

Planning Committee

12 April 2021

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of the Head of Economic Growth and Development

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

12 April 2021

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01238/COUM	Oak Tree Farm Drayton Lane Drayton Bassett Tamworth	Drayton Bassett
19/01736/FULM	Barn Farm, Cranebrook Lane, Hilton	Burntwood
20/01236/FUL	Land adjacent The Crown Inn, Uttoxeter Road Handsacre	Armitage with Handsacre
20/01085/FUL	Windy Ridge, Commonsides, Gentleshaw	Longdon
20/00932/FUL	The Grange, Church Street, Chasetown	Burntwood

Lichfield
district council

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LOCATION PLAN

20/01238/COUM

Oak Tree Farm Drayton Lane
Drayton Bassett Tamworth

Scale: 1:2,500

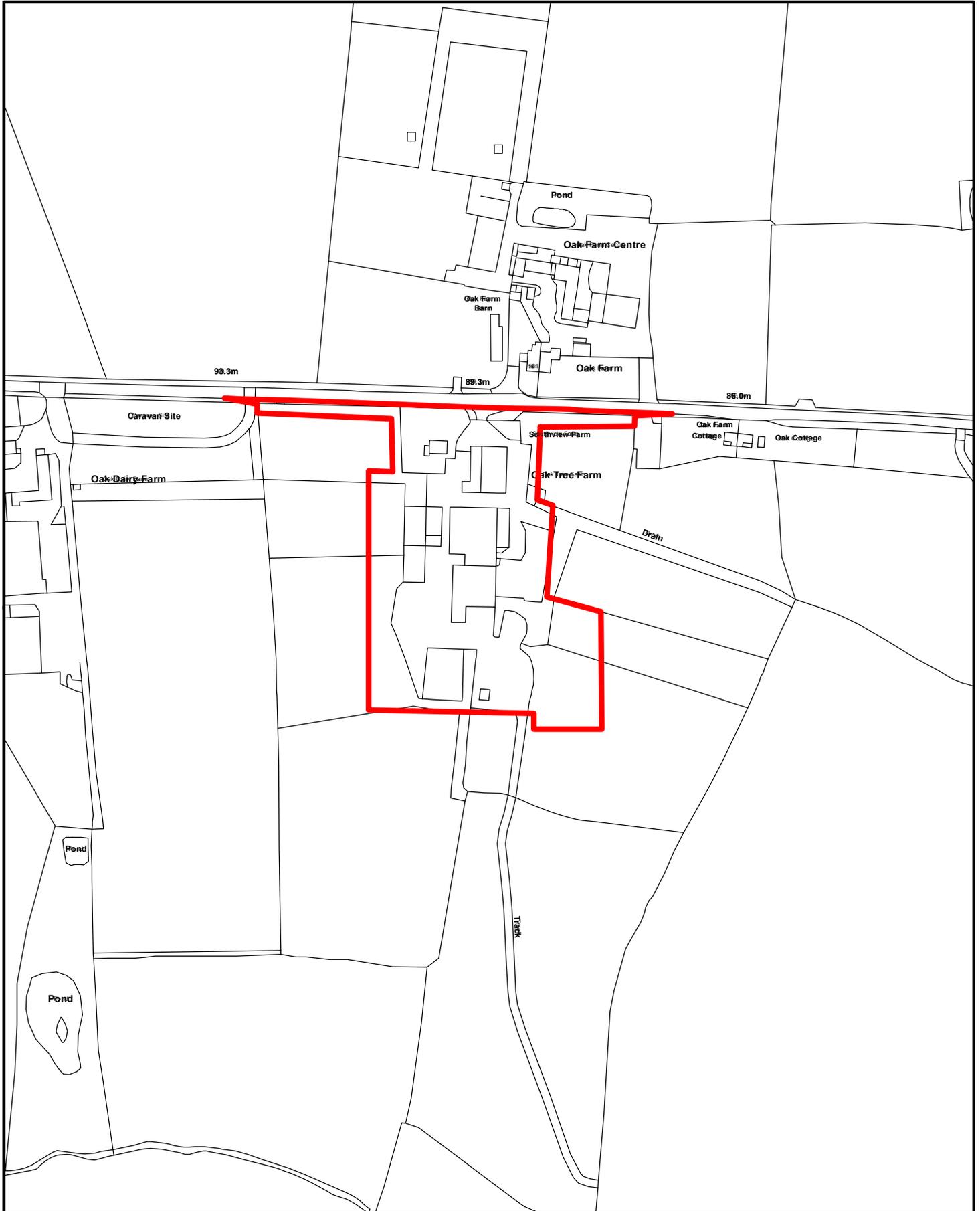
Dated: February 2021

Drawn By:

Drawing No:



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20/01238/COUM

Conversion and extension of existing barn to form gospel hall (Use class F.1(f)) as a place of worship, with demolition of other agricultural barns and provision of car parking, landscaping and associated works

**Oak Tree Farm, Drayton Lane, Drayton Bassett, Tamworth
FOR GGHT (Greenmere Ltd)**

Registered 19/10/2020

Parish: Drayton Bassett

Note 1: The application is reported back to Planning Committee following a deferral by members at the meeting of 8th March 2021 due to technical issues which made it difficult to hear the responses of the specialist highways and environmental health officers to the queries raised by Members and for the officers to seek further information and clarification from those specialists regarding potential noise and disturbance and traffic/highway impacts which are discussed below in new section 11. As a result of these enquiries and discussions with the applicant the hours of operation have been further restricted and condition 13 amended accordingly. Condition 11 has been amended to secure compliance with the submitted Management Plan and consequently personal condition is not necessary. For clarity condition 14 has been deleted and the requirement of that condition secured through an amended condition 5.

Note 2: The application was previously reported to the planning Committee at the meeting of 8th February and deferred by members to allow consideration of all relevant planning matters:-

- Noise & disturbance impact – noise report technical detail clarification including ability of acoustic fencing to mitigate noise; air conditioning units; hours of use; vehicle movement;
- Residential amenity – clarification of benefits/impact to local community;
- Impact on Green Belt – principle of development, does it represent special circumstances within the Green Belt;
- Traffic movement & sustainability of location–vehicle numbers; scope of traffic survey; possibility to relocate entrance; alternative modes of transport/travel plan clarification.

Note 3: This application is being reported to the Planning Committee due to a significant planning objection from the parish council of Drayton Bassett.

Their grounds of objection are:

- Inappropriate as per planning Guidelines and offers no 'real' community benefits to Drayton Bassett
- Consultation process was rushed and should be undertaken with all facts and disclosures. Given the current Covid-19 restrictions, more time should have been allowed to consult with parishioners
- Major concerns with traffic safety for local road users and residents in parallel with HS2 build phase
- Huge impact on traffic volumes on Drayton Lane (it could be up to 1335 additional journeys each week)
- Light / noise / privacy intrusion for local properties is severe. Relocation of entrances / exits to mitigate as a minimum
- The scale of the proposed development is overwhelming and needs to be scaled back (if approved to local only congregations)
- Blight on local properties already impacted yet not supported by HS2 is severe and leaving residents trapped in unsalable properties at no fault of their own

- Construction will be intrusive and as yet not specified or controlled, specifically the impact on the local area and specifically one junction on the A453.
- The planning application references that all traffic to and from the farm will be in the form of a tidal flow. Combined with a 15-minute arrival window (again in their document) it could result in up to 75 -100 cars turning right at the top of Drayton Lane from the A453.
- Over 200 of the congregation will come from Stafford and the rest Sutton Coldfield and Lichfield, so this is the route in and out (again according to their flow data). Furthermore, this makes a mockery of any local community benefit (not that we consider any has been demonstrated). How and why should the local community be impacted in such a severe way to accommodate people living 40 miles away?
- The 'ghost' junction in the centre of the road is capable of housing only 3 - 4 cars safely. The A453 is a major arterial road with 60mph speed limit coming up Caraway Hill. Arrivals will be in the dark for the vast majority of times and could result in a line of 75 -100 cars. This will become a prolific accident black-spot.
- The volume, single direction and short arrival window will be a major safety issue to all. This risk repeats itself time and time again each week.
- This junction already gets abused by drivers doing U-turns since the council stopped cars turning right out of Slade Road, plus those that use it as a 'rat-run' to reach Fazeley. Any additional traffic would be problematic.

RECOMMENDATION:

- (1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure the provision of travel plans at a cost of £2,443.11.**

Then APPROVE, subject to the following conditions:

CONDITIONS

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

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

3. Before the commencement of the development hereby approved, including any demolition and/or site clearance works or any equipment, machinery or materials in connection with the proposed development is brought onto site, protective fencing and/or other protective measures to safeguard existing trees shall be implemented on the site. The tree protection measures shall be provided in strict accordance with the submitted RGS Tree Survey Report dated July 2020 and the British Standard 5837: 2012 and shall be retained for the duration of construction (including any demolition and / or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The measures shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed from the site.
4. Before the commencement of any construction works above ground, excluding demolition, details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the details approved, with the boundary treatments installed before the first use if the use of the

development hereby approved and thereafter be retained as such for the life of the development.

5. Before the commencement of any works above slab level a scheme of hard and soft landscaping including boundary treatments, details of tree pits, planting plans with species and numbers and a maintenance scheme to take account of all relevant ecological considerations shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be installed before the development is first brought into use and the approved landscaping and planting scheme shall thereafter be implemented within the next planting season after the development is first brought into use. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

CONDITIONS to be complied with prior to the first use of development:

6. Before the development hereby approved is first used, details of waste storage provision shall be submitted to and approved in writing by the Local Planning Authority. The waste provision shall be provided in accordance with the approved details, prior to the first use of the development and shall thereafter be retained for the life of the development.
7. Before the development hereby approved is first used, the pedestrian and vehicle accesses, vehicle parking, servicing and turning areas shall be provided and surfaced in a porous bound material and marked out in accordance with the approved plans and shall thereafter be retained as such for the life of the development.
8. Before the development hereby approved is first used, the noise mitigation measures shall be provided and completed in strict accordance with the Noise Mitigation Plan submitted to the local planning authority on 25th January 2021 and the Peak Acoustics Noise Impact Assessment KD1001204NR Rev 3.0 dated 08.01.2020. Thereafter the use of the development shall place in strict accordance with the aforementioned Noise Mitigation Plan and the Peak Acoustics Noise Impact Assessment for the life of the development.
9. Notwithstanding the details as shown on the approved drawings referenced by condition 2, before the development hereby approved is first used the acoustic fence referred to and detailed in Appendix H of the Peak Acoustics Noise Impact Assessment KD1001204NR Rev 3.0 shall be installed in strict accordance with the plan, specification and report. The acoustic fence shall thereafter be retained and maintained as per the Noise Impact Assessment for the life of the development.

All other CONDITIONS to be complied with:

10. All recommendations and methods of working detailed within Section 4 (Conclusion and Recommendations) of the submitted REC Ecological Impact Assessment, ref: 1CO108079EC1R0 shall be implemented and strictly followed throughout the period of construction and thereafter retained and continued for the life of the development and use.
11. The development hereby permitted shall be operated only in accordance with the approved Management Plan
12. No external lighting shall be installed on site until full details of any such lighting, including the intensity of illumination and predicted luminance contours, have been first submitted to, and approved in writing by the Local Planning Authority. Thereafter any external lighting that is provided shall be installed in strict accordance with the approved details and thereafter be retained as such for the life of the development.

13. The use hereby approved shall only operate during the following times.
Monday to Friday 18.00 to 21.30;
Saturday 08.00 to 18.00; and
Sunday 05.30 to 21.00.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To safeguard existing protected trees in accordance with the requirements of Core Policies 3 and Policies NR4 and BE1 of the Local Plan Strategy and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design and Rural Development Supplementary Planning Documents and the National Planning Policy Framework.
5. To ensure that a landscaping scheme to enhance the development is provided in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design, Trees, Landscaping and Development and Rural Development Supplementary Planning Documents and the National Planning Policy Framework.
6. In the interests of providing suitable arrangements for waste collection and in the interests of Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interests of highway safety and to conform to Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To protect the occupiers of nearby premises from unreasonable noise levels and prevent excess vehicular movements in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
9. To protect the occupiers of nearby premises from unreasonable noise levels in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
10. To safeguard protected species, ensure that there is no net loss to biodiversity on site and in order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
11. In the interests of residential amenity and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. In the interests of residential amenity and ecology and in accordance with the requirements of Policy NR3 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. In the interests of residential amenity and in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
 2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. The applicant is advised that when seeking to discharge condition 9 all waste generated from the use of the development must be securely contained in suitable and sufficient containers which cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. As part of the waste provision, the above provision must be made for the separate removal of recycling and non-recycling material from the site. Details of the proposed waste removal provision, including details of location, type of container and collection/disposal of waste shall be submitted to the local planning authority for written approval.
 4. The applicant is advised that when seeking to discharge condition 10 careful consideration must be made in terms of any proposed external lighting to the recommendations within Section 4 (Conclusion and Recommendations) of the REC Ecological Impact Assessment, ref: 1CO108079EC1R0.
 5. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 6. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 – Delivering Sustainable Development
Policy NR2 - Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their habitats
Policy RURAL1 - Rural Areas
Policy BE1 - High Quality Development
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision

Local Plan Allocations

N/A

Supplementary Planning Document

Rural Development SPD

Sustainable Design SPD

Biodiversity and Development SPD

Tree, Landscaping and Development SPD

RELEVANT PLANNING HISTORY

13/00133/ABN	Agricultural Determination : Erection of store for feed and equipment	Approved	01/03/2013
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CONSULTATIONS

Drayton Bassett Parish Council: Objection. We consider this development inappropriate on Green Belt land, as stated in planning guidelines both nationally and locally.

In summary our issues can be categorised as:

1. The Proposed development is inappropriate as per planning Guidelines and offers no 'real' community benefits to Drayton Bassett
2. The so-called consultation process was rushed and should be undertaken with all facts and disclosures. Given the current Covid-19 restrictions, more time should have been allowed to consult with parishioners
3. Major concerns with traffic safety for local road users and residents in parallel with HS2 build phase
4. Huge impact on traffic volumes on Drayton Lane (it could be up to 1335 additional journeys each week)
5. Light / noise / privacy intrusion for local properties is severe. Relocation of entrances / exits to mitigate as a minimum
6. The scale of the proposed development is overwhelming and needs to be scaled back (if approved to local only congregations)
7. Blight on local properties already impacted yet not supported by HS2 is severe and leaving residents trapped in unsalable properties at no fault of their own
8. Construction will be intrusive and as yet not specified or controlled.

Point 4 is uppermost in our thoughts as the impact on the local area and specifically one junction on the A453.

The planning application references that all traffic to and from the farm will be in the form of a tidal flow. Combined with a 15-minute arrival window (again in their document) it could result in up to 75 -100 cars turning right at the top of Drayton Lane from the A453.

Over 200 of the congregation will come from Stafford and the rest Sutton Coldfield and Lichfield, so this is the route in and out (again according to their flow data). Furthermore, this makes a mockery of any local community benefit (not that we consider any has been demonstrated). How and why

should the local community be impacted in such a severe way to accommodate people living 40 miles away?

The 'ghost' junction in the centre of the road is capable of housing only 3 - 4 cars safely. The A453 is a major arterial road with 60mph speed limit coming up Caraway Hill. Arrivals will be in the dark for the vast majority of times and could result in a line of 75 -100 cars. This will become a prolific accident black-spot.

It is evident that the volume, single direction and short arrival window will be a major safety issue to all. This risk repeats itself time and time again each week.

This junction already gets abused by drivers doing U-turns since the council stopped cars turning right out of Slade Road, plus those that use it as a 'rat-run' to reach Fazeley. Any additional traffic would be problematic.

Point 5 would be the very minimum in mitigation of any development regarding the local residents and neighbours.

In summary, we consider the plans to be inappropriate by definition. Without very special circumstances or demonstrated community benefit, we consider the process to have been unsatisfactory with the applicant conducting no public consultation and inappropriate timescales. We consider the impact to be too intrusive. We consider the additional travel for worshippers unnecessary BUT above all else the traffic impact could be literally fatal (11/112020)

Ecology Team: No objections subject to conditions. The methodology and the information provided within the submitted Ecological Impact Assessment meets guidelines and the team concur with the conclusions of the Assessment in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

No further ecological survey effort is required from the applicant at this time. (13/11/2020)

Conservation Team: No objections subject to conditions to secure details of materials, boundary treatments and hard landscaping. (10/11/2020)

Economic Development: Supported on economic development grounds. (02/11/2020)

Environmental Health Team: No objections subject to conditions. The EH office agrees that the proposed changes to car park access to permit the services referred to, as it is the very early mornings and late evenings, will require the imposition of restrictions.

The applicant stated in their initial application that no more than 10 cars would be require access for the early morning 5.30 am start. Whilst I did ask for them to consider the impact of 30 cars, a limit of 20 plus disabled bays should be more than sufficient.

Having considered the noise report carefully, and the previous uses of the buildings and surrounding land, my concerns are insufficient to amount to an objection, providing the following scheme of noise control can be agreed by various conditions as per the above. (20/01/2021).

Spatial Policy and Delivery Team: The site lies within the green belt and whilst the change of use of the building may be able to meet the test in paragraph 145. It is my view that the proposed extension meets the exemption identified in paragraph 144 of the NPPF in that the resulting development would not result in disproportionate additions over and above the size of the original building. The proposed use of the building would be considered to not conflict with the principles of the development plan. Therefore the overall development is in conformity with both national and local policy. (28/10/2020)

Waste Management: No objection, subject to Advisory notes subject to technical stipulations. (26/10/2020)

Tree Officer: No objections subject to condition. Site is not within any designated conservation area and currently there are no TPO's, it does appear that there are a number of large trees affected some of which may be on third party land. The applicant has provided us with a tree report to the required standard and we are in agreement with its findings. Additionally, the applicant has provided a landscape plan that is also by and large acceptable with one notable exception, tree pit details.

If minded to approve this application, request that a tree protection condition is placed on any permission that may be forthcoming that references the supplied tree report. Additionally, request that a pre-commencement condition is applied that requires the tree pit details to be lodged and approved by this LPA. (22/10/2020)

Severn Trent Water - South Staffs: No objections and do not require a drainage condition as the proposal will have a minimal impact upon the public sewerage system. (10/11/2020)

Staffordshire County Council (Highways): No objections subject to a condition to ensure the access, parking, servicing and turning areas are provided prior to first use and surfaced in a porous bound material. (13/11/2020)

HS2 Safeguarding Planning Manager: No objections (29/10/2020)

LETTERS OF REPRESENTATION

23 letters of representation have been received in respect of this application. With 6 support comments and 17 objections.

The comments made are summarised as follows:

Objections:

- Highway issues of the frequent movements of vehicles to and from the site
- Light pollution
- General transport infrastructure issues with poor standard roads
- Loss of trees
- No public benefit

Support comments:

- Reduce travel time which will make a huge difference to carbon emissions.
- Enhance the local area.
- Current facility no longer suitable for requirements
- Re-use existing buildings

In addition to the letters of objection and support the Parish Council have also submitted a petition signed by 62 residents raising an objection to the application. The grounds of objection listed on the petition include the following:

- Traffic increase

- Inappropriate development in the area
- No benefit to the village
- Adverse impact on the village and area

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

20-3442 V1

Block Plan L3652 31 E

Site Plan 32 E

Proposed Elevations L3652 34 D

Proposed Elevations L3652 35 D

Proposed Elevations L3652 35 D

Fencing Details – 2431-1 to 4

Drainage Plan TC/L9434/20/100 A

Noise Mitigation Plan 25 Jan 21

Noise Report KD1001204NR v3.0

Arboricultural Report – RGS July 2020

Ecological Impact Assessment – REC September 2019

M841 Oak Tree Farm Ground Infrastructure Report

Landscape Visual Assessment V2 SL 080920_PA

Transport Assessment September 2020 – Steve Woods Consultants August 2020

The following report has been fully updated to take account of the reasons for deferral and has also led to some updating of conditions since the last consideration by Committee.

OBSERVATIONS

Site and Location

The site lies approximately one mile to the west of Drayton Bassett on land to the south of Drayton lane, on a former dairy farm formally known as Oak Tree Farm. Land to the south of the site is currently earmarked for the new HS2 railway development. The wider site consists of mainly open pasture falling steadily to the south of the site which is characterised by a tree belt along the southern boundary and a registered watercourse.

Drayton lane is sparsely populated with small clusters of dwellings, a nursery and a small business unit to the north and east of the site. The development to the west of the site is a former agricultural unit and the land immediately to the west of the site was previously used as a campsite / caravan site. Drayton lane connects Drayton Bassett to the A453 Sutton Road to the west connecting Sutton Coldfield to Tamworth to the North. The lane is rural in character bounded by mature hedgerows either side. The site is within the Lichfield District Council area and within the West Midlands greenbelt.

Background

There is no relevant background, with only an application approved for a store for feed and equipment in 2013.

Proposals

This application seeks planning permission for the conversion and extension of an existing barn to form a gospel hall (Use class F.1 (f)) as a place of worship, with demolition of other agricultural barns and provision of car parking, landscaping and associated works.

The application mainly involves the change of use of the larger agricultural building towards the rear of the site with alterations to it, to form a gospel hall for an exclusive religious group. Sections of the main larger barn to the gospel hall and to the west will be demolished to accommodate a canopy

and the detached agricultural barn to the north of this will be retained in between a service yard. Internally, the proposal will contain the hall, occupying nearly 50% of the floor area with toilets, a canopy and store room and the rest being the main hall.

Along with this use change, a parking area for 101 vehicles will be provided which will be situated to the west and south of this building, on made ground. A bi-fold gate would be located well within the proposed main access. A secondary emergency access will be located to the eastern side of the buildings.

Extensive landscaping is proposed in and around the site to help it bed into the natural landscape in which it is situated.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Impact upon the Green belt
6. Impact on Trees
7. Ecology
8. Noise and disturbance
9. CIL / Planning Obligations
10. Human Rights

1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy 2008-2019.

1.2 National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development at paragraph 11. For decision taking this means:

c) Approving development proposals that accord with an up-to-date development without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

1.3 The site of the proposed development lies within the green belt. Paragraph 143 of the NPPF states *that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances.* Paragraph 144 continues by stating *that local planning authorities should ensure that substantial weight is given to any harm to the green belt and that 'very special circumstances' will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

1.4 Paragraph 145 of the NPPF is clear that the construction of new buildings in the green belt should be considered as inappropriate development unless it is one of a number of exceptions. The exceptions include *'the extension or alteration of a building provided that it does not result in the disproportionate additions over and above the size of the original building;'* It is considered that the proposed new build element of the proposal would fall within the above definitions, and the change of use of the traditional agricultural building is likely to fall within the definitions in paragraph 146 (d) *'the re-use of buildings provided that*

the buildings are of permanent and substantial construction'. Furthermore, the planning statement sets out that 32% of the existing buildings are to be removed as part of the proposal and the level of hard standing within the site does not appear to have increased in size. Therefore, based on the information provided, the scale of the new build element of the scheme would accord with the policies in the NPPF and the proposal would not constitute inappropriate development in the green belt.

- 1.5 In terms of the Lichfield Local Plan Strategy the Spatial Strategy for the District, set out in Core Policy 1, states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy (Table 4.1) and the key diagram (Map 4.1). Drayton Bassett is identified within the Settlement Hierarchy as 'Other Rural'.
- 1.6 Policy NR2: Development in the Green Belt states that all development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.
- 1.7 Core Policy 3: Delivering Sustainable Development lists a number of key issues that future development proposals should address in order to achieve sustainable development. Below are the key issues relevant to this application:
 - *Protect and enhance the character and distinctiveness of Lichfield District and its settlements.*
 - *Assist in the regeneration and evolution of towns and villages and surrounding areas in meeting the changing needs of their population over time and maintain the vitality, viability and vibrancy of local communities.*
 - *Be of a scale and nature appropriate of its locality.*
- 1.8 Policy Rural 1: Rural Areas supports diversification in rural areas where it does not conflict with Core Policy 7 which supports the diversification of the rural economy, where they do not conflict with other policies within the Plan. The Rural Development SPD also supports the diversification of rural buildings.
- 1.9 In terms of the Lichfield District Local Plan Strategy for greenbelt development the policies relevant are akin to those in the NPPF and the application involves the re-use of buildings provided that the buildings are of permanent and substantial construction. The additions to create the canopy are deemed to not result in disproportionate additions over and above the size of the original building.
- 1.10 In terms of the policy 'Rural 1: Rural Areas' supporting diversification in rural areas where it does not conflict with Core Policy 7 which supports the diversification of the rural economy where they do not conflict with other policies within the Plan. This application is judged to do this.
- 1.11 The proposed gospel hall in itself is a unique development which due to its size and desired catchment area sees this site as an appropriate location. There will be staff hired to run the facility and this development would also further the aim of paragraph 83d) of the NPPF in developing an accessible service listed as a place of worship.
2. Design and Impact upon the Character and Appearance of the Surrounding Area
 - 2.1 The agricultural building that would be changed to accommodate the use would be modified but would still retain much of the rural appearance that it has at present. Within the applicant's Design and Access Statement it confirms that the redevelopment of the main building to form a new gospel hall will use a sensitive palette of materials to replace the existing damaged fabric. The most visible structure will be the roof and this will be replaced with a composite insulated panel with a sinusoidal profile to match the asbestos cement sheet roofing. Walls at the upper level will be clad in vertical larch boarding stained with a

light oak stain finish to match the original Yorkshire boarding. The lower sections of wall will be faced in local brickwork salvaged from the demolition of one of the existing buildings on the site.

- 2.2 The applicant states that in terms of detail the Dutch barn with the curved roof is to be removed and the ridge height of the converted building matches the existing dairy. The mass of the converted building is reduced by dragging down the roof over the entrance which is in line with the existing lean-to structures. The palette of materials proposed is sympathetic to the rural context and the existing structures on the site. In total it is estimated that the barn will be extended by around 16% to accommodate a canopy and composed of materials that would blend in/match the existing building.
- 2.3 A landscape and visual impact assessment has been submitted with the application, this has concluded that the proposed development can be accommodated without resulting in a significant, long term adverse impact upon the character of the site, its immediate context and the wider rural landscape. This report has been scrutinised and deemed to be an accurate reflection of the proposals and their impact to the local area.
- 2.4 The new formalised access would be the most noticeable change within the landscape but this needs to be considered alongside the planned improvements to the visual quality of the landscape, the regeneration of the existing dilapidated built form on site and the introduction of additional landscaping and enhanced vegetation structure within the immediate site area by more tree planting and hedgerow creation.
- 2.5 Finally, the application will have a condition requiring the submission of details that would ensure the local authority can control the final appearance of the changes. The indicative proposals however show a visually acceptable scheme.

3. Residential Amenity

- 3.1 Policy BE1: High Quality Development states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further guidance is also contained within the Sustainable Design SPD.
- 3.2 Members will note from the section above that there have been a number of objections to this application received from local residents. This also includes a petition of 62 names which also raises a number of objections to the scheme. Of these objections the majority have raised concerns over traffic and an inappropriate form of development within the area. In considering the impact of the development upon the amenities of the local residents it is considered that due to the position of the proposed building, being located a sufficient distance from other residential properties, that the built extensions and alterations would not harm residential amenity. It is accepted that there is a sole residential property adjacent to the site however, this property is part of the tender sale from Staffordshire County Council and it will be owned by the applicant once the conditional contract is completed following planning.
- 3.3 With regards to the issues / objections raised by the local residents these points will be addressed in the specific sections including highway/transport impact and noise and disturbance.
- 3.4 A separate issue highlighted is lighting, to which the applicant has advised that lighting will be required but this will be conditioned for details to be submitted prior to the use commencing on site.

4. Access and Highway Safety

4.1 Policy ST2 states the District Council will require appropriate provision to be made for off street parking in development proposals in accordance with its maximum parking standards set out in the Sustainable Design SPD. In considering the level of provision the District Council will have regard to:

- *The anticipated demand for parking arising from the use proposed, or other uses to which the development may be put without needing planning permission;*
- *The scope for encouraging alternative means of travel to the development that would reduce the need for on-site parking. This will be particularly relevant in areas well-served by public transport;*
- *The impact on safety and residential amenity from potential on-street parking and the scope for measures to overcome any problems; and*
- *The need to make adequate and convenient provision for disabled parking.*

The District Council will require the provision of sufficient, safe, weatherproof, convenient and secure cycle parking and associated facilities within all new developments to assist in promoting cycle use.

In conjunction with this, NPPF paragraph 109 states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

4.2 The issue of access, traffic and highway safety is a significant area of concern by those who have objected to the application, including the parish council. Specifically this relates to the overall traffic increase in the local area, parking requirements and access.

4.3 Staffordshire County Council have been consulted on the application and have raised no objections to the proposal from a highway safety point of view. As part of their comment the County Highway Engineers have confirmed that there have been no Personal Injury Collisions on Drayton Lane within 215 metres either side of the property accesses for the previous five years and as such the engineers consider that the road itself is relatively safe.

4.4 Turning to the issue of the main access itself, a 2.4m x 160m visibility splay will be provided as part of the proposed scheme and was derived at by using an automated speed survey included as part of the Transport Statement. In considering this vision splay the Highway Engineers have raised no objections to this provision and providing the hedgerows bordering the visibility splays are maintained for the lifetime of the development, the visibility is deemed acceptable.

4.5 As for parking requirements the proposed site plan shows 101 car parking spaces are to be provided including 7 disabled spaces and a cycle parking facility for 14 No. bicycles. This provision is considered sufficient for the level of use of the site to accommodate all visitors to the site.

4.6 With regards to the movements, based on the submitted information, the low levels of traffic would be less likely to pose a severe impact on the surrounding highway infrastructure. The previous agricultural usage of the site would have generated regular movements of traffic throughout the day, including large agricultural vehicles. Vehicles are likely to move in a tidal nature and at set times, this would mean that vehicles using the site would platoon and create longer gaps in the traffic as they leave site and use the surrounding highway network. Although the proposed use would be a more intensive use than the previous site, it would still operate at acceptable levels on the highway network.

4.7 Highway impact was considered as an issue at the original committee meeting where this application was reported, and further analysis was asked for by members. As a result, further consultation with Staffordshire County Council Highways officers has reviewed

various submissions by objectors and the minutes of the previous meeting committing to the final consultation response made. The amount of parking spaces are deemed to be in very good supply so there would be no need for users to park on the Highway, which would pose a much more significant Highway Safety issue. The proposed parking provision given would at least provide sufficient parking on the less regular occasions where larger gatherings will occur; rarely being used to its maximum. Concern was raised at the analysis of the movements taking place when Drayton Manor Park was closed when evaluating the trip generations, however as the park doesn't open until 10am and only during the late spring/summer months, this time doesn't coincide with the vehicular trips to the proposed site in combination with the ambient traffic at usual peak times. This is also the case with the weekend trips, as there is significantly less ambient traffic using the road network at the weekends and this traffic will not be travelling at peak times that would coincide with work/school trips on the surrounding network. Finally, it is well acknowledged that the site cannot be accessed with ease by public transport methods but travel packs will be provided by way of a section 106 agreement to help promote sustainable transport where possible.

4.8 In conclusion, on review of the submitted transportation statement the traffic generation information provided is agreed. Although it is accepted that there are some minor concerns, overall, the information submitted would make it difficult to find a reason to refuse the proposal. The development would not create a *severe* impact as required by paragraph 109 of the NPPF and as such it is considered that the proposal is acceptable from a highway safety point of view and therefore not a reason to refuse the application in this instance.

5. Impact upon the Green Belt

5.1 The proposal lies within the West Midlands Green Belt. In relation to this land use, specific considerations need to be made. Guidance of this contained within the NPPF states under paragraph 145 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a. *The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- b. *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- c. *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- d. *Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Paragraph 146 of the NPPF continues by stating that in certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- e. *The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- f. *Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

5.2 The proposal is judged to be one of the exceptions listed in the NPPF, namely that the proposal represents the limited infilling or the partial or complete redevelopment of

previously developed land, whether redundant or in continuing use (excluding temporary buildings). Furthermore the proposal would also qualify as being the extension or alteration of a building which does not result in disproportionate additions over and above the size of the original building. For these reasons it is considered that the proposed development complies with the requirements of the NPPF.

- 5.3 In terms of the Lichfield District Local Plan Strategy for greenbelt development under NR2 which this development would be, then the policy requirements are akin to those in the NPPF as the application involves the re-use of buildings provided that the buildings are of permanent and substantial construction. The additions to create the canopy are deemed to not result in disproportionate additions over and above the size of the original building
- 5.4 To aid in the assessment of whether the proposal would cause substantial harm to the openness of the Green Belt, a Landscape and Visual Impact Assessment (LVIA) has been produced. The most significant effect recorded within this assessment was deemed to be the effect of the proposals upon the Drayton Lane road corridor, with the introduction of a new more formalised access onto the site introducing the most noticeable change within the landscape. Whilst this is noted, it is considered that with the proposed regeneration of the existing dilapidated built form, along with the additional landscaping and enhanced vegetation structure within the immediate site area, that this change is likely to improve, rather than reduce, the visual quality of the landscape at this point.
- 5.5 As explained as above, as a significant amount of this proposal is the change of use of an existing agricultural building there is a national policy acceptance for this type of development. Much of the parking areas is on 'made ground' and therefore not on new green fields and are well confined to land around the existing buildings. Extensive landscaping helps the proposals bed into the landscape well and lessen the visual impact of built development in the green belt.
- 5.6 It is therefore considered that the proposed development can be successfully integrated into this location, is supportable from a landscape and visual perspective, and it therefore meets the requirements of both national and local planning policy in landscape and visual terms and impacts to the green belt and therefore the proposal is judged to be in conformity with policy NR2 of the Lichfield District Local Plan Strategy.

6. Impact on Trees

- 6.1 Lichfield District Council Local Plan Strategy policy NR4 states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. Sufficient space within developments must be reserved for the planting and sustainable growth of large trees in order to retain the important tree canopy cover in conservation areas and the built environment, and to improve tree canopy cover in the District as a whole. Potential long term conflict between retained trees, hedgerows and built form will be designed out at the planning stage.
- 6.2 Section 15 of the NPPF covers the issue of conserving and enhancing the natural environment. Paragraph 170 of the NPPF states, amongst other things that *planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

- 6.3 In support of this application the proposal is accompanied by a detailed tree survey which covers the vegetation within the area of the application site. In considering this survey it is accepted that the report findings along with the information contained within landscaping plans, that there are extensive trees located within the site and on its borders. The trees to the front of the site will especially help screen the development from the streetscene.
- 6.4 Members will see that there are no objections raised to the application on the issue of impact upon the trees on the site, subject to further details on tree pits which can be provided by a suitably worded condition. As such it is considered that the development will not result in any significant adverse impact on the existing trees on the site and therefore the proposal complies with Policy NR4 of the Lichfield District Council Local Plan Strategy and paragraph 170 of the NPPF.

7. Ecology

- 7.1 Policy NR3 of the Local Plan Strategy, covers the issue of Biodiversity, Protected Species & their Habitats and states, amongst other things, 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*
 - *Delivers a net gain for biodiversity and /or geodiversity in the district Proposals should particularly seek to contribute towards the United Kingdom Biodiversity Action Plan (UK BAP) priority habitats and species in Lichfield District, and any additional Staffordshire or National Forest Biodiversity Action Plan species.*

The Policy continues by stating that, proposals that would have a direct or indirect adverse effect on local designated sites, non-protected sites and priority protected species that are considered to have geological and biodiversity value, will not be permitted unless:

- *They cannot be located on alternative sites that would cause less or no harm;*
- *The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of wider habitats; and*
- *Prevention, mitigation and compensation (biodiversity offsetting) measures are provided which ensure there is no net loss of such sites.*

- 7.2 Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment. Paragraph 170 of which states, amongst other things, that *planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - d) *Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- 7.3 This application is supported by an Ecological Impact Assessment which has received a positive response from the district council's ecology officer and it is deemed that it is unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of

Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

7.4 The Local planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its “Biodiversity Duty” (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

7.5 The submission also includes a Biodiversity Net Gain Assessment, which demonstrates that the scheme will deliver a net gain to biodiversity through the enhancement and creation of habitat via additional planting on site. A condition will be imposed however that all recommendations and methods of working detailed within the Ecological Impact Assessment must be followed and an informative given on using the Biodiversity and Development Supplementary Planning Document (SPD) as guidance. Based on this it is considered that the proposal complies with the requirements of Policy NR3 of the Lichfield District Council Local Plan Strategy as well as the details outlined in Section 15 of the NPPF.

8. Noise and Disturbance

8.1 Local Plan Policy BE1: High Quality Development states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on amenity, by avoiding development which causes disturbance through amongst other things unreasonable noise, light, etc.

8.2 Paragraph 170(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

8.3 The noise assessment produced by the applicant has been robustly assessed and modified to suit a range of considerations into whether the proposal is likely to have a significant impact upon the amenity of those living locally. A noise Mitigation Plan has also been provided to accompany the application which stipulates very exact measures that will be adhered to in order to ensure neighbours are not significantly impacted by the development. This has been viewed as acceptable by relevant environmental health officers and will be conditioned. In order to minimise the impact upon neighbours a condition is imposed to restrict the hours of use of the development. Subject to adhering to conditions the development will conform to policy BE1 of the Lichfield District Local Plan Strategy as well as the requirements of paragraph 170(e) of the NPPF.

9. CIL / Planning Obligations

9.1 As part of the consultation with the Staffordshire County Council Highways team, they have advised that within the Framework Travel Plan there are principles to form the basis of a more detailed and targeted approach towards maximising the sustainable travel to the site. This work would normally be carried out following the signing of a Section 106 agreement to enable discussions to take place over the setting of targets and measures to be included in the Travel Plan. This response is issued on the assumption that the developer enters into a Section 106 Agreement to secure this with a fee of £2,443.11.

10. Human Rights

10.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual’s rights under Article 8 of Schedule

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

11. Additional Observations

- 11.1 Since the last meeting, the Staffordshire County Council highways officer and LDC environmental health officer have been contacted for further comment on this application and their comments are considered below.
- 11.2 With regard to the highway impact it is considered that the use of the gospel hall will be outside the peak periods of 8-9 in the morning and 5-6 in the afternoon and it is not considered that the use proposed and the amount of traffic generated would create a safety issue, given the width of the roads around the site and the likely routes to and from it.
- 11.3 In relation to amenity issues, the noise of plant can be addressed by condition and the type of plant proposed is similar to that used on a dairy farm. Concern has been expressed regarding noise of people arriving early in the morning. This would only occur on Sundays when the number of visitors would be reduced to 30 cars and would not be significantly above background noise level. In addition parking would be restricted to designated areas through the management Plan and the erection of acoustic fencing, also required by condition, would reduce noise disturbance to an acceptable level. Disturbance from car headlights was also raised as a concern. However this would not be significantly worse than potential lighting impacts from an existing farm, which has no controls in place restricting movements and could operate throughout the night.

Conclusion

The principle of development has been considered against national and local plan policies; of particular relevance is Core Policy 2 which is a presumption in favour of sustainable development.

The proposed development represents mainly a change of use of an existing agricultural building to a gospel hall for a very distinctive religious group. It is a bespoke development that whilst not the most conventional for a building of this type and in this location, it will be a brownfield compatible development will sit alongside other rural businesses in close proximity.

The concerns of residents are noted in relation to the levels of traffic to and from the site however with a positive response from Staffordshire County Council highways and the LDC environmental health team then there are no compelling planning grounds to robustly refuse the development. The proposal is judged to be acceptable visually and without significantly impacting the openness of the greenbelt.

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. Socially, this will provide a much needed community facility evidenced through robust supporting information supplied by the applicant. Environmentally, the proposal will see redundant agricultural buildings re-used and provide extensive landscaping. This could encourage an increase in local wildlife whilst improving the visual amenity of the local area. Economically, the case is not as strong as the other aspects of sustainable development however it is deemed to be an acceptable form of development when reviewed alongside the submitted information and when reviewing the feedback from relevant technical consultees. The proposal is supported by the Council's Economic Development Officer. The development is a bespoke development; tailored for a specific group, for a distinct purpose. As a

result of a thorough consultation exercise with the relevant experts, the application is judged to meet the requirements of local and national plan policies.

Lichfield
district council

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LOCATION PLAN

19/01736/FULM

Barn Farm Cranebrook Lane
Hilton Lichfield WS14 0EZ

Scale: 1:2,500

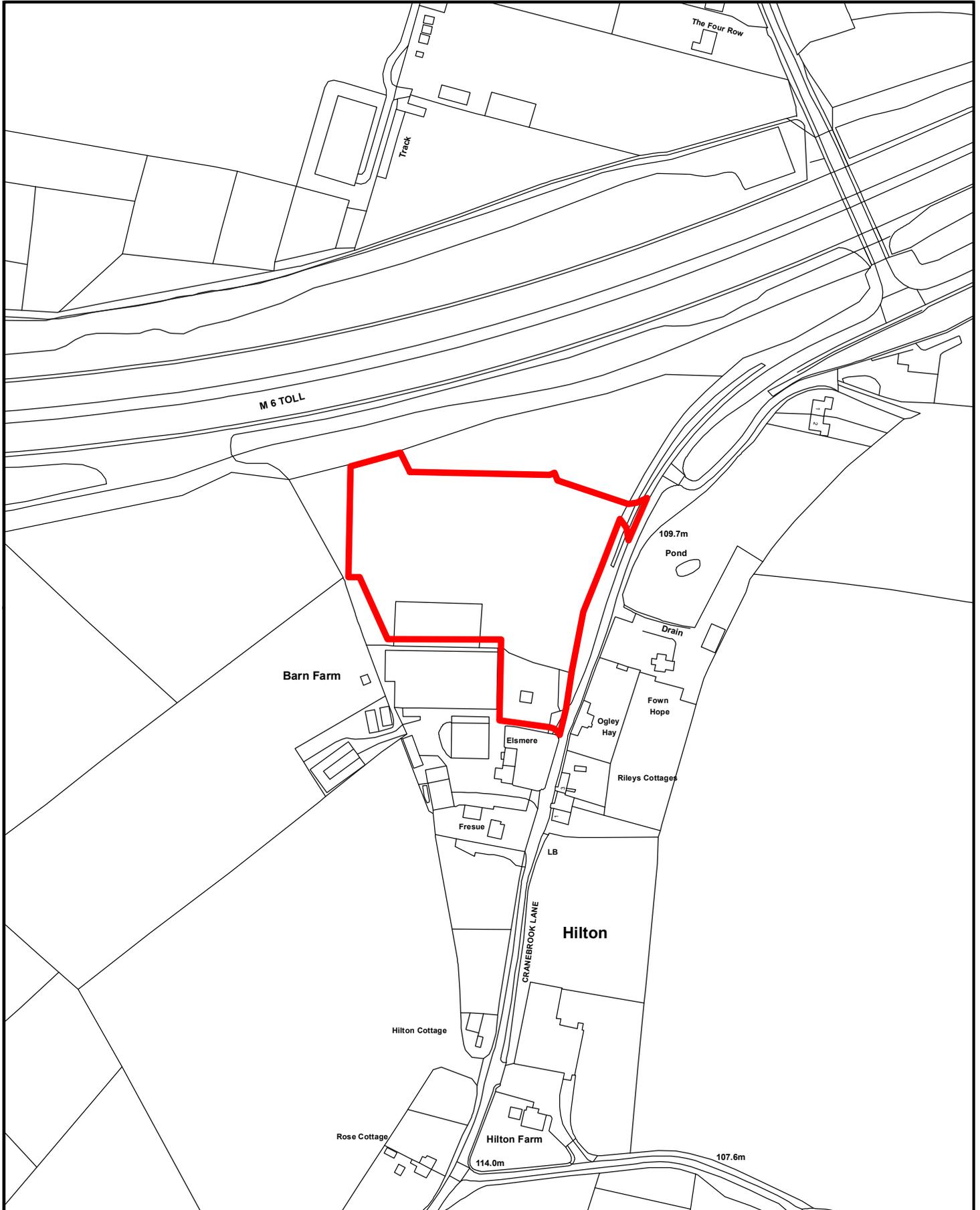
Dated: January 2021

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19/01736/FULM

**Erection of 1 no. agricultural building for cold storage with lean-to canopy, private way/track to serve potato grader, hardstanding and associated works (part retrospective)
Barn Farm, Cranebrook Lane, Hilton, Lichfield
FOR Mr A Horsfield**

Registered: 07/01/2020

Parish: Wall

Note 1: The application has been referred back to Planning Committee following a deferral of the application by members at the committee meeting on 11th January 2021 to allow officers to investigate the following-

- Surface water flooding and proposed mitigation
- Noise mitigation from operations on the site
- HGV access in relation to weight limitations on the bridge

These matters have been investigated and further observations are set out below in section 9 of this report. In addition the proposed list of conditions has been amended as follows for the reasons stated:

- Condition 1 has been deleted as the application is part retrospective
- The original condition 2 has been renumbered condition 1
- A new condition has been added to address noise concerns from refrigeration units and vehicles (new condition 2)
- Condition 3 has been amended to reflect the part retrospective nature of the application and to reduce the impact of the development on amenity and to include the requirements of original condition 5.
- Condition 4 has been updated following receipt of a new plan
- Condition 5 has been replaced with a new condition 5 to require a vehicle routing plan in the interests of neighbouring amenity.

Note 2: Since the application was considered by the planning committee on 11 January 2021 a further representation has been received from a member of the public with the following concerns:

- additional information has not been made available on the website
- noise from vehicle movements, operation of fork lift trucks, stacking of crates, operation of cooling systems.
- increased numbers of HGVs and the adverse impacts on residential amenity.
- lack of landscaping
- the application is retrospective.

Officer comment:

- a revised transport assessment is on the public website
- a noise assessment has been conducted and additional conditions proposed as set out above
- a new access is proposed which is further away from residential properties
- a landscaping scheme will be required by condition
- planning legislation provides for the submission of a retrospective application to regularise development and the fact it is retrospective is not a planning consideration

Note 3: This application was reported to the Planning Committee on 11 January 2021 due to a significant planning objection from the parish council of Drayton Bassett.

The Parish Council objections relate to:

- Large storage facility and as such is a non-conforming development in the Green Belt.
- Strident feature in the landscape particularly due to its proximity to residential dwellings.
- Unsuitable access for any additional heavy commercial vehicle use.
- Access to the site could only be via the junction of Cranebrook Lane with the A5 dual carriageway where there is no acceleration or deceleration lane and use of this junction by heavy commercial vehicle would be extremely dangerous.
- The use of the existing farm access into the site from Cranebrook Lane opposite the residential dwellings is totally unsuitable (and appears to have already been widened without planning approval). The use of the existing access was because any alteration would have been incompatible with the previous agricultural 'permitted development' application. That application is no longer permitted development, so the inadequacy of the current access can now be considered as grounds for refusal.
- No noise assessment for the grading operations and machinery that would be used within the lean to building for the grading of the potatoes.
- The application does not provide adequate arrangements for drainage.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
2. Within one month of the date of this permission the following measures shall be implemented to control noise levels at the site and thereafter retained for the lifetime of the development:
 - a) Noise levels from the refrigeration units and other plant shall not exceed a maximum of 60 dB(A) at 10 metres;
 - b) The refrigeration units and other plant shall be located as shown on plan 3186-83;
 - c) access points to the cold storage unit shall be fitted with a cut off device so that the refrigeration units will not operate should they be opened;
 - d) The main cold storage unit building fabric will be constructed from Steadmans AS35 100mm insulated panels or in a material otherwise agreed in writing by the local planning authority to provide a minimum RW of 29 dB(A);
 - e) no reversing alarms shall be used by vehicles within the application site;
 - f) Tractor units shall not only access the site between 00:00 and 06:00 hour;
 - g) HGVs shall not access the site between the hours of 18.00 and 07.00
3. Within three months of the date of this permission the proposed new access shall be completed in accordance with the details shown on plan 3186-61 Rev. C and surfaced in a bound material between the rear of the highway boundary and the proposed gates. Thereafter HGV's and tractors shall not access the site other than by this new access.
4. Within 6 months of the date of this permission, the existing access shall be reduced in width in accordance with dwg no. 3186-65.
5. Within 3 months of the date of this permission all vehicles approaching the development hereby approved shall comply with a Vehicular Routing Management Plan submitted to and agreed in writing by the Local Planning Authority. The Vehicular Routing Management Plan shall propose details of how HGV movements on Cranebrook Road associated with the development will be managed.

6. The development hereby approved shall not be brought into use until a surface water drainage interceptor, connected to a surface water outfall, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.
7. The turning and reversing areas shall be retained at all times free of obstruction for its designated purpose.
8. Within one month of the completion of any of the buildings hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
9. Within one month from the date of this permission and before the first installation of such, full details of the security measures to be used on the site including CCTV equipment shall be submitted to and agreed in writing by the Local Planning Authority. The approved security measures shall be implemented in full within an agreed timescale but no later than three months from the first use of the buildings and hardstanding hereby approved and shall be maintained as such thereafter for the life of the development.
10. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy February 2021 / X/ABFBarnFarm.23 / Mayer Brown Limited and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the 100 year + 40% Climate Change critical storm so that it will not exceed 5.0 l/s and not increase the risk of flooding off-site.
 - b) Provision of adequate attenuation flood storage on the site to a 100 year + 40% Climate Change standard
 - c) Provision of an acceptable maintenance schedule that is achievable for the lifetime of the development
 - d) Levels and inlets to the drainage system to be constructed so as to collect all surface water run-off to ensure it will not cause flooding on or off site up to the design storm of 1 in 100 years + 40% Climate Change;
 - e) Inspection, cleansing and maintenance of the drainage system to be undertaken for the lifetime of the development.
11. Within the first planting season following the implementation and first use of any part of this development hereby approved and landscape and planting scheme shall be implemented in accordance with details to be first submitted to and approved in writing by the local planning authority. The landscaping shall include hedge planting along the Cranebrook Lane boundary of the farmstead where there are any gaps.

REASONS FOR CONDITIONS

1. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
2. To safeguard the amenity of nearby residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Framework.
3. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.
4. To avoid proliferation of redundant access lengths and improve highway safety as a consequence of the development hereby permitted and to protect the amenity of nearby local residents, and thereby conform to policies ST1 and BE1 of the Local Plan Strategy and the National Planning Framework.

5. In the interests of highway safety and to safeguard the amenity of nearby residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Framework.
6. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.
7. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.
8. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of site security and in order to comply with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
10. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. To prevent flooding elsewhere by ensuring that storage of flood water is provided and to ensure lifetime maintenance of the system to prevent flooding issues in compliance with Core Policy 3 and the National Planning Policy Framework.
11. To ensure suitable screen planting is provided, in order to protect the character and appearance of the Green Belt and open countryside, in accordance with policies CP3, BE1 and Strategic Priority 12 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 7: Employment & Economic Development

Strategic Priority 12: Countryside Character

Policy NR1: Countryside Management

Policy NR2: Development in the Green Belt

Policy NR3: Biodiversity, Protected Species & their Habitats

Policy NR7: Cannock Chase Special Area of Conservation

Policy BE1: High Quality Development

Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

Supplementary Planning Document

Sustainable Design SPD

Biodiversity and Development SPD

Rural Development SPD

Other

Wildlife and Countryside Act 1981 (as amended 2016)

The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017)

The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act 2006

No adopted Neighbourhood Plan, but lies within the Wall Parish Council designated neighbourhood area.

RELEVANT PLANNING HISTORY

15/01147/ABN	Agricultural Determination: Creation of access track.	Withdrawn	28/10/2015
17/00352/PND	Prior Notification : Change of use from agricultural buildings to 3no residential dwellings	Prior Approval Refused	18/08/2017
18/00434/FUL	Refurbishment of store, including painting and recladding, raising height of rafters and associated alterations.	Approved	11/06/2018
18/00632/FULM	Erection of agricultural building with lean-to canopy; extension to farmyard, erection of outbuilding to form transformer cabin, creation of new farm access drive and access point including reduction in width of existing farm access and associated works.	Refused	18/06/2019
19/00547/ABN	Agricultural Determination: Erection of cold store for the storage of potatoes	Prior Approval Not Required.	13/05/2019
19/01028/FUL	Erection of 1no open sided agricultural lean-to building	Withdrawn	12/11/2019

CONSULTATIONS

Wall Parish Council (following original committee)

This additional objection relates to the revised proposals which seek to provide two accesses.

The Planning Officers' Report, as submitted to the Planning Applications Committee meeting on 11 January, proposed a condition that the existing entrance "shall be permanently closed with the access crossing reinstated as verge and suitable boundary treatment put in place".

This should remain a condition, as closure of the current access would substantially reduce the nuisances of noise, light, and vehicle movements currently being suffered by the residential properties immediately opposite the current access.

A condition that required the existing access to be blocked off would also be the most effective and secure means of ensuring that the proposed new access is actually constructed and used.

It should be noted that, although the current access is shown as being narrowed, it is still wider than the proposed new access, so would still be usable by heavy commercial vehicles and tractor/trailers units. Moreover, the current access has been widened in the past without planning consent, so there is no guarantee that even if narrowed, it would not be widened again in future.

The development (despite currently lacking any planning consent) has been operating for some considerable time with a single access, so there is clearly no demonstrable need for the development to now require two accesses. The new access must therefore be constructed, and the current access blocked off. (18/03/2021)

Wall Parish Council - recommends REFUSAL of this application.

Further to the response submitted by Wall Parish Council on 5 December 2020, further flooding has occurred on Cranebrook Lane at the location of the proposed new access road. As previously mentioned, this is the low point on Cranebrook Lane and water/debris from the large hardstanding areas created in the proposed development will flow down to this point, especially as the proposed new access road is built where the applicant's additional plans of June 2020 had proposed an attenuation pond be created to control run-off from the site. (14/12/2020)

Previous comments: This response is additional to the consultation response submitted on 24/1/2020 and relates to the amended plans submitted by the applicant on 20/11/2020. The Council recommends refusal of the application as amended. Despite what the application may say about 'regularisation', no part of the current proposal (including the parts already constructed) has permission under 19/00547/ABN of May 2019. Agricultural permitted development applies only if the development is below 1,000 sq. m. and that ceased to apply when the applicants 'inadvertently' constructed the hardstanding and onsite roadways.

The amended proposal for a wide new access onto Cranebrook Lane (even though the original application said no new access was proposed) shows that this is a warehousing development requiring regular access by heavy commercial vehicles, rather than an agricultural use, and it therefore confirms it is a significant non-conforming development in the green belt. Moreover, the proposed new access is also sited over the exact area allocated for an attenuation pond in the applicant's drainage strategy plan of June 2020 and there appears to be no alternative drainage plan or attenuation pond proposed. The new access way runs downhill directly to the low point on Cranebrook Lane where flooding already occurs due to the gullies being blocked by gravel etc. washed down from the current operations on the development. With no alternative drainage proposal, surface water run-off and debris from the large areas of hardstanding will flow down the new access road onto Cranebrook Lane and exacerbate the existing flooding problem. (05/12/2020)

Previous comments: This planning application is required because the applicants have not complied with the requirements of the 'agricultural development' (permitted development) determination under 19/00547/ABN of May 2019. The Planning Statement that accompanied that application stated, para 2.3: 'It has been established that if the GPDO requirements are met by an application, then the principle of whether the development should be permitted is not for consideration in the prior approval procedure. Any assessment of siting, design or external appearance in the prior approval procedure must be made in the context where the principle of development is not itself at issue.' As the GPDO requirements have NOT been met, an assessment of siting, design and external appearance CAN now be considered as legitimate planning considerations.

The fact that most of the development comprised in this application has already been constructed is immaterial; this application needs to be considered on its merits as a new application. It is not, as claimed in para 1.1 of the applicant's Planning Statement to the current application a 'regularisation' of the Cold Store, hardstanding, private way and turning facility ' these items have no current

planning consent. The applicant's claim (para 3.16) that the Cold Store has been 'approved' under the prior approval procedure is similarly incorrect. The applicant's Planning Statement to 19/00547/ABN claimed that the development was below 1,000 sqm. and therefore permitted as agricultural development. It also stated (para 2.7) that 'this application for prior notification does not seek prior approval for the means of construction of a private way'. So the present claim that the major additions of the associated hardstanding and access road private way were constructed 'inadvertently' (para 3.6) is scarcely credible.

The application should therefore be REFUSED on the following grounds:

1. This is an extremely large storage facility and as such is a non-conforming development in the Green Belt. Large quantities of potatoes will need to be imported to and exported from the site, so the building is effectively a warehouse not an agricultural building.
2. The size and mass of the building would be a strident feature in the landscape particularly due to its proximity to residential dwellings.
3. The access to the site is down a long and very narrow lane which is unsuitable for any additional heavy commercial vehicle use.
4. Access to the site could only be via the junction of Cranebrook Lane with the A5 dual carriageway where there is no acceleration or deceleration lane and use of this junction by heavy commercial vehicle would be extremely dangerous.
5. The use of the existing farm access into the site from Cranebrook Lane opposite the residential dwellings is totally unsuitable (and appears to have already been widened without planning approval). The use of the existing access was because any alteration would have been incompatible with the previous agricultural 'permitted development' application. That application is no longer permitted development, so the inadequacy of the current access can now be considered as grounds for refusal.
6. There is no noise assessment for the grading operations and machinery that would be used within the lean to building for the grading of the potatoes. This is an important consideration given the proximity of residential dwellings.
7. Flooding on Cranebrook Lane has occurred recently apparently arising from block drains following potato washing operations on site. The current application does not provide adequate arrangements for drainage.
8. The 'lean to' building would appear to have been submitted as an additional application 19/01028/FUL (now withdrawn) to avoid exceeding the 1,000 sq. metre limit for an agricultural building under 19/00547/ABN. The lean to building now needs to be considered as part of the application which would create additional noise and vehicle movements to and from the site. The applicant's claim (para 3.18) that the lean to would 'reduce' vehicle movement along Cranebrook Lane is not accepted ' the cold store and lean to do not have planning consent and the greatest reduction in vehicle movement would be achieved by refusing this entire application. (24/1/2020)

Staffordshire County Council (Highways) - No objections on highway grounds to the proposed development, subject to a conditions being included on the approval. (15/04/2020)

Previous comments: Does not consider that the application, as submitted, adequately assesses the highway impact of development and further information is required as set out in this response. Without this information, they are unable to provide final highway advice or advise whether this application is acceptable and any conditions and/or contributions which would be required to make it acceptable in highway terms. (27/01/2020)

Staffordshire County Council (Flood Risk Officer)

Final comments

We ask to be consulted on the details submitted for approval to your Authority on any subsequent amendments/alterations. Please also consult us again on any future major changes to the proposed development or drainage scheme. The proposed development will only be acceptable if the following measures as detailed in the Drainage Strategy submitted with this application are implemented and secured by way of two planning conditions on any planning permission on the implementation of the scheme in accordance with the drainage strategy and that a CCTV examination of current capacity is submitted (22/02/2021)

Further previous comments before new access proposed

The overall principles set out in the Drainage Strategy, Drainage Technical Note, and revised Surface Water Drainage Strategy Drawing are acceptable, with discharge restricted to 5.0l/s via an online attenuation pond to an existing drain, and a drain run included for the access track.

The details of the construction and finished levels will be important in this case to ensure that surface water runoff is directed towards and collected into the surface water drainage system for attenuation. Ongoing maintenance by the site owner/operator will also be crucial to ensure continued performance of the system.

The proposed development will only be acceptable if the following measures, as detailed in the Drainage Strategy submitted with this application, are implemented and secured by way of a planning condition on any planning permission. (06/08/2020)

Previous comments:

In the absence of an acceptable Drainage Strategy, object to grant planning permission and recommend refusal on this basis for the following reasons:

- New information has been brought to light by local residents which suggest that the recent work at this site has increased flood risk in the local area as a result of surface water leaving the site as overland flow and also increased the rate of discharge to the watercourse to the east of the development resulting in flooding.
- The drainage strategy layout submitted with this application does not demonstrate how surface water at the entrance to the site and other areas within the submitted application boundary is captured in the surface water drainage system and furthermore has not been included within the hydraulic calculations.

Before they would be in a position to recommend approval, it should be demonstrated that the receiving watercourse has capacity to accept the proposed surface water run-off rate and that all of the area captured within the application boundary is either drained through the system in accordance with DEFRA's Non-Statutory Technical Standards for Sustainable Drainage Systems or controlled in a manner which does not increase flood risk elsewhere. (13/03/2020)

Seven Trent Water: As the proposal has minimal impact on the public sewerage system there are no objections and do not require a drainage condition to be applied. (13/01/2020, 14/04/2020 and 26/06/2020)

Ecology Team: The ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2016), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.) either within the applications red line or the blue line, where applicable. However a net-gain to biodiversity value could also be achieved through

onsite habitat improvement works or the creation/planting of new habitats or features (i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation 'etc.). Once incorporated into the development scheme such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of the National Planning Policy Framework 2019. (17/04/2020)

Environmental Health Team: As part of further discussions the applicant has highlighted a new access proposed under the previous application. As the new access will move traffic movements away from the cottages, this acts as betterment over the existing situation. (13/11/2020)

Previous comments: This application appears to mirror application reference 18/00632/FULM in that it is for a very similar operation, and is supported by the same noise report. The following therefore still needs to be addressed:

1. Information has not been supplied with regards noise levels from HV equipment as requested. As a result they cannot determine whether the equipment will generate noise levels that will impact adversely on neighbouring amenity, or whether any suitable mitigation measures are available to control such potential impacts. Therefore, cannot be satisfied that the matter can be addressed by means of a suitably worded planning condition.

2. Noise breakout from inside the proposed unit will not meet the requirements of LDC planning policy on noise and vibration. Paragraph 5.2 of this document requires that the rating level (calculated in accordance with BS4142) be at least 5dB below the existing background noise level (LA90). The noise report submitted in support of the application indicates that the rating level will only be around 1 dB (A) below. Given the inherent uncertainty in such assessments, it is entirely possible that this noise source will at times be clearly audible at the nearest noise sensitive receptor, especially at times where tractors are offloading into the storage units late into the evening and the roller doors are open.

3. Tractor noise is also predicted to have an impact in excess of LDC Planning Policy. The report makes this assumption based upon only 1 tractor movement per hour. It is entirely possible that more vehicle movements could occur. Also the assessment has been made considering operations between 07.00 and 23.00hrs, whereas the background noise levels used for the purpose of the assessment are typical background levels found between 07.00 and 18.00, therefore the true impact of activities into the evening are not fully considered.

4. With regards to the BS4142 assessment of the reversing alarm, the characteristics of the tonal alarm would make them clearly audible at neighbouring residential property. Only a 2dB correction factor has been applied to take account of this. The standard makes it clear that a 2dB correction is relevant where the noise is only just perceptible. In this instance based upon the applicants noise report, the alarms will be well over 10 dB above background, and therefore clearly audible. On this basis, the correction is an underestimate. The noise should also attract further correction as it is clearly intermittent and impulsive, but this has not been considered. Overall, concerned that reversing alarms will have an adverse impact on neighbouring residential amenity (09/03/2020).

Arboriculture Officer: The site is not within any designated conservation area nor are there any TPO'd trees, nor indeed any trees of any note affected. As such there are no arboricultural grounds for any objection. (09/01/2020 & 03/04/2020)

Architectural Liaison Officer: It is important that a high level of physical security is incorporated in these proposals and that the following minimum recommendations are complied with and therefore there is no objections to this application subject to a condition requiring amended details of the CCTV measures on the site. (24/01/2020)

LETTERS OF REPRESENTATION

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

- Intensive farming enterprise that will only increase with this development.
- Surface water issues.
- Access issues including historic increases to the width without consent.
- General highway safety issues.
- Noise and vibrations emanating from many hundreds of HGV, tractor and other heavy machinery movements.

OTHER BACKGROUND DOCUMENTS

Drainage plan and report
Noise Assessment
Planning Statement
Transport Statement
Agricultural Need Statement
Topographical Survey

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Dwg 3186 – 63A Proposed plans and elevations
Dwg 3186 – 61A Proposed site plan

OBSERVATIONS

Site and Location

The application site is the farmyard in the northern end of Barn Farm which comprises two groups of portal framed buildings with an area of hardstanding between. Access to the site is currently from Cranebrook Lane at the southeast corner of the farmyard.

The land slopes gently from south to north. There is a native hedgerow on the eastern boundary.

There are seven residential properties to the south east and south of the application site, fronting onto Cranebrook Lane.

The entire site is washed over by Green Belt and is in the open countryside. The site is not located within a Conservation Area nor is it within proximity to any designated or non-designated heritage assets.

Background

Application 18/00632/FULM for the erection of agricultural building with lean-to canopy; extension to farmyard, erection of outbuilding to form transformer cabin, creation of new farm access drive and access point including reduction in width of existing farm access and associated works was refused because of the impact on highway safety and the amenity of occupiers of neighbouring residential properties because of noise.

Application 19/00547/ABN was approved under the prior notification process for cold stores which have now been erected. However a large area of hardstanding was laid at the same time. This meant that the total area of the development exceeded 1,000 square metres and could no longer be carried out under the provisions of Schedule 2, Part 6, Class A of the (General Permitted Development) Order 2015 (as amended) and therefore the cold stores and the hardstanding require planning permission.

Proposals

This application seeks planning permission for the erection of a single agricultural building and lean to at the side of the building. The application also seeks to regularise other developments on the site and includes the following:

- Agricultural Buildings (Cold Stores)- previously granted prior approval under the (General permitted Development) Order and in situ (regularisation);
- Agricultural Lean- to provide shelter for workers and machinery during the grading process (proposed);
- Hardstanding (regularisation);
- Creation of a private way to the side and rear of the buildings, with turning facility to the rear of lean-to, to allow access for tractor's delivering potatoes from field to the grader (regularisation)

The application has been amended to incorporate a new access at the northern end of the site to create relief from the activities on the site from the residential properties on Cranebrook Lane.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Impact upon Green Belt
4. Access and Highway Safety
5. Ecology
6. Flood Risk
7. Noise & Impact on Residential Amenity
8. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 The National Planning Policy Framework (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.'*
- 1.3 Paragraph 83 of the NPPF supports a prosperous rural economy and planning decisions should *(a) enable sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings and (b) the development and diversification of agricultural and other land-based rural businesses.*
- 1.4 Strategic Priority 12 of the Local Plan Strategy states that countryside character seeks to protect and enhance the quality and character of the countryside, its landscapes and villages. This is to be achieved by ensuring that development which takes place to meet identified rural development needs contributes positively to countryside character through enhancements to the local environment and preserves the openness of the Green Belt.
- 1.5 Policy NR2 (Development in the Green Belt) of the Lichfield Local Plan Strategy reflects the policy within the NPPF. The Policy states that all development within the Green Belt must retain its character and openness. Inappropriate development is by definition harmful to the Green Belt and will not be approved except in very special circumstances.

- 1.6 Core Policy 7 (Employment and Economic Development) of the Local Plan Strategy provides support in principle for the proposal as it states: *The District Council, working in partnership with business and local communities, will maintain and enhance a diverse local economy and encourage opportunities for inward investment. Proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies.* This is furthered echoed in Policy NR1 (Countryside Management) which supports the delivery of diverse and sustainable farming enterprises. Policy Rural 1 (Rural Areas), also supports rural employment and diversification where it accords with Core Policy 7.
- 1.7 Development Management Policy NR1 (Countryside Management) recognises the important of the economic role of the countryside and the role that planning plays in supporting and facilitating positive countryside management and in strengthening the rural economy. The proposed development lies within the 0-15km of the Cannock Chase SAC. Evidence prepared to support the Local Plan identified that development which results in an increase in visitors to the SAC can have an adverse impact upon the sites integrity and the purposes for which it is designated. A separate assessment is therefore required in order to meet the requirements of the Habitat Regulations.
- 1.8 The proposed development is in association with a working farm located on this site. The works for which planning permission are sought are all in association with the workings on the farm and therefore are considered necessary for the farm to function. As such, it is considered that the principle of the development under the consideration of this application is supported both by national and local policy in terms of the agricultural use of the land, however the presumption in favour of sustainable development does not apply in this case.
2. Design and Impact upon the Character & Appearance of the Surrounding Area
- 2.1 Core Policy 3 of the Local Plan Strategy states that *development should protect and enhance the distinctiveness of the District and its settlements, and development proposals should be of a scale and nature appropriate to its locality.* This is echoed by Policy BE1 of the Local Plan Strategy, which requires new development to, *carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.*
- 2.2 The proposed building and lean-to would be located within the site and off the highway boundary and read as part of the existing buildings on site. In terms of scale and design the proposal is for an agricultural building on the site with an attached lean-to structure of an open canopy design. There are two attached cold storage buildings on the site; as approved under application reference 19/00547/ABN, which are included in this application for regularisation. The design of these buildings were considered appropriate under the prior approval notice and in terms if this application, the buildings are of a scale and design appropriate for the type of buildings found on a farm.
- 2.3 With regards to the area of hardstanding, although it is accepted that the area exceeds that considered appropriate under a prior approval notice, it is however accepted that the area is required in connection with the use of the existing buildings on the site. In terms of impact, it is considered that the hardstanding area does not result in any adverse impact on the site area nor upon the area of open countryside.
- 2.4 In conclusion, it is considered that the design and appearance of the existing buildings and the proposed lean-to canopy structure are of an appropriate design and appearance for an agricultural building within the open countryside. As a result, the application will not have a significant impact upon the local character of the surrounding area. For these reasons it is considered that the application proposals comply with the requirements of Core Policy 3 as well as the requirements of Policy BE1 with regard to design and visual impact.
3. Impact upon the Green Belt

- 3.1 The application site is located within the West Midlands Green Belt and therefore is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 3.2 Policy NR2 of the Lichfield Local Plan strategy states that, within the Lichfield District portion of the West Midlands Green Belt, all development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, 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.
- 3.3 Paragraph 145 of the NPPF states that, *Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework*. One of these exceptions is buildings for agriculture and forestry.
- 3.4 The proposed buildings are to serve an agricultural use and therefore are not considered as inappropriate development in the Green Belt. In summary, the site lies within the adopted Green Belt, the proposed development meets the exceptions at Paragraph 145 of the NPPF and therefore not considered to be inappropriate development in the Green Belt and as such is considered acceptable in principle.
- 3.5 As noted in the section above, it is considered that the proposed buildings and area of hardstanding will be seen in context of the existing buildings and working farm that already existing on the site. Furthermore, there is an embankment with the M6 Toll to the north of the site, which creates a barrier beyond. Subject to appropriate landscaping, to be secured by condition, it is considered there would be no undue harm caused to the character and openness of the Green Belt.
4. Access, parking and highway safety.
- 4.1 Policy BE1 of the Lichfield Local Plan Strategy requires development to protect public safety and Policies ST1 and ST2 of the same document both refer to highway safety in relation to various issues including access and parking provision. Paragraph 109 of the NPPF highlights the point that, *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 4.2 The proposed access, as amended, is deemed to be sufficient to allow the vehicles that will come to use it, according to the Staffordshire County Council highways guidance. An amendment to the transport statement has also confirmed that the proposal would be acceptable and would not create a severe impact on the highway network, in line with the guidance within the NPPF. Members will see from the consultations section of this report that the advice from County Highways is that there are no objection to the proposal on highway grounds, subject to a condition requiring any redundant access as a consequence of the development to be permanently closed with the access crossing reinstated as verge. This

new access is a more perpendicular access than the previous scheme and has the support of the highways authority. This revised access is also supported by the Council's Environmental Health Officer, who considers that the revised access arrangement will help mitigate against issues of those living nearby.

5. Ecology

- 5.1 To comply with the guidance contained within Paragraphs 8c, 108 and 118a of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of biodiversity value across the site. Due to the Local Planning Authority's obligations to 'reflect and where appropriate promote relevant EU obligations and statutory requirements', the applicant must display a net gain to biodiversity as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity is a requirement of all developments under Policy NR3 of the Local Plan Strategy and the Biodiversity and Development SPD.
- 5.2 The applicant has agreed to install a bird/bat box in line with the comments made by the LDC ecologist and therefore demonstrate that a net gain in ecology can be demonstrated. The provision of the bird/ bat boxes can be secured by condition.
- 5.3 It is considered that the overall scheme, including the biodiversity net gain, will suitably comply with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD, the NPPF and the wildlife legislation stated above.

6. Flood Risk

- 6.1 Core Policy 3 states that development should give priority to utilising ground infiltration drainage techniques and including sustainable drainage techniques and incorporate other sustainable techniques for managing surface water run-off such as green roofs in new development and in retro-fitting where historic flooding events have been identified.
- 6.2 The proposal has been supported by a drainage strategy, technical note and SUDs drawing and the proposal will include an attenuation pond to fully address the issues laid out in original concerns from the Staffordshire Flood Authority. Although it is accepted that an objection to the application has been received from the Parish Council relating to flooding in the area however, as members will see from the comments received that the revised drainage details are considered acceptable by the Flood Authority. As such, subject to a condition being applied to ensure that the agreed drainage strategy is completed there are no objections raised to the proposal on the issue of drainage / flood risk.

7. Noise and Impact on Residential Amenity

- 7.1 Core Policy 3 states that development should minimise levels of pollution or contamination to air, land, soil or water, including noise pollution. Policy BE1 states that development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable...*noise, light, dust, fumes or other disturbances*.
- 7.2 The application is supported by a noise survey which following initial consideration by the Council's Environmental Health Officer, a number of unresolved issues were identified which were similar to a previous scheme on the site. Although it is acknowledged that the noise report addressed several concerns identified in the previous application, it was still considered by the Environmental Health Officer that a significant impact upon neighbouring residential amenity was still found, due to the site access being immediately opposite residential dwellings which front immediately onto Cranebrook Lane. Furthermore, objections received from the Parish Council and residents have raised noise as an issue with the application proposals.

7.3 The main area of concern about noise is due to the proposal significantly increasing the volumes of traffic, including tractors and HGVs visiting the site. This increase in noise was as a direct result of engine noise, from acceleration and deceleration, and the clatter of trailers over uneven ground/unmade tracks would be clearly audible inside neighbouring residential properties, which would occur during noise sensitive hours also. The noise report had assumed that this impact would be acceptable on the basis that the vehicles will be typically on average 125 metres from property, and that movements will equate to around 1 per hour. Whilst these assumptions might not appear to be unreasonable, it was considered by the Environmental Health Officer that in reality vehicle movements could be far more frequent and are unlikely to be controllable by means of a planning condition. In addition to this, the vehicles will manoeuvre into the site and operate at a much closer distance than that quoted (i.e. less than 10 metres).

7.4 In order to seek to address this concern, the agent provided a justification on why the application is acceptable in terms of noise issues. They advise that:

- The operation of grading potatoes will take place on the site, irrespective of whether this permission is granted.
- Without adequate on-site storage, the potatoes that are delivered to the site from the land will, after being graded, have to be taken by lorry for onward storage elsewhere.
- This is not sustainable and creates more movements on the road and, by extension, more activity/movement at the access and thus more noise.
- The LPA will be mindful that, had the applicant not laid the hardstanding concurrently with the erection of the buildings, they would have been permitted development (as confirmed by the grant of prior approval previously). Following the path of a refusal to its possible conclusion i.e. the buildings being removed from the site through enforcement action, the applicant would retain his right to build the same size buildings, in the same location and for the exact same purpose, under their agricultural PD rights.
- Finally, if noise became an issue, they consider that there are provisions under the Environmental Protection Act 1990 to determine whether any noise constitutes a 'statutory nuisance'.

7.5 Notwithstanding this point, Members attention is also drawn to paragraph 017 of the Planning Practice Guidance, which states that:

"When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the 'character of the locality'. The factors influencing the 'character of the locality' may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues, public houses or airfields, and whether they are constant or intermittent."

7.6 In addition to this, it is also accepted that certain size buildings could be built under the prior approval process similar to the size of building proposed under the current application; as it is only due to the size of the hardstanding exceeding the size allowed, which has resulted in the requirement for this application. Despite this point, it is clear that the main issue relating to noise problems to the residents revolves around the issue of access to and from the site and associated vehicle movements. As such, in order to address this concern the applicant submitted an amendment to the point of access, which will allow for vehicles to access and leave the site further away from the nearby residential properties. In considering this amendment, the Environmental Health Officer has confirmed that the noise from vehicles will be reduced as a result and they no longer object to the proposals on noise grounds.

8. Human Rights

- 8.1 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.
9. Further Observations
- 9.1 The application has been reviewed by the LLFA, highway officers and environmental health officers.
- 9.2 In relation to the concerns raised regarding localised flooding, the LLFA have requested a condition that a CCTV monitoring condition is imposed.
- 9.3 Following extensive discussions regarding the retention of the existing access the highway authority have agreed it should be retained. This is a lawful access already serving the farm. The existing buildings could be served off that access under the prior approval application. However it will be reduced in accordance with a scheme to be submitted and approved by the local planning authority with an existing drawing submitted reference 3186-65. However a condition will ensure HGVs and tractors use the new access. In addition a routing plan will be required for vehicles serving the development in the interests of highway safety and residential amenity.
- 9.4 The environmental health officer has requested further measures to protect the amenity of residents which are included in new condition 2 and with these measures in place it is considered that the impact of the development on the amenity of those living locally will be reduced in conformity with BE1 of the Local Plan Strategy 2015.

Conclusion

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

There are notable concerns relating to noise, however it has been assessed that the noise generated by the agricultural activity could still increase should the development not be approved. Grading potatoes as per the usual activity on the site will continue and without the storage that is being applied for through this development, the potatoes that are delivered to the site from the land will, after being graded, have to be taken by lorry for onward storage elsewhere causing further disruption locally and increased vehicle movements is not environmentally sustainable. Given that there is some noise already present as a cause of the existing site use, and that the proposal would make an improvement by relocating the vehicular access, it would be unreasonable to refuse the application on this basis. By creating a new access means that traffic movements are located sufficiently away from residential properties by such a degree that there will be no significant issues as a result. The routing plan seeks to also encourage access and exit from the site away from such properties.

Flooding issues have been fully considered in accurate reporting which have been deemed acceptable by the Lead Local Flood Authority. Further work in terms of a CCTV report will need to be submitted to ensure that capacity is sufficient to tailor for the use of the buildings on the site.

Following the re-submission of various details and further information, the development is now deemed satisfactory by the relevant consultees, the proposal is acceptable and would conform to

relevant policies on agricultural development. Therefore, the application is recommended for approval, subject to conditions.

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

20/01236/FUL
Land Adjacent The Crown Inn
Uttoxeter Road
Handsacre

Scale: 1:2,500

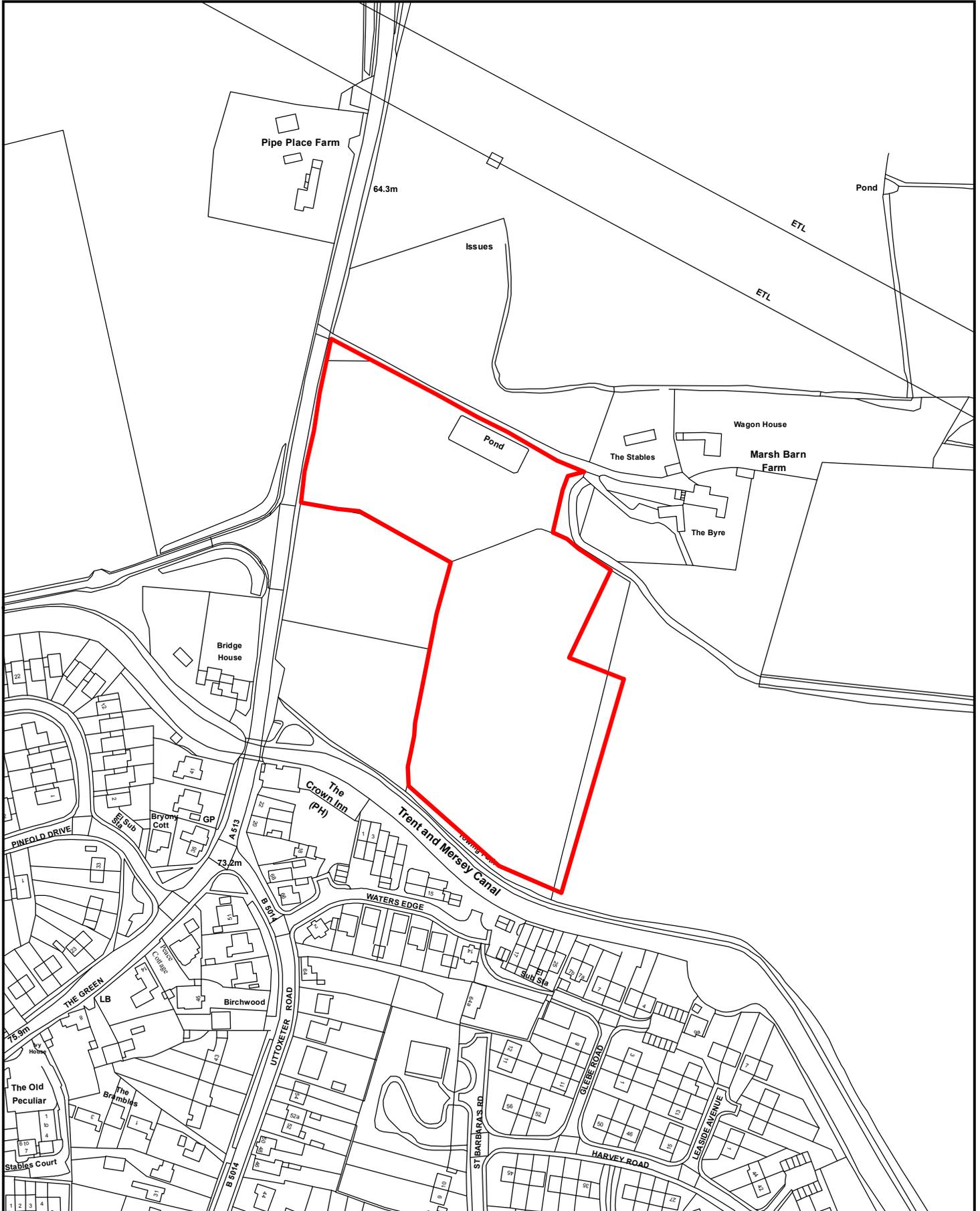
Dated: April 2021

Drawn By:

Drawing No:



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20/01236/FUL

**Creation of field access with installation of gate and ramp down to field
Land Adjacent The Crown Inn, Uttoxeter Road, Handsacre, Rugeley
FOR F B Developments Premier Ltd**

Registered: 26/10/2020

Parish: Armitage with Handsacre

Note: This application is being reported to the Planning Committee due to the application being called in by Councillor Richard Cox on 29th November 2020 for the following reasons:

- Highways issues relating to access / egress onto a busy road (not necessarily B5014 but part of A513) having regard to the 60 mph approach from Kings Bromley Lane junction.
- The number of objections from residents
- Concern that it may facilitate further development which will impact on the openness of the green belt having regard to previous refusals upheld on appeal .

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

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

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

3. Before the development hereby approved is commenced, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of;
 - (a) parking of vehicles of site personnel and operatives;
 - (b) loading and unloading of plant and materials;
 - (c) storage area of plant and materials used during the construction of the development; and
 - (d) measures to prevent the deposition of deleterious material on the public highway.

The development shall be carried out in accordance with the approved details and thereafter be adhered to throughout the construction period.

4. Before the development hereby approved is commenced a scheme indicating net gain to biodiversity shall be submitted and approved by the local planning authority. The mitigation measures so approved, shall be fully implemented within one month of the first use of the access and thereafter be retained for the life of the development.

All other CONDITIONS to be complied with:

5. The development hereby permitted shall not be brought into use until the access to the site, within the limits of the public highway, has been completed.

6. Before the proposed development is first brought into use, the site access shall be constructed with 450mm deep GSB Type 1 compacted stone, between the rear of the highway boundary and the proposed gate.
7. Before the proposed development is first brought into use, visibility splays of 2.4m x 160m to the north and 2.4m x 120m to the south shall be provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. In the interests of avoiding indiscriminate parking and obstruction of the highway in the interests of highway safety and to comply with Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
5. In the interests of highway safety, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.
6. In the interests of highway safety, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interests of highway safety, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Armitage with Handscare Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. The applicant is advised that when seeking to discharge condition 4 regard should be had to the Council's Biodiversity and Development Supplementary Planning Document. Specifically it is advised that mitigation methods could include a bat or bird box within the

site, onsite habitat improvement works or the creation/planting of new habitats or features (i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation etc.).

5. All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any and all demolition and site clearance works should occur outside of bird nesting season (March-September inclusive). As a result of this a note to applicant will be included on the decision notice to this affect.
6. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Core Policy 1 - The Spatial Strategy

Core Policy 2 - Presumption in Favour of Sustainable Development

Core Policy 3 - Delivering Sustainable Development

Core Policy 7 – Employment and Economic Development

Core Policy 13 - Our Natural Resources

Policy NR1 - Countryside Management

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy BE1 - High Quality Development

Policy ST1 – Sustainable Travel

Supplementary Planning Document

Trees, Landscaping and Development

Biodiversity and Development

Rural Development

Amitage with Handsacre Neighbourhood Plan

Policy AH2 – Conserving and Enhancing the Local Natural Environment

Policy AH5 – Better Design

Policy AH6 – Maintaining the Rural Nature of the Villages

Other

Natural Environment and Rural Communities Act 2006

The Conservation (Natural Habitats, &c.) Regulations 1994

The Conservation of Habitats and Species Regulations 2017

RELEVANT PLANNING HISTORY

15/01336/OUTM	Outline application for the erection of up to 88 no. dwellings, commercial/community unit of 80 square metres allowing B1 or D1 Use and	20.12.2016
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associated works. All matters reserved, except means of access.

CONSULTATIONS

Armitage with Handsacre Parish Council: No objection (27th November 2020).

Canal & River Trust: No comment (1st December 2020).

LDC Arborculture Team: No objection (26th February 2021).

Inland Waterways Association: No objection. However, raise concerns that the real purpose of this enlarged access is to enable future built development of the land, which would be contrary to the Local Plan and damaging to the canal's historic rural setting.

The proposed gate is 6m wide, which is twice the width of a normal field access, and very excessive for the limited area and agricultural use of the land concerned. Such width would only be needed by very wide agricultural vehicles such as sprayers passing between fields without folding down their extensions, but no such vehicle could be practically or legally taken out onto the A513. The width is clearly excessive for the 'tractors and trailers' referred to in the Design & Access Statement and appears to be intended to provide a two lane roadway, which would only be needed by a large built development. The application is by a development company which indicates such an intention. According to Companies House, F B Developments Premier Ltd is a private limited company the business of which is the "Development of building projects". The Design & Access Statement refers to a previously granted consent for a marina on the site. That was by Outline consent 99/00090/OUT granted in April 1999, and renewed by 02/00467/OUT and 05/00216/FUL. Although IWA generally supports canal marinas we consistently opposed this one as both inappropriately sited and impracticably designed. In fact it was never commenced and the permission has long since expired.

The applicant does not mention the more recent application affecting this land, which was for a mixed residential and commercial development of up to 88 dwellings; 15/01336/OUTM which was refused in 2016, and dismissed on Appeal in 2018. The grounds for refusal included its impact on the Trent & Mersey Canal Conservation Area and its breaching of the northern boundary of the village along the canal.

The importance of the canal in effectively forming a northern limit to the village, and of protecting the Conservation Area, is emphasised in the Armitage with Handsacre Neighbourhood Plan (2018). This is in accord with the adopted Lichfield Local Plan Policies Map Inset 5 which shows the Village Settlement Boundary along the canal, with this site being outside it. This is unchanged in the emerging Local Plan Review (2019).

The relevance of all this is that any significant built development of this land would be contrary to the Local Plan and the previous application decision. There can therefore be no justification for allowing construction of a major new site access which is clearly intended as a 'Trojan horse' to facilitate some undisclosed major built development (10th November 2020).

Staffordshire County Council (Highways):

No objection, subject to conditions requiring the access to have suitable materials, visibility requirements and the submission of a construction management plan (15th February 2021).

Previous comments: Object. The proposed development will result in an increase in the likelihood of highway danger to road users owing to vehicles waiting on the public highway as a result of the access being geometrically inadequate to reasonably accommodate standing vehicles clear of the public highway. The development also fails to demonstrate the provision of requisite visibility splays and that the proposed access can accommodate the swept path of vehicles visiting the site (15th December 2020).

Ecology Team: No objection. Satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats.

However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.) either within the applications red line or the blue line, where applicable. However a net-gain to biodiversity value could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features (i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation 'etc.).

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

However, the site of proposed development currently contains numerous medium which could be utilized by birds for nesting.

All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any site clearance works should occur outside of bird nesting season (March-September inclusive).

If, site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works.

Adherence by the developer to the above detailed methods of working must become a condition of any future planning approval (26th November 2020).

LETTERS OF REPRESENTATION

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

- Suspicion that the building of the ramp is the first step to stealthily "brown field" the site and literally pave the way for build development;
- Extensive removal of hedgerow is indicated, not just for the 6 metre wide gates but on either side;
- This is disingenuous application;
- Scale of the ramp is industrial in proportions;
- The application does not explain what use the land is to be put following the installation of this access;
- This application paves the way to the land being used for housing development;
- Access ownership disputes;
- Drainage concerns; and
- Lack of planning notices and relevant publicity.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

202-SK02A Site Plan, 202-SK03A Field Access, 202-sk04a Gate Hedge,

OTHER BACKGROUND DOCUMENTS

The following documents were submitted in support of this application:

- Design and Access Statement

- Transport Assessment
-

OBSERVATIONS

Site and Location

The application site relates to a parcel of agricultural land approximately 2.2 acres in area, approximately 850m north east of the centre of Armitage. It is agricultural land with no obvious signs of previous development. Several residential properties are located to the east, with their access road to the north of the site. The land is bordered on all sides by trees and hedgerows, with the hedgerow closest to the proposal being 1.8m high. The proposed access will be located 62m south of the northern boundary of the site.

Background

Whilst no applications for accesses or similar development have been applied for on this site, planning application reference 15/01336/OUTM for up to 88 no. dwellings and other buildings was refused permission in December 2016 and subsequently dismissed at appeal.

There has also been approval for a marina which was approved under reference 99/00090/OUT and renewed under 02/00467/OUT and 05/00216/FUL. These approvals have now lapsed.

Proposals

This application seeks permission for a 6 m wide access into the field to allow tractor and trailers easier access to the land than that offered by the existing access which is shared with Marsh Barn Farm. The access would have a metal central opening gate 1.25 m high which would open inwards and be 6.172m in from the highway boundary. A ramp extending 30m into the field would be created by raising the ground level. This ramp would not be surfaced with hardstanding.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Access and Highway Safety
4. Impact on Trees
5. Ecology & The Cannock Chase SAC
6. Other Issues
7. Human Rights

1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy 2008-2019, and the adopted (made) Armitage and Handsacre Neighbourhood Plan.

1.2 The National Planning Policy Framework (NPPF) advises local authorities to approve development proposals that accord with the development plan without delay. Where development plan policies are out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 1.3 The NPPF also seeks to proactively drive and support sustainable economic development to deliver homes, business and industrial units and infrastructure. The NPPF outlines that a key component of delivering sustainable development is through Local Planning Authorities planning proactively to meet the development needs of businesses.
- 1.4 Paragraph 80 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through Paragraph 60 of the NPPF, which advises that *“significant weight should be placed on the need to support economic growth and productivity, taking onto account both local business needs and wider opportunities for development”*, whilst Paragraph 82 states that *“planning policies and decisions should recognise the specific locational requirements of different sectors... making provision for... storage and distribution operations at a variety of scales and in suitably accessible locations”*.
- 1.5 Core Policy 1 of the Local Plan Strategy aims to build on the strengths of the local economy and this is further expressed within Core Policy 7 (Employment & Economic Development), which offers support for economic development in appropriately sustainable locations.
- 1.6 Core Policy 7 states that proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies. Whilst this is not a proposal for the diversification of rural economy, it will support the existing agricultural use of the land in compliance with Core Policy 7.
2. Design and Impact upon the Character and Appearance of the Surrounding Area
 - 2.1 Core Policy 3 of the Lichfield Spatial Strategy 2015 states that the Council will require development to make prudent use of natural resources and help minimise any environmental impacts. To achieve this, development should address key issues including protect and enhance the character and distinctiveness of Lichfield District and its settlements and be of a scale and nature appropriate to its locality. Policy BE1 specifically focusses on the need to produce high quality development; ensuring that amongst other aspects new development will have a positive impact on the public realm and ensure high quality, inclusive design.
 - 2.2 The proposed access is considered proportionate in scale to the field in which it will serve. The gates are of an appropriate height and appearance, which is akin to many in the area, including near the bridge, to the south of the site. The ramp proposed is a gradual increase in ground levels at one point and would return to the natural appearance of the ground over a short time and therefore is considered to have only minimal visual impact. Therefore, the proposal is considered to be acceptable in terms of design and will comply with Policy BE1 and Core Policy 3 of the Local Plan Strategy.
3. Access and Highway Safety
 - 3.1 Policy ST1 of the Local Plan Strategy states that the council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is, or can be made compatible with, the transport infrastructure in the area and takes account of number and nature of additional traffic movements, including servicing needs; capacity of the local transport network; cumulative impact including other proposed development; access and egress to the public highway; and overall highway safety. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 - 3.2 The proposal has been amended to ensure it meets the relevant guidance of the Staffordshire County Council Highways department by improving the visibility splays, setting

the gates further back to 6m rear of the carriageway edge, thereby allowing vehicles entering to field to wait off the highway, whilst opening the gates. Further conditions are also requested to ensure highway safety, as per relevant standards and policy, which are therefore considered to be reasonable and necessary. As a result of these changes it is considered that the access will create a safe access for the purposes of farm traffic and therefore will accord with Policy ST1 of the Local Plan Strategy and paragraph 109 of the NPPF.

4. Impact on Trees/Hedgerows

- 4.1 The application will require the removal of a length of hedgerow, slightly over 6m to accommodate the new access. Policy NR4 of the Local Plan Strategy recognises that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our villages and countryside and therefore it needs to be demonstrated that removal is necessary. Further to this, the Trees, Landscaping and Development gives further information and guidance to developers on these important natural features.
- 4.2 The applicant's submitted design and access statement states that the current access for the farming operations on this site are 'tight.' 'The location chosen was one that the Highway Authority previously confirmed was an acceptable location to access the site and this will be referenced in the Transport Statement to be forwarded to the Council'.
- 4.3 Whilst it is regrettable that a portion of hedgerow will be removed to accommodate the proposal, it is deemed that because of the relatively small amount that would be lost, against the existing hedgerow that would remain, the impact would be acceptable. Loss of the hedgerow would be needed to ensure sufficient visibility can be achieved when entering and leaving the site, maintaining any further amounts could compromise highway safety. As a result the development in this instance is considered to conform to NR4 of the Lichfield Spatial Strategy 2015.

5. Ecology & The Cannock Chase SAC

- 5.1 Core Policy 13 of the Local Plan Strategy states that the District Council will support the safeguarding of our ecological networks. Hedgerows are an important such network and therefore any removal will need to show a net gain can be provided. This is reflected by the comments made by the LDC ecology team in response to this application.
- 5.2 The applicant is happy to provide such a net gain, which through the use of a suitable condition, would be secured prior to the first use of the access. Subject to compliance with such a condition the proposal will comply with Core Policy 13 and Policy NR3 of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.
- 5.3 The ecology manager has advised that the hedgerow could be utilized by birds for nesting. All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any and all demolition and site clearance works should occur outside of bird nesting season (March-September inclusive). As a result of this a note to applicant will be included on the decision notice to this affect.
- 5.4 Local Plan Strategy Policy NR7 of the Local Plan Strategy sets out that development must not alone or in combination have an adverse effect upon the integrity of the Cannock Chase SAC. The proposal lies within the 8-15km buffer of the Cannock Chase SAC.
- 5.5 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the

relative proximity, on the Cannock Chase SAC. The LPA have completed a Habitats Regulation Assessment which concludes that given the nature and scale of the proposal the development is not considered have an adverse effect upon the integrity of the Cannock Chase SAC. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

6 Other Issues

- 6.1 A number of objections, including that by the Inland Waterways Association, highlight concern that this application is a 'backdoor' to support further development of the site, referencing the previous refusal for housing on this land. The assessment into the application has found that the supporting information evidences that the proposal will be to facilitate agricultural purposes only. If it was for any other purpose, different highway considerations would need to be taken into account as part of a totally different application. The previous appeal decision on the site would be a material planning consideration if such a proposal was to come forward.
- 6.2 Another concern is the lack of publicity carried out with this application. The District Council have however consulted all neighbours that immediately adjoin the red line site boundary as required by relevant legislation in this regard.
- 6.3 There have been concerns about rights of access. This is however a civil matter and not controlled by planning legislation. In addition, it is considered that there will be no significant issues in relation to drainage arising from this proposal.

7. Human Rights

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

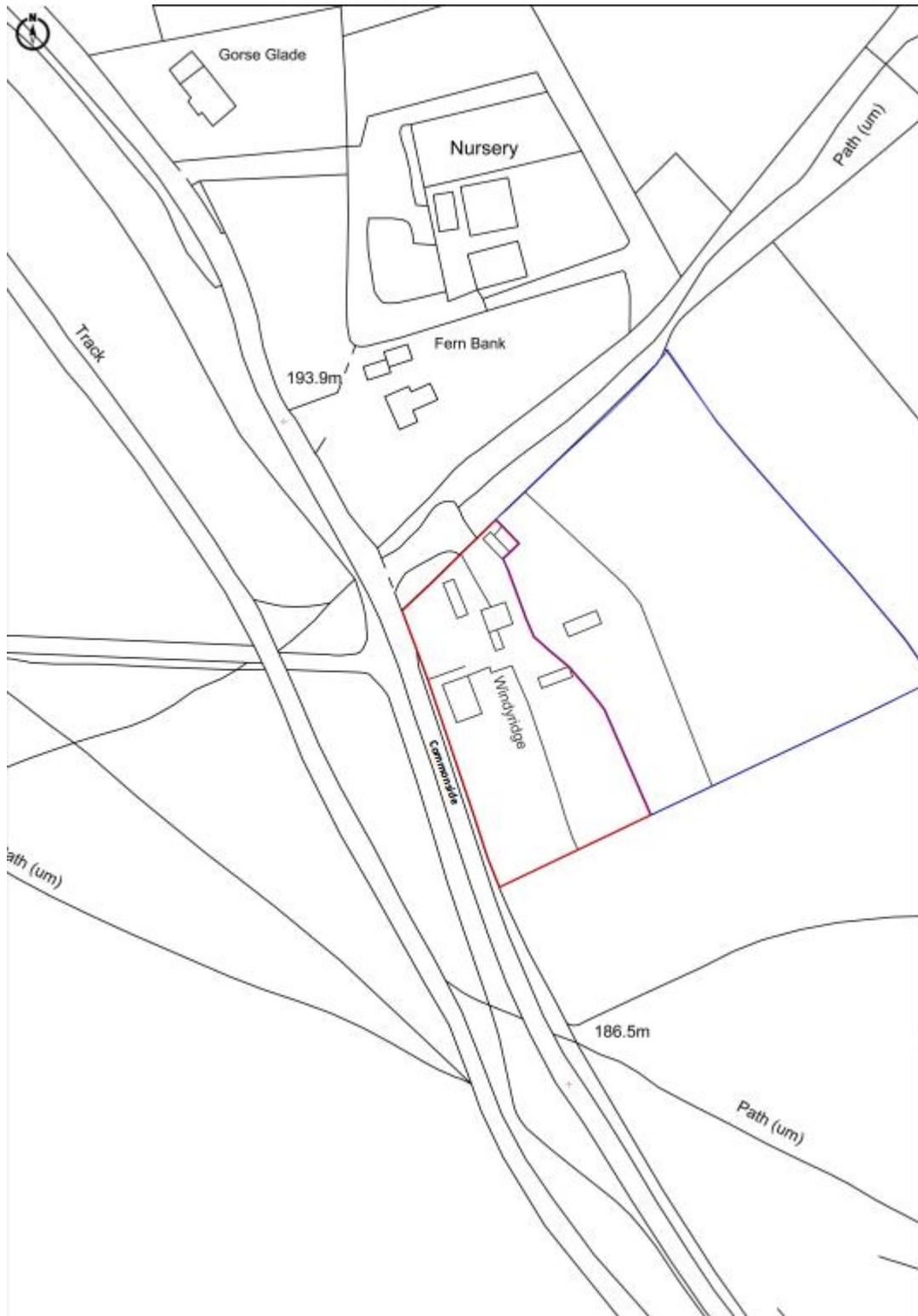
Conclusion

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

The application is for the installation of a field access with gate and natural ramp into the field in which it serves. Economically, the proposal will support an existing agricultural enterprise. Environmentally, the appearance of the development is sympathetic and characteristic of many field accesses within the district. There would be no severe impact upon highway safety and a net gain to ecology would be achieved through a submitted scheme to the council prior to its use. Therefore, the application is considered to conform to relevant local and national planning policies.

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

Location Plan – Windy Ridge, Commonside, Gentleshaw, Rugeley



20/01085/FUL

Demolition of existing dwelling to be replaced by erection of a 4 bed dwelling and associated works

**Windy Ridge, Commonsides, Gentleshaw, Rugeley
FOR Mr & Ms I & J Toddington & Harrison**

Registered **01/10/2020**

Parish: Longdon

Note: This application is being reported to the Planning Committee due to a call in by Councillor Strachan on 4.11.2020 for the following reasons:

- design and block form of this proposed development would be incongruous in the street scene and not in keeping with the rural aesthetic of this part of Gentleshaw
- potential detrimental impact upon the surrounding Green Belt and Area of Outstanding Natural Beauty (AONB).

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO COMMENCEMENT:

3. Before the development hereby approved is commenced, full details of proposed site levels and finished floor levels, including full details of the site access and road levels and gradient, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
4. Before the development hereby approved is commenced, a Construction Environment Management Plan and Habitat Management Plan shall be submitted to and approved by the Local Planning Authority in writing. The plans shall include details of the following:
 - a. parking for of vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage area of plant and materials used during the construction of the development.
 - d. Revised Biodiversity Metric detailing measurable net gain to biodiversity including a location plan.
 - e. Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur).
 - f. Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.
 - g. Details of both species composition and abundance (% within seed mix etc') where planting is to occur
 - h. Proposed management prescriptions for all habitats for a period of no less than 25 years.

- i. Assurances of achievability.
- j. Timetable of delivery for all habitats.
- k. A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.
- l. These approved details shall be provided and maintained during the construction of the development.

ALL OTHER CONDITIONS TO BE COMPLIED WITH:

5. Within 6 months of the development proposal being occupied, a landscaping scheme/plan detailing of hard and soft landscaping as well as compensatory planting shall be submitted to and approved in writing by the Local Planning Authority. As part of the landscaping scheme/plan, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details. Development shall thereafter be undertaken in accordance with the approved details.
6. No development shall commence above ground floor slab level until details of the following to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.
 - a) The bricks to be used in the construction of the external walls,
 - b) The exterior roof materials,
 - c) Exterior finish of windows and doors (including roof lights and garage doors),
 - d) A sample panel of the mortar mix, colour, gauge of jointing and pointing and the brick bond to be used,
 - e) Any proposed eaves detailing,
 - f) Design and materials of rainwater goods, and
 - g) Boundary treatments (other than those agreed for the front boundary).

The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.
7. The development hereby permitted shall take place in full accordance with the recommendations and methods of working detailed within the Ecological Impact Assessment (reference 2020-12(03)) produced by Ecolocation in January 2021.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order with or without modification, no development contained within Parts 1, 2 and 40 of Schedule 2 of the Order shall be carried out.
9. Within one month of completion, a bat box shall be installed on one of the new dwelling in accordance with details submitted to and approved by the Local Planning Authority in writing. The bat box shall thereafter be retained as such for the life of the development.
10. The development hereby permitted shall not be brought into use until parking and turning areas have been provided in accordance with details submitted to and approved by the Local Planning Authority in writing. The parking and turning areas as approved shall thereafter be retained at all times for their designated purposes.
11. The existing frontage hedgerow along Commonsidge will be retained and maintained at a minimum height of 3 metres and retained as such for the life of the development.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In the interests of highway safety in accordance with Policy ST2 of the Local Plan Strategy and relevant guidance set out within the National Planning Policy Framework and in order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy and government guidance contained in the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. In order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy and government guidance contained in the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. In order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy and government guidance contained in the National Planning Policy Framework.
10. To prevent indiscriminate parking and obstruction of the highway in the interests of highway safety, in accordance with Policy ST2 of the Local Plan Strategy and relevant guidance set out within the National Planning Policy Framework.
11. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications

in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
5. A Public Bridleway runs adjacent the site access of Commonsides and no works should be undertaken which might adversely affect the rights of users.
6. No demolition work hereby approved shall be commenced, until a Natural England / DEFRA Bat License has been approved and mitigation completed where appropriate. Once the license has been approved it shall be presented to the Local Planning Authority prior to the commencement of works.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy H1 – A Balanced Housing Market
Policy NR4 – Trees, Woodland and Hedgerows
Policy NR3 – Biodiversity, Protected Species and their Habitats
Policy BE1 – High Quality Development
Policy NR7 – Cannock Chase Special Area of Conservation
Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 6 – Housing Delivery
Policy ST2 – Parking Provision
Policy NR2 – Development in the Green Belt
Policy NR7 – Cannock Chase Special Area of Conservation
Policy Rural 1
Policy Rural 2

Local Plan Allocations

N/A

Longdon Neighbourhood Plan

Policy 4 - Landscape and Built Environment
Policy 7 - Housing Policies
Policy 8 - Supporting Development.

Supplementary Planning Document

Sustainable Design SPD
Trees, Landscaping and Development SPD

Local Plan Review: Preferred Options (2018-2040)

RELEVANT PLANNING HISTORY

19/01477/FUH	Two storey extension to side	Approve	09/12/2019
20/01085/FUL	Demolition of existing dwelling to be replaced by erection of a 4 bed dwelling and associated works		Undetermined

CONSULTATIONS

Longdon Parish Council - No objections/Comments - (14th October 2020)

Ecology Team - LDC -

Bats

The Ecology Team are satisfied with the methodology and the information provided within the submitted Bat and Bird Surveys and attached Ecological Impact Assessment in relation to Bats. The Ecology Team concurs with the conclusions of the survey in that (given the data provided) it can now be considered that the status of the roosts are known and that the presence of protected species (brown long eared bats) and the extent that they may be affected by the proposed development has been established and satisfactory measures have been recommended (outline mitigation/compensation and method statement) to protect the species identified as well as enhancements. It is understood that a bat loft will be included in the new dwelling.

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, all recommendations and methods of working detailed within the Bat Survey and Ecological impact Assessment must be made a condition of any future planning approval i.e. obtaining a Natural England License for bats including submission to the LPA prior to commencement of works and new roosting provision.

In such instances where a bat mitigation licence is considered to be required a clear case of how the three license tests to destroy a roost must be satisfied as part of the planning application and decision making process. This is to assure the planning authority of the likelihood that any conditioned licence will be granted by Natural England.

The applicant needs to demonstrate three tests in the licence application to a high standard of proof; that the development will:

- 'preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- 'that there is no satisfactory alternative'; and
- 'that the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

These are the three tests that will be asked for by Natural England should a legal case be brought as a result of any public inquiry, failure to deliver these by Lichfield District Council as the Planning Authority will result in partial liability resting with the Authority.

Ecological Impact Assessment

The Ecology Team is satisfied with the methodology and the information provided within the submitted Ecological Impact Assessment. The Ecology Team concurs with the conclusions in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). This is subject to adherence with the suggested measures of avoidance, mitigation and compensation outlined in the EIA.

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, all recommendations and methods of working detailed within the Ecological Impact Assessment must be made a condition of any future planning approval (i.e. Section 5. Avoidance, Mitigation and Compensation).

Submission of CEMP and HMP

Due to the close proximity of Gentleshaw Common SSSI and proposed habitat creation, it is imperative that a Construction Environment Management Plan and Habitat Management Plan be submitted as part of a planning condition. This is to further reduce any potential impacts such as pollution, run off, dust, unnecessary light spillage, protected species avoidance measures as detailed in the EIA etc.

With regards to the proposed habitat creation of lowland meadow, the ecology team considers heathland creation or acid grassland creation to be more appropriate as the site is directly adjacent to Gentleshaw Common which is nationally recognized lowland heathland. The development footprint is also identified as being within the heathland corridor of the Nature Recovery Network Mapping that forms part of the local Plan evidence base.

The applicant will 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). This information can become a pre-commencement condition of any future planning approval.

Within the combined CEMP/HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition.

Information submitted within the CEMP/HMP should and expand upon the information provided within Ecology Impact Assessment and must detail:

- Revised Biodiversity Metric detailing measurable net gain to biodiversity including a location plan.
- Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur).
- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.

- Details of both species composition and abundance (% within seed mix etc') where planting is to occur
- Proposed management prescriptions for all habitats for a period of no less than 25 years.
- Assurances of achievability.
- Timetable of delivery for all habitats.
- A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (1st March 2021)

Ecology Team - LDC – The team relate to previous comments regarding the requirement for an updated bat survey that is in context with the scheme (including mitigation/compensation requirements) and a PEA for the site due to the high presence of protected/priority species and the close proximity to the SSSI.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (26th January 2021)

Ecology Team - LDC -

Full Ecological Assessment

Based on the sites location, the habitats apparently there present or adjacent (Gentleshaw Common SSSI) and due to the high amount of protected/priority species records with 2km (as shown by SER) it will be required that the applicant submits a Preliminary Ecological Appraisal for the site.

The Appraisal should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey should be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan

The assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats or other listed biodiversity features (these should include both direct and indirect effects both during the construction phase and operational phase). Where harm is considered likely, evidence must be submitted to show:

- How alternatives designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.
- A biodiversity metric must be included to demonstrate no net loss to biodiversity. A net gain to biodiversity (20% habitat replacement ratio) must be demonstrated.

If PEA recommends further survey effort, it is essential that these be conducted prior to submission of a planning application.

The applicant must be able to display to the LPA the extent (if at all) that the proposed development scheme will impact upon protected and priority species (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2016), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

It is also important to establish whether protected species may be affected by the proposed development scheme at an early stage to allow this information to be considered when planning the developments design and timescales of work. All surveys should be completed in accordance with Natural England's Standing Advice for Protected Species and current best practice guidelines.

Where it is determined that protected or priority species are to be impacted upon by a proposed scheme the mitigation hierarchy must be adhered to: all attempts must be made for impacts to first be avoided; failing that the scale of the impact should be mitigated against; and if there still remains a residual negative effect this should be compensated for as part of the development scheme.

Failure by the applicant to recognise a development's impact on protected and/or priority species, avoid these impacts as far as is possible and/or incorporate suitable mitigation and compensation within a proposed scheme will likely result in refusal of the application at determination.

Surveys must therefore be completed, impact assessments carried out and all mitigation and compensation required to protect the species and its habitat incorporated into the scheme before preparation of final plans and/or permissions are sought.

Bats

The buildings proposed for demolition show a number of features which would allow for their utilisation by bats as a place of shelter (roost). These included: slipped or raised roof tiles; and cracks/gaps along the roof ridge; all of which provide ingress opportunities to bats. The main house is known to be a bat roost for BLE bats.

The likelihood of bat utilisation is further increased by the numerous records (provided via the SER) of bat presence within the local vicinity of the proposed development (<2km). Additionally foraging areas of known high value to bats (i.e. the water courses, woodland spinneys, mature hedgerows, etc.) are located in close proximity to the planning application site. It is considered that the site of proposed development is linked to these high-value bat foraging habitats. A network of established linear features within the area (hedgerows) provides easily navigable routes for the commuting bats; further increasing the value of the habitat surrounding the development to bats and so the likelihood of utilisation of the building in question by them in some manner.

For the reasons aforementioned the applicant must conduct a Bat Assessment/survey that is in context with the scheme and submit it to the LPA for scrutiny prior to the determination of this application.

The Ecology Team are aware that a previous bat survey has been done at this site, however it could not be resubmitted as it is not in context with the current proposals neither is the mitigation proposed. The LPA would therefore not be able to satisfy the three licensing tests based on this information, thus not discharge our legal responsibilities.

For more information on Lichfield district Council's Bat Survey/Assessment requirements please see below.

Bats

Due to the nature of the development particularly the features displayed upon the building, its location and the presence of bat species in the area the Ecology Team recommends that a bat survey be carried out that will confirm the presence and location of all bat roosts, commuter routes and foraging ground with regards to trees, hedgerows and all buildings prior to any planning decision being made. All Bat

surveys must meet the standards of the Bat Conservation Trust (BCT) Bat Surveys Good Practice Guidelines 2016 and Natural England's Standing Advice on Protected Species.

Where detailed visual assessment surveys are insufficient to ascertain bat usage of a building or feature then full emergence surveys must be conducted. Please note, unless otherwise specified or agreed, Lichfield District Council requires the survey effort for bat emergence surveys (i.e. dusk emergence and dawn re-entry surveys) must correspond to those set out in Table 7.3 of the BCT Bat Survey Good Practice Guidelines 2016. The survey effort must correspond to the level of roost suitability of a structure as determined by the Authority.

Following BCT guidance a Preliminary roost assessment can be carried out at any time of year, following this the Ecologist/LPA will determine whether further surveys are required.

All emergence/re-entry surveys must be completed during the optimal survey period of May to August (inclusive), unless prior approval has been received from the Ecology Team for surveys to be conducted in sub-optimal periods (April, September). Survey reports must also be accompanied by sonogram analysis. If the proposal is likely to disturb or damage a bat roost, a bat mitigation licence will be required to be attained by the applicant from Natural England as a condition of planning permission. Where a licence is required the applicant will need to provide to the planning authority a detailed method statement including reasonable avoidance and a full mitigation plan, in order to limit potential impacts to bats. This information is required prior to determination of the application.

In such instances where a bat mitigation licence is considered to be required a clear case of how the three licence tests to destroy a roost will be satisfied must be submitted as part of the planning application to the planning authority. This is to assure the planning authority of the likelihood that any conditioned licence will be granted by Natural England.

The applicant needs to demonstrate three tests in the licence application to a high standard of proof; that the development will:

- preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- 'that there is no satisfactory alternative', and
- 'that the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

These are the three tests that will be asked for by Natural England should a legal case be brought as a result of any public enquiry, failure to deliver these by Lichfield District Council as the Planning Authority will result in partial liability resting with the Authority.

Full information will be necessary to assess bat presence on site, impacts from development and lighting and provide mitigation/enhancement proposals prior to the decision. Advice may also be sought from Natural England prior to submission of the application to ensure that they are also happy with proposals.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (23rd October 2020)

Western Power Distribution - No Comments Received - (9th October 2020)

South Staffs Water - No Comments Received - (N/A)

Severn Trent Water - All Staffordshire - As the proposal has minimal impact on the public sewerage system, the team have no objections to the proposals and do not require a drainage condition to be applied. (20th October 2020)

Central Networks - No Comments Received - (N/A)

Staffordshire County Council (Highways) – There are no objections on Highway grounds to the proposed development subject to planning conditions, which relate to the implementation of parking and turning areas and the submission of a Construction Management Plan. (22nd October 2020)

Staffordshire County Council (Flood Risk Officer) – No objections. (23rd October 2020)

Tree Officer - LDC - Whilst the site is not within any designated conservation area and currently there are no TPO's, there are some trees but none of note, but the frontage hedgerow is clearly an important aspect of the street scene.

Whilst there are no arboricultural grounds for any objection to this proposal in its current form we do ask that if you were minded to approve this that a condition is placed on any permission that may be forthcoming that requires the retention of all the curtilage hedges. (12th October 2020)

Cannock Chase AONB Unit – The openness of the Green Belt in and around the AONB is an important element of the landscape and scenic beauty of the designated area, and sensitive development in the AONB critical to conserving and enhancing the natural beauty of the AONB.

The AONB does not object to the principle of replacing the dwelling and approved extension with a new, albeit slightly larger property, however there are a number of more detailed issues that I request are dealt with via Conditions to ensure that the proposal conserves and enhances the landscape and natural beauty of the AONB. (27th October 2020)

Spatial Policy and Delivery Team – The sites falls within the rural area of Gentleshaw but is not located within an identified village settlement boundary. The development is located in the Green Belt and is within 15km of the Cannock Chase SAC. The proposed development falls within the designated Longdon Neighbourhood Plan area.

It is noted the site benefits from permission for the erection of a two storey side extension [Application Reference: 19/01477/FUH].

National Planning Policy Framework (NPPF)

In terms of national guidance, the NPPF includes a presumption in favour of sustainable development and this is echoed in Core Policy 2 of the Local Plan. Furthermore the NPPF advises local authorities to approve development proposals that accord with the development plan without delay; and where development plan policies are out of date advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted. The NPPF gives examples of such policies, which include areas where policies relating to sites identified under the Birds and Habitats Directives and within the Green Belt.

Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that the construction of new buildings should be regarded as inappropriate in the Green Belt, however it lists a number of exceptions to this which includes the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces, this is relevant to this application.

Within the planning statement the applicant makes the case that the proposed development meets this exception, and compares the volume, footprint and floor area of the proposed development with the existing dwelling and permitted extension [Application Reference: 19/01477/FUH] to conclude the replacement building not materially larger. However, it is worth noting that the planning permission for the extension has not been implemented and therefore I will leave it to the case officer to

determine if the development is considered to 'not be materially larger than the one it replaces'. If the development is not considered to meet this exception then the proposed development would be inappropriate development within the Green Belt and very special circumstances would need to be demonstrated. The planning statement sets out what the applicant considers are very special circumstances which include the fallback position of implementing the permitted extension.

Local Plan Strategy and Allocations Document

The Lichfield District Local Plan Strategy was adopted 17th February 2015 and the Local Plan Allocations was adopted in July 2019 and provides up to date policies for the area.

Core Policy 1: The Spatial Strategy sets out the how Lichfield District will contribute to the achievement of sustainable development and to deliver housing in the most sustainable settlements, making best use of and improving existing infrastructure. The policy refers to smaller villages accommodating housing to meet local needs, mainly within identified village boundaries, unless supported as a rural exception site.

Core Policy 3: Delivering Sustainable Development lists a number of key issues that development should address in order to ensure sustainable development. The following key issues are relevant to this application:

- Protect and enhance the character and distinctiveness of Lichfield District and its settlements.
- Be of a scale and nature appropriate to its locality.
- Encourage the re-use of previously developed land in the most sustainable locations.

Policy NR2: Development in the Green Belt, replicates national planning policy in relation to Green Belt, states that development within the Green Belt must 'retain its character and openness', and that inappropriate development 'will not be approved expect in very special circumstances'. It also states that 'The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework'.

Longdon Neighbourhood Plan

The site lies within the designated boundary of the Longdon Neighbourhood Plan area. The plan became 'made' on the 9 October 2018. Policies of relevance to this application are Policy 4: Landscape and Built Environment, Policy 7: Housing Policies and Policy 8: Supporting Development.

Contributions

The following contributions should be sought if the District Council is minded to support this proposal:

a) Community Infrastructure Levy:

The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. The application site lies within the Higher Value Zone of the CIL Charging Schedule, and would be charged at a rate of £55 per square metre.

b) Cannock Chase SAC

The Regulation 123 list adopted on the 22nd February 2017 states that CIL payments secured may be spent on measures for preventing harm to the CCSAC. In addition, the Regulation 123 list goes on to identify measures to enable developments within the 0-8km Zone of influence, to satisfy Habitats Regulations. Developments exempt from a CIL contribution will be required to mitigate against harm through either a S106 or unilateral undertaking.

In conclusion, the applicant argues that the proposed development meets the exceptions listed in the NPPF as it is a replacement dwelling which is not materially larger than the one it replaces, however this is when compared to the existing dwelling and permitted extension. The team will leave it to the case officer to determine whether the development meets this exception and if not whether very

special circumstances have been demonstrated to outweigh the harm to the green belt. (27th October 2020)

LETTERS OF REPRESENTATION

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

- The proposal will have a detrimental impact upon the character of the surrounding area.
- The proposal will have a negative ecological impact.
- The proposal will have a detrimental impact upon the surrounding Green Belt and AONB.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

DrNo 5359.99 Location Plan, A, DrNo 5359.01 Existing Site Plan, A, DrNo 5359.02 Proposed Site Plan, A, DrNo C5.01.01.19 Existing Floor Plan, A, DrNo C5.01.02.19 Existing Elevations, DrNo C5.01.03.19 Existing Elevations, DrNo C5.100.01.20 Proposed 4 Bed Detached House, A,

OBSERVATIONS

Site and Location

The application site relates to Windy Ridge, located on the eastern side of Commonsides. The existing house is a two storey three bedroom detached dwelling built in a mixture of stone and render. It is a poor state of repair. There are a number of single storey outbuildings on the site, the majority of which are constructed of corrugated iron sheets. Access is achieved via a gated access taken from Commonsides to the west. The application site is located to the east of the existing dwelling and comprises a lawned area, with mature trees and hedgerows located at its boundaries.

The surrounding area is predominantly rural, with low density residential development located along Commonsides. Neighbouring properties are characterised by large detached dwellings set within spacious plots.

The application site is located within Green Belt and the Cannock Chase Area of Outstanding Natural Beauty.

Background

Planning permission was granted in December 2019 (planning reference 19/01477/FUH) for the erection of a two storey side extension. The extension has not been implemented.

Proposals

This application seeks permission for the demolition of the existing detached dwelling and erection of a 4no bedroom dwelling and associated works comprising access and parking areas.

The new dwelling will be located to the south-east of the existing dwelling to be demolished. The new dwelling will be of traditional design, with a stacked chimney breast, protruding gables and a canopy porch at the front elevation. The on-site outbuildings will also be removed as part of the development scheme.

Vehicular access to the application site will utilise the existing vehicular access on to Commonsides. There is an existing area of hardstanding that can accommodate a minimum of four vehicles.

Determining Issues

1. Policy & Principle of Development

2. Design and Layout
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology
7. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy 2008-2019.
- 1.2 Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies 5 key rural settlements to accommodate growth. Huddlesford does not have a designated settlement boundary and is not identified as a key rural settlement.
- 1.3 Core Policy 6 of the Local Plan Strategy expands upon Core Policy 1 with regard to the provision of housing within the District. The policy identifies Lichfield City, Burntwood and the key rural settlements as the focus for residential development.
- 1.4 Policy Rural 1 states that smaller villages will deliver housing to accommodate local needs and that 5% of the District's housing will be met within the village boundaries through the conversion of existing buildings and to meet identified local needs on rural exception sites. These sites will be considered through the Local Plan Allocations and community led plans. Policy Rural 2 states that support will be given to small scale development to meet local needs where the need is clearly and robustly evidenced by the local community.
- 1.5 The site is located outside a designated settlement boundary and is not allocated for residential development via the Local Plan Allocations Plan. However, the proposed development does not comprise the erection of a new dwelling, instead the redevelopment of previously developed land of which is in residential use. As such, it must therefore be concluded that the proposed development, comprises appropriate development in housing policy terms and comprises with relevant policies as contained within the Development Plan.

Green Belt Considerations

Green Belt Policy

- 1.6 The application site is located within the West Midlands Green Belt and outside of the settlement boundary therefore is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt.
- 1.7 Paragraph 145 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. An exception to this is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 1.8 The proposed development will remain in residential use. The volume of the existing dwelling comprises 427 m³, increasing to 560 m³ once the volume of the permitted two storey extension is included of which comprised 127 m³ giving an overall total of 554 m³. The proposed dwelling has a volume of 560 m³, this being 6m³ (1%) greater than the existing dwelling together with its permitted extension. In respect of this, the development is not considered to be materially larger than the dwelling it is replacing and so is compliant with paragraph 145 of the National Planning Policy Framework.

Impact on Openness

- 1.9 The development does not constitute isolated development, given that the site currently comprises residential development and is heavily screened from the surrounding area by mature vegetation. Although the application proposal would result in development on land which is currently free from built form, the plot is not remote and isolated from areas of hardstanding would share a visual and functional relationship with buildings and hardstanding in the area. Views of the proposed development would be limited from Commonsides, as it is located behind hedgerows and so would not appear visually prominent from the public highway and would be viewed in the context of the existing residential site. Therefore, it is considered that the proposal will have a limited impact on openness and accords with Paragraph 146 of the NPPF and Policy NR2 of the Lichfield District Local Plan.

AONB

- 1.10 In respect of the application site's location within the Area of Outstanding Beauty (AONB), the Cannock Chase AONB Partnership team have been consulted and requested to provide formal comments on the acceptability of the scheme. The team concluded that they have no objections, subject to conditions which will ensure that the proposal conserves and enhances the landscape and natural beauty of the AONB. As such, the development proposal is considered to be acceptable on these grounds and will not have a detrimental impact upon the character and wider landscape of the AONB.

2. Design and Layout

- 2.1 Policy BE1 of the adopted Local Plan Strategy requires development proposals to ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be demonstrated that it will have a positive impact on the significance of the historic environment and reducing carbon emissions. New development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views must have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 2.2 Core Policy 3 of the Local Plan Strategy requires development to contribute to the creation and maintenance of sustainable communities. To achieve this, development should 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; be of a scale and nature appropriate to its locality; encourage the re-use of previously developed land in the most sustainable locations, and encouraging the reuse of buildings as a sustainable option; ensure that all new development conversion schemes are located and designed to maximise energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible; and maximise opportunities to protect and enhance biodiversity, geodiversity and green infrastructure and utilise opportunities to facilitate urban cooling.
- 2.3 Whilst there are no properties immediately adjacent to the site, dwellings along Commonsides are characterised by 1950s detached properties, a number of which have been modified and extended. It is considered that the proposal will not have a detrimental impact upon the character and appearance of the existing street scene and the proposal, in respect of its high quality and sustainable design, will raise the standard of development within the area more generally. As such, in respect of design, the proposal is considered to comply with policies BE1 and CP3 of the Local Plan Strategy, guidance contained within the Sustainable Design SPD and relevant guidance contained within the National Planning Policy Framework.

2.4 As such, it is considered that the proposed dwellings in term of design, appearance and layout make a positive contribution to the street scene and improve the quality of built development in the area more generally. It is therefore considered that the proposal complies with Policy BE1 and CP3 and relevant policy contained within the NPPF.

3. Residential Amenity

3.1 The Sustainable Design SPD includes recommendations for dwellings and amenity standards in order to ensure residential privacy is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings.

3.2 Separation distances are considered to be in accordance with policy requirements, with no overlooking of neighbouring properties. It is considered that overall the proposal would provide future users with an adequate level of amenity and would not result in an unacceptable detrimental impact on the amenity of current and future occupiers of surrounding residential dwellings in accordance with the Sustainable Design SPD; the amenity space of each dwelling exceeds requirements set out in the SPD with 65sqm for 3-4 bedroom dwellings and 100sqm for 5 bedroom dwellings. As such, the proposal will accord with the Development Plan and the National Planning Policy Framework in this regard.

3.3 As the property does not have any immediate adjoining properties, it is considered that the proposal's impact upon neighbouring occupier's amenity will be minimal and there will be no undue impact in terms of overlooking or overshadowing. Furthermore, it is considered that the scheme provides an adequate level of occupier amenity and therefore complies with Policy BE1, Core Policy 3 and guidance contained within the Sustainable Design SPD.

3.4 As such it is considered that the proposal, in terms of residential amenity, complies with the requirements of Policy BE1 of the Local Plan Strategy and guidance set out in the Sustainable Development SPD.

4. Highways and Access

4.1 Policy ST2 of the Local Plan Strategy requires appropriate provision to be made for off street parking in development proposals in accordance with its maximum parking standards set out in the Sustainable Design SPD, which requires 3 vehicle spaces for 5 or more bedroom dwellings.

4.2 The Staffordshire County Council Highways Team have been consulted and now have no objections to the scheme. Conditions have been suggested, relating to the implementation of the access points which will be attached to any forthcoming permission. As such, the proposals are considered to comply with Policy ST2 of the Local Plan Strategy and relevant guidance contained within the NPPF.

5. Ecology

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

5.2 The Ecology Team have been consulted and have no objections to the proposal, following the submission of a Preliminary Ecological Appraisal which concludes that the development proposal is unlikely to detrimentally impact upon protected on site species. A pre-commencement condition will be imposed on any forthcoming permission requiring the submission of a Construction Environment Management Plan and a Habitat Management Plan as well as requiring proof that a bat license for the works has been obtained by Natural England of which will also be conditioned. As such, the proposal is considered to be acceptable on ecological grounds and complies with Policy NR3 of the Local Plan Strategy.

6. Arboriculture

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

6.2 The Arboricultural Officer is satisfied with the submitted landscaping scheme and tree protection plan and has no objections to the development proposals. However, the officer notes the importance of the frontage hedgerow and its' contribution to the street scene. As such, a condition is proposed which requires the retention of this hedgerows and therefore the proposal will meet the requirements of Policy NR4 of the LDLPS and the NPPF.

7. Human Rights

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

Conclusion

The principle of residential development at this site is acceptable. The development would not have an adverse impact upon the character or appearance of the surrounding area, the amenity of neighbouring residents, and would provide an acceptable level of amenity for future occupants. There would not be a detrimental impact on highway safety, or ecology. As such the proposal accords with the Development Plan and NPPF. Therefore, it is recommended that this application be approved, subject to the conditions set out above

LOCATION PLAN

20/00932/FUL

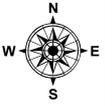
The Grange Church Street
Chasetown

Scale: 1:1,000

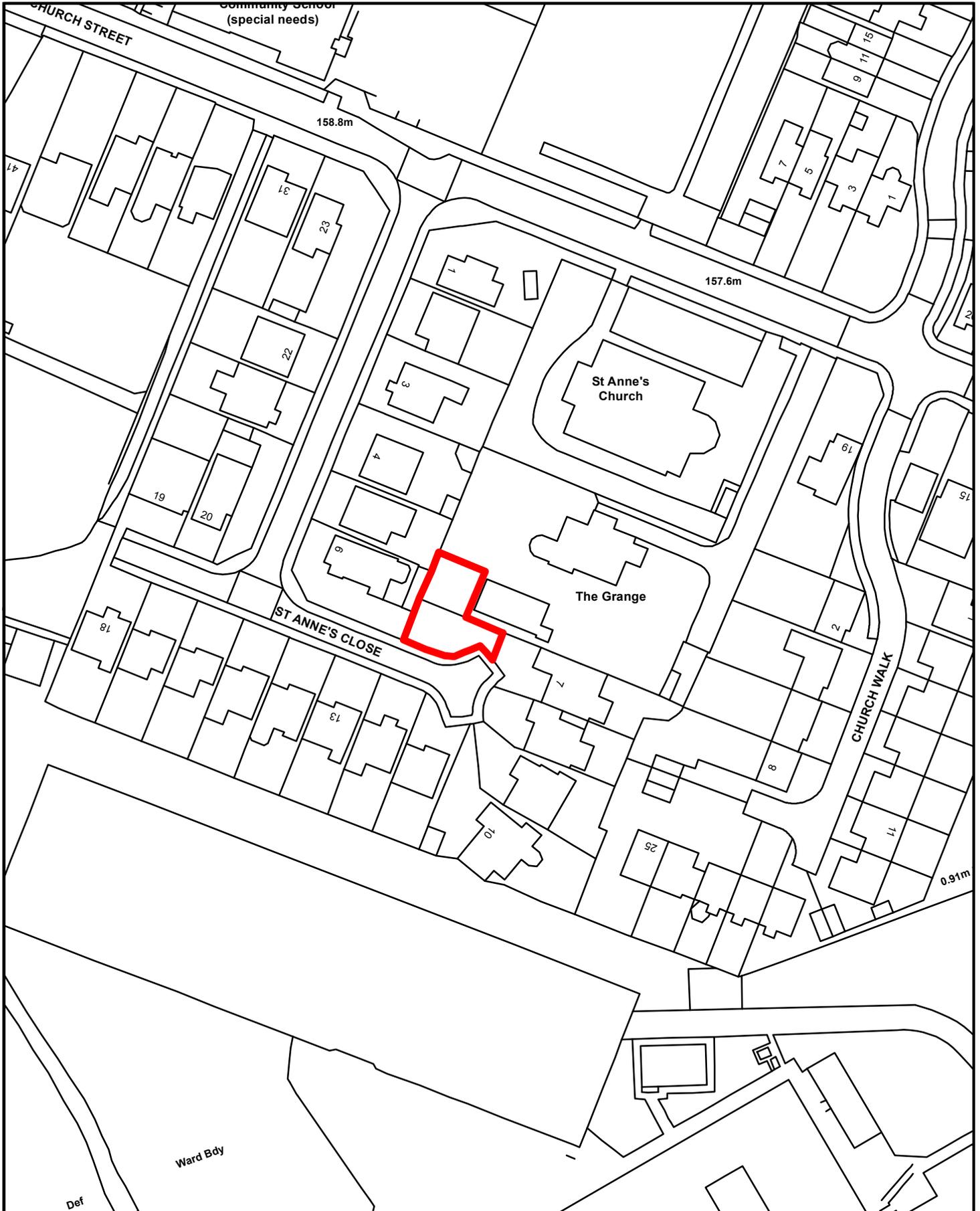
Dated: March 2021

Drawn By:

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20/00932/FUL

**Erection of 2 bedroom bungalow (resubmission of application 20/00331/FUL)
The Grange, Church Street, Chasetown, Burntwood
FOR Mr & Mrs Scott Wright**

Registered: 11/09/2020

Parish: Burntwood

Note: This planning application is being reported to the Planning Committee due to the comments of objection received from Burntwood Town Council and also the volume of neighbourhood objections which have been received. Burntwood Town Council have presented comments of objection on the grounds of:

- detrimental impact on the openness of the street scene
- loss of open space and amenity in the area
- increases the density of the residential buildings
- increases the associated vehicle use at the location

RECOMMENDATION:

- 1. Subject to the owners/ applicants first entering into a Unilateral Undertaking under the Town and County Planning Act 1990 (as amended), to secure contributions/ planning obligations towards:**
 - **The mitigation against adverse effects on the integrity of Cannock Chase Special Area of Conservation as outlined by Natural England. Subject to the relevant planning conditions.**
- 2. If the Unilateral Undertaking is not signed/ completed by the 31 May 2021 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined within the report.**

Then Approve, subject to the following conditions:

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved 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.
3. The materials and finishes for the proposed external walls, roof and windows shall accord with the descriptions/ details outlined within the approved documentation of this planning permission.
4. Before the first occupation of the dwelling hereby approved, the site access, within the limits of the public highway and the access drive within shall be completed. The driveway shall be formed in a porous bound material.

5. The proposed development must be undertaken in adherence to all recommendations and methods of working detailed within the Tree Report - Ref: BALDS017-20 and the Tree Protection Plan - Ref: BALDS017-20 TPP.
6. The proposed development must be undertaken in adherence to all recommendations and methods of working detailed within the Preliminary Bat Roost Assessment & Bird Survey - Ref: SK 0432 0797. IE. Removal of vegetation outside of bird nesting season March ' end of August, installation of a brick built bat box at the gable apex of north west elevation on the new dwelling, bat sensitive lighting, installation of two Sparrow terraces on the north west and south east gable elevations and strict adherence to the provided method of working. These features must be retained for the lifetime of the development.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In the interest of highway safety in accordance with Policy BE1, Policy ST1 and Policy ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, and the National Planning Policy Framework.
5. To ensure the retention of trees within the site, in accordance with Policy BE1, Policy CP3, Policy NR3 and Policy NR4 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the Trees Landscaping and Development Supplementary Planning Document, and the National Planning Policy Framework.
6. To ensure an uplift in the site's biodiversity value in accordance with Policy BE1, Policy CP3, Policy NR3 and Policy NR4 of the Lichfield District Local Plan Strategy, the Biodiversity & Development Supplementary Planning Document, the Sustainable Design Supplementary Planning Document, the Trees Landscaping and Development Supplementary Planning Document, and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

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

PLANNING POLICY:

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Lichfield Local Plan Strategy 2008-2029

BE1 - High Quality Development
CP1 - The Spatial Strategy
CP2 - Presumption in Favour of Sustainable Development
CP3 - Delivering Sustainable Development
CP4 - Delivering our Infrastructure
CP6 - Housing Delivery
CP13 - Our Natural Resources
CP14 - Our Built & Historic Environment
NR3 - Biodiversity, Protected Species & their Habitats
NR4 - Trees, Woodland & Hedgerows
NR5 - Natural & Historic Landscape
NR7 - Cannock Chase Special Area of Conservation
SC1 - Sustainable Standards for Development
SC2 - Renewable Energy
ST1 - Sustainable Travel
ST2 - Parking Provision

Lichfield Local Plan Allocations 2008-2029

BE2 - Heritage Assets
Policy Burntwood 1: Burntwood Environment

Supplementary Planning Documents

Biodiversity & Development SPD
Developer Contributions SPD
Historic Environment SPD
Sustainable Design SPD
Trees Landscape & Development SPD

Neighbourhood Plans

Neighbourhood Area Plan - Burntwood Town

Local Plan Review: Preferred Options (2018-2040)

RELEVANT PLANNING HISTORY:

20/00331/FUL	Erection of a two bedroom bungalow and garage with access and parking facilities	Withdrawn	23/06/2020
L6896	Alterations and Extensions	Approve	08/05/1980

L2667	Building for swimming pool	Approve	18/10/1976
L10277	Extension to existing dwelling	Approve	24/10/1983

CONSULTATIONS:

Burntwood Town Council: Objection on the basis that this will have a detrimental impact on the street scene with loss of open space and amenity in the area. The removal of the garage does not mitigate the negative impact previously raised as a concern by Burntwood Town Council. The development itself and placing of another dwelling on the site increases the density of the residential buildings and increases the associated vehicle use at the location. This impacts negatively on the openness of the street scene and the enjoyment of local residents. (12 January 2021)

Previous Comments: Objection on the basis that this will have a detrimental impact on the street scene with loss of open space and amenity in the area. (24 September 2020)

Ecology Team: In addition to the previous comments the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (18 January 2021)

Previous Comments: Satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment and Bird Survey. Concurs with the conclusions of the assessment. No further ecological survey effort is required from the applicant at this time. However, adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Bat Roost Assessment and Bird Survey must be made a condition of any future planning approval (i.e. Removal of vegetation outside of bird nesting season March ' end of August, installation of a brick built bat box at the gable apex of north west elevation on the new dwelling, bat sensitive lighting, installation of two Sparrow terraces on the north west and south east gable elevations and strict adherence to the provided method of working by all contractors). (14 October 2020)

Conservation & Design Team: The application site is within the setting of the Grade II* listed St Anne's Church. A Heritage Statement has been supplied as part of this application that meets the requirements of the NPPF and Policy BE2. The Heritage Statement follows the Historic England guidance in assessing the setting of the Heritage Asset, how this contributes to the significance of the Heritage Asset and the potential impact of the proposed development on this significance. The Heritage Statement concludes that the proposed development would not harm the setting of the Heritage Asset and would not harm its significance. The proposals are therefore considered to comply with the relevant paragraphs of Section 16 of the NPPF and the relevant Local Plan policies including CP14, BE1 and BE2. (08 October 2020 & 12 January 2021)

Natural England: No objection subject to appropriate mitigation being secured. The application would have an adverse effect on the integrity of Cannock Chase Special Area of Conservation. In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required. A suitable developer contribution should be secured, consistent with adopted local plan policy NR7 - Cannock Chase SAC and the Council's supporting document 'Cannock Chase SAC - Guidance to mitigate the impact of residential development'. An appropriate planning condition or obligation shall be attached to any planning permission to secure these measures. (07 October 2020 & 13 January 2021)

Environmental Health Team: No objection to the proposal in principle. Applicant advised that the proposed development is within a smoke control area. They should consider the following guidance if considering a solid fuel heating appliance <https://www.gov.uk/smoke-control-area-rules>. (19 October 2020 & 18 January 2021)

Flood Risk Team (Staffordshire County Council): As this application relates to a non-major development, we are a non-statutory consultees. No comments to offer. (25 January 2021)

Highways (Staffordshire County Council): There are no objections on highway grounds subject to the following conditions being included on any approval: 1) The development hereby permitted shall not be brought into use until the access to the site, within the limits of the public highway, has been completed. 2) The development hereby permitted shall not be brought into use until the access drive within the site has been surfaced in a porous bound material. (12 October 2020 & 21 January 2021)

Severn Trent Water: As the proposal has minimal impact on the public sewerage system there are no objections to the proposal and no drainage conditions required. (14 October 2020 & 19 January 2021)

Arboricultural Officer: Whilst the site is not within any designated conservation area there are a number of TPO'd, and as such the requirements of policies BE1, NR3&4 and the associated SPD are germane here. As such the applicant has provided us with a tree report to the required standard. We can confirm that the findings of the report are agreed. If you were minded to approve this proposal we would ask that a tree protection condition is placed on any permission that may be forthcoming that cites the tree report and TPP from Braemar. (24 September 2020 & 05 January 2021)

Environment Agency: No Comments Received.

LETTERS OF REPRESENTATION:

Nine different addresses have provided comments of objection in respect of this application. The comments made are summarised as follows:

- Out of keeping development
- Impact on the street scene
- Loss of openness, landscaping and trees
- Overdevelopment and increase in density
- Loss of amenity space
- Impacts on neighbouring amenity
- Increase in vehicle use
- Flood risk issues
- Historic context of existing site and surroundings

Throughout the consultation process the applicant has submitted for consideration further comments with the aim of addressing concerns arisen and reassuring neighbours.

On 17 February 2021 a neighbourhood collective response was received and considered by the Local Planning Authority.

OTHER BACKGROUND DOCUMENTS:

The following documents were submitted in support of this application:

Tree Report - BALDS017-20

Preliminary Bat Roost Assessment & Bird Survey - SK 0432 0797

Design & Access Statement - JMD 53-10

Heritage Report

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:

Application Form

Existing Site Plan

Tree Protection Plan - BALDS017-20 TPP

Site Location Plan - JMD 498 02A Rev B

OBSERVATIONS:

Site and Location

The application site comprises of a parcel of land under the address of The Grange, Church Street, Chasetown, Burntwood. The parcel of land is accessed north from the St Anne's Close cul-de-sac, and sits between the properties of No.6 and No.7 St Anne's Close which are situated to the west and east of the application site respectively. The premises of The Grange and St Anne's C of E Church are situated to the north and the east of the application site. The existing surfaces of the application site currently comprise of turf, shrubs, bushes and gravel.

The locality of St Anne's Close is residential in nature comprising of a mixture of detached bungalows and detached two storey dwellings. The detached two storey dwellinghouses are found to the south of the cul-de-sac with the remaining comprising of detached bungalows. The existing bungalows present a plot to site ratio of a fairly uniformed nature. Generally the rear gardens of the existing bungalows on St Anne's Close facilitate widths typically greater than the depths.

Proposal

This application seeks planning permission for the proposed erection of a two bedroomed detached bungalow. Alterations to the scheme of development have been received since the application was initially submitted. The initial proposal also incorporated a detached garage on the frontage of the site. This element has since been removed from the scheme of development which is hereby under consideration. A full re-consultation has been undertaken on the latest scheme of development.

The proposed detached bungalow presents a maximum width of approximately 8.0m and a maximum depth of approximately 9.3m. This proposed footprint has been presented as sitting behind (to the east of) the detached garage which serves the neighbouring property of No.6 St Anne's Close. A pitched roof design is presented sloping down forwards and backwards from a centrally situated ridge. A proposed ridge height has been presented at approximately 4.5m in height and a proposed eaves height has been presented at approximately 2.5m in height. In terms of the overall street scene the ridge height of the proposed bungalow has been set down from the ridge height of No.6 St Anne's Close. A front facing gable ended feature is presented above the existing front doorway and to the western side of the front elevation. The proposed floor plan presents a centrally situated front entrance with a bedroom at either. A bathroom with an east facing side elevation window is presented centrally. An open plan lounge, dining and kitchen area, served by rear facing bi-folding doors, a window and three rooflights is presented at the rear of the proposed bungalow. The applicant has stated within the submitted documentation that the proposed materials and finishes shall include red brown facing brickwork walls, brown concrete roof pantiles and white upvc windows.

A private amenity area of approximately 10.0m by 5.1m (width by depth), totalling approximately 51sqm, is presented to the rear of the property. The frontage of the application site has been designed to accommodate two off-street car parking spaces as well as also detailing landscaping.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology

7. Other Issues
8. Human Rights

1. Policy & Principle of Development

- 1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Core Policy 2 of the Lichfield District Local Plan Strategy 2008-2029. 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. 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 the Lichfield District comprises of the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019, and the adopted Neighbourhood Plans.
- 1.2 Paragraph 177 of the NPPF however states that “the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 1.3 In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures.
- 1.4 As outlined above the application site is situated within a residential setting. A review of the planning history and the above referenced relevant planning policy context suggests the proposed residential development would be appropriate subject to other considerations. As such it is considered that there is no objection to the principle of the development subject to satisfying matters related to the general development criteria, which is discussed below.

2. Design and Impact upon the Character and Appearance of the Surrounding Area

- 2.1 Core Policy 3 of the Local Plan Strategy states that development should protect and enhance the character and distinctiveness of the Lichfield District, while development should be of a scale and nature appropriate to its locality. Policy BE1 underlines the fact that new development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. The policy continues to expand upon this point advising that good design should be informed by appreciation of context, as well as plan, scale, proportion and detail.
- 2.2 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy.
- 2.3 The Local Planning Authority acknowledges that design related concerns and objections have been presented by Burntwood Town Council and local residents and due regard to this matter is given below.
- 2.4 The scale and design of the proposed detached bungalow is considered to be acceptable in relation to the size of the plot, the surrounding neighbouring residential properties, and architectural style of the surrounding wider locality. The surrounding built form includes detached bungalows of similar footprints and built form on similar plots sizes, and of similar overall designs and styles to that hereby under consideration.

2.5 The application site is within the setting of the Grade II* listed St Anne's Church. The Local Planning Authority have consulted the Conservation & Design Team at Lichfield District Council with regards to this development proposal. The Conservation & Design Team have since responded stating that the submitted Heritage Statement meets the requirements of the NPPF and Policy BE2. The Heritage Statement follows the Historic England guidance in assessing the setting of the Heritage Asset, how this contributes to the significance of the Heritage Asset and the potential impact of the proposed development on this significance. The Heritage Statement concludes that the proposed development would not harm the setting of the Heritage Asset and would not harm its significance. The proposals are therefore considered to comply with the relevant paragraphs of Section 16 of the NPPF and the relevant Local Plan policies including CP14, BE1 and BE2.

2.6 Overall, the proposed scheme of development is considered by the Local Planning Authority to be acceptable and in accordance with the relevant above mentioned national and local level planning policy with regards to design, character and appearance.

3. Residential Amenity

3.1 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 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.

3.2 Due to the context of the site and the surroundings the main concerns with regards to potential impact upon neighbouring amenity is with regards No.5 and No.6 St Anne's Close which border the application site to the west. The main rear elevation of No.5 St Anne's Close, albeit behind an existing garage, is situated approximately 8.0m away from the proposed bungalow. The proposed bungalow is situated approximately 10.0m away from the rear elevation of No.6 St Anne's Close at the closest point. The premises of The Grange and St Anne's C of E Church border to the north and to the east. The bungalow of No.7 St Anne's Close, situated at the end of the cul-de-sac and to the east of the proposed bungalow, is located approximately 16.4m away from the proposed bungalow. Potential amenity concerns have been considered on all surrounding addresses.

3.3 The orientation of the proposed bungalow and the surrounding properties, the screening including that of the neighbouring garage, and the separation distances facilitated as referenced above ensure the development proposal hereby under consideration does not result in a loss of daylight and/ or sunlight to the detriment of neighbouring residential amenity. The relatively low level nature of the development, with a proposed ridge height at approximately 4.5m and a proposed eaves height at approximately 2.5m, and the nature of the surrounding built form together also helps to ensure this. The proposed scheme is considered to accord with the 25 degree assessment guidelines as outlined with the Appendix A of the Sustainable Design Supplementary Planning Document (SPD) with regards to potential impact opposite a neighbouring window. The development proposal is considered by the Local Planning Authority to be acceptable on loss of daylight and/ or sunlight grounds.

3.4 Any potential privacy and outlook implications of the development proposal have been carefully considered and it is noted that there are no principal habitable room windows facing directly towards neighbouring residential properties. This, together with the low level nature of the proposed bungalow and the surrounding neighbouring bungalows, together

with the screening of the proposed bungalow to the west by the neighbouring garage of No.6 St Anne's Close, is considered to ensure that privacy and outlook are not compromised.

3.5 With regards to private amenity and proposed garden space, although like many other properties with the St Anne's Close cul-de-sac a desired 10.0m depth of rear garden is not facilitated, a private rear amenity space of approximately 51sqm is proposed to serve the two bedroomed bungalow. This provision of private amenity area exceeds that set out within the Sustainable Design SPD guidance for a two bedroomed property. A consideration of the proximity of the application site to nearby public open space has also been given. Overall, it is considered that the development proposal complies with the requirements of the Development Plan in this regard.

3.6 Due to the siting of the development proposal and the relationship with the neighbouring properties the proposed scheme is considered not to give rise to any amenity issues relating to loss of daylight, loss of sunlight, overbearing, and overshadowing on the nearby neighbouring properties or the neighbouring private amenity areas. No major amenity issues would arise as a result of the proposed development.

4. Access and Highway Safety

4.1 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect the amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further to this Policy ST1 - Sustainable Travel and Policy ST2 - Parking Provision of the Local Plan Strategy are also relevant. It is important to also consider the Council's Adopted Sustainable Design Supplementary Planning Document (SPD) as well as the NPPF, particularly paragraph 109 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.2 The proposed scheme of development under considered incorporates two off-street car parking spaces presented within the Red Line plan and forming part of this planning application. These spaces are accommodated on the frontage of the application site to serve the proposed two bedroomed bungalow.

4.3 This provision of two off-street car parking spaces as presented is considered to represent a reasonable provision of off-street car parking for the proposed scheme of development in accordance with the requirements outlined within Appendix D of the Sustainable Design Supplementary Planning Document.

4.4 The County Highways team have no objections to the proposed scheme of development subject to the incorporation of planning conditions. These conditions are as follows:

- The development hereby permitted shall not be brought into use until the access to the site, within the limits of the public highway, has been completed.
- The development hereby permitted shall not be brought into use until the access drive within the site has been surfaced in a porous bound material.

4.5 It is acknowledged that highways related concerns and objections have been presented by Burntwood Town Council and local residents. Following the receipt of the professional County Highways advice it would however be unreasonable to suggest that the scheme of development would be unacceptable on highways related grounds. Therefore the proposed scheme of development is acceptable on access and highway safety grounds subject to the incorporation of the above mentioned planning conditions should planning approval be recommended.

5. Impact on Trees

5.1 The Council's Arboricultural Officer advises that the Tree Report provided by the applicant is to the required standard and the findings of the Tree Report are agreed with. In order to ensure the future retention of protected trees within the site the Tree Report and the Tree Protection Plan is recommended to be secured by planning conditions.

5.2 On this basis, the proposed scheme of development is acceptable on arboriculture related grounds.

6. Ecology

6.1 The Ecology Team advises that the methodology and information provided within the submitted Preliminary Bat Roost Assessment and Bird Survey is satisfactory and the conclusions of the assessment are agreed with. It has also been stated that there is no further ecological survey effort required from the applicant.

6.2 However adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Bat Roost Assessment and Bird Survey must be made a condition of any approval. Subject to the application and compliance with such a condition it is considered that this development will comply with the requirements of the Development Plan and NPPF in this regards.

6.3 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The site is located within the 0-8km zone of the SAC, as such a financial contribution is required.

6.4 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution.

6.5 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

7. Other Issues

7.1 The Local Planning Authority have noted and considered the neighbourhood concerns with regards to potential flood risk issues. The application site is considered to fall within Flood Zone 1. As such the Local Planning Authority would considered the development proposal to not present any major issues with regards to flood risk issues.

8. Human Rights

8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be

justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

Conclusion

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

Consequently, it is recommended that this application be approved, subject to conditions and the applicant first completing a legal agreement to secure Cannock Chase SAC mitigations, as set out above.