personal interest on Agenda item no.4 Application number 23/ 01208/FULM as he is Chair of Lichfield Sports Club.

**32 MINUTES OF PREVIOUS MEETING**

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

**33 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 23/00751/FUL and 23/01208/FULM.

23/00751/FUL – Yew Tree House Lichfield Road Hanch Lichfield Kings Bromley

RESOLVED: That the application be approved subject to conditions.

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

23/01208/FULM - Stychbrook Park Curborough Road Lichfield

RESOLVED: That the application be approved subject to conditions with the amendment to condition number 23 to state that the pitches will close at 21:30 on weekdays and subject to the completion of a legal mechanism to secure a travel plan monitoring fee and conditions.

(1) Subject to the applicants first entering into and agreeing a legal mechanism to secure the following: -

i A travel plan monitoring fee of £10,000.

(2) If the legal agreement is not signed/completed by 15th April 2024 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.

(The Meeting closed at 7.10 pm)

CHAIRMAN

# Agenda Item 4

## Planning Committee

24 January 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**

**24 January 2024**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
23/00516/FUH	29 Alrewas Road Kings Bromley	Kings Bromley
23/01040/OUTFLM	Lichfield South Business Park Birmingham Road Wall	Shenstone

### **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
23/01216/COUM	Former Debenhams And 36-44 Bakers Lane Lichfield	Lichfield

# LOCATION PLAN

23/00516/FUH  
29 Alrewas Road Kings Bromley  
Burton Upon Trent  
DE13 7HW

Scale: 1:1,000

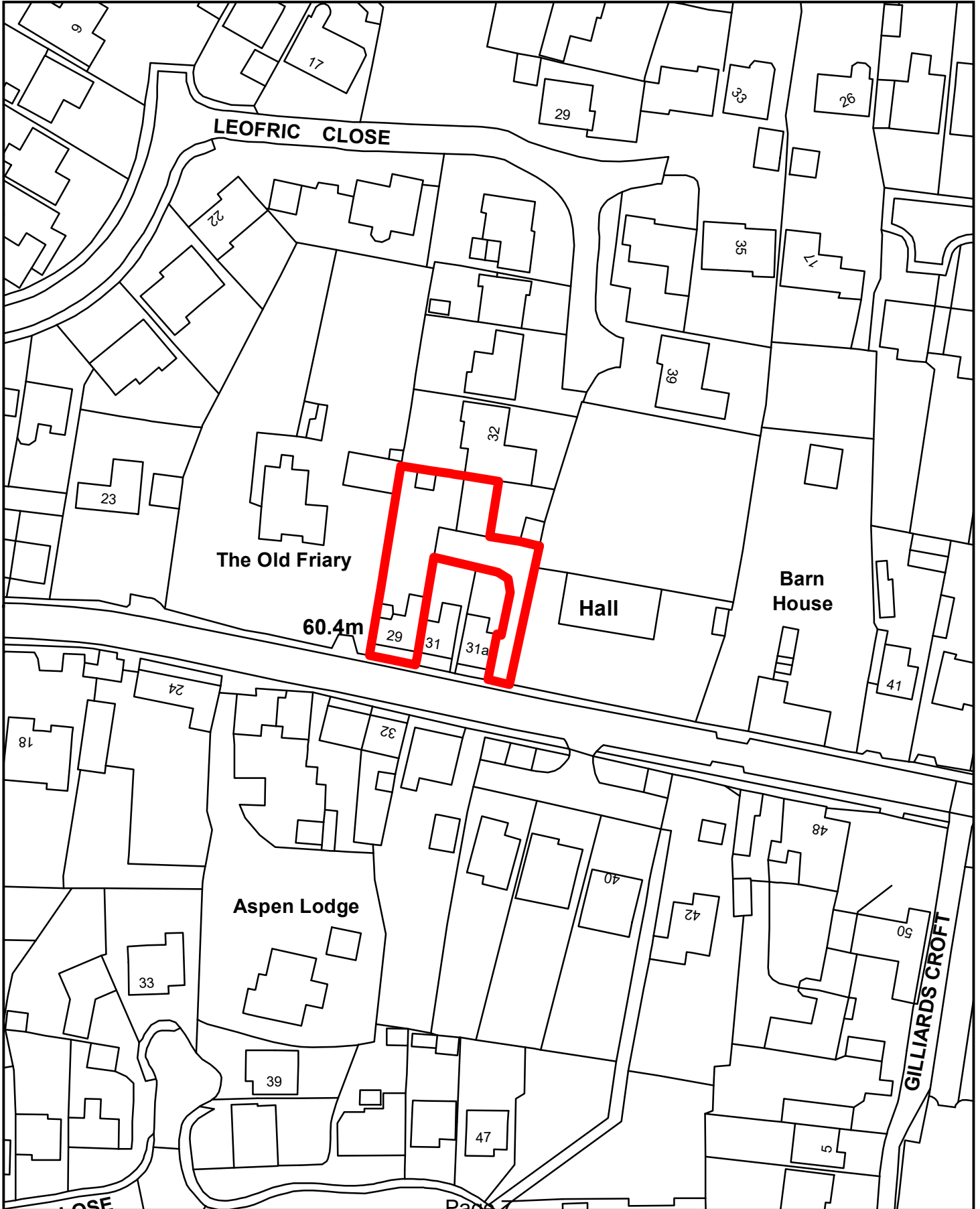
Dated: January 2024

Drawn By:

Drawing No:



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<b>Address:</b>	29 Alrewas Road, Kings Bromley, Burton Upon Trent, Staffordshire		
<b>Application number:</b> 23/00516/FUH	<b>Case officer:</b> James Hyde		
<b>Parish:</b> Kings Bromley <b>Ward:</b> Armitage with Handsacre	<b>Date received:</b> 22/05/2023		
<b>Proposal:</b> Erection of a single storey granny annexe for ancillary use to the main dwelling			
<b>Reason for being on Agenda</b>	<p><b>Note: This planning application is being reported to the Planning Committee due to a member call in received by Cllr Richard Cox.</b></p> <p><b>The objection can be summarised as:</b> The proposal raised concerns over Poor Design in a conservation area which is Contrary to Policy BE1. The proposal would be contrary to Core Policy 2 and 3. Further to this, the proposal would have a detrimental impact on adjacent property at 32 Leofric Close.</p>		
<b>Recommendation: Refusal</b>			
<b>Applicant:</b> Mr and Mrs Kipps	<b>Agent:</b> Mr Joseph Dunn		

## 1. Executive summary

- 1.1 The application seeks permission for the erection of a single storey detached granny annexe for ancillary use to the main dwelling. The proposals include the installation of a flat roofed outbuilding set within the curtilage of 29 Alrewas Road. The site is located within a residential area and within the Kings Bromley Conservation Area.
- 1.2 Objections have been received from the parish council pertaining to the development being in an unsustainable location in relation to the neighbouring property on Leofric Close.
- 1.3 It is considered that the scheme is unacceptable by virtue of its size, scale and therefore design at this location would introduce a large, overly dominant, and visually incongruous addition to rear garden, albeit less than substantial harm, to the character and appearance of the Kings Bromley Conservation Area. Therefore, it is considered that the proposals would conflict with the requirements of Policy BE1 (High Quality Development), the Historic Environment Supplementary Planning Document and Government Guidance within the National Planning Policy Framework.
- 1.4 Further to the above, it is considered that the scheme is unacceptable by virtue of its position and juxtaposition to the windows located at the rear of neighbouring properties and would thusly have a significant detrimental impact upon the residential amenities of neighbouring properties, in terms of increased overlooking and reduced privacy to private amenity space. It is therefore in conflict with Policies BE1 of the Local Plan Strategy, guidance contained within the Sustainable Design SPD and paragraph 130(f) of the National Planning Policy Framework.



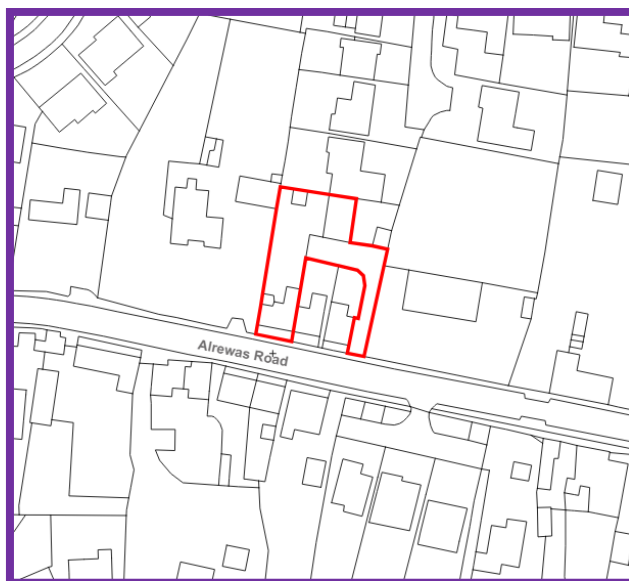
## Summary

Overall, the proposed annexe is considered unacceptable with regard to its accumulative and detrimental impacts upon neighbouring private residential amenities and setting of the Kings Bromley Conservation Area. It is therefore recommended for refusal.

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

## 2. The site

- 2.1 The application property is a semi-detached, fully rendered, traditional residential cottage, located on the northern side of Alrewas Road, in the village of Kings Bromley. To the rear, there is an enclosed garden and off-road parking which is accessed via a shared driveway from Alrewas Road. The property sits within a residential area comprising of a number of differing age, style and design of property. Towards the most northwest of the site sits a small brick built outbuilding.
- 2.2 The application site sits within Kings Bromley Conservation Area. The property is subject to 'Proposed' Article 4 Direction, however the decision to include this property is still pending consideration. Given the site falls within Kings Bromley Conservation Area, trees are given a measure of protection. The site lies in close proximity to the Grade II Listed Building at 28 Alrewas Road. The site also sits within a Great Crested Newt Green Zone and the Cannock Chase SAC Zone of Influence.
- 2.3 The application site is outlined below.



## 3. Planning History

- 3.1 There is no relevant planning history for this site. However, there is a current application pending for a lawful development certificate (proposed), reference: 23/00940/CLP for use of the land for the siting of a mobile home for use ancillary to the main dwelling.

## 4. Proposals

- 4.1 This application seeks permission for erection of a single storey detached granny annexe for ancillary use to the main dwelling, which would be located in the rear garden of 29 Alrewas Road, Kings Bromley. The proposed annex would measure 10.00m x 6.00m and would have a

flat roof with a maximum height of 3.30m. The annex would consist of 2 No bedrooms, a shower room and a kitchen/living area. External cladding consisting of 'Marley Cedral Lap Weatherboarding finished in Light Grey' would be seen on the outside of the annex. White PVCu windows would be seen throughout. The annex would sit on screw pile foundations.

4.2 Drawing 'Elevations- Sheet 1 Version 2 Rev 4' seen below.



## 5. Background

5.1 This application site is subject to a pending planning application (23/00940/CLP) for a lawful development certificate (proposed) for use of the land for the siting of mobile home for use ancillary to the main dwelling and has been considered alongside this currently proposed development.

## 6. Policy framework

### 6.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 6.2 Local Plan Strategy

Policy CP2: Presumption in Favour of Sustainable  
Policy CP3: Delivering Sustainable Development  
Policy ST2: Parking Provision  
Policy NR3: Biodiversity, Protected Species & their habitats  
Policy BE1: High Quality Development

### 6.3 Supplementary Planning Document

Sustainable Design SPD  
Historic Environment SPD

### 6.4 Neighbourhood Plan

The Kings Bromley neighbourhood area has been designated, having been approved 19 December 2019. However, currently there is no adopted neighbourhood plan for Kings Bromley.

## 7. Supporting documents

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

- Location/block plan Version 2, Revision 4 as received 28.07.2023
- Proposed Block Plan Version 2, Revision 4 as received 28.07.2023
- Footprint Version 2, Revision 4 as received 28.07.2023
- Elevations Sheet 1 Version 2, Revision 4 as received 28.07.2023

## 8. Consultation responses

8.1 **Kings Bromley Parish Council** – Objection - objects to the proposal to either install a mobile home or sectional prefabricated building at the applicant's address. This is a conservation area and is not in keeping with other buildings in the area. It does not fit within the street scene. The development will be clearly visible from the main Alrewas Road, village hall and other nearby surrounding dwellings in particular 32 Leofric Close. There are also concerns about access to the main A513 and that this development may well set a precedent for others to follow. It is felt that the proposal constitutes 'in-fill' development and would be seen to create overcrowding in this pleasant residential area. (11/06/2023)

Amended – Objection - All the other comments made by the council after the original application still stand. - (11/08/2023)

8.2 **Conservation And Urban Design Team** – No objection - the structure is located in the most discreet location possible within the site and in context to other built form. However, it would be beneficial to have a section drawing showing the height of the proposed structure in relation to the surrounding built form (within neighbouring plots) (22/05/2023)

Amended – No objection - The proposal has been amended to reduce the height of the roof which improves the scheme. While there would be glimpses in the street scene/conservation area, I would not consider the proposal to be harmful. This application is acceptable subject to details on materials.

## 9. Neighbour responses

9.1 14 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Out of keeping with other buildings
- Sets a precedent for over intensification in the village
- Visible from public spaces
- Overall size is too big with concerns over number of bedrooms
- Brick built outbuilding would need to be demolished. Not allowed in a conservation area
- Loss of privacy and light
- Annexe is a fire risk
- Parking provision, use of access and increase in traffic
- Future uses of the annexe
- Not in line with policy
- Annex would not be ancillary
- Effect on conservation area and not in keeping with local character
- Odour particularly in respect to the soil pipe.

## 10. Assessment

### Determining Issues

- Policy & Principle of Development
- Design and impact upon the character of the area, the Kings Bromley Conservation Area and Listed Buildings
- Residential Amenity
- Access and Highway Safety
- Ecology
- Other Issues
- Human Rights

## 11 Policy & Principle of Development

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

11.2 The Council's Cabinet met on 5 September 2023 to consider a Local Plan Update report. That report recommended to Full Council that the Local Plan 2040 be withdrawn from its examination. This will be considered by Full Council in October 2023. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy 1 (SP1): The Spatial Strategy

Strategic policy 10 (SP10): Sustainable development

Local Policy LT1: Parking provision

Strategic Policy 17 (SP17): Built and historic environment

Local Policy SD1: Sustainable design and master planning

Local Policy NR2: Habitats and Biodiversity

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

11.3 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.” In this respect it should be note that Corte policy 2 of the Local Plan sets out that: -

*‘When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at*

*the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

*Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

*Specific policies in that Framework indicate that development should be restricted’.*

- 11.4 Having had regard to the above it should be noted that there are no policies either in the Framework or within the Local Plan which would restrict the provision of ancillary accommodation within Kings Bromley, as a matter of principle. As such the proposal is acceptable in principle. Notwithstanding this, proposals which are acceptable in principle are also required to meet all other policy tests relating to specific areas of interest. This report will now go on to consider those policy tests.

## **12. Design and impact on the character of the area, the Kings Bromley Conservation Area and Nearby Listed Buildings**

- 12.1 Given that the application site is situated within the Kings Bromley Conservation Area which contains several listed buildings, the proposal engages not only general design policies that relate to the character of an area within the Local Plan (Policies CP3 and BE1) and NPPF (paragraph 126, 130 and 134), but also those policies which relate to designated heritage assets (Policies CP3, CP14, BE2 of the Local Plan and Section 16 of the NPPF).

### Generic Design Policies Relating to Impacts on the Character of an Area

- 12.2 Policy BE1 of the Local Plan states [amongst other things]: -

*‘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:*

*The significance of the historic environment, such as archaeological sites, sites of historic landscape value, listed buildings, conservation areas, locally listed buildings and skylines containing important historic, built and natural features (in conjunction with Policy NR5);*

*The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.*

- 12.3 The above policy reflects Core Policy 3 of the Local Plan Strategy which states that development should: “protect and enhance the character and distinctiveness of Lichfield District”; and “be of a scale and nature appropriate to its locality”

- 12.4 The NPPF, paragraph 126 attaches great importance to design of the built environment and sets out that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve’ and ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. Paragraph 130 goes on to state [amongst other things]: -

‘Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 12.5 In addition, paragraph 134 of the NPPF makes it clear that ‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.’

Policy in Relation to Designated Heritage Assets

- 12.6 Both conservation areas and listed buildings are examples of ‘designated heritage assets’ and therefore proposals which have the potential to impact on them are subject to the heritage policies within the Local Plan and NPPF.
- 12.7 Core Policies CP3 and CP14 of the Local Plan Strategy provide the overall arching policy in respect to the protection of heritage assets. Policy CP3 states [amongst other things] that the Council will require development to contribute to the creation and maintenance of sustainable communities and to achieve this development should address a number of key issues including the need to ‘protect and enhance the character and distinctiveness of Lichfield District and its settlements’ and ensure that a development is ‘of a scale and nature appropriate to its locality’.
- 12.8 Core Policy CP14 provides more detailed policy tests in respect to ‘our built and historic environment’ which [amongst other things] states

*‘The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to the historic environment's local distinctiveness.*

*The significance of designated heritage assets including nationally protected listed buildings and their settings, ancient monuments, archaeological sites and conservation areas and their settings, will be conserved and enhanced and given the highest level of protection. Other heritage assets including locally listed buildings, and locally important parks and gardens will also be conserved and enhanced. In conjunction with Policy NR5, landscapes that form the setting to the built and historic environment will also be conserved and enhanced.*

*Change will be directed to the most appropriate locations taking into account the district's heritage assets and their settings, including the historic landscape, as informed by the local evidence base. Development proposals which conserve and enhance a heritage asset or its setting will be supported where clear and convincing justification has been provided through an assessment of the significance of the asset or its setting.*

*The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported, particularly those that have been identified as being at risk. In conservation areas, the built form will be protected and enhanced and there should be no net loss of trees, with physical improvements to conservation areas linked to the objectives contained within conservation area appraisals and their management plans where appropriate.*

*The skyline of Lichfield City, characterised by the five spires emerging above the roofs and tree canopy will be protected and should inform the height, scale and layout for new developments. This and other locally important views within settlements and rural locations will be safeguarded and the integration of views and vistas shaping a strong sense of place in new development layouts will also be encouraged.’*

12.9 Finally, Policy BE2 of the Local Plan Allocations Document states:

*‘Development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.*

*To enable the effect of an application on the historic environment to be assessed, any application which could impact on a heritage asset (designated or non-designated) including its setting should be accompanied by a Heritage Statement which should include an assessment of its significance, and an assessment of the impact of the proposals on the significance. It should also include an archaeological assessment where relevant. Clear and convincing evidence will be required for any harm or loss to the significance of a heritage asset.*

*The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuing harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF. In this case the areas affected should be recorded and the information submitted to the Staffordshire County Council's Historic Environment Record as a minimum.’*

12.10 Section 16 of the NPPF sets out the approach to conserving and enhancing the historic environment. Paragraph 194 sets out that: -

*‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.’*

12.11 Furthermore, paragraph 195 of the NPPF goes on to state: -

*‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.’*

12.12 In addition paragraph 199 sets out: -

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’*

#### Assessing Impacts on the Character and appearance of the Kings Bromley Conservation Area

12.13 The site is located within the Kings Bromley Conservation Area. Section 72(1) places a general duty as respects conservation areas in the exercise of planning functions stating that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.

- 12.14 It is noted that neighbouring objections were made regarding the mass, scale and design of the proposed development. Further to this, concerns were raised that the approval of this annexe would set a precedent in the area for further development.
- 12.15 In accordance with Policy BE2 of the Local Plan and paragraph 194 of the NPPF the applicant has submitted a limited heritage statement. This sets out national policy, a statement on the significance of the Kings Bromley Conservation Area and concludes: -
- ‘The significance of Kings Bromley Conservation Area derives primarily from the architectural and historic interest by virtue of existing buildings and overall integrity of the Conservation Area, as set out in the Conservation Area Appraisal.*
- The proposed granny annexe would not affect those aspects of the setting of 29 Alrewas Road that contribute to its significance within the Conservation Area.’*
- 12.16 In response to the amendments to the proposal, the council’s Conservation Officer has stated that there are no objections to the proposal on the grounds that ‘the structure is located in the most discreet location possible within the site and in context to other built form’ and ‘While there would be glimpses in the street scene/conservation area [it is not considered] the proposal to be harmful’.
- 12.17 Officers note that the proposed annexe would take the form of a single storey ‘cabin and chalet style building, located towards the northern boundary of the site, beyond which is a modern housing estate. Whilst it is appreciated that the proposal would resemble many domestic adjuncts and outbuildings (conservatories, green houses, sheds etc) which are commonly encountered to the rear of dwellings, including within the Kings Bromley Conservation Area, it should be noted that the proposed annexe would be clad in a Marley Cedral Lap weatherboarding Cladding (finished in Light Grey). This would be contradictory to the surrounding character of the general local area, where there are few outbuildings.
- 12.18 It is appreciated that that the outbuilding sits within 2m to the boundary of Leofric Close. Under permitted development, the applicant could erect an outbuilding up to 2.50m in height in the same position for purposes incidental to the enjoyment of the dwellinghouse. Whilst it is recognised that ancillary accommodation such as granny annexes do not benefit from permitted development rights, the above does show the scale and height of outbuildings buildings that are often found with residential gardens. Indeed, a number of outbuildings are located within the Kings Bromley Parish. These include, but are not limited to, Barn House on Alrewas Road and 9 Alrewas Road.
- 12.19 The proposal would necessitate the loss of an existing brick outbuilding and a number of objections outline that, this would have a detrimental Impact on the Conservation Area. Notwithstanding this, the building is not identified as having any special interest in the Conservation Area Character Appraisal and the conservation Officer has raised no objections to its loss. Furthermore, guidance set out in the Planning Practice Guidance 2022 ‘PPG’ states that buildings that are less than 50 cubic metres in size do not need planning permission to be removed in a Conservation Area. It is clear that, from a site visit undertaken by the case officer, and from photos provided by the applicant, the outbuilding is less than 50 cubic metres. As such the small outbuilding would not need planning permission to be demolished and removed. The applicant could do this at any time.

#### Assessing Impacts on nearby Listed Buildings

- 12.20 Within the Kings Bromley Conservation Area there are several listed buildings. The nearest listed buildings are 28 Alrewas Road, which is Grade II Listed and located along the southern side of Alrewas Road. There is a further grouping of listed buildings around the junction of Alrewas Road and the A515 Lichfield Road. Whilst considering proposals which affect the character of Listed Buildings, regard should be had 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”.

- 12.21 As stated above, views of the proposed annex from Alrewas Road would be limited from the street scene. However, given the proposed materials, the annexe would be a stark contrast to the brick-built dwellings that the annexe would be sited in front of.
- 12.22 It is also noted that the nearby village hall is locally listed. Again, in any views of the proposed building from or towards the village hall in which the annexe would be seen, the annexe would be a stark contrast to the brick-built dwellings that the annexe would be sited in front of.
- 12.23 Given the above, it is officer’s view that the proposal would significantly detract from the character, appearance and significance of the Kings Bromley Conservation Area and its setting of nearby listed buildings and locally listed buildings. As such, having had regard to the requirements of the NPPF, it is considered that the proposal would be contrary to Policies CP3, CP14 or BE2 of the Local Plan.

### **13 Residential Amenity**

- 13.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive daylight and sunlight.
- 13.2 Paragraph 135(f) of the NPPF states that planning should ensure that developments 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. The Sustainable Design Supplementary Planning Document (SPD) sets out the Council’s standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in significant harm through overshadowing, overlooking or being overbearing. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space of neighbours. The SPD also sets requirements in terms of the size of private amenity space necessary to serve new dwelling houses. For 3 or 4 bed dwellings 65 square metres of garden space should be provided. All gardens should have a minimum length of 10 metres.
- 13.3 During the application process, it is noted that the applicant has made amendments to the overall height of the proposed annex. The original proposed annex saw a pitched roof design with a ridge height of 4.10m and an eaves height of 2.80m. There were a number of windows on the northern elevation facing 32 Leofric Close that served a bedroom, shower room and a kitchen.
- 13.4 The most recent proposed plans see the pitched roof substituted with a flat roof with a height of 3.30m. Further to this change, windows serving a bedroom and shower room have been omitted from the northern elevation facing 32 Leofric Close.
- 13.5 Given the above, the proposed annexe complies with the requirements of the Supplementary Planning Document in terms of the 45-degree test and the loss of light.
- 13.6 The proposed annexe would see a kitchen window on the northern elevation that would sit approximately 5.00m away from that of the rear kitchen windows and doors to the rear of the neighbouring property. It is appreciated that the proposed kitchen window would form part of

an 'open plan' area. However, the proposed plans show that there is a clear and distinct opening between the kitchen and the living area, that would suggest the kitchen area could be treated as a separate room. Given this, the kitchen area would be classed as a primary habitable room, in line with the Supplementary Planning Document. As such, the window would fall short of the 11m requirement for adequate separation distances between primary habitable windows with an intervening screen. Further, it may be argued that such a window could not be reasonably conditioned to be obscurely glazed to mitigate any impacts, nor requested to be retained as fixed and non-opening. As such, it is concluded that the window would have a significant detrimental impact upon the amenities of neighbouring properties in terms of increased overlooking and reduced privacy to private amenity space.

- 13.7 Concerns were raised over the size and siting of the annex. It is appreciated that with the annex built, there would still remain 200m<sup>2</sup> of private amenity space within the curtilage of the application site. This would meet the requirement as set out within the Supplementary Planning Document for a dwelling with 5+ bedrooms.
- 13.8 Therefore, to conclude, although the proposed annex complies with the 45-degree requirements of the Supplementary Planning Document, the annex would not meet the requirements for adequate separation distances between primary habitable facing windows. As such, this would be seen to have significant detrimental impacts upon the residential amenities of neighbouring properties in terms of increased overlooking and reduced privacy to private amenity space. As such the application should be refused.

## **14 Access and Highway Safety**

- 14.1 During the application process, the applicant has amended the red line boundary to include the shared access road to the east of the site.
- 14.2 Concerns were raised from a number of objectors regarding the access to the site and the use of a private shared driveway. During the application process, the applicant has provided evidence, by way of a Certificate B and Notice 1, in which they have notified all users of the shared access.
- 14.3 Appendix D of the Supplementary Planning Document states that for a dwelling with 5No+ bedrooms, there should be a minimum of 3 vehicle spaces. The application site has off road parking for 3No vehicles to the east of the site. As such the proposal would meet the parking standards set out within the Supplementary Planning Document.
- 14.4 Furthermore, Appendix D of the Supplementary Planning Document states that 'standards will however be applied in a flexible manner in having regard to the location and needs of the development/end user. For example, in central areas that are well served by good public transport links developments may require less parking provision'. Within 100m of the application site, there are 2No bus stops that provide public transport links to the wider area. As such, it can be seen that in addition to the 3No parking spaces, there is adequate public transport in the area to negate the need for more parking.

## **15 Ecology**

- 15.1 Core Policy 13 and policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate. Policies within the Local Plan Strategy are supplemented by the Biodiversity and Development Supplementary Planning Document.

15.2 The property sits within a Great Crested Newt Green Zone, however after consulting local records, no suitable water bodies (fish free ponds) have been identified within 250m of the application site. Therefore, given the limited extent of the ground works and the absence of suitable breeding ponds it is considered that the proposal would not be harmful to Great Crested Newts.

## 16 Other Issues

16.1 Concerns were raised over the annex not being ancillary to the main dwelling. Further to this, concerns were raised over the future use of the annex. The applicant has submitted a planning statement and a drawing outlining that the annex would meet the criteria for an annexe to be classed as ancillary. These include:

- No separate access
- No separate address
- No separate utility meters
- No separate garden
- No separate curtilage
- No separate septic tank
- No separate post box

16.2 The submission documents state that the proposed annexe would be ancillary to the main dwelling and not used in isolation. However, officers are concerned that, given the scale and siting of the development proposed, there is an opportunity whereby this the plot upon which it sits, could be sub-divided into a new residential unit. However, planning conditions could have been imposed to prevent this from happening, should the application have been deemed as acceptable.

16.3 Concerns were raised in terms of potential odour rising from the soil pipe located on the northern elevation, along with smells from the proposed kitchen. It should be noted that the soil pipe is located approximately 9.3m away from the nearest the window on 32 Leofric Close and is no different in its location or design, to any other soil pipe typically found on dwellings. In addition, any odours from cooking would generally likely be of a domestic nature and scale, and in this respect, would be deemed acceptable in planning terms.

16.4 Concerns were raised over the annex being a fire risk given the materials proposed for its construction. It should be noted that, though this is not generally a material planning consideration, this would be assessed as part of any compliance with building regulations.

16.5 During the determination of this application, Counsel advice was sought from Francis Taylor Building Chambers, London. This was required to seek clarity on the determination of both this application and its sister application 23/00940/CLP (as outlined above). This advice will also set a precedent on how future Certificate of Lawfulness (Proposed) applications are determined across the district, for such proposals as considered herein with similar parallel certificates of lawful use.

16.6 The Counsel advice received considered that, should the annexe meet the requirements under The Caravan Sites and Control of Development Act 1960 Section 29 (1), then there should be no reason as to why the Certificate of Lawfulness (Proposed) application cannot be approved by the Local Planning Authority. However, there is an ongoing query relating to the mobility of the structure proposed to be placed within the curtilage of the site, which is still under advisement.

16.7 Therefore, the Local Planning Authority will be considering the Certificate of Lawfulness Application, following the determination of the current application being considered within this report, by Members of the Planning Committee.

- 16.8 The Counsel advice also confirmed that, should the Planning Committee be minded to approve this application, either a planning condition, or planning obligation should be imposed upon the approval to manage the siting of potentially 2No units within the curtilage of the site. Therefore, should Members be minded to approve this application, it would be recommended that the applicant shall enter into a Unilateral Undertaking agreement that would require the removal, before the development authorised is occupied (alternatively is begun), of any caravan, mobile home or other modular unit which may be located on the land and used as a granny annexe or incidental residential accommodation.

## **17 Human Rights**

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

## **18 Conclusion**

- 18.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.
- 18.2 The principle of the development, that being the erection of an annexe, would be in accordance with the NPPF and Local Plan and is therefore considered acceptable. However, the annexe would, by reason of its scale, design and siting would, result in an incongruous form of development which would appear as a prominent and discordant feature located in the rear of the application site and therefore, contrary therefore, contrary to Policy BE1 of the Lichfield Local Plan Strategy.
- 18.3 Further, it is considered that, the annexe would allow the applicant and/or any future residents to overlook the private amenity space of the rear neighbouring property. This would result in an unacceptable and significantly detrimental levels of private amenity to that neighbour, and as such, would be contrary to paragraph 135(f) of the NPPF which seeks to achieve a high standard of residential amenity.
- 18.4 The application is therefore recommended for refusal.

## **19 Recommendation: Refuse**

### **Reasons for refusal:**

- 1 The proposed annexe, by virtue of its size, scale, siting and design in this location would introduce a large, overly dominant and visually incongruous addition to rear garden, albeit having less than substantial harm, to the character and appearance of the Kings Bromley Conservation Area. Therefore, it is considered that the proposals would conflict with the requirements of Policy BE1 (High Quality Development), the Historic Environment Supplementary Planning Document and Government Guidance within the National Planning Policy Framework.
- 2 The annexe by virtue of its position and juxtaposition to the windows to the rear of the neighbouring properties would create significantly detrimental harm and impact upon the

residential amenities of neighbouring properties, in terms of increased overlooking and loss of privacy. It is considered therefore, that the proposed development conflicts with Policies BE1 of the Local Plan Strategy, guidance contained within the Sustainable Design SPD and paragraph 130(f) of the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

The development is not considered to be of a sustainable form which complies with the provisions of paragraph 38 of the NPPF.

# LOCATION PLAN

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

Scale: 1:2,500

Dated: January 2024

Drawn By:

Drawing No:



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<b>Address:</b>	Lichfield South Business Park Birmingham Road Wall Lichfield Staffordshire		
<b>Application number:</b>	23/01040/OUTFLM	<b>Case officer:</b>	Sarah Willetts
<b>Ward:</b>	Shenstone	<b>Date received:</b>	05.08.2023
<b>Parish:</b>	Shenstone		
<b>Proposal:</b> Hybrid planning application consisting of a Full planning application for an electric vehicle charging hub with associated drive-thru coffee shop (Class E/ sui generis), new office building (Class E) and Outline planning application for flexible employment development to include hi-technology uses and advanced manufacturing (to include Use Class E, Class B2 and Class B8) including new access, car parking, servicing, landscaping, and associated works			
<b>Reason for being on agenda:</b>	This application is report to the Planning Committee due to the proposal being a major planning application that is recommended for approval after satisfactory referral to the Secretary of State as the development is defined as 'inappropriate development' in the Greenbelt (parameters are for non-residential development exceeding 1000 sqm and more than 1 hectare in size)		
<b>Recommendation: Subject to referral and 'no call in' from the Secretary of State to Approve, subject the completion of a S106 TCPA 1990 agreement to secure the following:</b>			
<ol style="list-style-type: none"> <li>1. Highways Contribution of £100,000.00 for bus stop improvements in the location</li> <li>2. Land Transfer at site frontage required as highway maintainable at public expense at new position of the north bound bus stop</li> <li>3. Travel plan fee of £15,000.00 for monitoring and management of Travel Plan</li> </ol> <p style="text-align: center;"><b>And to conditions outlined as part of the report</b></p>			
<b>Applicant: Lingfield Assets LLP</b>			

## 1. Executive Summary

- 1.1 The proposal is located within the West Midlands Green Belt and is considered 'inappropriate development' within the Green Belt. The report considers in detail, Greenbelt harm by reason of inappropriateness and the substantive weight attributing to this, set against the other factors and relative positives of the scheme and benefits of site redevelopment. It is for these reasons that it is considered that the substantial weight applied to the harm can be balanced by the overall scheme benefits and that 'Very Special Circumstances' do exist in this case which sufficiently outweigh the harm to the Green Belt caused by inappropriate development.
- 1.2 The proposed development would result in the regeneration of previously developed /brownfield land which will integrate into the existing facilities and provide (not exclusive) a Regional Head Quarters office for a major national householder and modern flexible employment spaces.
- 1.3 The scheme can adequately accommodate the proposals (both outline and detailed) with adequate parking and safe access to the local and wider highway network which is supported by County Council/ Highways, National Highways and Active Travel England.
- 1.4 The overall principle of the detailed design is considered acceptable which provides for modern high-quality office, drive through and EV charging station. The outline element will come forward at a later stage and can be conditioned and successfully assimilated into the wider surroundings. The scheme albeit a different employment offering with provide larger flexible employment spaces for the Small Medium Enterprises which support the local, regional, and national economy in terms of employment and business rates.
- 1.5 The proposed development and its intended use are not considered to result in undue harm on neighbouring amenities, to which there are no technical objections and overall is in general



compliance with the Local Development Plan, the Councils Supplementary Documents (SPD's) and the NPPF 2023.

### Summary

**Overall, the scheme is considered acceptable and is recommended for approval subject to satisfactory referral to the Secretary of State and the completion of a S106 along with the recommendations for conditions as set out within this report.**

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

## 2. The Site

- 2.1 The application site relates to land on the western side of Birmingham Road within the Shenstone Parish. The application site extends to approximately 4.8 hectares. This brownfield site consists of the northern part of the former Shenstone Brick and Pipe Works, Wall. This part of the former brick and pipework's was used until the 1960s as a landfill in associated with the former works. This part of the site is now largely open largely slightly undulating land with areas of overgrowth. Mature hedgerows and trees are found along the northern, and part of the western boundaries of the site. Trees on the west and northern boundaries are covered by group Tree Preservation Orders.
- 2.2 The southern part of the site has already been redeveloped for business and leisure uses. Immediately to the south are three office buildings which are approximately 9 metres in height and are two storeys in height. These buildings are contemporary to their period of construction and in their overall architectural design comprising of a mix and buff coloured brick with accented terracotta-coloured tiles and a light-coloured render system. These buildings are accessed via a service road from the central roundabout and vehicular parking is contained to the west of these buildings along the road and small areas of parking around these buildings. These office buildings also contain elements of hard and soft landscaping.
- 2.3 The site still lies within the West Midlands Green Belt. The site is bounded to the north by Watling Street, to the west by Stockings Lane, to the east by Birmingham Road (A5127) and existing office development. To the south of the site are existing leisure developments, which include a hotel, restaurants, and a private leisure centre. Further to the west is a railway line (Cross city line) and further to the south are the A5 Trunk Road, Wall Island Junction, and the M6 Toll. A large pylon is situated adjacent to the southwest corner of the site. A pipeline runs across the corner of the site.
- 2.4 The surrounding area is predominantly open grass land and agricultural uses. The nearest residential areas are set some 1.8km to the east in Swinfen. To the north (in the city) is the Taylor Wimpey Friary Meadow at the Spires Development set over 1.8m away from the site which is currently under construction. The site is located some 1.6km to the southwest of the Wall (roman site) .



## Site context

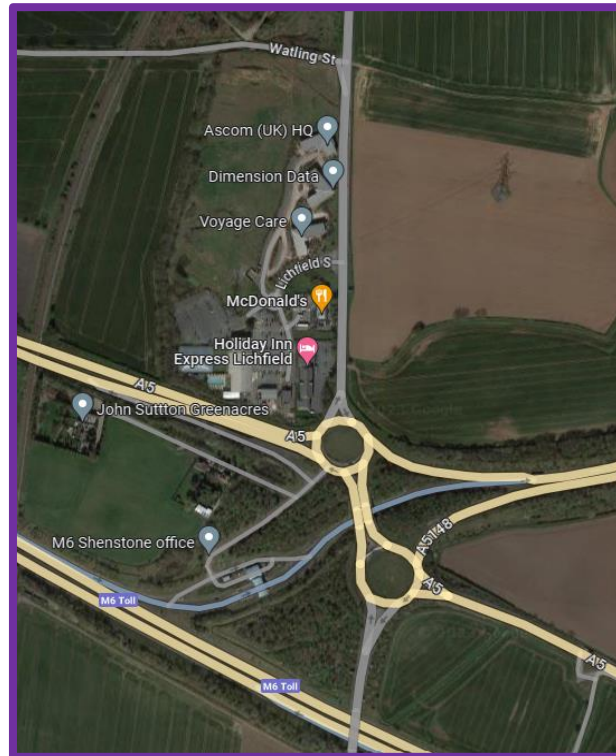


Figure 1- Aerial view of site - Site showing context and surrounding infrastructure (source: Google Maps)

### 3. Planning history

3.1 The application site has a detailed history of redevelopment since its original use as a pipe works. The history is outlined as follows:

**05/00225/FULM** – Construction of a two-storey building, golf driving range with artificial grass outfield outdoor putting course, floodlights, safety netting, car park and landscaping. Approved 12/5/2005

**05/00726/FULM** Construction of a two-storey building, golf driving range with artificial grass outfield outdoor putting course, floodlights, safety netting, car park and landscaping. Approved 25/4/2006

**06/00711/FULM** Construction of a two-storey building, golf driving range with artificial grass outfield outdoor putting course, floodlights, safety netting, car park and landscaping. Approved 10/10/2006

**14/00395/OUTMEI** Construction of a class B1 development (12,500 sq.m) comprising grade A headquarter/office buildings and research and innovation centre with associated road, parking, footpaths / cycle ways, amenity areas and structural landscaping (all matters reserved except access and structural landscaping). Approved with conditions

**15/01110/ADV** - Installation of various illuminated and non-illuminated signs including 2 No. 6m high internally illuminated pole signs, 2 building signs (1 no tray, 1 roof) and related directional and information signs. Approved with conditions

**15/01109/FUL** - Erection of a cafe (A3) with drive thru facility. Approved with conditions

**16/00589/FULMEI** - Removal of condition no 6 of application 14/00395/OUTMEI relating to improvements to the A5; and variation of conditions no 7 and 9 of application

**14/00395/OUTMEI** to amend the design of the principal highway access to a signal-controlled junction, and to amend the submission timings to allow for surface water drainage design to be submitted in phases to facilitate a phased approach in the implementation of the approved development. Approved with conditions

**16/01426/REMM** Erection of two B1 buildings (and associated roads, parking, pedestrian/cycle access and landscaping) and provision of drainage including pond (and landscaping) and regrading of land to facilitate drainage. Approved with conditions

**17/01277/REMM** Erection of four B1 buildings (and associated roads, parking, pedestrian/cycle access and landscaping) and regrading of land to facilitate drainage network. (Phase 2). Approve with conditions

**17/01787/REMM** Approval of the appearance of two B1 buildings as required by Condition 4 of planning permission reference 16/00589/FULMEI.

**22/00556/PREAPM** - Proposed redevelopment (Employment) consisting of E(g)(iii), B2 and B8 uses

**23/00548/SCREE** - Screening Opinion: Hybrid application consisting of a full planning application for an electric vehicle charging station with associated building to incorporate payment area and coffee shop (Class E/ sui generis ), new office building (Class E) development and outline planning application for flexible employment to include hi-technology uses and advanced manufacturing development (to include Use Class E, Class B2 and Class B8) including new access, car parking, servicing, landscaping, ground remediation and associated works. ***EIA Not Required***

**04/00682/FUL** – Erection of office village, ancillary highways, parking, and landscaping. Approved 20/08/2004

**02/01007/FUL** – Erection of business centre (Use Class B1), drive through restaurant, public art with associated roadways, car parking and landscaping. Withdrawn 10/08/2006

**01/00788/FUL** – Erection of business centre (Use Class B1), drive through restaurant, public art with associated roadways, car parking and landscaping. Approved 25/02/2002

**98/00905/OUT** – Renewal of outline permission L930028 – Hotel, Conference, Banqueting and leisure complex with offices and ancillary facilities. Approved 15/06/1999

## 4. Proposals

- 4.1 This is a hybrid planning application combining a Full Application (detailed) for the development of the regional office block (for a housing developer), an electric vehicle charging facility hub and a drive-thru café/restaurant.



Figure 2 - Location plan: site in context (Source: Applicant (C & W))

## Outline component

- 4.2 The outline component of the application seeks consent for employment uses for B2, B8 with ancillary Class E (g(i) and g(ii) These blocks allow for flexible employment buildings including hi-tech and advanced manufacturing type units..

## Full component

- 4.3 Office (headquarters) - This detailed element of the application proposes two storey office accommodation would be a two-storey office building . The building rectangular in its shape which measures 26m X 9.4m X 11m (height) . This building would be accessed off the main spine road within the development site. There would be parking for 64 vehicles, 6 of which are accessible spaces and a further 20 provided with EV Charging capability and covered secure cycle provision. External areas are hard surfaced around the building. The site will sit within its own landscape.
- 4.4 Drive Through restaurant – Located to the south of the EV Charging areas is a drive through café. The building proposed is total 21.5m X 16.6m and 5.7m (high) with car parking for 43 vehicles. 2 accessible spaces form part of this provision along with 2 EV bays , 4 staff parking bays and motorcycle bays.
- 4.5 EV Charging Centre – A dedicated charge centre for 15 EV chargers to accommodate 30 electric vehicles . The bays will be covered by a canopy. Provisions will also be made for air/water and service areas along with additional provision for EV equipment.
- 4.6 A shared cycle park is located adjacent the entrance to the overall development to allow building users/visitors arriving by bicycle safe, lockable, and lit storage. This would contain secure spaces for 50 cycles.
- 4.7 The site will be landscaped and provide for drainage (see below for areas of outline and full – Figure 3 )

## Outline Component of Application

- 4.8 The Outline component of the application comprises of advanced hi-tech manufacturing units. These elements would fall within B2, B8 and Class E (g)(i, ii and iii) . These buildings (5 shown on the indicative layout) are grouped to account for their respective operational need and differ in sizes to allow maximum diversity of Small Medium Enterprises (SME). It is envisaged that the buildings will provide for office accommodation within the building at the mezzanine level. The buildings will range from 12.5m to 15.5m (max) in height.
- 4.9 The outline component provides for details for access only. (Purple area)



Figure 3 - Proposed layout of the whole site including the full and outline component of the application.

## 5. Background

- 5.1 The wider site was granted planning permission at appeal for leisure and business use by the Secretary of State back in 1994. As part of the 1998 Local Plan, the site (including the area as part of this application) allocated under Policy SA5 – ‘Shenstone Brick and Pipe Works’ for a hotel, conference centre and leisure complex. This policy was not saved in 2007. Planning consent was later granted in 2004 for office accommodation. In 2005 an application was approved for a golf driving range and associated facilities on the application site under planning reference 05/00726/FULM. This permission commenced in 2009 but never was completed and remains extant.
- 5.2 In 2014, an outline application for the construction of B1 office development (12,500) sqm comprising of a Grade A headquarter office buildings and research and innovation centre with associated road, parking, footpaths/cycle ways, amenity areas and structural landscaping (all matters reserved except access and structural landscaping) was approved with all matters apart from access and structural landscaping reserved for future consideration.
- 5.3 Whilst the site remains in the Greenbelt there has been a clear history of the site offering mixed employment uses granted on the site. This application seeks to reconsider/update the employment opportunities and complete the site redevelopment as part of a new proposal.

## 6. Policy Framework

### 6.1 National Planning Policy

National Planning Policy Framework 2023  
National Planning Practice Guidance

### 6.2 Local Plan Strategy

Core Policy 1: The Spatial Strategy  
Core Policy 2: Presumption in Favour of Sustainable Development  
Core Policy 3: Delivering Sustainable Development  
Core Policy 4: Delivering our Infrastructure  
Core Policy 5: Sustainable Transport  
Core Policy 7 : Employment & Economic Development  
Core Policy 13:Our Natural Resources  
Core Policy 14: Our Built and Historic Environment

Development Management Policies

Policy SC1: Sustainability Standards for Development

Policy SC2: Renewable Energy

Policy IP1: Supporting and Providing our Infrastructure

Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

Policy E1: Retail Assessments

Policy NR1: Countryside Management

Policy NR2: Development in the Green Belt

Policy NR3: Biodiversity, Protected Species and their Habitats

Policy NR4: Trees, Woodlands and Hedgerows

Policy NR5: Natural and Historic Landscapes

Policy NR6 :linked Habitat Corridors and Mult Functional Greenspace

Policy NR7: Cannock Chase Special Area of Conservation

Policy BE1: High Quality Development

### 6.3 Local Plan Allocations Document

Policy BE2: Heritage Assets

Policy EMP1 – Employment Areas and Allocations

Policy NR10 – Cannock Chase Area of Outstanding Natural Beauty  
Policy L 30 – Lichfield South Business Park  
Site Allocation – Site L30 (Lichfield 30) Lichfield South Business Park

#### 6.4 **Supplementary Planning Document**

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

#### 6.5 **Shenstone Neighbourhood Plan (made 13.12.2016)**

##### **Policies**

GB1 -Greenbelt  
SAC1 -Cannock Chase Special Area of Conservation  
MO4 -Commercial Parking  
GSC3 -Minimising the Environmental Impact of Development  
CO1 -New Commercial Development  
C03 -Protection of Existing Commercial Premises and Land

## **7. Supporting documents**

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

#### *Plans*

23200-300-01 Site Location Plan  
23200-301-01 Existing Site Plan  
Topo Survey 18691 T Rev 6  
23200 -303-06 Proposed Site Plan  
23200 -303-04 Proposed Block Plan  
23200 -310-02 Proposed Street Scenes  
23200 -311- 01Proposed Site Sections  
23200 -321 Visuals  
P23- 0442 EN-0001 F- 0001 Illustrative landscape Masterplan

#### *CYCLE HUB*

23200-312

#### *BLOOR HOMES*

23-2657-STO-00-ZZ-DR-A-0001-S2-P05 Proposed Bloor Office Site Plan  
23-2657-STO-00-ZZ-DR-A-0002-S2-P01 Existing Site Plan  
23-2657-STO-00-ZZ-DR-A-0004-S2-P03 Proposed Floor Plan  
23-2657-STO-00-ZZ-DR-A-2000-S2-P02 Proposed Elevations  
23-2657-STO-00-ZZ-DR-A-3100-S2-P01 Proposed Cycle Store  
23-2657-STO-00-ZZ-DR-A-3101-S2-P01 Proposed Bin Store  
23-2657-STO-00-ZZ-DR-A-3102-S2-P01 Proposed Plant Enclosure  
M1-RO-001 Proposed Landscape Plan

#### *Drive Thro and Charging Centre*

2023/86/G01 Proposed General Arrangements Plan  
2023/86/G02 Proposed External Elevations 1  
2023/86/G03 Proposed External Elevations 2  
2023/86/G04 Proposed Roof Plan  
P23-0442-EN-0002-B 001 EV Soft Landscape Proposals  
23200-314-01 EV Charge and Drive Thru Site Plan  
13739-25 Proposed EV Canopy  
13739-24 Proposed Typical Equipment Elevations  
EV001-EN-LAY-00000001-0103 Rev B01 EV Charging Car Park Layout

*Supporting Documents*

Planning Statement  
Sequential Assessment  
Sustainability Statement  
Economic Benefit Statement  
Design and Access Statement  
(Bloor Homes) Design and Access Statement  
Pre BREEAM Assessment Bloor Homes Office  
Pre BREEAM Assessment HI Tech Advanced Manufacturing Building  
Preliminary Ecological Assessment (PEA)  
Arborocultural Assessment  
Biodiversity Net Gain Assessment (BNG)  
BNG Metric  
Transport Assessment  
Travel Plan  
Flood Risk Assessment  
Drainage Strategy  
SUDS Operation and Maintenance Statement  
Air Quality Assessment  
Starbucks Drive Thru Forward Document  
Reptile Report  
GCN Report/Map/Impact  
Road Safety Audit (RSA)  
RSA Designers Response

## 8. Consultation responses

8.1 **Shenstone Parish Council** : No Comments Received

8.2 **National Highways** : Final Comments - Offer no objection to the proposal

Initial Comments - Direct that permission be held until additional details be provided in terms of the impact to the wider highways network.

8.3 **Active England** : Final Comments - Based on the additional commentary and amendments. The ATE have no objections to the scheme 14.12.2023

Initial Comments - Objection - The development is likely to generate up to 445 jobs across the land-uses proposed (using the *HCA Employment Densities Guide* HCA, 2010). This is considered a significant number of future employees who are required by national planning policy and guidance to benefit from a choice of modes of travel where new development is proposed. At present, and considering the surroundings, this is not an option for this site and subsequently fails the test of policy in the absence of improvements to surrounding infrastructure.

The proposed site access is approximately 60 metres from a northbound bus stop on Birmingham Road, providing services towards Lichfield. There is also a southbound bus stop 40 metres from the site access that offers services towards Shenstone. Both bus stops are in the form of a flag and pole, and it is recommended that these are updated. 03.11.2023

8.4 **Historic England** : No comments received

8.5 **Environment Agency** : Final Comments - No Objections- Following additional information and clarifications approval subject to condition in relation to a condition in respect to the risk of contamination of controlled waters. 15.11.23



Initial Comments : Objection – Concerns in respect to the risk to controlled waters and this matter is yet to be suitably resolved. -04.10.2023.

- 8.6. **Central Networks** : No comments received
- 8.7. **Health and Safety Executive (HSE)** : Final Comments - Site lies within the proximity of pipeline for gas as identified as a hazard on mapping system . Developer should be aware of the works within the area of influence of pipelines and defer to the body responsible informative suggested 11.09.2023
- 8.8. **Natural England** : No comments received
- 8.9. **Severn Trent** : Final Comments - No objection subject to condition for foul and surface water no surface to foul drain informative 26.09.2023
- 8.10. **West Midlands Police Architectural Liaison Officer (ALO)** : Final comments - No objections – It is important to ensure that a high level of security is built into the layout and development use of Secure by Design Principles and Standards - 29.09.2013
- 8.11. **West Midlands Fire Service** : No comments received
- 8.12. **Staffordshire SCC – Highways** : Final Comments - Detailed assessment on changes and commentary received - No objection subject conditions and to the provision of applicant entering into a legal agreement to secure the provision of land transfer, £100,00.00 for the provision of Bus Stop improvements and £15,00 for monitoring and management of Travel Plan – 11. 12.2023

Initial Comments

Concerns and request for additional details and figures regarding trip levels and junction design in respect to entrance and junction and bus stop. Need to provide RSA (Road Safety Audit) to show impact around junctions etc. 23.09.23

- 8.13. **Staffordshire SCC - Lead Local Flood Authority (LLFA)** : Final Comments -Acceptable (following receipt of additional detail ) if measures detailed in response are followed. Secured by conditions for pre commencement for drainage plans should scheme be revised and altered in any way and by compliance in accordance with approved plans 14.10.2023

Initial Comments

Object- insufficient details provided in terms of sustainable means for drainage and no detail on operation/management . Unable to support at present. 24.9.23

- 8.14. **Staffordshire SCC Archaeology** : No Comments received
- 8.15. **Staffordshire SCC - Minerals and Waste** : Final comments - Remind applicant of the Staffordshire and Stoke on Trent Joint Waste Plan and to minimise waste and reuse where possible in terms of construction and use. 11.09.2023
- 8.16. **Spatial Policy Team** : Final Comments - Detailed response received in consideration of the proposal and the history of the site and the policy context as site is within Greenbelt substantive weight should be placed on harm. Development would be considered inappropriate development in the Greenbelt so very special circumstances should clearly outweigh any harm to the Green Belt, i.e. existing allocated site and fulfil ambition for employment opportunities for SME's. Extant permissions etc. Harm to openness should be considered in context to existing site and there is history of SOS not calling this site in for employment purposes in the past. Consider that VSC do exist in this case. 29.09.2023

- 8.17. **Environmental Health : Final Comments** - No Objections subject to conditions relating to former contaminated land and noise vibration and dust are controlled in Construction Management Plan – 12.10.2023
- 8.18. **Ecology Manager : Final Comments** - The Ecology Team welcomes the applicant’s intention to deliver a net gain uplift of 1.26BU as part of the proposed development scheme, resulting in a post-intervention value of 11.98BU. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Nature Recovery Network map.

The development does fail to achieve the measurable net-gains of biodiversity value (20% above the biodiversity unit value of habitats lost; the ‘replacement percentage’). This is a requirement set out by policy NR3 and further detailed in paragraphs 6.30 and 6.33 of the Lichfield District Council Biodiversity and Development SPD. A suitably worded pre-commencement condition is required for the submission of a detailed scheme delivering the remaining 0.198 biodiversity units required to achieve 20% above the biodiversity value of habitats lost within land ownership of the Lichfield South Business Park. The scheme should include an ecological baseline survey and habitat map, biodiversity metric calculation and proposed habitat map, and Habitat Management Plan.

Great Crested Newts.

The applicant has initiated the process to enter the GCN District Licence with the NatureSpace Partnership.

Reptiles.

The Ecology Team is satisfied with the methodology and the information provided within the submitted Reptile Survey Report and agrees with the conclusions in that no reptiles were recorded within the Site and are likely absent.

No further ecological survey effort is required from the applicant at this time. In the event of reptiles or other herpetofauna are found during site clearance or construction works, works must cease immediately and a suitably qualified and experience ecologist contacted for advice on how to proceed. 22.1.2024

Initial Comments

There are some anomalies in respect to the BNG. Surveys appear acceptable and need to deal with Great Crested Newts (GCN’s) by way of surveys and or entering licence arrangement and biodiversity of uplift of 20% needs to be achieved. PEA suggests that bat and bird boxes can be provided and shelters for hedgehogs which can be outlined in the landscape scheme and conditioned accordingly. Lighting scheme will need to be designed to be sensitive to wildlife 6.11.2023

- 8.19. **NatureSpace : Final Comments** - Applicant has confirmed and has entered into agreement for GCN licence in respect to works. There are requirement and trigger points for this and suggest raft of conditions to ensure process is followed correctly. 8.11.2023
- 8.20. **Arboricultural Officer: Final Comments** - Note previous comments and that applicant is aware of the need to address the proximity of the units to the trees in further reserved matters so do not object to the application as this can be dealt with under reserved matters. 15.12.2023

Initial Comments -Proximity to trees on boundary which should be considered to ensure there is no conflict with tree crowns during construction. Refer to SPD to maintain suitable distances and guidance in policy NR4 of Local Plan 25.09.2023

- 8.21. **Joint Waste Team : Final Comments** - Waste should be securely contained and transferred by a suitably licenced person provision should be made for recycling Road Surface should be suitable



to support a 32-tonne vehicle to allow access for a RCV pull distances should be no more than 10metres 11.09.2023.

8.22. **Urban Design Officer** : No comments Received

8.23. **Conservation officer** : Final Comments - No objections and no comments on scheme - 20.09.2023

## 9. Neighbour responses

Neighbour letters sent

Site Notice Posted  
Press Notice Posted

2 individual detailed Neighbour responses received.

No objection in principle however concerned about the impact of the proposed development on the local highway network and to the Wall Island roundabout and access and the associated impact on the Mc Donald's Franchise outlet 18.10.2023

Objection by a planning agent employed on behalf of Mc Donald's restaurant franchise in respect to Highway's impact and a separate initial detailed highways review has been provided in terms on these concerns this is about the Roundabout Design, junction modelling Trip Generation, parking, and future growth.

Further detailed comments have been received in respect to Green Belt policy and the impact on openness of the Green Belt in this location and that VSC do not exist for this site. 23.10.2023

## 10. Assessment

### Determining issues

- Policy and Principle of Development  
Green Belt : Inappropriate Development and Very Special Circumstances(VSC)
- Design and Appearance (impact on character of area)
- Landscape/Trees and Hedgerows
- Highways and Access
- Flood Risk and Drainage
- Ecological and Biodiversity Issues /Cannock Chase Special Area of Conservation
- Sustainability and Energy issues
- Amenity and Other Issues
- CIL/Planning obligations S106
- 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 Shenstone Neighbourhood Plan was made in 2016 and as such, also carries full material weight. Whilst the application site is in the Green Belt, the application must be determined as aforementioned with the Local Plan

Allocations Document which allocates this Green Belt site for Grade B1 development of up to 12,500 SQM

- 11.2 The application site falls within the Shenstone Neighbourhood Area Plan which was made in 2016 carries full weight. Policies CO1 for new commercial development and Policy CO3 of the plan Protection of existing commercial premises or land which states that there is a strong presumption against the loss of commercial premises A and B class or land which provides employment or future potential employment opportunities and supports development proposals seeking to result in the provision or enhancement of employment sites within the Shenstone Area plan.
- 11.3 The National Planning Policy Framework (NPPF Paragraph 11) adopts a presumption in favour of sustainable development and describes that for decision making this means that Local Planning Authorities (LPAs) should approve development proposals that accord with an up-to-date development plan. The Council's Local Plan Strategy and Allocations extend to 2029 and are therefore considered up to date.
- 11.4 Paragraph 85 of the NPPF states that policies and decisions should help create the conditions in which business can invest expand and adapt. Significant weight should be place on the need to support economic growth and productivity considering both business need and wider opportunities for development.
- 11.5 Core Policy 1, The Spatial Strategy sets out the following: In relation to employment, the strategy aims to promote greater opportunities for high value employment within the district. This includes growth sectors related to business, education, and research. It also seeks to provide a balanced portfolio of employment land to accommodate higher value opportunities to serve the district and support investment for existing employment sites.
- 11.6 Policy EMP1 Employment areas and allocations states that proposals outside of the traditional employment areas B1,B2 and B8 will be supported on existing and allocated employment sites clearly demonstrate the potential for job creation on such sites, provided that they do not undermine or constrain the main purpose of the employment allocation and that within existing employment areas as identified on the policies map the council will support proposals for new or the expansion, conversion or redevelopment of existing employment premises which contribute to the delivery of 79.1 HA of employment land.
- 11.7 Local Plan Core Policy 7: Employment & Economic Development identifies the support and the need for modernisation and redevelopment of existing employment sites within the district to meet current and future demands. The policy outlines that 79 ha of land will be allocated for employment uses. This will help to continue to support employment growth within the district with up to 9,000 new jobs by 2029.
- 11.8 Local Plan Allocations 2008-2029 discusses Lichfield's economy. It identifies the application site as Policy Site L30. The policy states that, to meet the requirements from the national/regional office market, the committed Lichfield South Business Park Extension is to be allocated for Grade A office development (up to 12,500 sqm)
- 11.9 The site is located adjacent to major road infrastructure including the A38, A5 and M6 Toll. The site is to provide primarily for national/regional office markets.

Green Belt

- 11.10 Paragraph 153 of the NPPF 2023 that 'Very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness, and other harm resulting from the proposal is clearly outweighed by other considerations.

- 11.11 Policy NR2 of the Lichfield District Plan identifies land which is within the West Midlands Green Belt. All development within the Green Belt must retain its character and openness. Inappropriate development is, harmful to the Green Belt and will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- 11.12 Policy GB1 of the Shenstone Neighbourhood Plan 2016 states that Development of new buildings within the Green Belt in the neighbourhood area shall be generally considered to be inappropriate. The National Planning Policy Framework sets out uses which are appropriate within the Green Belt.
- 11.13 The 2023 NPPF considers different categories of development/use which may be appropriate. This is a closed list of seven exceptions. Paragraph 155 goes on to that there are some other forms of development which are also not inappropriate provided they preserve openness and do not conflict with the purposes of including land within it.

#### Assessment

- 11.14 The application proposal does not fall within the 'closed list' as defined by the NPPF and as such the proposed development is considered by definition 'inappropriate development', substantial weight should be attached to the harm by reason of inappropriateness. The applicant has accepted this and therefore has considered other aspects of the Greenbelt test/assessment along with other considerations of the application in balance of the development as outlined below and within the wider report

#### Impact on Openness

- 11.15 The proposed development of the site is considered to have a moderate overall impact upon the openness of the site situated within its Green Belt Location given its scale and mass of the proposed development (part in outline). The application site comprises of previously developed land which has extensive planning history and planning approvals for a large-scale development on the site.
- 11.16 The wider application site already has a mixed-use development of employment and leisure use buildings with building heights reaching a maximum of 13.5 metres. The proposed development would be on the underdeveloped part of the brownfield site. The application is a hybrid application comprising of an outline component and a full component. The buildings will impact on openness however, as part of the detailed application, the impact is of limited scale and mass compared to the previous planning permission on the site. These components relate to a single storey building, canopy structures over an electric vehicle charging hub and a two-storey office building with a maximum height of 11 metres. The location of these buildings would be in a central location which would be adjacent to the existing development on the site and would align with and can readily and visually be accepted in conjunction with the existing development, thus having a limited impact on the openness.
- 11.17 Whilst the outline component of the application, the position, height, scale, and mass have not been fixed (apart from access), supporting document request a height of 15.5 metres has been proposed. Whilst buildings of this size would be visible (which will be discussed below). When considering both components, the combination of the two components of the scheme balance each other each other at a similar form to what has been previously approved on the site would result in a moderate impact on the openness of the Green Belt
- 11.18 It should also be noted that at this stage the overall design of the buildings in the outline element are subject for a reserved matters application which can be conditioned at the reserved matters stage.

- 11.19 Overall the previously approved large-scale development considered in the context of the site already benefitting from approval for redevelopment and of a large-scale development, scheme overall would have a moderate impact upon the openness of the Green Belt.

#### Impact on the visual amenity of the Green Belt

- 11.20 The existing site is clearly visible within and outside of the and this impact will remain, the developed part of the site has been a visible feature for a period in this location. It is acknowledged that the new proposed development would be clearly visible within the Green Belt, however the combination of the proposed development is be set within an existing context of differing buildings which vary in height (maximum height of 13.5 metres). The proposed development would therefore be read in conjunction (as a whole) with the existing development
- 11.21 It is accepted that the proposed outline element will be seen in context with the existing forms however the design, scale and mass of the buildings would be subject to a reserved matters application and as such as this stage these parameters have not necessarily been fixed. The proposed height to a max of 15.5m is proposed and these building would be readily seen. The site context is bordered by large scale mature trees which are protected with a Preservation Order are to be retained. Robust and meaningful landscaping can be conditioned . Whilst trees and landscaping clearly do not block or prevent views they can effectively help soften the appearance of development and provide an effective screen with subtle changes through the year where a range of full height and under canopy planting can be imposed.
- 11.22 The proposed development is visually part of a collective and cohesive form of development rather than two separate developments. The design of the outline component would be subject to reserved matters in which detailed exercise in terms of design to address visual impact. As such, it is considered that the proposal would have a limited impact on the visual amenities of the Green Belt.

#### Very Special Circumstances

- 11.23 In full acknowledgement of the development being defined as inappropriate development very special circumstances have advanced by the applicant. This section also considers the local plan policies regarding employment and the sites specific policy designations with regards to Local Plan Policy L30 as a designated employment site and considers the sites planning history.
- 11.24 In relation to the proposals, their surroundings and wider development within the District, Core Policy 1, The Spatial Strategy sets out the following: In relation to employment, the strategy aims to promote greater opportunities for high value employment within the district. This includes growth sectors related to business, education, and research. It also seeks to provide a balanced portfolio of employment land to accommodate higher value opportunities to serve the district and support investment for existing employment sites.
- 11.25 Policy EMP1 Employment areas and allocations states that Proposals outside of the traditional employment areas B1,B2 and B8 will be supported on existing and allocated employment sites clearly demonstrate the potential for job creation on such sites, provided that they do not undermine or constrain the main purpose of the employment allocation and that within existing employment areas as identified on the policies map the council will support proposals for new or the expansion, conversion or redevelopment of existing employment premises which contribute to the delivery of 79.1 HA of employment land.
- 11.26 Local Plan Core Policy 7: Employment & Economic Development identifies the support and the need for modernisation and redevelopment of existing employment sites within the district to meet current and future demands. The policy outlines that 79/1ha of land will be allocated for employment uses. This will help to support employment growth within the district with up to 9,000 new jobs by 2029.

- 11.27 Local Plan Allocations 2008-2029 discusses Lichfield's economy. It identifies the application site as Site L30. The policy states that, to meet the requirements from the national/regional office market, the committed Lichfield South Business Park Extension is to be allocated for Grade A office development (up to 12,500 SQM)
- 11.28 L30 identifies the site being located within the Green Belt to the south of Lichfield City adjacent to the existing Lichfield South Business Park. The site is located to major road infrastructure including the A38, A5 and M6 Toll. The site is to provide primarily for national/regional office markets.
- 11.29 The proposed development proposes consists of office and flexible employment development to include hi-technology uses and advanced manufacturing falling within use Class E, B2 and B8.
- 11.30 Whilst not strictly compliant with policy advice the proposal allows for a wider range of employment uses including B2 and B8. The applicant in their submission has submitted an Economic Benefits Assessment which has outlined that numerous market assessments have identified a trend towards employment space demand being focused on mid box hi-tech and advanced manufacturing units of between 25,000 sq. ft and 50,000 sq. ft. It has been identified that within the submission there is a strong demand for this size of units particularly for Small-Medium sized enterprises in the West Midlands rather than pure office accommodation which has fallen back since the pandemic. It has also been demonstrated as part of the economic benefits assessment that the West Midlands region has the second highest demand for such units in the UK but the second lowest supply in the UK.
- 11.31 The evidence provided Economic Benefit Assessment indicates the level of demand for Small to Medium Enterprises (SME's) in the sub region. This report confirms the lack of suitable sites and hence acute regional shortage of modern Grade A accommodation for SMEs in the district to accommodate these hi-tech and advanced manufacturing uses, which could incorporate elements of storage, lab/workshop, showrooms, and offices in one building an example of a local small-medium enterprise with this need and working within the immediate locale is Ascom.
- 11.32 The Ascom HQ Building at Lichfield South already provides an example of this type of use but has been compromised in its development as it has had to retrofit the building to ensure its lab/workshop/technical, showroom, storage and office space operation could operate within one building. This style of retrofit imposes high office rents on occupiers whose use and occupation would be entirely satisfied in more flexible contemporary 21<sup>st</sup> Century HQ space under Class E(g), B2 and B8 use at less than 50% of the cost.
- 11.33 It is also noted that planning permission has been previously granted for a small service yard and roller shutter door including storage, workshop, and showroom at building 3. However, the studies that demonstrate that there is a strong need for contemporary, flexible and hybrid HQ buildings under use class E(g), B2 and B8 to enable businesses to operate all their intellectual property within one consolidated building. This therefore supports the notion that there is a demand for flexible warehouse style buildings are required on the site.
- 11.34 Therefore, the proposed widening of the uses would allow for a wider range of small-medium enterprises to occupy the site and house all their intellectual property within each building allowing for a greater flexibility of buildings and would therefore retain businesses within the district.
- 11.35 The proposed development will contribute toward the councils' ambition to provide and retain high value employment opportunities and contribute to a range of employment. The allocation of the land within the adopted Local Plan clearly anticipates that there would be development of new buildings which the Local Plan had anticipated. The proposed development will contribute toward the Council's ambition to provide and retain high value employment opportunities and contribute to the supply of a range of employment opportunities including

SMEs. The allocation of the site within the Local Plan Allocations Document as Policy L30 represents a unique and special circumstance which confirms the existence of VSC in this case as required by the NPPF.

- 11.36 It is noted that previous planning approvals had similar impacts on the openness of this location within the West Midlands Green Belt. (See planning history) where the large site was granted permission for redevelopment with similar mass/heights which sets a principle for the development of the site within Green Belt.
- 11.37 In fact permission has been partially implemented with the construction and installation of the road into the site which had been previously approved and could still be implemented.
- 11.38 In principle policy terms the main consideration is that the site is allocated for employment uses. Several uses have already been established on this site previously and have been in place for some time. Whilst not strictly in accordance with the defined allocation policy the uses do not diverge away enough to make the proposal unacceptable in policy terms.
- 11.39 When balancing Green Belt harm against the benefits of the site it is clear that there are aspects and consideration of the development that will clearly outweigh the sum of the weight attached to the harm which demonstrates that very special circumstances (VSC) do exist.
- 11.40 The applicant has also advanced a detailed case in support of the proposal which provides evidence to sufficient evidence to justify that VSC do exist which may outweigh the harm caused to the Green Belt by reason of inappropriateness. The circumstances regarding planning history, extant permission, that the site benefits from employment provision that assists in meeting the employment land requirements of the adopted Local Plan on an allocated site with identified need for weigh heavily in favour of the proposed development. It is considered that the site has very special circumstances necessary to depart from Green Belt Policy in this case.
- 11.41 The use will remain as predominately employment which would seek to create and fulfil a successful employment site to support Small and Medium Enterprises for the existing users, the local and wider area. The Green Belt assessment has been undertaken and established that VSC do exist, and other material considerations will be considered in detail further in this report in by way for further assessment in general terms the proposal would comply with the policies contained in the local plan strategy.
- 11.42 The other Non-Green Belt issues are defined in the remainder of this report.

## **12. Design and Impact on the Character and Appearance of the Surrounding Area**

- 12.1 Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF states that planning decisions should ensure that developments
  - a. Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
  - b. Visually attractive because of good architecture, layout, and appropriate and effective landscaping
  - c. Sympathetic to the local character, history including the surrounding built environment and landscape settings, whilst not preventing or discouraging appropriate innovation or change (such as increased densities)
  - d. Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work or visit

- e. Optimise the potential of the site to accommodate and sustain appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks
- f. 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 and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion or resilience.

12.2 Paragraph 139 of the NPPF states that developments that are not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking account of any National and local design guidance and supplementary planning documents in terms of design

12.3 Local Plan Strategy Policy BE1 advises that “new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”. The Policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.

12.4 Policy SC2: Renewable Energy promotes the use of renewable energy in new developments to reduce carbon emissions.

Assessment - Detailed component

12.5 It is considered that the proposed development of the site reflects the existing local patterns of development with regards to the proposed layout, siting, height, scale, bulk and massing and its overall visual impact. The development is presently visible and will continue to be so. This is a unique site with good access links. The surrounding context is open with strong boundaries and trees forming part of this.

12.6 The office building, it is constructed as a two-storey building designed with a pitched gable roof form. It would have a maximum height of 11m. The proposed height of the office building would align with the existing height parameters which currently exist on the site which are up to a max of 13.5 metres.

12.7 The wider application site has a varied material palette including grey folded roof forms, buff coloured brick, red coloured brick, terracotta coloured detailed tiling to buildings. Other buildings are finished in light coloured render systems and grey blockwork.

12.8 The proposed materials for the office building are predominantly red brick with feature blue engineering bricks. The building would have grey coloured vertical cladding and grey coloured tiles on the roof. Subject to details to be submitted via condition, the proposed material colours are well designed and appropriate in this location and would complement the material palette thus supporting the sites wider visual identity in this regard.



Figure 4 Typical Office Elevation – (Source: Applicant)

## Drive Thru Café

- 12.9 The proposed drive thru building is of a modern form in a single storey and its height, scale, bulk, and mass reflect this format which is considered acceptable. The proposed building is a maximum height of 5.7m which would be lower than the present height buildings on the site. The building is finished in vertical detailing and render form inset with windows wrapping around the main elevations. The location is set within a central area away from the site boundary. The simple form of the building coincides with its use and function.



Figure 5 – Typical Elevation - Drive Thru (Source : Applicant)

- 12.10 The materials proposed complement the surroundings and the warm hues of the existing built form within the site. The proposed drive thru café also includes light coloured render elements, which is apparent on multiple buildings within the development site. As such, the proposed material palette of the drive thru building is considered appropriate subject to final details to be submitted via condition. This will ensure that the individual building support the wider visual identity in this regard and would continue to accord with policy BE1 of the Lichfield District Strategy.

## EV Charging Centre and Cycle Store

- 12.11 The proposed modern style EV charging centre comprises of mix of projecting canopies with corporate branding on them (i.e. BP) finished in a blue and grey colour. The canopies span four or six parking bays in width and would have a monopitched roof design which falls from 5m to 3m in height. The proposed canopies would be open sided and as such would appear visually lightweight and inconspicuous within the wider site. The proposed scale and mass of this element of this element is considered to have an acceptable impact on visual amenity of the site and are of a suitable design quality.
- 12.12 The cycle store would be designed with a monopitched roof with a maximum height of 3.5 metres. The proposed building would be a timber framed structure with a 'green roof'. The proposed materials would be considered acceptable within the development site and its height would be the lowest building on the wider site. The proposed design and scale of the building would be relatively compact, and its natural materials are complementary within this location.
- 12.13 The proposed development by reason of its layout and design provides an attractive public realm. The illustrative landscaping plans are considered acceptable, however further detail will be required at condition stage for this component. As such, the proposed design, layout, and scale of the buildings are considered acceptable and would accord with the policies outlined within the NPPF 2023 and within Local Plan Policy BE1.

## Outline Component

- 12.14 Apart from access arrangement, all matters relating to the overall design and layout are matters for future consideration. Illustrative plans have been provided to demonstrate how the scheme could be delivered. Issues such as the visual amenity would need to be addressed at the time of any reserved matters application. The appearance of the buildings would be dictated by size, scale, layout and needs of an occupier, such details would have to consider the context around



the site at the same time. As part of this application, a condition will be imposed for a design code to supplement the outline stage of the development to be submitted to and approved in writing prior to the submission of any reserved matters applications.

- 12.15 The landscape would reflect the site layout and surrounding context. The principles of a landscape strategy could be established then to be adapted by the layout of plots as they are bought forward. The illustrative plans indicate a general form of landscaping with an indicative layout. The principle of this is considered acceptable, however a condition regarding hard and soft landscaping shall be imposed on this approval.
- 12.16 The proposed outline component is considered acceptable in principle with regards indicative to its overall layout and design, however a full comprehensive assessment would be made at the reserved matters stage.

### **13. Landscape and Trees**

- 13.1 Paragraph 136 of the NPPF advises that trees make an important contribution to the character and quality of urban environment and help to mitigate for climate change.
- 13.2 Core Policy 13 of the Local Plan Strategy seeks to protect veteran trees, whilst Policy NR4 of the District Strategy and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation. Policy BE1 recognises the quality to development and benefits that trees and landscaping can bring and this is in line with the guidance of the NPPF.

#### Assessment

- 13.3. The applicant has provided a landscape plan in support of this application which ensures a variety of planting and indigenous species. The existing/main trees are to be retained and are currently located around the boundary of the site. These trees are currently protected with a TPO.
- 13.4. Given the part of the site which borders the trees is in outline form the Arboricultural officer has suggested that suitable conditions to secure and protect and maintain trees for the future. These trees have a high amenity value and provide additional biodiversity benefit for the site.
- 13.5. To mitigate for the loss of any trees and deliver the above-mentioned SPD requirement, specific to tree canopy cover, significant, sustainable, and well-designed landscaping will need to be required and designed and thereafter planted. Such expectations, along with details for measures to protect retained trees during development, will be confirmed within the Design Code and Landscape Management Plan, which are both recommended to be secured via condition. On this basis, no objections are raised to the above A Landscape Management Plan (tree protection), which is recommended to be secured, via condition.
- 13.6. Given the above considerations about tree and landscaping provision and , with reference to green infrastructure this development is considered to comply with the requirements of the Policy NR4 and BE1 of Development Plan and NPPF.

### **14. Highways and Access**

- 14.1. The NPPF states at paragraph 115 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.
- 14.2. The NPPF advocates the need to provide a mix of transport opportunities, including priority to the pedestrian and cycle user. It also requires safe access to emergency and service vehicles along with electric plug-in facilities being part of the development.

- 14.3. This is echoed in the Lichfield District Strategy Core Policies 2 and 3, which advocate sustainable development and, to ensure that development consider means to reduce the overall need to travel and optimising other forms such as cycling walking and use of public transport.
- 14.4. Policy ST1 of the Lichfield District Plan that requires development to secure more sustainable travel patterns considering impacts on the local and wider highway network and to provide good standards of layout and an adequate parking provision to meet demand as part of policy ST2

#### Assessment

- 14.5. New development must be supported by appropriate and required infrastructure in a time and safe manner. The proposed development seeks access from the main carriageway and internal roads to parking areas for business uses and for visiting members of the public and employees. The development has ensured that the access is suitable and can successfully integrated in the wider highway network without any detriment to highways safety. The applicant has sought to amend and provide additional commentary on highways matters for Highways England, Active England, and County highways to be satisfied that the development can be appropriately served. It is acknowledged that there had previously been a detailed objection from a neighbouring franchise in terms of the highway's issues and details in trip generation/linked trips , queuing traffic and junction radii.
- 14.6. The amendments form the applicant and details of Road Safety Audits have satisfied the necessary parties in terms of the wider access and the parking provision is considered acceptable for the development and this integrates successfully into the development in line with policy ST2 of the Lichfield Local Plan Strategy. . The development provides for sustainable travel options with secure covered cycle provision and improvements to the site via public transport and the provision of improvements to the bus stop is proposed as part of the S106. Provision of parking for vehicles and a quantum of this is set aside of for charging electric vehicles integrates successfully to the wider area and the impact of the development on the local and wider highway networks would not be severe as to find the development unacceptable.

## 15. Flood Risk and Drainage

- 15.1. The NPPF suggest development in areas at risk of flooding should be avoided. Core Policies suggests there is a presumption in favour of sustainable development and Policy SC1 of the District Strategy seeks to require sustainable standards for development

#### Assessment

- 15.2. The application site is located within Flood Zone 1 which is defined as having little or no risk of flooding from rivers or streams (Fluvial Flooding) . The Environment Agency have no comments to make in terms of the risk from main river flooding. They have provided comments in respect to groundwater contamination from previously developed land which are considered later in this report.
- 15.3. Such zones generally comprise land assessed as having a less than 1 in 100 annual probabilities of river or sea flooding in any year. The NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk Assessment (FRA) is required, and such an FRA has been submitted with the application along with a drainage strategy.
- 15.4. In terms of pluvial flooding, the Lichfield Strategic Flood Risk Assessment (SFRA) does not identify any occurrences of surface water flooding within the vicinity of the site, and as such there is low flood risk from this source.

- 15.5. The FRA and drainage proposals for the site have been considered by the County Lead Flood Authority (LLFA) and Severn Trent who have raised no objections to the scheme subject to the impositions of specially worded conditions to ensure sustainable drainage solutions are implemented in accordance with details and managed accordingly. It is therefore recommended the subject to the application of conditions, the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.

## **16. Ecology and Biodiversity/Cannock Chase SAC**

- 16.1. The NPPF and the guidance contained within the NERC Act 2006 outlines the Councils biodiversity duty. All new development must demonstrate that it will not result in the loss of diversity from the site.
- 16.2. Paragraphs 180 of the NPPF states that applications for development should recognise the existing context and minimise on and provide new gain for biodiversity. Core Policy 13 and Policy NR3 of the District Local Plan Strategy outlines that development will only be permitted where it protects enhances and restores conservation management and geodiversity of the land and the building ensure that there are maximum restoration enhancement and connectivity of habitats. This is also supplemented in detail by the Biodiversity and Development SPD.
- 16.3. The Strategy for the impacts on Cannock chase SAC is set out in policy NR7 of the Local Plan Strategy with required the before development is permitted it must demonstrate itself or in combination with other development there will not be any direct or indirect impact on the Cannock Chase SAC.

### Assessment

- 16.4. This application is supported by a Preliminary Ecological Assessment alongside a Biodiversity Net gain statement and metric which has been reviewed extensively by the Ecology Manager. A detailed desk study of known ecological records within the site has been undertaken, as well as field surveys covering an array of species. Specific habitat assessments relating to bats, badgers, breeding birds and reptiles and newts have been undertaken. The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site.
- 16.5. The Council's Ecology Manager has considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable. In this case the site is within a red zone for newts and as such it is probable from the survey works undertaken that newts are on the site. In this case detailed mitigation is required and the application has chosen to enter into a licence agreement for the protection and management of newts through the Council licencing scheme with NatureSpace. In this case NatureSpace has acknowledged receipt of the licence application and fees and is satisfied that subject to the application of a raft of specialist conditions to ensure the course of the licence and subject to conditions, which require a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and Construction Environmental Management Plan (CEMP).
- 16.6. Reasonable Avoidance Measures (RAMS), including further surveys, as required, throughout the phasing of the development. In addition, any development works undertaken during bird nesting season will need to be suitably supervised.
- 16.7. The Ecology Manager is satisfied with the assessments and, subject to conditions relating to carrying out works in accordance with the details as provided and a specialist lighting scheme, the development is considered acceptable and will continue to comply with the principles of Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan.

## Biodiversity Net Gain

- 16.8. To comply with the guidance contained within the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site. Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant EU obligations and statutory requirements" stated in the NPPF.
- 16.9. The NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity. This can include establishing coherent ecological networks that are more resilient to current and future pressures, the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020.
- 16.10. A measurable 20% net-gain to biodiversity value, is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy, which feeds into the Council's Biodiversity and Development SPD.
- 16.11. The submitted biodiversity metric has been updated and revised in this case habitat created and considering all the site. The Ecology Manager considers that the quantitative data within this revised document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness, and condition) and agrees it to be accurate. The site can provide 20.71% uplift in BNG (LDC) which has been achieved through a baseline of 10.72 BU units with 1.51 BU units as an uplift which results in 12.23 BU which meets/exceeds the 20% uplift.
- 16.12. The applicant's intention is therefore to deliver net gains as part of the proposed development scheme. The Ecology Manager approves of this to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map
- 16.13. The applicant will still need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof). It is recommended that these requirements be secured by specifically worded conditions.

## Cannock Chase SAC

- 16.14. This site is within the zone of influence for Cannock Chase Special Area of Conservation. Taking into consideration the nature of the proposals a HRA has been undertaken, and it is not considered that the scheme would result in a negative impact or significant effects on the Cannock Chase SAC, and as such mitigation or an appropriate assessment is not required in this case.

## 17. Sustainability and Energy Efficiency

- 17.1 The NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development.
- 17.2. Core Policy 2 states that there is a presumption in favour of sustainable development and Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that non-residential development should be built to Building Research Establishment Environmental Assessment Method (BREEAM) excellent if they exceed 1000sqm Policy SC2 seeks to maximise the use of renewable energy sources. Policy BE1 of the Local Plan Strategy and the Design and Development SPD seek to create a high-quality development which has a positive impact on carbon emissions.

## Assessment

- 17.3. The applicant is seeking to reuse 'brownfield' land and sustainable methods of construction with the use of local materials, timber from sustainable sources and recycled materials. BREEAM covers several categories where new development can be scored which include matters relating to transport, water, materials waste, land use and ecology, pollution, management, health and well-being and energy. The application is supported by two BREEAM Assessments one for the detailed element and one for the outline element. The wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM commercial, the development is compliant with national policy in terms of sustainable building techniques. The buildings will be constructed to meet the higher standards required under Building Regulations.
- 17.4. The applicant has provided a plan providing the location of the Electric Vehicle Charging points across the site. This will ensure choice to use alternative power alongside a dedicated charging station as part of the proposal.
- 17.5. The applicant has also provided a waste/energy strategy. The buildings will be designed with energy efficient boilers low carbon lighting and improved insulation, glazed areas for natural ventilation, sensor taps to reduce water use and SUD's systems for water reuse and flushing. In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.

## 18. Amenity and Other Issues

- 18.1. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD).
- 18.2. Policy BE1 of the District Strategy site that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise light dust fumes and other disturbance. Policy BE2 considers the impact on development on the historic environment in particular listed buildings and conservation areas.

## Assessment

### Amenity

- 18.3. The site is located within predeveloped land and lies directly adjacent to a mix of commercial/retail uses. The applicant has provided a thorough and comprehensive suite of supporting information to ensure the that the development albeit different will change the present 'status quo' on the site. Neighbouring uses include a hotel, gym and office and retail uses. This does not mean that the changes proposed are harmful in terms of amenity however adequate justification and mitigation is proposed and can be suitably controlled by conditions in terms of construction noise and dust management to ensure amenity levels are maintained for existing occupiers of the site especially during construction periods.

### Contaminated Land

- 18.4. Historic records and planning history indicate that the site was a former pipe works and as such being previously developed land could be contaminated with various materials from previous uses. In this case the Environmental Health Officer and Environment Agency have suggested conditions to ensure that the aquifers in the location do not become affected by the redevelopment of the site. The Environmental Health officer has also suggested that conditions in relation to noise and dust can be controlled by the imposition of conditions through CEMP .

## Historic Environment

- 18.5. The site does not contain listed buildings or is located within a conservation area. It is acknowledged that the site remains within the proximity of the A5 Watling Street and the roman site of Wall. Given the distance County Archaeology have no comments and given the distance and the context of the previously disturbed land Historic England have no comments to make on the scheme. The Councils conservation officer raises no objections and in this case it is considered it unnecessary to impose any specific or additional conditions to this respect.

## 19. S106 and CIL

- 19.1. Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.
- 19.2. The provisions required relate to highway improvements to secure bus stop location and travel plan management and monitoring . The requirements are as follows:
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

## 20. Human rights

- 20.1. The proposals set out in the report are compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home, and correspondence.
- 20.2. 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. It is important to consider the impact of the harm to the Green Belt of the development balanced against the benefits of the scheme.
- 21.3. It has been established through the course of this report that the weight to harm by reason of inappropriateness is substantial and the report has taken the course of assessment and concluded that in this case VSC do exist. The VSC put forward in this case will ultimately bring a previously developed site into reuse and this proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses. Socially, suitable conditions can secure the reasonable amenity of existing and future tenants within this site.
- 21.4. The scale of development is compliant with the requirements of the Council's Development Plan. The site occupies a location where any landscape harm will be localised. It is considered that adequate, high-quality spaces/landscaping can be provided on site, to meet the



needs of future and existing tenants to ensure the health and well-being of existing and future tenants.

- 21.5. The redevelopment of the site. Albeit different to the original approval will integrate into the character of the area, whilst also helping to meet the commercial and employment needs of the district and provide a specialist employment base for Small Medium Enterprises.
- 21.6. The development demonstrates that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the vehicular access points to ensure that the development can be safely and appropriately accessed, without harm to either the character or appearance of the area, existing or future tenants or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact on both the Local and the Strategic Highway Network, subject to conditions and planning obligations.
- 21.7. Subject to suitable conditions and GCN Licencing, there will be no adverse impact on protected or priority species. A positive biodiversity net gain can be achieved across the site.
- 21.8. Adequate details and mitigation for drainage, can be provided and that, subject to appropriate conditions to ensure no material harm will be caused. Contaminated land conditions relating to previous use can be controlled by conditions to ensure no impact on groundwater.
- 21.9. It is considered that the proposal development is in conformity with the requirements of the Development Plan, subject to conditions, in that it will ensure successful integration into the development's green infrastructure and local environs. It is considered that in this case a balanced and appropriate recommendation has been arrived at.
- 21.10. Whilst there are concerns about Green Belt as set out above, considering the above assessment and the weight attributable to the delivery of commercial led development through the NPPF, it is recommended that this application is in general conformity with the Development Plan, no other material considerations are sufficient to outweigh the acceptability of this development, to warrant the refusal of the application.
- 21.11. Therefore, subject to satisfactory referral to the Secretary of State and 'no call in', the signing of a S106 agreement, and conditions proposed, the proposals are acceptable and are recommended for approval subject to the conditions as noted below.

### **Recommendation : If Members are minded to approve the application subject to conditions:**

- (1) Subject to the application being referred to the Secretary of State as the application is a major application which is considered 'inappropriate development in the Green Belt and that the application is ultimately not called in :**
- (2) Applicants entering into a legal agreement to secure the following: -**
  - i. Highways Contribution of £100,000.00 for bus stop improvements in the location**
  - ii. Land Transfer at site frontage required as highway maintainable at public expense at new position of the north bound bus stop**
  - iii. Travel plan fee of £15,000.00 for monitoring and management of Travel Plan  
A travel plan monitoring fee of £10,000.**
- (3) If the legal agreement is not signed/completed by 15<sup>th</sup> April 2024 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

## Conditions

1. A)The detailed (FULL) development (including the Main office development, drive thru, charging station and associated parking and cycle stores, landscaping ) hereby approved and granted full planning permission shall be begun before the expiration of three years from the date of this permission.

B)Application(s) for the approval of any (RESERVED MATTER(S) in relation to the outline elements (the appearance; landscaping; layout and scale) in any phase; including commercial development B2, B8 and E(g (i,ii,iii) ), , must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

## HYBRID (FULL/OUTLINE)

### Prior Commencement

2. No development hereby permitted (FULL/OUTLINE )shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with the proposals detailed on plan "Lichfield South Business Park: Impact Plan for great crested newt District Licensing (Version 2)", dated 31st October 2023

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR112, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

3. No development hereby permitted (FULL/OUTLINE )shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

4. No development hereby permitted (FULL OUTLINE)shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).



- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act (NERC) 2006.

5. Prior to the commencement of any works on site (FULL/OUTLINE phase of the Reserved Matters), a Landscape Ecological Management Plan (LEMP) and Habitat Management Plan (HMP) which shall be submitted to and approved in writing by the Local Planning Authority. The LEMP and HMP shall be informed by, and completed following, Up to Date species surveys (as applicable) approved by the Local Planning Authority

Notwithstanding the most recent BNG Metric of post intervention value of to deliver an uplift of 20% The applicant shall provide a detailed scheme to deliver the biodiversity units in order to achieve 20% uplift lost within land under ownership/control of the Lichfield South Business Park. The detailed scheme should include the following:

The ecological baseline survey and habitat map,

1. Proposed habitat map in support of the BNG metric
2. Habitat Management Plan. (HMP) including the following details
  - Future habitat creation works and sustained good management.

Details shall be submitted to and approved in writing by the Local Planning Authority. The development and works shall thereafter be carried out strictly in accordance with the approved details.

Reason: In order to adequately ensure Biodiversity is secured and managed on site and Biodiversity Net Gain (BNG) is achieved in accordance with Policy NR3 and BE1 of the Local Plan Strategy, Biodiversity and Development SPD and the NPPF.

### **Compliance**

6. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specifications, as listed on this decision notice.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Core Policies 3 and 6 and Policies , BE1 and Lichfield 6 (South of Lichfield) of the Local Plan Strategy and the National Planning Policy Framework.

7. If, during development (OUTLINE AND FULL), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with National Planning Policy Framework.

8. The development (FULL/OUTLINE/) permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy documents (listed below), and the following mitigation measures detailed within:
  - Surface water drainage system(s), designed in full accordance with the Non-Statutory Technical Standards for sustainable drainage systems (SuDS), DEFRA, March 2015

- Sustainable Drainage Systems designed in full accordance with the Staffordshire County Council SuDs Handbook.
- Limiting the surface water runoff generated by all event scenarios up to and including the 1 in 2, 1 in 10, 20 30 and 100 years, plus 40% Climate Change return period, critical duration storms so that it will not exceed 23 l/s from the site and not increase risk of flooding off-site.
- Provision of adequate attenuation surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
- Provision for adequate and satisfactory surface water quality management and pollution mitigation. Methods such as CIRIA C753 The Simple Index Approach to surface water management, may be appropriately implemented to demonstrate and evidence this.

Approved Documents as part of this are as follows:

- Jackson Purdue Lever – Flood Risk Assessment – Lichfield South LIN00780-07FR – 000780-JPL-ZZ-ZZ-RP-D-2007-A3-C02 – Dated 20/10/2023
- Jackson Purdue Lever – Drainage Strategy – Lichfield South – LIN00780-08DS – 000780-JPL-ZZ-ZZ-RP-D-2008-A3-C02 – Dated 20/10/2023
- Jackson Purdue Lever – Letter F.A.O. : Lead Local Flood Authority, Staffordshire County Council, Ref: LIN00780 Dated 13th October 2023.

Reason: In Order to prevent flooding by ensuring satisfactory storage of /disposal of surface water from the site in accordance with Core Policy 3 Policy SC1 and BE1 of the local Plan Strategy, Sustainable Development SPD and the NPPF.

9. The Development (FULL/OUTLINE/ Any phase of the reserved matters) permitted shall be carried out in strict accordance with the approved management and maintenance plan for surface water drainage and in accordance with (Jackson Purdue Lever - SuDS Operation and Maintenance Statement – Lichfield South - Ref: LIN00780-000780-JPL-ZZ-ZZ-RP-D-2501-A3-C01) . The surface water systems shall be maintained and managed for the lifetime of the development.

Reason: In order to prevent flooding by ensuring satisfactory management and maintenance of surface water from the site in accordance with Core Policy 3 Policy SC1 and BE1 of the local Plan Strategy, Sustainable Development SPD and the NPPF.

## FULL

### **Prior Commencement**

10. Before any part of the detailed development hereby approved is commenced a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. This CEMP shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The construction phase shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that the amenity of the site and neighbours are not adversely impacted and ensure a sustainable form of development in accordance with Core Policy 3 and Policy SC1 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF

11. Prior to the commencement of any phase hereby approved including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
- (i) Construction site access arrangements
  - (ii) Hours of construction
  - (iii) Routing arrangements for heavy vehicles
  - (iv) Delivery times and location of contractors compounds, cabins, material storage areas.
  - (v) Contractor's parking
  - (vi) Scheme (including wheel wash details) for dust and measures to control the deposit of mud and similar debris on adjoining highways.

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

Reason: To Ensure the safe operation of the highway network and ensure highway safety is maintained for all users, in accordance with Core Policies 3, 4 and 5 and Development Management Policies, SC1, ST1 and BE1 of the Lichfield Local Plan Strategy and the NPPF

12. Prior to the commencement of any phase of the Detailed development (including the EV Charging Station, drive-thru unit, and office building) , a Construction Environmental Management Plan (CEMP) detailing the following
- An Appropriate plans showing wildlife Protection Zones
  - Protective measures during construction
  - A timetable showing construction period of the year to avoid the year when sensitive wildlife could be harmed.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of natural species rich environment and reinforce local landscape character and habitat creation in accordance with Core Policy 13 Policy NR2 NR4 and Be1 of the Local Plan Strategy, Sustainable Development SPD, Biodiversity and Development SPD and the NPPF.

13. No development shall take place (excluding any demolition) until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the as the information is required prior to development commencing in order to secure the satisfactory appearance of the application site in accordance with Policy SC1 and BE1 of the Local Plan Strategy Sustainable Development SPD and the National Planning Policy Framework

**Prior to occupation/above slab level**

14. Prior to the occupation of the office building hereby permitted, the new access road shown in the submitted approved plans shall be completed to a base course level from the current access site up to the point of the car park entrance to the building.

Reason: To ensure a satisfactory means of access is provided to the site and is constructed to a suitable standard in accordance with Core Policy 5 and Policy ST1, ST2 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF

15. The cycle parking facilities for the office building and takeaway coffee unit shown the approved plans shall be provided prior to the first occupation of the development and shall thereafter be retained in perpetuity.

Reason: To ensure a satisfactory and secure parking areas are provided for the site for cycles and is accordance with Core Policy 5 and Policy ST1, ST2 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

16. The proposed car parking, access and servicing/circulation areas for the office building, takeaway coffee units and shown of the approved plans shall be sustainably drained , hard surfaced in a bound material and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking/servicing areas shall be retained in accordance with the approved plans for the lifetime for the development unless otherwise agreed in writing by the Local Planning Authority.

Reason :To ensure a satisfactory means of access servicing and parking areas are provided for the site and is constructed to a suitable standard in accordance with Core Policy 5 and Policy ST1, ST2 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

17. No part of the FULL development hereby approved shall be occupied until a comprehensive lighting scheme /strategy to address lighting and wildlife has been submitted to and approved in writing by the Local Planning Authority for any respective phase. The detailed lighting scheme/s shall include site annotated plans showing lighting positions for external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding premises/wildlife corridors etc and details of the lighting fittings including, colour, wattage, and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of each phase of the development and thereafter maintained as approved.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and ensure minimal disturbance of protected species in accordance with Policy BE1 and Policy NR3 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

18. Prior to the occupation of any building under any part/phase of the FULL element of the scheme, details for the provision of any boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, and thereafter installed on site in accordance with the details provided and retained as such in perpetuity

Reason: To ensure a satisfactory appearance to the development in accordance with Core Policy 3, Policies NR3 and NR4 of the Local Plan Strategy, Sustainable Development and Trees Landscape and Development SPD, Biodiversity and Development SPD and the NPPF.

19. Before any element of the development constructed above slab level, 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 a satisfactory appearance to the development in accordance with Core Policy 3, Policies BE1 of the Local Plan Strategy, Sustainable Development and the NPPF.

20. Works shall be carried out strictly in accordance with the P23-0442-EN-0002-B 0001 (EV) and P23-0442-EN-0003-A 0001 (basin) and MI-RO-001-A shall be implemented prior to the occupation of that part of the development the landscape relates to or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed, or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high

quality of external environment and reinforce local landscape character in accordance with Core Policy 3 Policy NR4, NR5, BE1, Sustainable Development SPD, Trees and Landscaping in Development SPD and the NPPF.

21. Prior to the occupation of the FULL development hereby approved a detailed a landscape management and maintenance plan shall be submitted and approved in writing by the Local Planning Authority. This shall include management responsibilities and maintenance operations for all landscape areas provided including Tree protection measure to BS 5837:2012. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained in perpetuity.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Core Policy 3 Policy NR4, NR5, BE1, Sustainable Development SPD, Trees and Landscaping in Development SPD and the NPPF.

22. Prior to the first occupation of the office building, A BREEAM verified certificate showing BREEAM 'Excellent' has been achieved for the office building shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of sustainable development in accordance with Core Policy 3, Policy SC1 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF

**Compliance/during development**

23. The Framework Travel Plan LIN00780-04TT02 Revision C shall be implemented in accordance with the timetable set out in the Plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable a transport measure shall be submitted annually on each anniversary of the date the planning consent to the Local Planning Authority for approval for a period of five years from the first occupation of the development permitted by this consent.

Reason: To ensure and encourage sustainable forms of transport to and from the of the site in accordance with Core Policy 5 and Policy ST1 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

**OUTLINE**

**Prior to the Submission of any Reserved Matters**

24. Prior to the submission of the first Reserved Matters application relating to the employment uses, a Masterplan for the employment area which shall include an employment design code for the development of the site shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with these details.

The masterplan for the employment areas shall include the following, where relevant:

- i) Land use
- ii) Movement framework including road hierarchy and consideration to accommodate oversize and wide load vehicles
- iii) Green infrastructure(location size, function) including boundary tree protection measures
- iv) Pedestrian and cycle network
- v) Connection to surrounding areas
- vi) The Employment design code shall include the following where relevant:
  - i) Principles of energy Efficiency
  - ii) Building form and building heights
  - iii) Development parcel access locations and entrances
  - iv) Layout
  - v) Principles of elevational design
  - vi) Principles of service arrangements

- vii) Parking Strategy (including secure cycle provision and EV charging points)
- viii) Materials palette.

The employment proposals contained within applications for reserved matter shall strictly conform to the approved Employment Masterplan and Design Code.

Reason: To ensure a good quality development accordance with the applicant's stated intentions, in order to meet the requirements of Core Policies 3 and 6 and Policies BE1 and Lichfield 6 (South of Lichfield) of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

**Prior to commencement**

25. Prior to or concurrently with the submission of any reserved matters application(s), a detailed Phasing Plan shall be submitted to and approved in writing by the local planning authority. The phasing plan shall identify the delivery of on- and off- site highways improvements, phased landscape delivery and building construction. The reserved matters submission/development shall proceed in accordance with the approved plan.

Reason: to ensure the development can be suitably accessed in accordance with Core Policy SC1 Policy ST1, ST2, BE1, Sustainable Development SPD and the NPPF

26. Prior to the commencement of any phase of the Outline permission, details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented strictly in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the as the information is required prior to development commencing in order to secure the satisfactory appearance of the application site in accordance with Policy SC1 and BE1 of the Local Plan Strategy Sustainable Development SPD and the National Planning Policy Framework

27. Prior to the commencement of any phase of the Outline permission hereby approved including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:

- i) Construction site access arrangements
- ii) Hours of construction
- iii) Routing arrangements for heavy vehicles
- iv) Delivery times and location of contractor's compounds, cabins, material storage areas.
- v) Contractor's parking
- vi) Scheme (including wheel wash details) for dust and measures to control the deposit of mud and similar debris on adjoining highways.

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

Reason: To Ensure the safe operation of the highway network and ensure highway safety is maintained for all users, in accordance with Core Policies 3, 4 and 5 and Development Management Policies, SC1, ST1 and BE1 of the Lichfield Local Plan Strategy and the NPPF

28. Before the development of any phase of the Outline permission hereby approved a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The

construction phase shall thereafter be undertaken in accordance with the approved details

Reason: To ensure that the amenity of the site and neighbours are not adversely impacted and ensure a sustainable form of development in accordance with Core Policy 3 and Policy SC1 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

29. No part of any phase of the outline permission hereby permitted shall be commenced or any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include details of the erection of protective fencing and be in accordance with British Standard BS5837:2012, *Trees in Relation to design, demolition and construction*.

Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered or any excavation take place without the prior consent in writing of the local planning authority.

The approved scheme shall be retained until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: To ensure that adequate tree protection and the amenity of the site is not adversely impacted and ensure a sustainable form of development in accordance with Core Policy 3 and Policy SC1 and NR4 BE1 of the Local Plan Strategy, Sustainable Development SPD, Tree Landscape and Development SPD and the NPPF.

**Prior to Occupation/above Slab level**

30. No development above slab level as part of any Outline permission shall take place unless and until a scheme for targeting and utilising local people for construction employment has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: in order to support the local employment in the location in accordance with Core Policy 7 Policy BE1 and Lichfield 6, Sustainable Development SPD and the NPPF

31. No phase of the development hereby approved for any part of the Outline permission shall be occupied until a comprehensive lighting scheme /strategy to address lighting and wildlife has been submitted to and approved in writing by the Local Planning Authority for the respective phase. The detailed lighting scheme/s shall include site annotated plans showing lighting positions for external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding premises/protected species/wildlife corridors etc and details of the lighting fittings including, colour, wattage, and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of each phase of the development and thereafter maintained as approved.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and ensure minimal disturbance of protected species in accordance with Policy BE1 and Policy NR3 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

32. Prior to the occupation of any the Outline permission phases of the development hereby approved a detailed a Landscape Management and Maintenance plan shall be submitted and approved in writing by the Local Planning Authority. This shall include management responsibilities and maintenance operations for all landscape areas and Tree protection and Root protection Measures to BS5837:2012 provided under detailed reserved matters. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained in perpetuity.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Core Policy 13 and Policy NR3, NR4 and BE1 of the Local Plan Strategy, Sustainable Development SPD, Trees Landscaping SPD , Biodiversity and Development SPD and the NPPF.

33. Prior to the occupation of any unit in the Outline permission hereby permitted, details of the cycle link to Watling Street including the design of the new junction between the cycle access and Watling Street shall be submitted to and approved by the LPA. The details shall include a stage 1 Road Safety Assessment. The agreed works shall be implemented in accordance with an approved phasing plan for off-site highway works.

Reason: In order to frame the development and ensure safe and adequate access for cycles is provided in accordance with Policies 3 and 4 and Policy ST1 and ST2 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

34. The Birmingham Road Junction improvement scheme shown on the Proposed Access Road General Arrangement Layout Drawing (No 000780 JPL ZZ ZZ DR D 417 Rev A2 C05) shall be fully implemented prior to the first occupation of the outline development

Reason: In order to frame the development and ensure safe access and provided in accordance with Policies 3 and 4 and Policy ST1 and ST2 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

35. Prior to the occupation of any unit in the Outline component hereby permitted, details of the improvements to the footway along the site frontage on Birmingham Road up to and including a crossing point on Watling Street shall be submitted to and approved by the LPA. The details shall comprise of the following:

- A 2m wide footway onto the main site access up to the point where the footway reduces to 0.6m.
- Continuation of the 0.6m footway along the frontage up to the Watling Street junction.
- As far as is practicable and the space is available, details of pedestrian a crossing point of Watling Street
- Details shall include a stage 1 Road Safety Assessment.

The agreed works shall be implemented in accordance with an approved phasing plan for offsite highway works.

Reason: In order to frame the development and ensure safe and adequate access for vehicles is provided in accordance with Core Policies 3 and 4 and Policy ST1 and ST2 of the Local Plan Strategy, Sustainable Development SPD and the NPPF

36. Prior to the occupation of any building falling within the Outline permission, the new access road to serve this part of the development shall be completed up to base course level to the point where it intersects with the car park and service area of the individual buildings concerned.

Reason: In order to frame the development and ensure safe and access provided in accordance with Policies 3 and 4 and Policy ST1 and ST2 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

37. No development above slab level as part of any part of the Outline permission shall take place unless and until a scheme for targeting and utilising local people for construction employment has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: in order to support the local employment in the location in accordance with Core Policy 7 Policy BE1 and Lichfield 6, Sustainable Development SPD and the NPPF



38. Prior to the first occupation of any building under the Outline application(s), A BREEAM verified certificate showing BREEAM 'Excellent' has been achieved for shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure a sustainable form of development in provided in accordance with Core Policy3 and Policy SC1, SC2 and BE1 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

**Compliance/ During Development**

39. The use hereby permitted shall comprise Class B2, Class B8 and Class E (g) i, ii, iii) only .

Reason: Order to frame the development in accordance with Policy BE1 and Lichfield 3 of the Local Plan Strategy and Allocations Document, Sustainable Development SPD and the NPPF.

40. Any Mezzanine floors in any phase of the Outline permission shall not exceed 25% of the overall gross internal floor area in any unit unless details of larger mezzanines have previously been submitted to and approved by the LPA.

Reason in order to frame the development and ensure safe and adequate parking servicing is provided in accordance with Policies 3 and 4 and Policy ST2 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

41. Development which falls within Class E(g)(i,ii, iii) office use shall in perpetuity remain an ancillary component of each of the buildings permitted under the Outline permission or any subsequent reserved matters approval(s).

Reason: In order to frame the development and ensure acceptable uses for the site in accordance with Core Policy 3, Policy SC1, BE1 and Policy Lichfield 3 of the Allocations Document, Sustainable Development SPD and the NPPF

42. The heights of all buildings within the Outline permission hereby approved shall not exceed 15.5m, unless otherwise agreed with the LPA.

Reason: In order to frame the development and ensure acceptable uses for the site in accordance with Core Policy 3, Policy SC1, BE1 and Policy Lichfield 3 of the Allocations Document, Sustainable Development SPD and the NPPF.

43. The total external floorspace of all buildings within the Outline permission hereby approved shall not exceed 12,202 sqm.

Reason: In order to frame the development and ensure acceptable uses for the site in accordance with Core Policy 3, Policy SC1, BE1 and Policy Lichfield 3 of the Allocations Document, Sustainable Development SPD and the NPPF

44. No part of the development within the Outline permission hereby approved shall be brought into use until the approved cycle hub is constructed.

Reason: In order to frame the development and ensure safe and adequate access for cycles is provided in accordance with Core Policies 3 and 4 and Policy ST1 and ST2 of the Local Plan Strategy, Sustainable Development SPD and the NPPF.

## **ITEM B**

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

**24 January 2024**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
23/01216/COUM	Former Debenhams And 36-44 Bakers Lane Lichfield	Lichfield

# LOCATION PLAN

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

Scale: 1:1,250

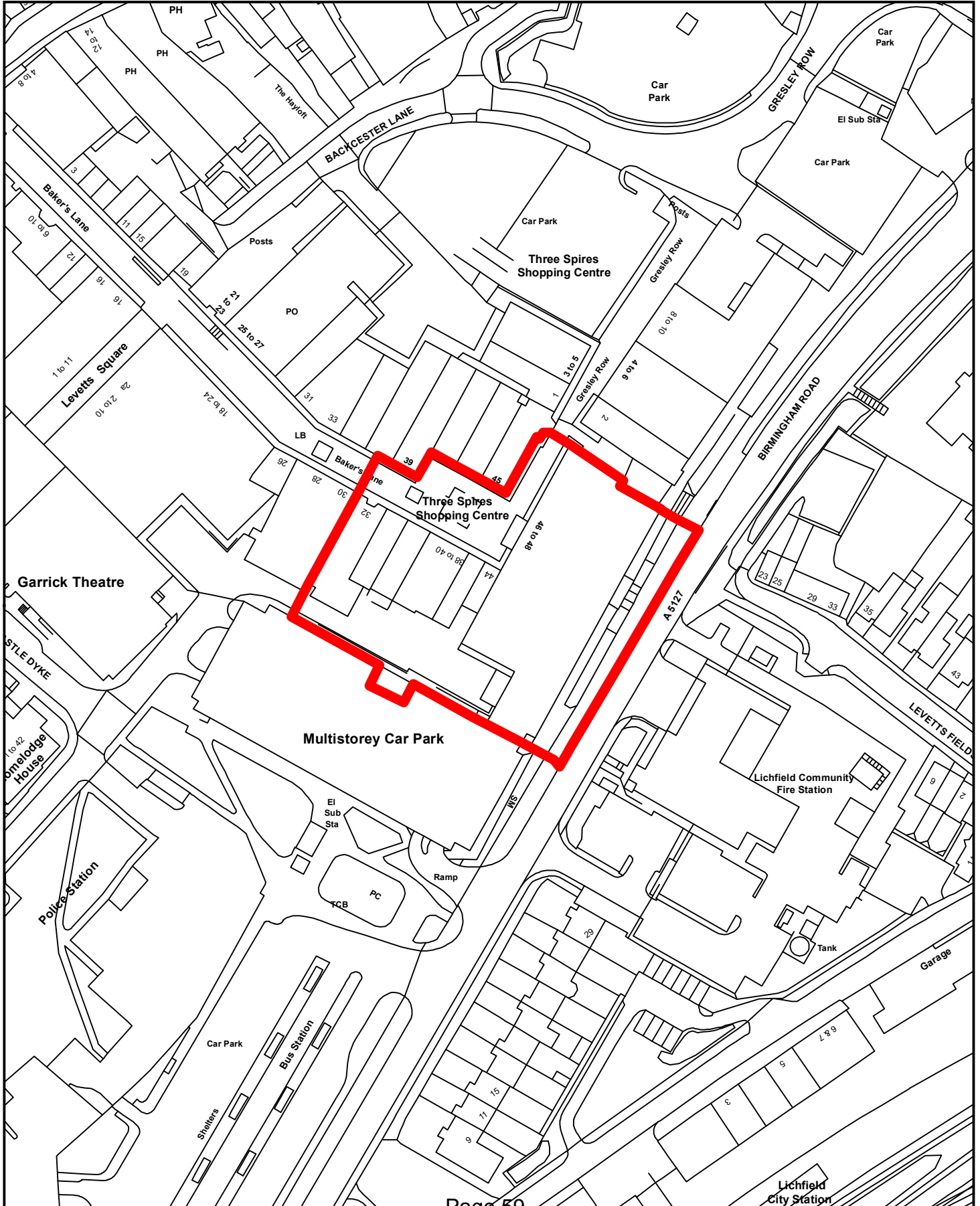
Dated: January 2024

Drawn By:

Drawing No:



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<b>Address:</b>	Former Debenhams and 36-44 Bakers Lane, Lichfield, Staffordshire	
<b>Application number:</b> 23/01216/COUM	<b>Case officer:</b> Sarah Willetts	
<b>Parish:</b> Lichfield City <b>Ward:</b> Stowe	<b>Date received:</b> 01/11/2023	
<b>Proposal:</b> Demolition of Existing Retail Units (36-44 Baker's Lane) and the redevelopment, refurbishment, and partial change of use of the existing building to accommodate a four-screen cinema (Sui Generis) and commercial units (Class E) along with the creation of public realm, landscaping, and associated works		
<b>Reason for being on Agenda</b>	<b>Note:</b> This is a major planning application which is being reported to the Planning Committee due to the Council land ownership and connections/ interests in the site and forms wider interest regarding the City Redevelopment including the related demolition of the Multi Storey Car Park.	
<b>RECOMMENDATION:</b> Application be Granted subject to conditions		
<b>Applicant:</b> Rookman Properties Limited	<b>Agent:</b> Mr Matthew Sobic	

## 1. Executive summary

### Summary

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

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

The site proposal seeks the partial change of use of an existing building to create a four-screen cinema and commercial units within Class E of the use classes order and the associated redevelopment of the surrounding environs to create a new piazza and public realm improvements to include new landscape and pedestrian and visual links to the wider city.

In order to achieve, the proposal seeks to achieve this by the re-purposing of a vacant retail unit in the city centre within the existing three spire shopping centre. In order to achieve the wider public realm benefits the scheme involves the demolition of existing retail units in order to create a new pedestrian piazza and pedestrian link with landscaped areas.

The resulting scheme will bring an existing vacant unit back into active use to complement the existing city centre offerings with complementary facilities which help ensure the vitality and viability of the city centre. This is coupled with the public realm improvements which will ensure and contribute to the wider masterplan of the City Centre regeneration. The new piazza proposes new hard and soft landscape features which will improve and enhance the biodiversity bringing in planting and tree species to the site and create a well-designed public realm to the benefit of the wider area.

The site is in a highly sustainable location. Sustainable travel options can be utilised with good accessibility and excellent links to cycle routes and excellent links to public transport especially with a new pedestrian link to the Birmingham Road. A travel plan monitoring fee is offered as part of the proposal to ensure sustainable options for travel are maintained. This site can also be appropriately serviced via the existing servicing arrangements for the centre

The proposal involves mainly internal works to allow for conversion and some external changes. These are considered appropriate and will provide for a new focal point within the shopping complex providing longer views across the city towards the historic cathedral area.

The site is within Area 13 of the Lichfield Conservation area and the setting of this will be retained and preserved. The new development will provide for a new focal point within the shopping complex providing longer views across the city towards the historic cathedral area.

The re-purposing of the building reduces the impact on the environment and the biodiversity gain is vastly improved with the planting and landscaped areas proposed.

The scheme helps toward building a stronger economy by providing complementary benefits to support growth and infrastructure and new job opportunities. The new development supports and encourages social interaction with well-designed space thus reflecting current and future city centre need and social wellbeing.

The environmental benefits minimise waste with repurposing of the main units and enhance the built and historic form with new public areas which are well designed and attractive spaces. The development can be conditioned to ensure satisfactory amenity levels for neighbouring properties can be maintained.

Therefore, the wider scheme largely complies with policy and material considerations and should be supported.

## 2. The site

- 2.1. The application site is within the Three Spire Shopping Centre which a well-established shopping area of the city.
- 2.2. Of the existing units this site relates to an existing former department store building (Debenhams) sited at 46-48 Bakers Lane. This unit is the largest unit in the shopping centre (4240sqm) and is 3 storeys in height. The store has been closed since May 2021. The building has features of the period of construction with materials of red brick and contrast buff brick and stone detailing.
- 2.3. The linked retail buildings including 32 – 44 Bakers Lane which are to the south of the Three Spires Square and associated land to the rear of these currently forming a service yard that backs onto the existing multistorey car park (MSCP). The site is bound to the southeast by Birmingham Road and to the northeast by a pedestrian link between Birmingham Road and the Three Spires Shopping Centre.
- 2.4. The Three Spires Shopping Centre and site is also located within the Conservation area of the city (Area 13) which forms most of the shopping complex and neighbouring use, including the Garrick Theatre.
- 2.5. The following is a site location plan of the site showing in the site in context with the surrounding area



Figure 1- Site Location Plan (source: Applicant)

### 3. Planning history

04/00807/ADV	Three internal illuminated box signs and two non-illuminated vertical banners		08/09/2004
10/01149/ADV	Installation of 2 non illuminated fascia signs	Refuse	29/10/2010
12/00988/FUL	Installation of glazed infill to existing canopy	Approve	07/11/2012
12/01122/ADV	Installation of various illuminated and non-illuminated signs including fascia, panel, and projecting	Approve	17/12/2012
12/01203/ADV	Installation of an internally illuminated roof top sign (Sign A)	Refuse	18/12/2012

### 4. Proposals

- 4.1. This application seeks permission for Demolition of Existing Retail Units (36-44 Baker's Lane) and the redevelopment, refurbishment, and partial change of use of the existing building to accommodate a four-screen cinema (*Sui Generis*) and 4 commercial units (Class E) at ground level. A leisure and commercial unit at first floor level and a restaurant with a new roof terrace at second floor.
- 4.2. As part of the development the demolition of retail units 36-44 Bakers Lane will enable the creation of improved public space and landscaping and associated works
- 4.3. It is important to note that the former Debenhams store was in use Class E so the creation of the 7 new units within the building that fall within Class E do not require formal consent however the cinema operation does require formal planning consent for a change of use.
- 4.4. It is envisaged that the schedule of floorspace will be as follows:

Unit	Floor	Size (sq. m)
Cinema ( <i>Sui Generis</i> )	Ground and First	1,265
F+B demise 1 (Class E)	Ground	153
F+B demise 2 (Class E)	Ground	180
F+B demise 3a (Class E)	Ground	170
F+B demise 3b (Class E)	Ground	135
Leisure (Class E)	First	770
Restaurant Unit (Class E)	Second	515
External terrace	Second	184

Figure 2 Floorspace creation (Source: Agent)

- 4.5. The main provision of the work involves the internal conversion of the current large retail space to provide a new 4 screen boutique cinema and complementary retails units
- 4.6. The main external works and visual appearance result in the replacement of the mansard roof with a new roof terrace and canopy. The flat roof above will create an area for rooftop plant and machinery out of view. The addition of more glazing at ground creates indoor light and ventilation and contributes to active frontages. This will benefit the wider site re-development unifying the elevations which will be benefitted with the previously approved Multi Story Car Pak Demolition scheme.
- 4.7. Much of the rear elevation (Birmingham Road) will remain intact with some minimal changes in terms of some new window openings and entrance doors (to serve emergency requirements)
- 4.8. As part of the scheme 4 units at the top end of Bakers Lane are proposed for demolition order to open and create a new public space and improvement to the public realm including the planting of trees, paved areas and seating and areas for outdoor eating .
- 4.9. Below are the main proposed elevations of the building showing new proposed changes to the roof line and creation of increased glazing and activity to serve the new uses and balcony area for the new restaurant.







Figure 3 – The main elevations showing the front and rear elevations as proposed (Source :applicant)

## 5. Background

- 5.1. The application for the demolition of the Multi Storey car park is linked to the wider aspirations for the redevelopment and regeneration of this city centre location and the positive benefits this regeneration will bring to the city by opening routes and links from the main station and improve the entrance to the city for visitors and residents alike to enjoy.
- 5.2. MSCP application Reference 23/ 00649/FUL Approved

## 6. Policy framework

### 6.1 National Planning Policy

National Planning Policy Framework  
 National Planning Practice Guidance  
 National Model Design Code  
 Manual For Streets

### 6.2 Local Plan Strategy

Core Policy 1 - The Spatial Strategy  
 Core Policy 2 - Presumption in Favour of Sustainable Development  
 Core Policy 3 - Delivering Sustainable Development  
 Core policy 4 - Delivering our Infrastructure  
 Core Policy 5 - Sustainable Transport  
 Core Policy 7 - Employment and Economic Development  
 Core Policy 8 - Our centres  
 Core Policy 9 - Tourism  
 Core Policy 10 - Healthy and Safe Lifestyles  
 Core Policy 12 - Provision for Arts and Culture  
 Core Policy 13 - Our Natural Resources



Core Policy 14- Our Built and Historic Environment  
Policy SC1- Sustainability Standards for Development  
Policy IP1 - Supporting and providing our Infrastructure  
Policy ST1- Sustainable Travel  
Policy ST2 - Parking Standards  
Policy NR1 - Countryside Management  
Policy NR3 – Biodiversity, Protected Species and their habitats  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR5 – Natural and Historic Landscapes  
Policy NR6 – Linked Habitat Corridors and Multi-Functional Green Spaces  
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 – Lichfield Economy

**6.3. Local Plan Allocations**

Policy NR10 Cannock Chase Areas of Outstanding Natural Beauty  
Policy BE2 Heritage Assets

**6.4. Supplementary Planning Document**

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

**6.5. Lichfield City Neighbourhood Plan (made 17.4.2018)**

Policy 3 Primary Movement Routes  
Policy 9 Views of Lichfield Cathedral

## **7. Supporting documents**

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

Plans:

23-784-00-01 C – ‘Site Location Plan  
23-784-00-02 C – ‘Existing Site Plan  
23-784-03-01 I – ‘Proposed Site Plan’;  
23-784-00-05 – ‘Existing Elevations and Sections Sheet 1  
23-784-00-06 – ‘Existing Elevations and Sections Sheet 2  
23-784-01-02 M – ‘Illustrative Masterplan  
23-784-01-07 – ‘Proposed Elevations and Sections Sheet 3  
23-784-02-10 D – ‘Demolitions Plan  
23-784-02-11 B – ‘Demolitions Sections and Elevations  
23-784-03-01 P – ‘Proposed Site Plan  
P23-0637\_EN\_0001 – ‘Landscape Masterplan’;  
DLI-AHR-ZZ-ZZ-DR-A-2111-S2-P8 – ‘Existing Elevation  
DLI-AHR-ZZ-ZZ-DR-A-2110-S2-P8 – ‘Existing Elevations  
DLI-AHR-ZZ-ZZ-DR-A-2100-S2-P12 – ‘Proposed Elevations  
DLI-AHR-ZZ-ZZ-DR-A-2101-S2-P14 – ‘Proposed Elevations  
DLI-AHR-ZZ-ZZ-DR-A-2010-S2-P8 – ‘Existing Ground and First Floor Plan  
DLI-AHR-ZZ-ZZ-DR-A-2000-S2-P31 – ‘Proposed Ground and First floor Plan  
DLI-AHR-ZZ-ZZ-DR-A-2011-S2-P8 – ‘Existing Second Floor and Roof Plan  
DLI-AHR-ZZ-ZZ-DR-A-2000-S2-P20 – ‘Proposed Second Floor and Roof Plan

The application was supported by the following documents as part of the submission:

Supporting Documents

Planning Statement  
Design and Access Statement  
Noise Assessment  
Transport Statement  
Historic Environment Assessment  
BNG Assessment

## 8. Consultation responses

- 8.1. **Lichfield City Council - Final Comment** : No objection providing the demolition of units 36 - 44 only takes place when there is a clear and certain date for commencement of the Birmingham Road Site- 14.11.2023
- 8.2. **Staffordshire Police Architectural liaison officer - Final Comments**: No objections secure be design encouraged - 20.11.2023
- 8.3. **Staffordshire Fire Service - Final Comments** : No objection suggests informative regarding water sprinkler systems – 24.11.23
- 8.4. **Severn Trent** - No Comments received
- 8.5. **Staffordshire County SCC (Highways) - Final Comments** : No objection subject to legal mechanism for TP monitoring and conditions – 03.01.2024

Initial comments : Object – Concerns about dedicated layby for deliveries on several grounds. This is a major strategic route and due to no RSA and potential for management of this layby and potential issues in respect to parking in the layby and any control measures cannot mitigate for the issues as outlined, i.e.: difficulties in respect to adopted highway. 26.11.203

- 8.6. **Staffordshire County SCC (Archaeology) - Final Comments** : No objection – note the location and the terms of the application and its is not appropriate to place conditions on the proposal in this case -17.11.2023
- 8.7. **Staffordshire County SCC (Lead Local Flood Authority) LLFA** - No Comments Received
- 8.8. **Lichfield Civic Society** - There is no objection principal - Concerns comments made in respect to competition for existing business. Most concerns relate to parking especially with the loss the Multi Storey car park and the neighbour Garrick theatre (700 patrons). Whilst neighbouring public transport concerns about quality and frequency of services to make this an alternative.

Concerned that the new design does not sit well within the conservation area. Refer to original comments by the conservation officer especially in respect to the loss of the canopy on the frontage (postmodern design) - 24/11/2023

- 8.9. **Conservation And Urban Design Team - Final Comments** : No objections in principle – Consider this will be a positive in the location and serve as a focal point. Materials can be conditioned

Initial Comments : No objections in principle - Comments in respect to the loss of the post-modern design of the canopy frontage which could be improved.

- 8.10. **Ecology Team - LDC - Final Comments** : The development has currently little biodiversity value. Note the improvements in respect to planning and trees and this development would improve the biodiversity value of the development as a whole - suggest conditions
- 8.11. **Building Control** - No Comments Received
- 8.12. **Environmental Health Team - LDC - Final Comments** : No Objection in principle. I can confirm that I have no objections to the proposal in principle, External noise could be of a concern. Recommend: Condition for kitchen provision and informative for odour and noise from kitchen
- 8.13. **Spatial Policy and Delivery Team - Final Comments** : The site is located within Lichfield City Centre Boundary and within the Lichfield City Primary Shopping Area as identified on the Inset 2 of the Local Plan Policies Maps. The site is located within the designated Neighbourhood Plan Area of Lichfield City. The site also falls within the Lichfield City Conservation Area.

The proposal broadly accords with national and local planning policy, however there is some conflict with Policy Lichfield 3: Lichfield economy which seeks to resist change of use to non-retail uses within the primary frontage area. However, it is acknowledged that the development proposal will enhance and diversify the leisure and cultural offer in the city centre and will bring back into use a long term vacant commercial unit to provide a cinema and deliver a net increase of two commercial units to the city centre.

Additionally, the enhancements to the public realm and delivery of a pedestrian link to the Birmingham Road redevelopment site are supported within the Local Plan Strategy, Local Plan Allocations, and Lichfield City Neighbourhood Plan. Furthermore, it is acknowledged that the pedestrian link is critical to facilitating the council's ambition to regenerate the Birmingham Road site. On this basis, I consider these positive aspects to outweigh the loss of the four units along Bakers Lane and change of use of the Debenhams unit to a non-retail use. From a planning policy perspective, the development is supported and aligns with the strategic objectives set out within Core Policy 8. - 23/11/2023

- 8.14. **Directorate Of Leisure and Parks** - No comments Received
- 8.15. **Waste Management** - Final Comments : It is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over, or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste.

The road surface should be sufficient to take a 32-tonne vehicle and there should be sufficient room to allow safe access and egress for an RCV. The trade refuse/recycling collectors should have a pull distance of no greater than 10m.- (06/11/2023)

- 8.16. **Tree Officer - LDC** - Final comments : Confirm that the Arb details are satisfactory and if minded to grant permission for the proposals the details are secured via a suitably worded condition.

## 9. Neighbour responses

Site notice and Press Notice Posted

2 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Concerns in respect to competition of new retail units over the existing ones in the city

- Concerns in respect to amenity levels for neighbouring residential properties in the location given the changes to the use and the potential of evening activities to cause noise etc.

## 10. Assessment

### Determining Issues

- Policy & Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Conservation Area
- Access and Highway Safety
- Landscape and Trees
- Ecology
- Energy and Sustainable Construction
- Amenity
- CIL / Planning Obligations
- 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 Lichfield City Neighbourhood Plan was also made in and as such, also carries full material weight.
- 11.2 The development plan for this area of Lichfield District comprises the Lichfield District Local Plan Strategy (2015), the Local Plan Allocations Document (2019) and the Lichfield City Neighbourhood Plan (2018).
- 11.3. The site is located within Lichfield City Centre Boundary and within the Lichfield City Primary Shopping Area as identified on the Inset 2 of the Local Plan Policies Maps. The site is located within the designated Neighbourhood Plan Area of Lichfield City. The site also falls within the Lichfield City Conservation Area (area 13).
- 11.4 The National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development, and this is echoed in Core Policy 2 of the Local Plan Strategy. Furthermore, the NPPF advises local authorities to approve development proposals that accord with the development plan without delay.
- 11.5. The overarching objectives of sustainable development in the planning system (economic, environmental and social), with the social objective being: 'to support strong, vibrant and healthy communities, fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.' planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 11.6. The Lichfield Local Plan Strategy was adopted 17th February 2015 and the Local Plan Allocations Document was adopted on 16th July 2019 and they provide up to date policies for the area.

- 11.7. Core Policy 1 states that new and improved retail development will be focused within the commercial centre of Lichfield City. Core Policy 1 also states that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.
- 11.8. Core Policy 3: Delivering Sustainable Development lists several key issues that future development proposals should address to achieve sustainable development. The policy includes the following key issues which are of relevance to this application:
- Protect and enhance the character and distinctiveness of Lichfield District and its settlements.
  - Protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure, services and facilities.
  - Encourage the re-use of previously developed land in the most sustainable locations, and
  - Encouraging the reuse of buildings as a sustainable option
  - Reduce the overall need to travel, whilst optimizing choice of sustainable modes of travel, particularly walk, cycling and public transport. And.
  - Use our natural resources prudently and conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible.
- Policy SC1 sets out minimum sustainability standards for development within the district to minimise the environmental impact of development and the energy and water required for the long-term use of the development. The policy states that non-residential development over 1000m<sup>2</sup> should be built to BREEAM New 'Excellent' standard.
- 11.9. Core Policy 8: Our Centres states that development proposals for retail, leisure, office, and cultural facilities will be focused within the commercial centre of Lichfield City.
- 11.10. Core Policy 10: Healthy and Safe Lifestyles seeks to enable people to live healthy and safe lifestyles by facilitating access to a range of high quality and well-maintained open spaces, playing pitches, sport, recreation, play facilities and cultural assets which are relevant to, and meet the needs of local communities.
- New spaces, facilities and assets should be designed to minimise opportunities for crime and anti-social behaviour, to maximise accessibility and to be integrated with surrounding communities and existing infrastructure, including green infrastructure.
- 11.11. Policy NR4 of the Local Plan Strategy sets out that sufficient space within development must be reserved for the planting and sustainable growth of large trees to retain important tree canopy cover in the built environment and District, it further states that potential future conflict between retained trees and the proposed development should be designed out at the planning stage. The Trees, Landscaping and Development SPD provides additional information detailing the requirement for well landscaped developments.
- 11.12. Core Policy 14: Our Built and Historic Environment: outlines that new development must make a positive contribution to the historic environment's local distinctiveness. The proposed development is located within the Lichfield City Conservation Area. It is acknowledged that a Heritage Statement has been submitted as part of the application submission.
- 11.13. Policy BE1: High Quality Development outlines that all development proposals should ensure that a high quality sustainable built environment can be achieved
- 11.14. Policy BE1 also outlines that new development will have a positive impact on the public realm and ensure high quality, inclusive design. Specifically designed features, including public art where appropriate, should be integrated into developments to enhance the bespoke nature and individuality of design solutions. This will be achieved by an appreciation of context, as well as plan, scale, proportion, and detail.

- 11.15. Policy Lichfield 1: Lichfield Environment makes it clear that any development will be of the highest quality and, whether modern or traditional, will be designed to complement and enhance the character of its surroundings. Policy Lichfield 1 further states that pedestrian links that support connectivity, accessibility and enjoyment of the city will be supported.
- 11.16. Policy Lichfield 2: Lichfield Services and Facilities sets out that improvements to arts and cultural facilities will be supported in line with Core Policy 12.
- 11.17. Policy E3: Shop fronts and advertisements states that the design of new, replacement or alterations to shop fronts and advertisements should be sympathetic to the remainder of the building and to the character of the street. The Council has adopted a Historic Environment Supplementary Planning Document which sets out principles for design of shop fronts and advertisements. I will leave it to colleagues in Conservation to make comments on this.
- 11.18. Policy Lichfield 3: Lichfield Economy states that Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified in the City Centre whilst retaining the special architectural and historical character of the city.
- 11.19. The site lies with Lichfield City Centre Boundary and within the Primary Shopping Area (PSA) as identified on the Inset 2 of the Local Plan Policies Maps and within Policy Lichfield 3. Policy Lichfield 3 states that any proposals for main town centre uses outside of the PSA or town centre boundary will be required to undertake a sequential test and impact assessment in accordance with national guidance and Local Plan Strategy Policy E1. The proposed development is for main town centre uses and is located within the city centre boundary and therefore no sequential test is required.
- 11.20. Policy Lichfield 3 adds that within the primary frontages, any change of use applications from retail to other non-retail uses will be resisted where it would undermine the vitality and viability of the city centre. Other town centre uses, such as cafés, restaurants and offices should be directed towards the secondary frontages.
- 11.21. The applicant also proposes to demolish 4 retail units along 36-44 Bakers Lane to provide a pedestrian link into the Birmingham Road development site. This is contrary to Policy Lichfield 3 which seeks to resist change of use to non-retail uses within the primary frontage area.
- 11.22. The Local Plan Allocations document allocates a small part of the application site via policy LC2: Lichfield City Mixed-use Allocations, for mixed use of retail and residential (L26 Land at Birmingham Road). The key development considerations that are of relevance are considered below.
- Design and scale of development to be considered in the context of the site's location within the conservation area and proximity to heritage assets
  - Consideration of how mixture of uses can be incorporated into the development and the City Centre and adjacent development sites
  - Design should consider setting of Lichfield Cathedral including historic views or skylines.
  - Design of scheme should consider the operational needs of the Garrick Theatre, including maintaining heavy vehicle access.
- 11.23. The Lichfield City Neighbourhood Plan was made on 17th April 2018. Of relevance to this application are the following policies:
- 11.24. Policy 5: Pedestrian linkage of Friars gate with the rest of Lichfield City Centre seeks to ensure that the economic geography of Lichfield City Centre is enhanced through strong connectivity

and that proposals to improve pedestrian linkages between any new retail and cultural uses at Friars gate (Birmingham Road site) and the rest of the City Centre will be supported.

- 11.25. In addition, the development lies adjacent to a Primary Movement Route, as defined within Map 5.1 of the Lichfield City Neighbourhood Plan. Policy 3: Primary Movement Routes therefore applies. This states that development adjacent to Primary Movement Routes must:
- make developer contributions toward the enhancement of these Primary Movement Routes, particularly at key points of conflict between pedestrians/cyclists and vehicular traffic; and
  - not have a severe adverse impact on the Primary Movement Routes, through the creation of significant additional traffic movements which would have a detrimental impact on the safety or flow of pedestrian access.
- 11.26. Policy 6: Nonretail uses in the retail area states that any conversion of ground and/or first floor A-class uses will only be supported where it can be demonstrated that the premises are no longer commercially viable. This should be demonstrated through a sustained marketing campaign of at least 12 months unless it can be demonstrated that an alternative marketing period is appropriate. I note that marketing evidence has been provided by the applicant which demonstrates no requirement from retail occupiers within the last two years.
- 11.27. Policy 7: Tourism and cultural industry employment makes it clear that development proposals that will create additional local jobs or protect existing jobs in the tourism or cultural industries will be supported. This includes the temporary use of vacant retail/service (Use Class A) units or use if employment (Use Class B) units in the Primary Retail Frontages and Secondary Retail Frontages (identified on the Neighbourhood Plan Policies Map) where it is demonstrated the proposed use will not undermine the vitality and viability of the city centre.
- 11.28. Policy 9: Views of Lichfield Cathedral seeks to ensure that development proposals in Lichfield City Centre demonstrate that their design takes every opportunity to incorporate and enhance views of Lichfield Cathedral. I note that the applicant proposes to incorporate a new roof terrace which will provide a new vantage point of the city centre and Cathedral spires.
- 11.29. Policy 11: City Centre Redevelopment sites states that redevelopment schemes will be supported within Lichfield City Centre 'which deliver high quality design that demonstrates full regard for the historic environment of the City Centre and demonstrate that any main town centre and residential uses proposed will positively contribute to the viability and vitality of the City Centre.

#### Assessment

- 11.30. The proposal broadly accords with national and local planning policy, however there is some conflict with Policy Lichfield 3: Lichfield economy which seeks to resist change of use to non-retail uses within the primary frontage area. However, it is acknowledged that the development proposal will enhance and diversify the leisure and cultural offer in the city centre and will bring back into use a long term vacant commercial unit to provide a cinema and deliver a net increase of two commercial units to the city centre.
- 11.31. Additionally, the enhancements to the public realm and delivery of a pedestrian link to the Birmingham Road redevelopment site are supported within the Local Plan Strategy, Local Plan Allocations, and Lichfield City Neighbourhood Plan. Furthermore, it is acknowledged that the pedestrian link is critical to facilitating the council's ambition to regenerate the Birmingham Road site.
- 11.32. These positive aspects to outweigh the loss of the four units along Bakers Lane and change of use of the Debenhams unit to a non-retail use. From a planning policy perspective, the

development is supported and aligns with the strategic objectives set out within Core Policy 8.

- 11.33. It can be argued that the changes to the Use Classes Order in September 2020 have resulted in the floorspace of the existing site now falling within Use Class E and can therefore be used for a variety of non-retail uses without planning permission which therefore renders Policy Lichfield 3 out of date.
- 11.34. the applicant has provided retail marketing evidence has been undertaken which demonstrates the owner's attempts to market the Debenhams unit to various retailers over the last two years with no success.
- 11.35. Ultimately, it is considered that there is sufficient justification to outweigh the loss of the retail units.
- 11.36. The applicant has considered the economic benefits of the scheme and projects that the new retail functions will provide for the equivalent of 129 Full Time Equivalent Job (FTE) which boosts the local economy
- 11.37. It is acknowledged that whilst there are changes to the current centre, the development of a pedestrian link from the city centre into the Birmingham Road development site is a strategic priority for the district council and this is further supported through Policy Lichfield 1 and Policy 5 of the Lichfield City Neighbourhood Plan. Additionally, the proposal to bring a prominent vacant commercial unit back into use to deliver a cinema is welcomed and fulfils the objective of Policy Lichfield 3 and Core Policy 8 to improve the range of leisure, cultural and tourist facilities in Lichfield city centre and therefore should be supported.

## 12. Design and Impact on the Character and Appearance of the Surrounding Conservation Area

- 12.1. The NPPF attaches great importance to well-designed places setting out in that development that is not well design should be refused especially where it fails to reflect local design policies and government guidance on design. It further states that development that reflects government guidance and local design.
- 12.2. The NPPF also notes that it is important to take account of sustaining and enhancing the significance of heritage assets. It notes that not all areas in a conservation area will contribute to the significance and LPAs should assess the benefits of the scheme. Below at the elevation of the main building compared to the existing main elevation.

Figure 2



Proposed Elevations : Front facing Entrance (source: Applicant/Agent)



- 12.3. Core Policy 3 sets out requirements for mitigating and adapting to the adverse effects of climate change, reducing carbon emissions, enabling opportunities for renewable energy, and minimising the environmental impact of development. Policy SC1 sets out minimum sustainability standards for development within the district to minimise the environmental impact of development and the energy and water required for the long-term use of the development. Commercial development of this scale is required to be built to BREEAM 'Excellent' standard.
- 12.4. Policy BE1: High Quality Development sets out that development proposals should ensure that a high quality, sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon both the significance of the historic environment, such as archaeological sites, and the built vernacular. New development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 12.5. Policy BE2 of the Lichfield Allocations plan indicates that proposals should conserve and enhance the historic environment.
- 12.6. Policy Lichfield 1 of the Local Plan Strategy sets out that development within the city will be of the highest quality and designed to complement and enhance the character of the surroundings, it further defines that pedestrian links that support connectivity, accessibility and enjoyment of the city will be supported. Policy Lichfield 3 seeks to promote Lichfield City Centre as a strategic centre
- 12.7. Policy 5 of the Lichfield City Neighbourhood Plan supports the pedestrian linkage of 'Friar's gate' with the rest of Lichfield City Centre. The policy sets out that this seeks to ensure the economic geography of the City Centre is enhanced between the existing City Centre and the previously approved Friar's Gate site.
- 12.8. The Sustainable Development SPD is relevant to the proposal so too is the Historic Environment SPD.

#### Assessment

- 12.9. The scheme includes the demolition of units 32 – 44 toward the top end of Bakers Lane and the shopping centre, proposed cinema and eateries provide for both a visual reference and a direct pedestrian linkage between the Birmingham Road site and the existing shopping area. This will in effect increase the level of permeability of the site and deliver the policy outcome contained within Policy 5 of the Lichfield City Neighbourhood Plan, therefore this element of the scheme is a positive. (Note: acknowledging that 'Friar's gate' refers to the previous name for regeneration of the wider site to the southwest of this application site.) This link is representative of good design and layout that supports active travel between areas within the city.
- 12.10. The reconfiguration of the primary unit (former retail unit) retains some of the existing architectural features whilst making new additions to the primary frontage specifically through the addition of the remodelled feature entrance glazing elements lift shaft, rooftop bars and paved and landscaped open eating piazza area. The scheme proposed offers detail on this and the final materials, quality and detail of materials will be essential to ensure that the additions compliment the retained features of the building and that this is retained overtime without losing the high-quality finish shown in the visualisations provided. This is of particular importance in this location within the centre and conservation area.
- 12.11. Comments has been provided by the Conservation officer and identified by the Civic Society in respect to the potential loss of some of the original postmodern architectural features of

the main elevation however the Conservation officer in further comments has acknowledged the importance of the reuse of the building in this key area of the city and the repurposed building would provide a new focal point and the linked importance of this to views across the city and the Cathedral. The scheme has also subsequently been amended to retain the existing servicing areas which will help retain the strong end feature of the building without additional compromise to the rear of the building where the original service area was proposed. This has meant that windows and elevations can be improved. Much of the final detail can be secured through the imposition of conditions to ensure the quality of the finish and materials in this case to ensure compliance with policy BE1 and BE2 of the Local Plan Strategy.

- 12.12. The retail units are not listed however they are located within the Lichfield city conservation area. It is defined in Area 13 in the Conservation Area Appraisal. The area is defined by several later twentieth century buildings including the 3 Spires Shopping centre. The area is noted as distinct which picks up widths of historic streets and a uniform building height. The conservation area character in this aspect remains consistent. The changes to the main frontage do not detrimentally impact on the listed terraces opposite on Birmingham Road and their setting/significance.
- 12.13. The significance of the main features of this conservation area will be retained and the redevelopment will not just provide a focal point, but this will help define a new key building within this area. The Conservation Officer is satisfied that subject to the use of appropriate materials the reuse of the building in this location is positive and will not detract from the setting of the conservation in this location in accordance with policy BE2 of the Local Plan Strategy.

### **13. Access and Highway Safety**

- 13.1. The NPPF 2023 states in Paragraph 115 the development should only be prevented or refused in highway grounds if there would be an unacceptable impact on highway safety or residual cumulative impacts on the road network would be severe
- 13.2. Core Policy 5: Sustainable Transport seeks to ensure all new development is well served by an attractive choice of transport modes, including public transport, footpaths, and cycle routes to provide alternatives to the use of the private car. The policy further states that proposals for city and town centre improvements in Lichfield and Burntwood that promote improved services and integration of public transport will be supported. I note that the proposal is within a few minutes' walk of Lichfield City Railway Station and Bus Station and is therefore well served by public transport.
- 13.3. Policy ST1 of the Local Plan Strategy sets out a range of measures designed to secure more sustainable travel patterns in the district and requires that all major development be accompanied by a site-specific travel plan to promote and achieve sustainable travel choices. I note that the development proposes to create a pedestrian link between the site and the Birmingham Road redevelopment site. This is welcomed and will help to facilitate the district council's strategic ambition to redevelop this area of the city centre.
- 13.4. Policy ST2 requires appropriate provision to be made for private parking provision, it further sets out that the District Council will have regard for the level of parking required for proposed and potential other uses and the scope for encouraging alternative means of travel to the development to reduce the need for onsite parking. Policy ST2 also requires provision of sufficient, safe, weatherproof, convenient, and secure parking and associated facilities within all new developments to assist in promoting cycle use. Cycle parking standards are contained within the Sustainable Design SPD.
- 13.5. Policy 5 of the Lichfield City Neighbourhood Plan Stated Pedestrian linkage of Friars gate with the rest of Lichfield City Centre seeks to ensure that the economic geography of Lichfield City

Centre is enhanced through strong connectivity and that proposals to improve pedestrian linkages between any new retail and cultural uses at Friars gate (Birmingham Road site) and the rest of the City Centre will be supported.

- 13.6. In addition to this, the development lies adjacent to a Primary Movement Route, as defined within Map 5.1 of the Lichfield City Neighbourhood Plan. Policy 3: Primary Movement Routes therefore applies. This states that development adjacent to Primary Movement Routes must:
- make developer contributions toward the enhancement of these Primary Movement Routes, particularly at key points of conflict between pedestrians/cyclists and vehicular traffic; and
  - not have a severe adverse impact on the Primary Movement Routes, through the creation of significant additional traffic movements which would have a detrimental impact on the safety or flow of pedestrian access

#### Assessment

- 13.7. The application is supported by a detailed Transport Statement and Travel Plan. It is noted that Staffordshire Highways have raised no objections in principle to the re-use of the former retail store for the uses as proposed. The site is considered within a highly sustainable area with good connectivity to sustainable modes of transport with rail, bus, and cycle routes with proximity. They were however concerned over the originally proposed use of a new purpose-built servicing area off the main Birmingham Road (A5127) which was designed as part of the proposal.
- 13.8. Following extensive discussion/consideration the proposal was amended to utilise the existing (amended) Frog Lane and Gresley Row service areas for the proposal. The benefits of which are current speed controls and safe HGV access. Heavier vehicles would use Gresley Row access which allows waiting and unloading without any conflict to other road users. The service area off Frog Lane would be retained to provide for turning of light goods vehicles and to deliver goods across the public realm as part of this area will be removed deliveries can still be made by hand.
- 13.9. Appropriate swept paths and a revised logistic Logistics Plan has been provided to ensure that the new and revised areas can accommodate safe access and servicing as required. Cycle storage is requested by condition to ensure sustainable travel options are available.
- 13.10. Comments and concerns have raised by the Civic Society been made regarding the quantum of parking in the city especially in respect to related trips to the neighbouring uses and theatre etc. The Civic Society acknowledges that the site is in a highly sustainable given the location to public transport as no specific parking is to be provided. The applicant has provided supporting information in respect to related trip generation and the availability of car parking throughout the city. Staffordshire highways are satisfied that there is satisfactory level of car parking available across this city given car park occupancy levels. The comparison of a large retail unit attracting high volumes during all times of the day against the cinema and food beverage use would attract customers at off peak times and is not considered likely to generate significant vehicular trips and the proposal would not have a severe impact on the local highway network. For these reasons the development is considered acceptable and meets the adopted polices and the guidance in the NPPF.

## **14. Landscape and Trees**

- 14.1. The NPPF sets out the important contributions to the character and quality of urban environments that trees make. It further identifies the role of trees in mitigation of and adaptation to climate change and requires that planning decisions ensure opportunities to

incorporate trees into development are taken and that a collaborative approach to appropriate siting of trees is taken.

- 14.2. Policy NR4 of the Local Plan Strategy sets out that sufficient space within development must be reserved for the planting and sustainable growth of large trees to retain important tree canopy cover in the built environment and District, it further states that potential future conflict between retained trees and the proposed development should be designed out at the planning stage. The Trees, Landscaping and Development SPD provides additional information detailing the requirement for well landscaped development

#### Assessment

- 14.3. The site provided a landscape plan which defines the new outdoor piazza and specimen tree planting and landscaping. The Councils arboriculturalist has no objections to the scheme and considers that there is a benefit of the provision of trees into this location. In this case conditions are suggested to ensure the planning scheme is successful and can be appropriately managed in accordance with policy NR4 of the Local Plan Strategy.

### **15. Ecology**

- 15.1. NPPF states that new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 15.2. Core Policy 13 and Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate. Policies within the Local Plan Strategy are supplemented by the Biodiversity and Development Supplementary Planning Document.
- 15.3. The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.

#### Assessment

- 15.4. The application is supported by a bat survey (existing buildings) and an assessment of Biodiversity Net Gain which has been reviewed by the Councils Ecology Manager.
- 15.5. The surveys concluded that there were no protected species on site in the existing buildings or those to be demolished. The application is also supported by a biodiversity metric which demonstrates the development can achieve well above the required net gain to diversity of 20% through onsite habitat improvement as there is little biodiversity on the site at present. With the small loss of some of the some hedging to Birmingham Road possible the Net gain still exceeds the 20% requirement. The Ecology Manager has raised no objections and a condition requiring compliance with the BNG calculation and a final landscaping management plan is recommended to ensure that the necessary biodiversity enhancements are delivered in a timely manner as part of the proposals.
- 15.6. This site is within the zone of influence for Cannock Chase Special Area of Conservation. Taking into consideration the nature of the proposals a HRA has been undertaken, and it is not considered that the scheme would result in a negative impact or significant effects on the

Cannock Chase SAC, and as such mitigation or an appropriate assessment is not required in this case.

- 15.7. Subject to conditions as proposed the proposed development is acceptable regarding ecology and protected species in line with policy NR3 of the Local Plan Strategy.

## **16. Energy and Sustainable Construction**

- 16.1. The NPPF in its core objectives of sustainable development seeks to encourage prudent use of resources and minimise water and pollutions adapting to climate change.
- 16.2. Core Policy 1 and Policy SC1 seek to provide for sustainable development. These policies cover a wide range of provisions for sustainability including energy efficiency and materials. An element of this is minimise and manage water waste and pollution in a sustainable way.

### Assessment

- 16.3. The site is within Flood Zone 1 and is at very low risk of River (Fluvial) flooding and low risk of surface water flooding. The site is already served with foul and surface water drainage systems, and this will be unaltered. The developer will be required to contact the main serve provider in this case should alterations be required. The provision of additional landscape and planting will assist in the provision of surface water management in the new public realm areas
- 16.4. The development seeks to reuse and repurpose an existing unit which is beneficial in terms of resource management. The new development will be subject to the latest building regulations Part L for insulation etc
- 16.5. The development would continue to support sustainable methods of construction and comply with the provisions of the core policies of the Local Plan Strategy.

## **17. Amenity**

- 17.1. Policy BE1 seeks to provide high quality development and within this its is important to consider any adverse impacts on amenity on neighbouring uses. This is also echoes within the Design and Development SPD.

### Assessment

- 17.2. The demolition and ultimately the construction of the new development will need to be subject to controls to avoid detrimental impacts to noise and dust especially during construction/demolition periods. This may be adequately controlled by the imposition of conditions.
- 17.3. It is noted that there are no residential units within the shopping centre or above the existing retail units which could be impacted by the proposal. There are areas of residential use nearby (Frog Lane and Birmingham Road). Comments have been received in terms of potential for noise from the activities proposed in the centre. It is important to note that the building envelope will contain the noise within its structure and in terms of access and servicing the use of the current arrangement will ensure the amenity levels for house nearby and opposite will not experience conditions worse than currently or when the original unit was in operation.
- 17.4. The outdoor seating and nose from patrons leaving the site has been considered and the Environmental Health Officer is satisfied with the supporting reports and information and has suggested a noise management plan for the outdoor seating areas to noise sensitive locations and kitchen extract condition in terms of noise which could emanate from the external seating areas. In this case the imposition of a condition is considered acceptable to ensure amenity levels remain acceptable in this case.

## 18. CIL/Planning obligations

- 18.1. Policy IP1 of the Local Plan Strategy requires that all new development provides the necessary infrastructure required to create and support sustainable communities

### Assessment

- 18.2 Should members be minded to grant permission, a legal agreement would be required to secure a travel plan monitoring fee of £10,000 to be paid to Staffordshire County Council to make the proposals acceptable as referred to in the Highways section of the report above. The applicant has agreed to the provisions of the legal agreement, and this forms a requirement of the recommendation.

## 19. Human rights

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

## 20. Conclusion

- 20.1. 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.
- 20.2. The principle of development is acceptable in that the application site lies within the settlement boundary of Lichfield City where the development broadly complies with adopted policies in relation town centre uses. The 'Town Centre First Approach' is acknowledged supports the reuse of the building and previously developed land. The scheme seeks to ensure the vitality and viability of the Lichfield City centre providing high quality commercial space and increase available employment opportunities which will benefit the wider regeneration of the city contributing to the day and night-time economy.
- 20.3. The proposal is acceptable in terms of design and help maintain a key view through to the Cathedral. It can be adequately accessed and serviced, and County Highways raise no technical objections to the amended scheme, subject to a legal mechanism for monitoring of the travel plan and conditions the development would continue to provide a safe access for vehicular and pedestrian traffic.
- 20.4. Relevant points arisen through the consultations carried out have been addressed through the submission of amended plans and updated supporting information and the development would retain an acceptable level of amenity for existing neighbouring occupiers.
- 20.5. Consequently, this planning application is recommended for planning approval, subject to a legal mechanism for the monitoring fee and the following conditions

## 21. Recommendation : Approve, subject to the following conditions:

- (1) Subject to the owners/applicants securing a suitable legal mechanism for the following: -
  - i A financial contribution of £10,000. For Travel Plan Monitoring fee
- (2) If the legal mechanism is not completed by 24<sup>th</sup> April 2024 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.

### CONDITIONS

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

Reason: 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, to meet the requirements of Policies CP1, CP2, CP3, CP5, CP10, , CP13, CP14, SC1, SC2, ST1, ST2, NR4, NR7, BE1 and BE2 of the Lichfield Local Plan Strategy and Allocations Plan, the Sustainable Design SPD, Biodiversity and Development SPD, Developer Contributions SPD, Trees, Historic Environment SPD, and the National Planning Policy Framework.

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

3. Prior to the commencement of any construction, including demolition, a revised Construction Logistics Plan (CLP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors' compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from demolition and construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CLP for the duration of the construction programme.

Reason: to ensure suitable and safe construction practice in maintained during construction periods in accordance with Core Policy 5, Policy SC1, Sustainable Design SPD and the NPPF.

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

4. The pedestrian access(es), servicing yards and circulatory area off Frog Lane as shown on Drawing No. '210654-04' shall be provided prior to the first occupation of the building hereby permitted. Thereafter, these accesses and servicing areas shall be retained in accordance with the approved plans and documents for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure suitable and safe servicing areas are provide and retained for the life of the development in accordance with Core Policy 5, Policy SC1, Sustainable Design SPD and the NPPF.

5. Secure and weatherproof cycle parking facilities shall be provided within the site for staff usage, prior to the first occupation of the development in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained in perpetuity.

Reason: To ensure the provision of sustainable cycle provision for the development in accordance with Core Policy 5, Policy SC1, Sustainable Design SPD and the NPPF.

6. Notwithstanding the submitted details, before the development hereby approved is first occupied, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include details of the level of staff lockers and showering facilities within the building. The Travel Plan shall be implemented in accordance with the timetable set out in that plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning permission to the Local Planning Authority for approval for a period of five years from first occupation of the development.

Reason: To ensure that suitable sustainable travel options are considered in line with Core Policy 5, Policy SC1, Sustainable Design SPD and the NPPF.

7. Samples of the materials to be used in the construction of the new external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy Policies CP2, CP3 and Policy BE1 of the Local Plan Strategy, Sustainable Design SPD and the NPPF.

8. Prior to any of the new kitchen facilities being brought into first use, a scheme for the control of odour and noise from the kitchen extractor, this shall include including details of any noise levels, noise control and external ducting which shall be submitted to and agreed in writing with the Local Planning Authority. The measures should be implemented and retained thereafter.

Reason: To ensure that satisfactory amenity in accordance with Policies CP2, CP3 and Policy BE1 of the Local Plan Strategy, Sustainable Design SPD and the NPPF.

9. Prior to the occupation of the retail units hereby permitted a 'Noise Management Plan' will be submitted to an approved in writing by the Local Planning Authority. This plan will outline how noise can be managed at the site around the outdoor eating areas in respect to Sensitive Noise receptors (residential properties) . The Noise Management Plan shall be implemented strictly in accordance with the details provided and maintained as such in perpetuity.

Reason in order to ensure the amenities of neighbouring properties is adequately maintained in accordance with Policies CP2, CP3 and Policy BE1 of the Local Plan Strategy, Sustainable Design SPD and the NPPF.

10. Prior to the use/installation on site the applicant shall provide full details of the proposed extract and ventilation equipment and locations proposed for approval in writing by the Local



Planning Authority. The extract and ventilation equipment shall be implemented in strictly accordance with the approved details and retained as such in perpetuity.

Reason In order to ensure the amenities of neighbouring properties is adequately maintained in accordance with Policies CP2, CP3 and Policy BE1 of the Local Plan Strategy, Sustainable Design SPD and the NPPF.

11. Prior to the individual retail fronts being installed, detailed plans at scale 1:20 showing the design and appearance of the retail frontages including fascia material/colours shall be submitted to and approved by the Local Planning Authority in writing. The retail frontages shall be installed in strictly accordance with the approved details and thereafter maintained

Reason: In order to secure the satisfactory appearance of development and application site in this conservation area in accordance with Policies BE1 and BE2 of the Local Plan Strategy and Allocations Document, Sustainable Design SPD, Historic Environment SPD and the NPPF.

12. Notwithstanding the detail landscape plan P23 0637 EN 0001, prior to occupation of any part of the development details of final soft landscape plan shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include:

- fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs.
- Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme in order to secure the BNG improvements as outlined in BNG report dated 01.11.23,

All soft landscape works shall be implemented in accordance with the approved details for any phase/part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained.

Any trees or shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and enhance local character in accordance with Policies NR3 and BE1 of the Local Plan Strategy and Sustainable Design SPD, Trees and Landscaping SPD, Biodiversity SPD and the NPPF.

13. Notwithstanding the details on plan P23 0637 EN 0001 a landscape management and maintenance plan, including a survey of the existing public realm, hard and soft landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas in order to maintain the BNG improvements in BNG report dated 01.11.23. This shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained in perpetuity.

Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies NR3 and BE1 of the Local Plan Strategy and Sustainable Design SPD, Trees and Landscaping SPD, Biodiversity SPD and the NPPF.

14. The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting any surrounding commercial/residential premises and details of the lighting fittings including colour, watts, and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy BE1, BE2, Sustainable Design SPD , Historic Environment SPD and the NPPF.

15. Details of glazing panels, glazed balcony, and cross sections through the vertical facades at a scale 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to use. The development shall be implemented in accordance with the details approved and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy CP3, Policies SC1, BE1 and BE2 of the Local Plan Strategy, Sustainable Design SPD Historic Environment SPD and the NPPF.

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

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme must be prepared, submitted to, and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors in accordance with Core Policy 3, Policy SC1 and the NPPF.

17. The development hereby permitted shall operate in accordance with the submitted Service and Delivery Management Plan (SDMP) for the lifetime of the development.

Reason: to Ensure the development can be adequately always serviced and accessed in safe manner in accordance with Core Policy 5, Policies ST1 and ST2, Sustainable Design SPD and the NPPF.

18. Details of the materials to be used for hard and paved surfacing and public realm features shall be strictly in accordance with Plan: P23 0637 EN 0001. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To secure the satisfactory development of the application site in accordance with Policy BE1 and Sustainable Design SPD and the NPPF.

## NOTES TO APPLICANT:

**Informative: KITCHEN ODOUR AND NOISE :** Further advice and guidance is provided in the document: *Control of Odour and Noise from Commercial Kitchen Exhaust Systems*, prepared by Ricardo.

**Informative: FIRE SERVICE :** Staffordshire Fire Service strongly recommend consideration of *Automatic Water Suppression Systems (AWSS)*

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019 and the Lichfield City Neighbourhood Plan (Made 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. 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. (Delete as applicable)
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th of April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

## PLANS

23-784-00-01 C – 'Site Location Plan';  
23-784-00-02 C – 'Existing Site Plan';  
23-784-03-01 I – 'Proposed Site Plan';  
23-784-00-05 – 'Existing Elevations and Sections Sheet 1';  
23-784-00-06 – 'Existing Elevations and Sections Sheet 2';  
23-784-01-02 M – 'Illustrative Masterplan';  
23-784-01-07 – 'Proposed Elevations and Sections Sheet 3';  
23-784-02-10 D – 'Demolitions Plan';  
23-784-02-11 B – 'Demolitions Sections and Elevations';  
23-784-03-01 P – 'Proposed Site Plan';  
P23-0637\_EN\_0001 – 'Landscape Masterplan';  
DLI-AHR-ZZ-ZZ-DR-A-2111-S2-P8 – 'Existing Elevations';  
DLI-AHR-ZZ-ZZ-DR-A-2110-S2-P8 – 'Existing Elevations';  
DLI-AHR-ZZ-ZZ-DR-A-2100-S2-P12 – 'Proposed Elevations';  
DLI-AHR-ZZ-ZZ-DR-A-2101-S2-P14 – 'Proposed Elevations';  
DLI-AHR-ZZ-ZZ-DR-A-2010-S2-P8 – 'Existing Ground and First Floor Plan';  
p;/01216/COUMDLI-AHR-ZZ-ZZ-DR-A-2011-S2-P8 – 'Existing Second Floor and Roof Plan'  
DLI-AHR-ZZ-ZZ-DR-A-2000-S2-P20 – 'Proposed Second Floor and Roof Plan'

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