

Planning Committee

5 July 2021

Agenda Item 4

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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

5 July 2021

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01277/FUL	Bonehill House Park Lane Bonehill Tamworth	Fazeley

LOCATION PLAN

20/01277/FUL

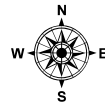
Bonehill House Park Lane
Bonehill Tamworth

Scale: 1:1,250

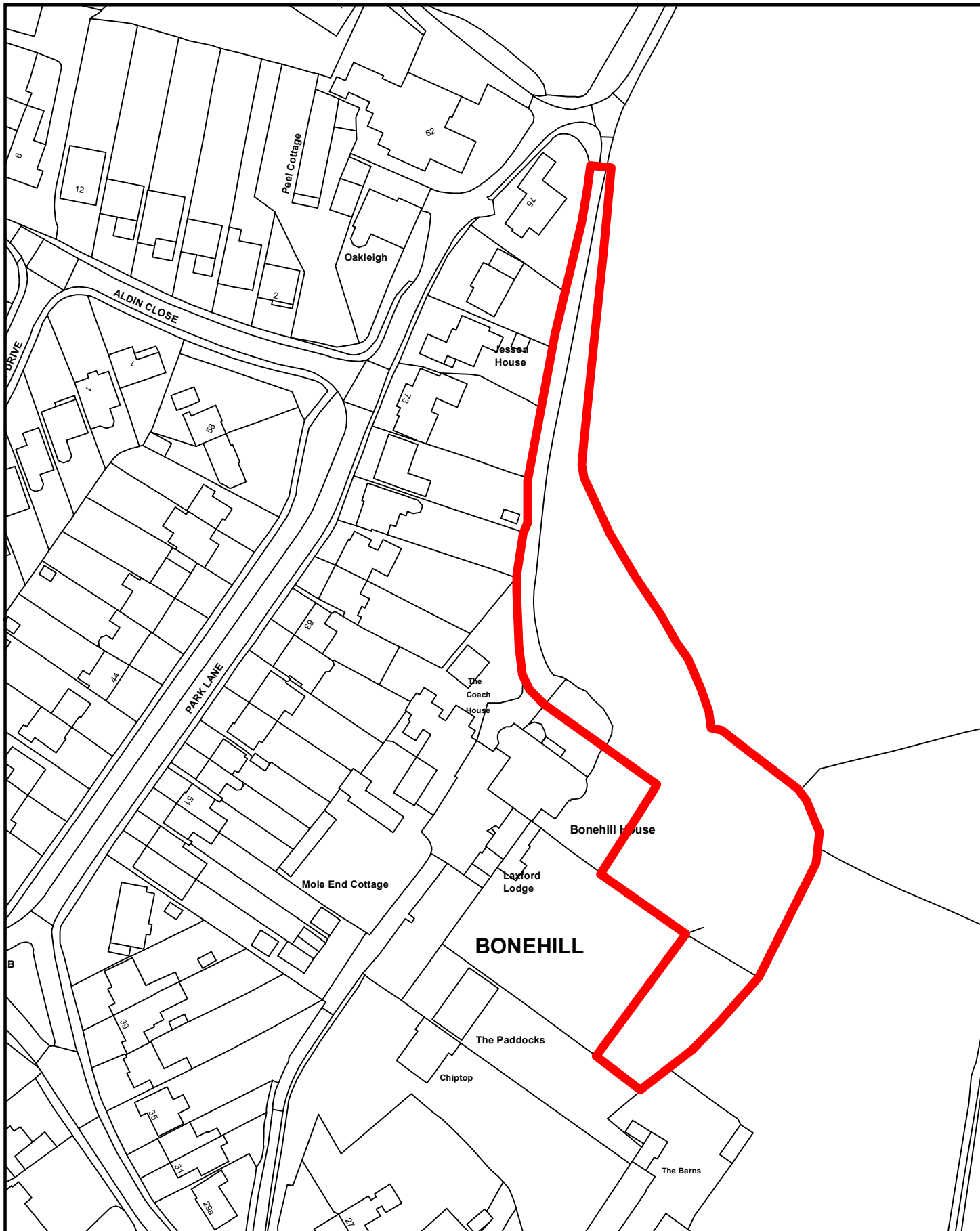
Dated: June 2021

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20/01277/FUL

Demolition of existing outbuildings and erection of 4 No. dwellings, with associated works.

Bonehill House, Park Lane, Bonehill, Tamworth

Registered **05/11/2020**

Parish: Fazeley

Note: This application is being reported to the Planning Committee due to a Call-In request from Councillor James Parton-Hughes. The Call-In request is summarised as follows:

- The development proposal will have a detrimental impact upon the heritage asset; Grade II Listed Bonehill House.
- The current infrastructure in this location would not be adequate to sustain an increase in vehicles, causing congestion and air pollution.
- Ecological grounds.

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 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.

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

3. Before the development or any works hereby approved are commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained as such for the life of the development.
 - (i) bricks to be used in the construction of the external walls;
 - (ii) exterior roof materials;
 - (iii) sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
 - (iv) full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
 - (v) eaves detailing;
 - (vi) brick bond to be used;
 - (vii) the finished floor-scape surrounding the building;
 - (viii) rainwater goods, their materials and designs.
4. Before the development or any construction works related to the development hereby approved are commenced on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Construction Management Plan shall include the following details:
 - (i) The routing of construction vehicles to and from the site including measures to mitigate the impact on local residents. The measures shall include the timing of movements.
 - (ii) Parking facilities for vehicles of site personnel, operatives and visitors;

- (iii) Arrangements for the loading and unloading of plant and materials;
- (iv) Areas of storage for plant and materials used during the construction of the proposed development;
- (v) A wheel cleaning regime to prevent the deposition of deleterious material on the public highway during the construction of the proposed development.

The development shall thereafter be carried out in accordance with the details contained within the approved Construction Management Plan throughout the construction period.

- 5. Before the development hereby approved is commenced, details of boundary treatments to include connectivity for hedgehog migration, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be undertaken in accordance with the approved details prior to the occupation of the dwellings hereby approved.
- 6. Before the development hereby approved is commenced, a detailed landscaping scheme to include a 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. Development shall thereafter be undertaken in accordance with the approved details and timescales.
- 7. Before the development hereby approved is commenced, full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
- 8. Before the development hereby approved is commenced (excluding demolition), a drainage plan detailing the disposal of surface water and foul sewage, shall be submitted to and approved in writing by the Local Planning Authority. The drainage details shall include the surface water drainage method and outfall for the parking and turning areas to prevent water discharging onto the public highway. The approved drainage scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development, and thereafter be retained and maintained as such for the life of the development.

All other CONDITIONS to be complied with:

- 9. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during the period of 5 years from the date of first planting shall be replaced in the next planting season with other of a similar size and species.
- 10. During the period of construction of any part of the development, no works including deliveries shall take place outside the following times: 0730 and 1900 hours Monday to Friday and 0800 and 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
- 11. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then a written scheme to identify and control that contamination shall be submitted to the Local Planning Authority. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented and a validation report submitted to the Local Planning Authority to show such works have been undertaken in full, prior to the first occupation of the dwellings hereby approved.

12. The proposed parking and turning facilities within the site curtilage shall be provided prior to the first occupation of the dwelling house it is to serve and shall be retained for their designated purposes for the life of the development.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking or reenacting the Order with or without modification) no development contained within Classes A, AA, B, C, D and E of Schedule 2, Part 1, (including that no extensions or alterations, no extra storey, no additions or alterations to any roof, no windows, dormers or other openings being created, no enclosures or other structures required for purposes incidental to the enjoyment of the dwellinghouses being erected or installed within the domestic curtilage) shall be carried out at the new dwellinghouses hereby approved.
14. The garage accommodation hereby approved shall be used for the garaging of private vehicles and ancillary storage and shall not be used to provide additional living accommodation without the prior written permission, on application, to the Local Planning Authority.
15. Tree protection measures shall take place in accordance with Tree Survey (BS5837 2021) produced in August 2020 by Dr Stephen Bodnar at section 4.1 Tree Protection (page 16) and section 4.2 Tree and Ground Protection Measures (page 18) and Appendix 3 of the document. The approved measures shall be retained for the duration of construction (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. 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 approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

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 Policies CP3, CP5, CP13, CP14, BE1, NR3, NR4 and ST2 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Historic Environment Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development and to protect heritage assets, in accordance with the requirements of Policies CP3, CP14 and BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure highway safety, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat, in accordance with policies CP3, CP13 BE1 and Policy NR3 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

6. In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Biodiversity and Development Supplementary Planning Document the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.
7. In order to protect and encourage enhancements in biodiversity and habitat, in accordance with Policies CP3, CP13 and Policy NR3 of the Local Plan Strategy, Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
8. To ensure that the development is provided with a satisfactory means of drainage to protect the environment from pollution and to reduce the risk of creating or exacerbating a flooding problem, and to prevent water discharging onto the public highway in the interest of highway safety, in accordance with Policies CP3, ST2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework
10. To ensure highway safety and to safeguard the residential amenity of neighbouring occupiers, in accordance with the requirements of Policies CP3, CP5, BE1 and ST2 of the Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.
11. To safeguard the amenity of future occupants, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. To ensure adequate parking provision , in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
13. To safeguard the character and appearance of heritage assets, the completed development and its setting, to protect the amenity of neighbouring occupiers and to safeguard adequate private amenity space for future residents of the dwellings, in accordance with the requirements of Policies CP3, CP14 and BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Sustainable Design Supplementary Planning Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
14. To ensure adequate parking provision, in accordance with the requirements of Policies CP3, CP5 and ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
15. 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.

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. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>.
 6. 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 of vegetation 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.
 7. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them using certain methods. They're listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41 and in 2007 hedgehogs were made a priority conservation species in Britain under the then UK Biodiversity Action Plan (BAP). Caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. Areas should be cleared on rotation with scrubby patches left to provide nesting habitat and cover. If this is not possible, piles of dead wood and brash piles can be created in other areas around the site to mitigate for the removal of suitable nesting sites. These can be created behind hedges or out of the way for smaller developments with limited space. Consider connectivity of the landscape, enabling ground-dwelling species such as hedgehogs to move around freely. With reference to condition 5, boundaries and barriers within and surrounding the development, including fencing, railing and gates, should be made to allow movement, such as:
 - through the use of fence panels with 13 x 13 cm holes at ground level (hedgehog holes)
 - leaving a sufficient gap beneath gates
 - leaving brick spaces at the base of brick walls
-

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 5: Sustainable Transport

Core Policy 6: Housing Delivery

Core Policy 13: Our Natural Resources

Core Policy 14: Our Built and Historic Environment

Policy ST2: Parking Provision

Policy H1: A Balanced Housing Market

Policy NR3: Biodiversity, Protected Species and their Habitats

Policy NR4: Trees, Woodland and Hedgerows

Policy BE1: High Quality Development

Local Plan Allocations

Policy BE2: Heritage Assets

Supplementary Planning Documents

Trees, Landscaping and Development

Biodiversity and Development

Historic Environment

Sustainable Design

RELEVANT PLANNING HISTORY

05/00023/FUL	New detached garage and garden store	Approved	01/03/2005
05/00104/COU	Conversion of existing out buildings to form dwelling with associated parking	Approved	17/05/2005
05/00105/LBC	Conversion of existing out buildings to form dwelling with associated parking	Approved	17/05/2005
05/00555/FUL	Proposed wall and entrance gates	Approved	15/07/2005
05/01022/FUL	Erection of fitness suite comprising gymnasium, pool with changing room and plant room	Approved	14/11/2005
07/00957/FUL	Erection of 2.75m high chain link fence around tennis court and 2no 3.5m high columns with floodlights	Approved	31/10/2007
07/00992/LBC	Replacement of steel windows with period style sash windows	Approved	07/11/2007
07/01157/FUL	Reinstatement of south wing to form a 3 bedroom apartment	Approved	10/01/2008
07/01158/LBC	Reinstatement of south wing to form a 3 bedroom apartment	Approved	10/01/2008
12/00466/FUL	Erection of a detached triple car garage with granny annexe above	Approved	15/08/2012
21/00729/LBC	Works to listed building to allow movement of kitchen and partial breaking out of internal walls to include feature glazed doors, internal mezzanine level and the conversion of a sash window into opening double doors		Pending Application

CONSULTATIONS

Fazeley Town Council – raised concerns regarding the original proposals on the grounds:

- Any proposal (Design and Materials) should be compatible with the Heritage of the original house.
- Due to the expansion of homes the access should be of insufficient width to accommodate traffic from both directions plus pedestrians.
- Construction of eight homes will generate additional traffic volumes in excess of acceptable capacity of road through Bonehill (15.12.2020).

No further responses were received from the Town Council in relation to the subsequent notification of revised plans.

The Tamworth and District Civic Society – raised objections on the following grounds on 1st December 2020:

- Application is inappropriate for, and detrimental to, the aesthetics, natural environment, and heritage setting of such an important Grade II Listed Building within the Fazeley Conservation Area as Bonehill House.
- Bonehill House is a significant Georgian house, built circa 1830 for Edmund Peel (1791-1850), brother of Prime Minister Sir Robert Peel, 2nd Baronet, and himself M.P. for Newcastle-under-Lyme in 1831-32 and 1835-37. It is a significant architectural and historical site and asset for the hamlet of Bonehill, the Civil Parish of Fazeley, and the wider area. The house, its curtilage, grounds, and the views thereof, should be treated with respect and sensitivity.
- To crowd this house and its setting with modern dwellings, as proposed, is insensitive, inappropriate, and unacceptable.
- TDCS shares and supports concerns and objections of local residents with regard to traffic management and infrastructure issues arising from the proposal. From any visit to Bonehill it is clear that this small and formerly rural hamlet still retains the road pattern and road size of its rural origin, but there has been heavy infill housing development, and indeed over-development, since 1945, meaning that the existing roads and lanes are difficult and dangerous to navigate, and for cars to pass each other, and for kerbside parking. To add to this existing problem with eight further households with potentially two or more vehicles each, and using narrow and shared access routes to and from the site is nonsensical and dangerous. There are, also in the shorter term, the clear issues and risks that heavy construction traffic trying to access this site to build on this scale would pose for residents of Bonehill.

The Tamworth and District Civic Society (TDCS) were re-consulted following revisions made to the scheme. TDCS have reiterated their original objections (set out above) and remain concerned that the development as proposed is inappropriate and excessive for the site and historic setting (07.05.2021).

Conservation & Urban Design Team (LDC) - Bonehill House is a substantial Grade II listed building located within the Fazeley and Bonehill Conservation Area. The proposal is for the development of land to the side of the house in order to form a new residential area, in the form of an ancillary courtyard complex.

The original scheme was seen as an over-development of the site with the creation of 8 units. This has now been reduced to 4 units. The original scheme retained the existing outbuildings and built around them, which led to the new complex being on an unusual alignment. The new scheme proposes to remove these C20 structures and build the complex from fresh, orientating it to the house and walled garden complex. This layout makes far more sense architecturally.

The style of the properties has been re-designed as part of the amendment and now whilst presenting a more contemporary design, this form and materiality is guided by traditional farmyard complexes. The mix of contemporary and traditional elements allow the new structures to stand out as a modern addition to the site without detracting from the significance of the architecture of Bonehill House,

which will remain the principle feature of the site. The development and wall have been moved back in such a way as to avoid impinging on the views from the main house across the landscape.

Based upon the new scheme there are no further conservation objections as the proposal would preserve the setting of the listed building and the character and appearance of the Conservation Area subject to the satisfactory agreement of materials. There are no objections to the proposed palette of materials as shown on the plans, but full details of these will need to be submitted. These details can either be submitted prior to the determination of the application, or covered by a condition at the time of determination.

The description will need to be amended to reflect the fact that only 4 dwellings are being created, along with the demolition of the existing outbuildings as opposed to the conversion of outbuildings and the creation of 8 units in total. This will need to be done prior to the determination of the application (07.04.2021).

Tree Officer (LDC) – The site is entirely within the designated Conservation Area, but there are no trees protected under a Tree Preservation Order which would be affected. Objections were raised to the original scheme on the grounds of extensive tree damage and loss. Following receipt of a revised tree report, concerns remain that the proposals would result in tree damage/ loss. Tree protection measures would be required along with mitigation planting (16.11.2020 and 29.03.2021).

Staffordshire County Council (Highways) –Originally recommended refusal on the basis of the original scheme on 10th December 2020 due to the following reasons:

- No vehicular visibility splays information.
- No tracking details for the Refuse Collection Vehicle serving the site.
- Unable to demonstrate vehicular access to the adopted highways. (10.12. 2020)

Following re-consultation relating to the latest revised plans and the provision of additional plans to show the swept path analysis for refuse vehicles, raise no objections to the revised scheme noting that, the amendments made significant reduction in residential development/ traffic generation. Therefore, raise no objections, subject to conditions requiring a construction management plan to be provided prior to the commencement of any development and the provision of the parking and turning areas prior to the first occupation of the dwellings (29.04.2021)

Staffordshire Historic Environment Officer (Archaeology) – In respect of the information held by the Staffordshire Historic Environment Record (HER) including the Lichfield Historic Environment Character Assessment (THECZ14 Tamworth Hinterland: Bonehill) and the Heritage Statement submitted in support of the application, note that whilst there is some archaeological interest in the wider area, given the location and scale of the proposals, and the developmental history of the site, there are no archaeological issues, and an archaeology condition would not be appropriate in this instance. (02.12.2021)

Ecology Team (LDC) - Due to the likely potential for foraging/commuting bats, a bat sensitive lighting scheme must be incorporated in the scheme. This can be a condition of any planning approval granted.

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. Any site clearance works of vegetation should occur outside of bird nesting season (March-September inclusive).

Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act 1981, making it illegal to kill or capture them using certain methods. They're listed as a Species of Principle Importance in England under the Natural Environment and Rural Communities (NERC) Act 2006 Section 41 and in 2007 hedgehogs were made a priority conservation species in Britain under the then UK Biodiversity Action Plan (BAP).

Caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. Hedgehog friendly fencing should be used within the development.

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 a suitable landscaping scheme including species of local/native provenance to also be included within the scheme. Sympathetic planting of boundaries and features that have the potential to fragment the landscape will create useful wildlife corridors, promoting connectivity and providing a rich and diverse food source and shelter for a range of wildlife. Existing trees should ideally be retained and new native species planted where possible. (02.12.2020)

Spatial Policy and Delivery Team (LDC)- From a planning policy perspective, this proposed development is located within the sustainable settlement of Fazeley, Mile Oak & Bonehill and is in accordance with the NPPF and the adopted Local Plan Strategy and therefore there are no policy objections. (09.12.2020)

Environmental Health Team (LDC) –No objections to the proposals in principle, subject to conditions to control the hours of construction works and deliveries, land contamination and an informative regarding the Smoke Control Area which the application site is located within (07.12.2020)

LETTERS OF REPRESENTATION

12 letters of objection were received following the initial consultation, on the proposal for 8no dwellings. The comments made are summarised as follows:

- Concerns raised about the access and egress arrangements, as well as displaced parking.
- Concerns raised about the impact of the development proposal on Bonehill House and the wider Conservation Area.
- The new dwellings will negatively impact Fazeley and will put further pressure on services in this location.
- Construction traffic will make Park Lane dangerous.

9 letters of objection were received following re-consultation, on the revised scheme reducing to 4no dwellings. The comments below relate only to the amended scheme that is being discussed as part of this application and are summarised as follows:

- Concerns maintained relating to the access and egress arrangement, as well as the potential detrimental impact of construction traffic on the road surface and highway safety.
- Concerns raised as to the impact on Bonehill House and the long term impact upon the Conservation Area.

PLANS & DOCUMENTS CONSIDERED

DrNo 823-12 Proposed Site Plan,
A, DrNo JU20-4319-1 Topographical Survey,
DrNo 823-13 Existing Block A and Block B, AA 205
House type 01, AA 210
House type 02, AA 215
House type 03, AA 220
House type 04, AL 100
Existing site plan, AL 110
Proposed site plan, AL 120
Proposed ground site plan, AL 210
Proposed context sections, Plan 2022/A/IM,
Plan 2466/001

SPA 10.5m refuse vehicle, Plan/2466/002
SPA DB32 fire appliance, Design and Access Statement,
EM 3, Site Location Plan,
DrNo 823-11 Existing Site Plan,
Amended Tree Report,
Proposed Site Plan,
Tree Overlay, Tree, JU20-4319-1-MODEL,

OBSERVATIONS

Site and Location

This application relates to Bonehill House, a Grade II Listed property set within substantial grounds. The building is a former gentleman's residence, comprising 9 bedrooms. The site is set within the Fazeley and Bonehill Conservation Area and lies within the settlement boundary of Bonehill. Bonehill House is currently a private residence, which has had extensive repair and refurbishment works carried out to create a fit-for-purpose family dwelling.

Bonehill House is set within spacious private grounds, which had a number of outbuildings, a substantial area of hardstanding and a tennis court; located to the east of the house. The main access to the site is taken from Park Lane at the northern end of the property. The site also has a southern access point, which is also taken from Park Lane.

2 No. outbuildings lie to the east of the main property, used as an office and a gym/ swimming pool. Both are single storey and of traditional design, appearing subordinate to the main house. Open countryside lies to the north of the site, with residential development located to the south and west of the site.

Proposals

The proposals have been revised significantly during the course of the application, with the original scheme proposing 8 no. new dwellings through the conversion of an existing building and the erection of new built form.

As revised, consent is now sought for the demolition of the existing outbuildings and the erection of 4no. dwellings. The proposals have been significantly revised during the course of the consideration of the application.

The proposed 4 dwellings would be located to the east of Bonehill House and would replace the 2no. existing outbuildings and tennis court. Each new dwelling is to be provided with 2no. designated parking spaces and have a shared surface access drive taken from Park Lane. The housing mix will comprise the following:

- 1no 5 bedroom detached dwelling
- 1no 3 bedroom dormer bungalow
- 2no 4 bedroom detached dwellings

The dwellings will be of relatively contemporary design, with floor to ceiling windows, stacked chimneys and asymmetrical built form. The layout of the dwellings is arranged to create a courtyard holding, appearing as subordinate and visually isolated from Bonehill House. Access and egress will be achieved from Park Lane via the northern site entrance, with a secondary emergency access point established at the southern entrance. As part of the scheme a passing bay will be constructed along the existing access track at the northern entrance and a turning circle is proposed to the north of Bonehill House within the application site.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Heritage Assets
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology
7. CIL / Planning Obligations
8. Other Issues
9. 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 Five Year Housing Land Supply 2020 for Lichfield shows that the District Council can currently demonstrate a 12.8 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan, and as a result the adopted Local Plan Policies can be considered as up to date.
- 1.3 Core Policy 1: The Spatial Strategy of the Lichfield District Local Plan Strategy (LDLPS) states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy and the key diagram. Fazeley is categorised as a Key Rural Settlement, the site lying within the settlement boundary of Fazeley, Mile Oak and Bonehill.
- 1.4 Development Management Policy H1: A Balanced Housing Market states that there is currently an imbalance of dwelling types within the District. To address this, Policy H1 states that the 'District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities'.
- 1.5 Policy H1 also states that the provision of units which allow for home-working will be supported, particularly in rural communities. In terms of the type of homes provided the policy is clear that housing should address local need including starter homes, smaller houses to facilitate downsizing and homes to accommodate the aging population.
- 1.6 The application site lies within the settlement boundary of Fazeley as set out in the Local Plan and is therefore within a sustainable location. The development proposal complies with relevant housing policies as contained within the Local Plan Strategy, although some conflict is present against Policy H1 in that the development proposal will deliver 4 and 5 bedroom dwellings. Whilst this conflict is noted, larger dwellings are required across the district and the scheme will deliver a 3no bedroom dwelling. Furthermore, given the minor size of the scheme, it would be unreasonable to request that all of the proposed dwellings comprise 2-3 bedrooms.
- 1.7 In respect of the above, the principle of development is considered to be acceptable and the development of new housing in this location is compliant with relevant policies contained within the Local Plan Strategy as well as relevant guidance within the National Planning Policy Framework.

2. Design and Impact on the Heritage Assets

- 2.1 Paragraph 184 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.
- 2.2 Under Paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm should be weighed against the public benefits of the proposal.
- 2.3 In determining planning applications with respect to any building or other land in a Conservation Area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 2.4 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.5 Policy BE1: High Quality Environment states that all development should ensure that a high quality sustainable built environment can be achieved. In relation to the historic environment, development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on its significance.
- 2.6 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Furthermore, change will be directed to the most appropriate locations taking into account the District's heritage assets and their settings, including the historic landscape, as informed by the local evidence base.
- 2.7 Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.
- 2.8 The site comprises Grade II Listed Bonehill House, a 9-bedroom private family residence, which lies within the Fazeley and Bonehill Conservation Area. The listing for Bonehill House states the following:

"Large house. Circa 1830. Plastered; hipped slate roof; plastered ridge stacks. Main house aligned north-west/south-east facing north- east; extensions to rear. 2 storeys with first floor band and eaves cornice; 5 windows, glazing bar sashes with horns. Central Tuscan portico with 2 pairs of columns flanking a central approach to a 2-leaf glazed door. This has side lights and

overlight, all within a segmental arched opening. 2-storey bow window to right hand end. Interior not inspected but reputed to be of interest"

2.9 In terms of the significance of the Fazeley and Bonehill Conservation Area, this is summarised below by an extract from the Fazeley and Bonehill Conservation Area Appraisal:

- It represents a remarkably intact industrial community of the period 1790-1850. It contains all the principle building types necessary to sustain the community; terraced housing, mills, factories, a church, a chapel, public houses, a school and prestigious detached Georgian houses.
- The waterways, pools and associated structures built by Robert Peel Snr are an important part of Fazeley's industrial heritage and have archaeological significance.
- Their significance extends beyond just the immediate locality as they represent one of the most important water power systems dating from the early part of the Industrial Revolution.
- The historic hamlet of Bonehill, situated just off Watling Street is an important remnant of the areas agricultural past and despite the developments of the twentieth century still retains a peaceful, rural feel.
- It has a direct association with the nationally renowned Peel family.
- Fazeley was chosen as the location for industrial development due to its transport links, most significantly was the important canal junction. The close relationship of buildings to the canal is integral to the significance of the area.

2.10 Due to the site being located within the Conservation Area and within the setting of a Grade II Listed property, special regard must be paid to the preservation of the Listed Building and its setting and preserving and enhancing the character and appearance of the Conservation Area. To this extent Section 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

2.11 A number of neighbour objections have been received objecting to the scheme on heritage grounds. The Ward Councillor Call-In request also cited heritage concerns and the Tamworth and District Civic Society also object on heritage grounds.

2.12 The scheme has been amended and substantially revised, reducing from the creation of 8 No. dwellings to 4 No. dwellings. The layout of the scheme has also been significantly altered, in order to address the relationship with Bonehill House and the surrounding Conservation Area. The Conservation & Urban Design Team have been consulted and consider the revised, smaller scheme to be acceptable and so now have no objections to the current proposals. Within their comments, the team consider the following:

"The style of the properties has been re-designed as part of the amendment and now whilst presenting a more contemporary design, this form and materiality is guided by traditional farmyard complexes. The mix of contemporary and traditional elements allow the new structures to stand out as a modern addition to the site without detracting from the significance of the architecture of Bonehill House, which will remain the principle feature of the site. The development and wall have been moved back in such a way as to avoid impinging on the views from the main house across the landscape".

2.13 The amended scheme is supported in heritage terms, in that it will replicate the traditional spatial arrangement of the buildings that once supported the function of Bonehill House, such as servant's quarters and infrastructure associated with smallholdings, being spatially and visually separate from the main house. Indeed, paragraph 4.1 of the Design and Access Statement submitted on 23 February 2021 states the following:

"The Fazeley and Bonehill Conservation document states; Bonehill was a small rural hamlet with buildings dating back to the 17th century. Around the turn of the 18th century workers housing was constructed to serve the mills and in around 1830 Bonehill House was built for

Edmund Peel, son of Robert. The house and some of its surrounding landscape survive and are included within the conservation area. In homage to the historic significance of the Bonehill and Fazeley area, the newly proposed development seeks to embed such principles into its design. The creation of this small courtyard holding, is to appear as if it were a modern conversion of a series of outbuildings that would have appeared to belong to the workings of Bonehill House, as opposed to a pastiche intervention of mock traditional housing”.

- 2.14 Taking into consideration the revised form and layout of the proposed development and the existing buildings which would be demolished it is considered that the development would preserve the setting of the Listed Building and would preserve and enhance the character and appearance of the Fazeley and Bonehill Conservation Area. A suitably worded condition is recommended to ensure that appropriate high quality materials are used in the development. Permitted development rights are also recommended to be removed from the new dwellings, in order to control future extensions/ alterations to the properties and further protect the historic setting.
- 2.15 In conclusion regarding the heritage and design impacts of the revised scheme, the development proposals are considered to be appropriate additions to the grounds of Bonehill House, replacing existing 20th Century outbuildings which were constructed in a piecemeal manner and do not enhance the setting of the listed building or the character and appearance of the conservation area. The development, as revised will provide a more unified and coherent appearance and thus not have a detrimental impact upon the significance, setting, the character or appearance of the heritage assets of which in this case are the Fazeley and Bonehill Conservation Area and the Grade II Listed Bonehill House. As such, the scheme is considered to be acceptable on heritage and design grounds.

3. Highways and Access

- 3.1 Policy ST2 of the Local Plan Strategy states that 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.
- 3.2 The Sustainable Design SPD sets out the following on maximum parking standards for new dwellings:
- 5 bed plus: 3 spaces per dwelling
 - 3 and 4 bed: 2 spaces per dwelling
- 3.3 The proposed new dwellings would have 2no. external parking spaces for each property. Each dwelling would also benefit from an integral garage, with plots 1 and 2 having double integral garages. The parking standards are therefore met.
- 3.4 A number of neighbour objections relate to the proposed access and egress of the site, citing fears of increased collisions and displaced vehicles. Whilst these concerns are noted, it is considered that appropriate mitigation measures have been proposed in order to accommodate the increased number of vehicle trips to and from the site; a passing bay is proposed along the northern access track, a secondary emergency access is already established at the southern site access point and a turning circle is proposed to the front of Bonehill House, allowing vehicles to access and egress the site in a forward gear.
- 3.5 On this basis, Staffordshire County Council Highways have raised no objections to the amended proposals, subject to conditions of which relate to the submission of a Construction Management Plan and the retention of the proposed parking and turning facilities. In respect of the above, subject to conditions, the development proposal is considered to be acceptable on highway grounds.

4. Trees and Arboriculture

- 4.1 Policy NR4: Trees, Woodland and Hedgerows sets out that 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 hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The Trees, Landscaping and Development SPD sets out how the Council will expect trees to be protected during development and appropriate new planting to be incorporated into new development sites.
- 4.2 A tree survey has been submitted with the application which identifies 18 individual trees, a hedgerow and four groups of trees within or on the perimeter of the site. The trees are mainly native trees and a mature/ semi mature. There is one category A tree, eight category B trees, with the remaining trees, hedging and groups of trees falling within category C, with the exception of two trees which are Category U. In general A and B category trees or hedges should be retained and carefully protected during any development works, and as many category C trees/ hedges should be retained , although suitable replacement planting within the scheme area could adequately mitigate for the losses of category C trees.
- 4.3 The tree survey identifies protection measures for retained trees on site. Whilst the scheme would result in the loss of some trees, compensatory planting would be secured by a landscaping condition requiring full details of soft and hard landscaping.
- 4.4 In light of the above, it is considered that the impact upon retained trees can be controlled and a landscaping scheme will ensure that any loss of trees will be mitigated in accordance with the aforementioned Local Plan Policies and the Trees, Landscaping and Development SPD.

5. Impact on Residential Amenity

- 5.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 5.2 The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD requires 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space.
- 5.3 The SPD requires dwellings with 3 and 4 bedrooms to have 65 square metres of private amenity space and 100 square metres for 5 bedroom dwellings. The proposed dwellings meet these standards, with 81 sqm (Unit 01), 72 sqm (Unit 02), 112 sqm (Unit 03) and 67 sqm (Unit 04) of private amenity space being provided. As such, the development proposal will provide a high level of amenity for future occupiers.
- 5.4 In respect of the amenity of neighbouring properties, the proposed dwellings are considered to be of sufficient distance away from residential development to the west, to not have a detrimental impact upon their amenity. The Separation Distance requirements set out within Appendix A of the Sustainable Design SPD would be met by the revised proposals. As such, the scheme is considered to be acceptable in terms of residential amenity for both existing neighbouring occupiers and future occupiers of the scheme.

6. Ecology

- 6.1 Local Plan Policy NR3 requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority

species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development.

- 6.2 The Ecology Team has raised no objections to the proposals, subject to a condition requiring details of any proposed lighting in order to protect bats that may be present on site. A condition is therefore recommended requiring details of any external lighting to be provided.

- 6.3 In order to achieve a net gain to biodiversity, it is recommended that this could be best achieved via a suitable landscaping scheme including species of local/native provenance to also be included within the scheme. This has been recommended via planning condition. In respect of the above, the development proposal is considered to be acceptable on ecological grounds and is compliant with Policy NR3 of the Local Plan Strategy as well as relevant guidance contained within the National Planning Policy Framework.

7. CIL

- 7.1 The Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply and this application site falls within the lower charging zone and. The applicant has submitted with the application a completed CIL form. An informative noting the need to resolve CIL payment for this development will be attached to any permission.

8. Other Issues

- 8.1 It is noted that Staffordshire County Council can now require education financial contributions for residential developments of less than 10 dwellings where their co location with other sites requires examination of the cumulative impact. This is required where small residential schemes are tied to or located adjacent to major housing developments. In this case the proposal is for 4 new dwellings and is not located adjacent, or near to another large scale residential scheme. It is therefore considered that it would be unreasonable to seek financial contributions for education provision given the scale and location of this proposal.

- 8.2 In terms of drainage, Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the site. Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to ensure capacity to accommodate this development. They advise therefore that when available full drainage details for the site be submitted to them for their approval. A condition to secure such details is therefore recommended. The site is not located within a recognised flood zone and there are no flooding concerns in principle.

- 8.3 Given the above assessment, subject to conditions, as recommended, the development is considered to comply with the requirements in terms of drainage and waterbody management of the Development Plan and NPPF, in this regard.

9. Human Rights

- 9.1 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 development proposals have been significantly altered during the course of the application and as revised, are considered to be an appropriate form of development in this location. The principle of the development is acceptable and complies with spatial strategy and housing policy objectives contained in the Development Plan and relevant guidance contained within the National Planning Policy Framework.

Heritage and highway concerns have been appropriately addressed and mitigated through the submission of an amended, improved scheme. It is considered that no outstanding material considerations are present in the determination of this application. The development proposal will not have an unacceptable impact upon the heritage assets, the setting of the listed building will be preserved and there would be no harm caused to the character and appearance of the Conservation Area. Appropriate mitigation measures have been put in place to accommodate the increase in the number of vehicles accessing the site, ensuring the safety of the surrounding highway network.

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