

# Planning Committee

6 September 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**

**6 September**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
20/00843/COU	Coogee Nursery 17 Burnett Road Streetly	Shenstone
21/00605/FUL	164 Cannock Road Chase Terrace Burntwood	Burntwood
21/00567/FUL	Land Rear Of 79 Ironstone Road Burntwood	Burntwood
21/00456/OUT	Unit 1 Mount Road Burntwood	Burntwood

Lichfield  
district council

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enquiries@lichfielddc.gov.uk

# LOCATION PLAN

20/00843/COU  
17 Burnett Road  
Streetly

Scale: 1:1,000

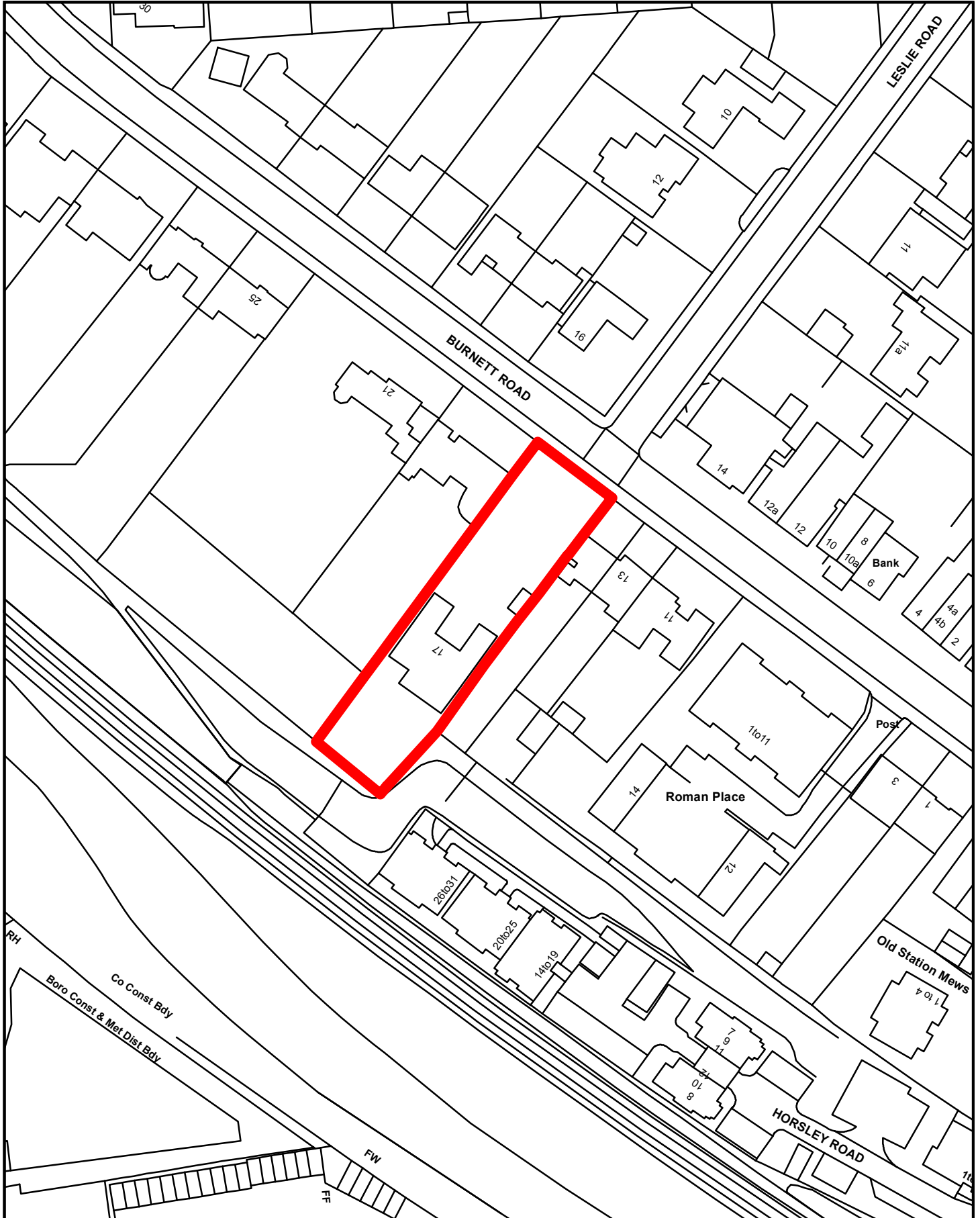
Dated: September 2021

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## 20/00843/COU

**Change of use from existing dwelling (c3) to childrens nursery (d1) in order to increase the size and occupancy of an existing childrens nursery, including alterations and extension to existing building and associated works.**

**Coogee Nursery, 17 Burnett Road, Streetly, Sutton Coldfield  
FOR Little Ripley Day Nurseries LTD**

Registered **17/07/2020**

**Parish: Shenstone**

**Note:** This application is being reported to the Planning Committee due to it being called to Planning Committee by Cllr Joseph Powell on the following grounds:

1. Design, due to the massing of the property and resultant parking issues as a result of the increase in size and occupancy of the premises.
2. Highways, due to the SCC Highways team having misjudged the movement and parking in an already overcrowded street, thereby exacerbating the issue.
3. Amenity, due to the potential detrimental impact upon residential amenity.

**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, full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery within the front elevation of the building including doors and proposed exterior finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

**CONDITIONS to be complied with before the first use of the development hereby approved:**

- 4 Before the development, hereby approved is first brought into use, a scheme of noise mitigation, including all measures identified in the noise report submitted in support of the application reference 5181RA, shall be submitted to and agreed in writing by with the Local Planning Authority. This should include acoustic barriers around play areas to the rear, and to the park area. The measures should be installed before the development is first brought into use and shall be retained as such for the life of the development.
- 5 Before the development hereby approved is first brought into use, the access rear of the highway boundary, parking and turning areas as indicated on submitted Drg. No.4 shall be surfaced and thereafter maintained in a bound material, with the parking bays clearly delineated, in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority which shall thereafter be retained at all times for their designated purposes.

- 6 Before the development hereby approved is first brought into use, the existing access, within the limits of the public highway, shall be repositioned and completed as indicated on submitted Drg. No.4.
- 7 Before the development hereby approved is first brought into use, any length of the existing site access, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development hereby approved shall be permanently closed and the access crossing reinstated as footway.
- 8 Before the development hereby approved is first brought into use, the proposed cycle parking facility shall be installed and thereafter retained at all times for its designated purpose.

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

- 9 The facing materials to be used for the external walls and roof of the development hereby approved shall match in colour and texture to those of the existing dwelling.
- 10 No more than 30no children can use the rear garden at any one time.
- 11 All existing trees and hedges shown as being retained on the plans hereby approved listed under condition 2 shall be protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.
- 12 All planting, seeding or turfing shown on the approved plans/ approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 13 During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
- 14 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, unless otherwise agreed in writing by the Local Planning Authority.
- 15 Within one month of first occupation of the former dwelling house as a children's nursery, 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.
- 16 The development hereby approved shall take place in full accordance with the recommendations and methods of working as set out within the Preliminary Bat Roost Assessment and Emergency Surveys at pages 11-12.

**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, ST2, ST1, ST2,, NR3, NR4, NR7 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD, the Little Aston Neighbourhood Plan and guidance contained within the National Planning Practice Guidance and the National Planning Policy Framework.
- 3 To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 4 To ensure the residential amenity of neighbouring occupiers is maintained in accordance with the requirements of and Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
- 5 To ensure sufficient parking is provided to serve the development, in accordance with the requirements of Policy ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and relevant guidance contained within the National Planning Policy Framework.
- 6 To ensure highway safety, in accordance with the requirements of Policy ST2 of the Lichfield Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.
- 7 To ensure highway safety, in accordance with the requirements of Policy ST2 of the Lichfield Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.
- 8 To encourage sustainable means of travel in accordance with Policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and relevant guidance contained within the National Planning Policy Framework.
- 9 To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
- 10 To ensure the residential amenity of neighbouring occupiers is maintained in accordance with the requirements of and Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
- 11 To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
- 12 To ensure that an approved landscaping scheme is implemented in an appropriate manner and that initial plant losses are overcome in the interests of the visual amenities of the locality in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.
- 13 To ensure residential amenity in accordance with the requirements of and Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
- 14 In order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and government guidance contained in the National Planning Policy Framework.

- 15 In order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and government guidance contained in the National Planning Policy Framework.
- 16 In order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and government guidance contained in 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 Little Aston Neighbourhood Plan (2016).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The 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](http://www.lichfielddc.gov.uk/cilprocess).
5. The highway conditions above requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.  
<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

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#### **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 6 – Housing Delivery  
 Core Policy 7 – Employment and Economic Development  
 Policy H1 – A Balanced Housing Market  
 Policy ST2 – Parking Provision  
 Policy NR3 – Biodiversity, Protected Species and their Habitats  
 Policy NR4 – Trees, Woodland and Hedgerows  
 Policy NR7 – Cannock Chase Special Area of Conservation  
 Policy BE1 – High Quality Development

### **Little Aston Neighbourhood Plan**

Policy SAC1 – Cannock Chase Special Area of Conservation

### **Local Plan Allocations**

N/A

### **Supplementary Planning Document**

Sustainable Design  
 Trees, Landscaping and Development  
 Biodiversity and Development

### **RELEVANT PLANNING HISTORY**

20/00457/COU	Change of use from existing dwelling (C3) to children's nursery (D1) in order to increase the size and occupancy of an existing children's nursery, including alterations and extension to existing building and associated works	Withdrawn	03/06/2020
20/00345/FUL	Variation of condition 2 (approved opening hours) of permission 13/00622/FUL relating to opening hours	Approved	09/06/2020
15/00926/FUL	Erection of a 4 bedroom detached dwelling and associated works	Approved	12/04/2016
13/00622/FUL	Variation of condition no 2 of application 04/00586/FUL relating to opening times	Approved	25/09/2013
04/00586/FUL	Retrospective application for changing condition No.1 of L960814 to permit a maximum of 25 children	Approved	02/08/2004
L960814	Variation of condition 1 and deletion of condition 5 of L960453	Approved	13/01/1997
L960453	Renew planning permission L910630	Approved	22/07/1996
L910630	Renewal of temporary permission L12702	Approved	23/09/1991
L12702	Renewal of temporary permission for partial use as nursery school 9 00 1 00 pm weekdays only	Approved	21/07/1986
L11037	Renewal of temporary permission for use as Nursery School	Approved	24/09/1984
L10189	Use as a Nursery School	Approved	26/09/1983
L8831	Change of use to Nursery School	Approved	28/06/1982

### **CONSULTATIONS**

**Shenstone Parish Council** - Object - The Parish Council have a number of highway concerns relating to

1. Additional vehicular movements and car parking provision, in light of the increased capacity of the nursery and resulting requirement for staff parking and drop off arrangements.
2. A potential doubling of vehicular movement at the site access, thereby causing a safety hazard.



3. The scheme has no drop off bay, as seen in previous applications.
4. The parking bays are not of sufficient size to allow for the safe drop off and pick up of children in a family size vehicle or safe manoeuvring within the site. (17/8/20)

**Staffordshire County Council (Highways)** - No objections, subject to conditions relating to the closure of the existing access, the provision of the new access and parking prior to the first use of the development. (12/8/20)

**Severn Trent Water - South Staffs** - No objections. (19/8/20)

**Conservation Team - LDC** - No objections, subject to conditions relating to the fenestration details of the new front extension and matching materials. (24/8/20)

**Ecology Team - LDC** - The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment and Emergence Surveys, and concur within the conclusion of the surveys. A net gain to biodiversity could be achieved though the installation of a bat box in a suitable location within the site. (27/7/21)

**Environmental Health Team - LDC** - No objections, subject to conditions relating to noise mitigation measures. Additional noise mitigation information has been provided during the course of the application. (7/12/20)

**Tree Officer - LDC** - No objections, subject to a condition relating to a standard tree retention condition. (4/8/20)

#### **LETTERS OF REPRESENTATION**

18 letters of representation have been received in respect of this application, with 12 objections and 6 responses of support being received. These comments are summarised below. Please note that a number of the letters of support have not provided a sender's address, however their comments are included below in the interest of transparency:

- The parking arrangements are dangerous and will result in displaced vehicles.
- The fire risk is increased and unmitigated.
- Resident's amenity will be severely impacted upon.
- Noise issues will be a common occurrence.
- The proposed alterations are not in keeping with the surrounding area.
- Parents will not use the turning circle to drop their children off.
- The facility is required in this area.
- The development proposals will have a positive impact upon the local economy and surrounding area.

#### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

3327.1

3327.4

3327.2A

3327.5

Location plan app 1

Noise Report

5181RA

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## **OBSERVATIONS**

### **Site and Location**

The application site is located on Burnett Road directly opposite the junction with Leslie Road. The site is located within a predominantly residential area characterised by relatively large properties set within spacious plots. The main property is single storey, with the front elevation comprising 3 no gabled elements. The property is set well back within the plot, to the rear of the building line and beyond the rear elevations of neighbouring properties. An area of woodland lies beyond the rear boundary of the property. A railway line lies to the south west of the site,

The property is currently in partial use as a children's day nursery, comprising approximately 30% of the floor space, with the remaining area of the building used as a 3 bed bungalow.

A small cluster of shops, cafes and restaurants are located to the south east of the application site, with opening hours ranging from 7:00 to 23:00, with the majority of patrons relying on on-street parking.

The site is within the settlement boundary of Little Aston as identified in the Local Plan.

### **Proposals**

This application seeks permission for the change of use of the existing residential element of the property from a 3 No. bed dwelling to extend the children's nursery, increasing occupancy from 25 children to 50 children. This will also comprise an additional 5 members of staff. Alterations and extensions are also proposed to the main property. The front elevation is to be altered to reflect the intended use as a children's day nursery. The layout of the property will largely remain as existing, with a single storey infill extension to the front of the property, creating a reception area and manager's office, as well as extending 'play room 1' and 'play room 5' by internal alterations. A rear extension is proposed to increase the area of 'play room 4' to create a single uniform rear elevation. In terms of external appearance, the extensions are modest and will largely retain the appearance of the current property. Windows are to be removed at the eastern elevation, with a ramp and canopy proposed at the front elevation.

The existing access and parking arrangements to the frontage would be amended as part of the scheme to create a centralised vehicle access, as well as 16. No parking spaces in total either side of the proposed driveway, 9 more parking spaces than currently are provided.

### **Background**

The previous planning application, reference 20/00457/COU was withdrawn on 3<sup>rd</sup> June 2020 due to concerns relating to the impact of noise from the nursery on local residential amenity. The current planning application is a revised version of the withdrawn planning application. Planning consent reference 20/00345/FUL dated 9 June 2020, granted the extension of the opening hours of the Day Nursery to between 0700 hours to 1800 hours Mondays to Fridays inclusive. Temporary planning permission for the nursery school was granted in 1982 (L8831). This permission was made permanent in 1997 (L960814)

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Layout
3. Highways and Access
4. Residential Amenity
5. Ecology
6. Arboriculture
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) Little Aston Neighbourhood Plan (2016).
- 1.2 Core Policy 1 of the Lichfield District Local Plan Strategy (LPS) states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Proposals will promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, natural resources, utilities and infrastructure and areas at risk of flooding, whilst also mitigating and adapting to climate change and reducing the need to travel. Core Policy 2 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 1.3 Core Policy 3 of the Local Plan Strategy states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 1.4 Core Policy 7 of the Local Plan Strategy states that employment growth will be supported and the District Council will maintain and enhance a diverse local economy and encourage opportunities for inward investment.
- 1.5 This application seeks permission for the change of use, alterations to the existing layout and front and rear extensions in order to double the occupancy rate from 25 children to 50 children. The premises has operated as a children's day nursery for a number of years and the proposed change of use and increase in numbers of children using the facility is considered to be proportionate. The location of the development is in an area of existing residential area close to local amenities. and as such is considered to be a sustainable location Therefore, the proposed development is considered to comply with Core Policies 1,2,3 and 7 and represents a sustainable development in accordance with the NPPF.
- 1.6 On balance, it is considered that the principle of the development is acceptable given its sustainable location. The material considerations including the impact on residential amenity are discussed in further detail below.

## 2. Design and Layout

- 2.1 Core Policy 3: Delivering Sustainable Development states that the Council will require development to contribute to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, make prudent use of natural resources, reduce carbon emissions, enable opportunities for renewable energy and help minimise any environmental impacts.
- 2.2 Policy BE1: High Quality Development states 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. New development should also have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 2.3 The proposed extensions and alterations are considered to be appropriate in order to facilitate the proposed change of use and will not greatly increase the spatial area of the property, nor detrimentally effect its external appearance or cause no harm to the

surrounding street scene. Comments received from Cllr Powell raise concerns in relation to the massing of the proposed extensions. Although noted, the proposed extensions are relatively modest and largely comprise the infill of void space within the footprint of the existing property.

- 2.4 As such, the proposal is considered to be acceptable on design grounds and would accord with the development plan, as well as relevant guidance set out within the National Planning Policy Framework.

### 3. Highways and Access

- 3.1 A number of changes are proposed to the access and vehicular layout of the site as part of the proposals. The access arrangements would be revised creating a wider centralised access point which will allow 2no vehicles to access and exit the site at the same time. The number of on-site parking spaces would increase from 7no. To 16no, located either side of a central drive, and would also include a turning space within the re-modelled parking area, allowing for efficient drop off and collection of children. Two no. reversing bays are also proposed in the centre of the parking area to ensure that vehicles can leave the site in a forward gear, thereby further increasing highway safety.

- 3.2 The Staffordshire Highways team were consulted and have no objections to the scheme as the revised access will improve turning in and out of the proposed development, maintaining the safe and free flow of Burnett Road; whilst the provision of 16no parking spaces exceeds that of the Authority's parking standards (Appendix D of the Sustainable Design SPD). Staffordshire Highways have suggested conditions relating to the implementation of the approved drawings and the provision of cycle parking.

- 3.3 Whilst it is noted that objections have been raised on the grounds of increased traffic and parking at drop off/ pick up time through the increased capacity of the nursey, the submissions were supported by a Transport Statement which has been reviewed and accepted by the Highways Authority. The Transport Statement confirms that the drop off and collection of children takes place over a period of two hours every day and that no more than 7no vehicles arrived at the same time on site within a five minute period. As such, Staffordshire Highways have raised no objections in this regard.

- 3.4 As such, the proposal is considered to be acceptable on highways safety grounds and would accord with the development plan, as well as relevant guidance set out within the National Planning Policy Framework.

### 4. Residential amenity

- 4.1 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.

- 4.2 The majority of neighbour objections relate to the potential detrimental impact upon residential amenity by the doubling of numbers of children at the property, in respect of increased noise by children using external areas as well as increased displaced parking during pick up and drop off times. The Environmental Health Officer has been consulted and following the submission of a revised noise report that detailed appropriate noise mitigation measures, has no objections to the proposals to increase the capacity of the nursery. Conditions has been recommended requiring the submission of a formal noise mitigation scheme before the nursery is first brought into use, to include apparatus such as acoustic barriers; and the limiting of 30no children in the rear amenity space at any one time.

- 4.3 The opening hours will remain to be compliant with those granted under planning consent 20/00345/FUL, approved in June 2020 namely 7.00am to 6.00pm Monday to Fridays.

4.4 In respect of the comments raised relating to the impact on residential amenity related to displaced vehicles during pick up and drop off time, the SCC Highways team consider that sufficient information and mitigation measures have been provided in order to avoid a large number of vehicles being on site at any one time, preventing local disturbance. Furthermore, the longer opening hours approved as part of planning application 20/00345/FUL will allow parents and guardians to drop off and collect children over a longer timeframe in the mornings and evenings, thereby avoiding vehicle congestion at the site during traditional pick up and collection times, minimising any detrimental impact on residential amenity.

4.5 As such, in relation to the proposals impact on residential amenity, subject to the conditions as suggested by the Councils Environmental Health Officer the proposal is considered to be compliant with the development plan, as well as relevant guidance set out within the National Planning Policy Framework.

## 5. Ecology

5.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 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 any biodiversity value of the site.

5.2 Policy NR3 of the Local Plan Strategy maintains that development will only be permitted where it protects, enhance, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of land or buildings; minimises fragmentation and maximise opportunities for restoration, enhancements and connections of natural habitats; incorporates beneficial biodiversity and/or geodiversity conservation features, including feature that will help wildlife to adapt to climate change where appropriate; and delivers a net gain for biodiversity and/or geodiversity in the district.

5.3 During the course of the application additional information was requested with respect to protected species. The Ecology Team were consulted on a Preliminary Bat Roost Assessment and Emergency Surveys which was submitted as part of the application. They have raised no objections and a condition has been recommended to secure appropriate detailed mitigation and net biodiversity enhancement in the form of a bat box within the site as recommended by the Council's Ecology Officer.

5.4 Therefore, the proposal is considered to be acceptable on ecological grounds and would accord with the development plan, as well as relevant guidance set out within the National Planning Policy Framework.

## 6. Arboriculture

6.1 Policy NR4 of the Local Plan Strategy indicates that the District's trees, woodland and hedgerows are important visual and ecological assets. 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. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.

6.2 The Arboricultural Team were consulted and have no objections to the scheme, subject to the protection of existing trees, which is secured via a suitably worded condition. As such, the proposal is considered to be acceptable on arboricultural grounds and would accord with the development plan, as well as relevant guidance set out within the National Planning Policy Framework.

## 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 proposal complies with relevant policies contained within the Local Plan Strategy, the Little Aston Neighbourhood Plan Neighbourhood Plan and relevant guidance contained within the National Planning Policy Framework.

The application site is located within the settlement boundary for Little Aston and is surrounded by a mixture of uses, predominantly residential and commercial. The property has operated for a number of years as a children's nursery (and 3 bed dwelling) and now seeks to remove the residential use and expand the nursery use. The layout and design of the proposal constitutes a form of development that will not have a detrimental impact upon the character and appearance of the surrounding area. Appropriate mitigation measures have been recommended via condition in order to ensure that there will be minimal impact upon the amenity of surrounding properties. The County Highways Authority are satisfied with the proposals and consider that there will be no unacceptable highway safety or capacity issues arising from the scheme. The proposal would also have minimal impact on local trees and ecology.

On this basis, the application is therefore recommended for approval, subject to the suggested conditions, as set out above.

# LOCATION PLAN

21/00605/FUL

164 Cannock Road Chase Terrace  
Burntwood

Scale: 1:1,000

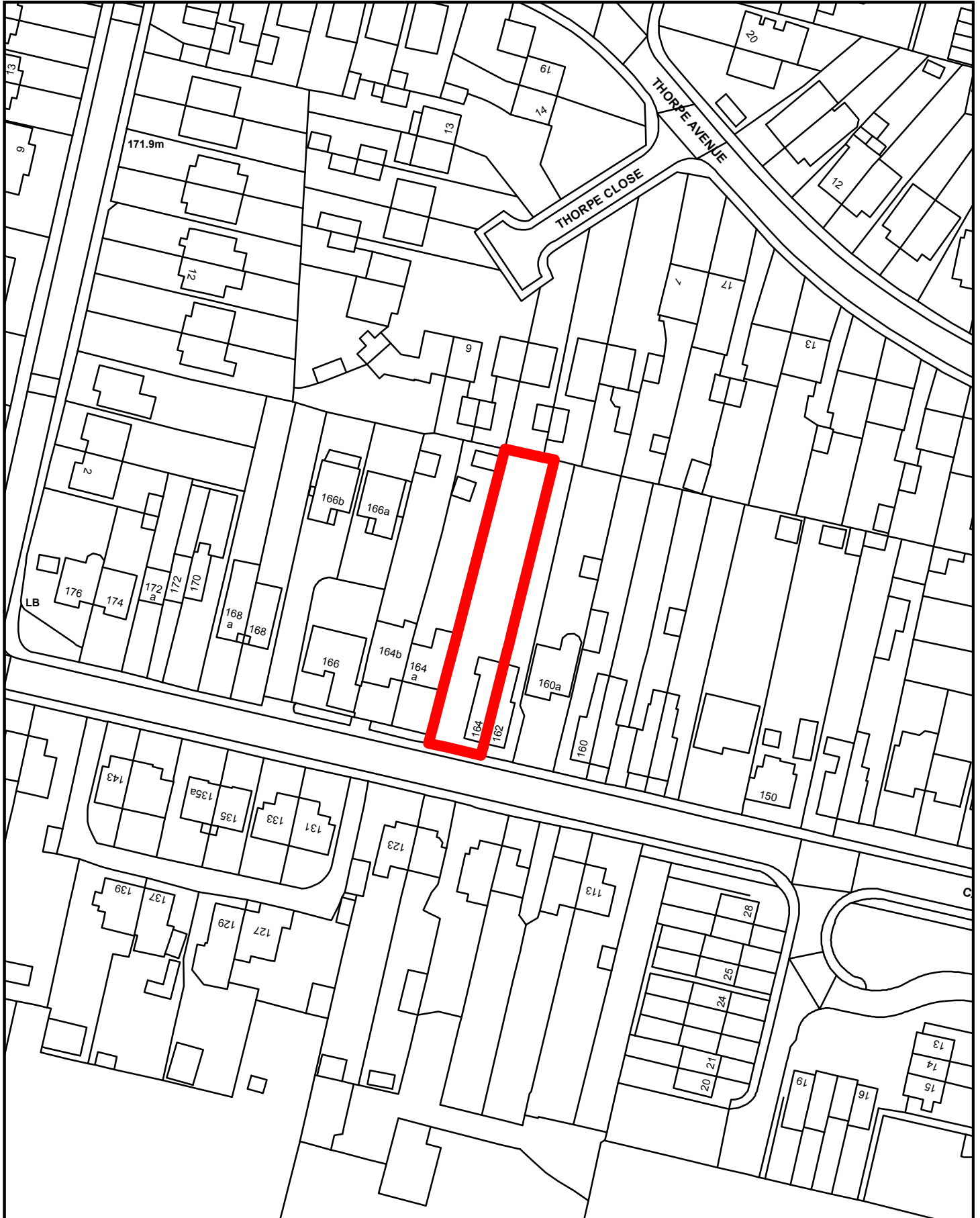
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## **21/00605/FUL**

**Erection of 1no detached two bedroom bungalow with associated parking and amenity plus creation of 2no parking spaces for existing dwelling.**

**164 Cannock Road, Chase Terrace Burntwood WS7 1JZ**

**For Mr & Mrs O Carter**

Registered **26/04/2021**

**Parish: Burntwood**

**Note:** This application is being reported to the Planning Committee due to a significant objection having been received from Burntwood Town Council. Their grounds of objection are:

1. Concern about further back garden development and its impact on the character of the area.
2. This development will further increase the building density and be detrimental to the amenity of neighbours.
3. The development will result in additional traffic accessing an already busy main road
4. The development is not considered to be in line with the Council Policy on sustainable development.

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

### **CONDITIONS**

1. The development 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 first commenced, details showing the existing and proposed land levels of the site including spot heights and the finished floor levels, ridge and eaves heights of all buildings hereby approved with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details.
4. Before the development hereby approved is commenced, a detailed landscape and planting scheme (incorporating the retention of any existing trees) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development first being brought into use.
5. Before the development hereby approved including any demolition and / or site clearance works is commenced or any equipment, machinery or materials 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 thereafter be provided in accordance with the submitted tree protection drawing BALDS025-20 TPP and the British Standard 5837: 2012 and 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.

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

6. Before the first occupation of the dwelling hereby approved full details of a secure weatherproof cycle storage facility for the dwelling shall be submitted to and approved in writing by the Local planning Authority. The development shall be undertaken in full accordance with the approved details.

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

7. 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 another of a similar size and species.
8. 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.
9. Before the first occupation of the dwelling hereby approved, the outbuildings indicated to be demolished to the rear of No.164 Cannock Road shall be demolished with all associated materials removed from site.
10. Before the first occupation of the dwelling hereby approved, the access, parking spaces and turning areas shall be provided in a bound material in accordance with the details shown on the approved plans. The parking and turning areas shall thereafter be made available at all times for their designated purposes.
11. Before the first occupation of the dwelling hereby approved, the boundary treatments shall be provided in accordance with the details shown on the approved plans. The boundary treatments shall be maintained for the lifetime of the development.
12. Within one month of completion of the development 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.
13. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-G of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby approved shall not be altered or extended, no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

**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, BE1, ST1, ST2, NR3, NR4 and NR7 of the Lichfield

Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping & Development SPD, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

3. To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.
4. In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
5. To ensure the long term health and vitality of retained trees within the site in accordance with the requirements of Policies CP3, BE1 and NR4 of the Lichfield Local Plan Strategy, the Trees, Landscaping & Development SPD, and the National Planning Policy Framework.
6. To ensure the development provided sustainable travel methods in accordance with policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
7. 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 Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.
9. For the avoidance of doubt and in accordance with the applicant's stated intentions and in the interests of the future amenity of residents in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.
10. In the interests of highway safety and in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
11. To safeguard the privacy of occupiers of the adjacent properties in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
12. 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 Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.
13. In the interests of neighbour and visual amenity, to enable The Local Planning Authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and 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 Burntwood Neighbourhood Plan (2021).
  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 <https://www.lichfielddc.gov.uk/planning-guidance/community-infrastructure-levy>
  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>
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## **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

### **Burntwood Neighbourhood Plan**

Policy B5: Enhancing the Identity and Distinctiveness of Local Neighbourhoods

Policy B6: Promoting Good Quality Design in New Housing Development

### **Supplementary Planning Document**

Sustainable Design SPD

Trees, Landscaping and Development SPD

Biodiversity and Development SPD

## **Emerging Lichfield District Local Plan 2040**

An emerging local plan is in preparation and has reached Regulation 19 public consultation stage (5 July – 30 August 2021) on the soundness and legal compliance of the pre-submission version of the Lichfield District Local plan, the proposed publication plan. At Regulation 19 consultation stage the proposed Local Plan is afforded limited weight.

### **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

### **CONSULTATIONS**

**Burntwood Town Council** - Object - Concerns have been raised regarding further back garden development and its impact on the character of the area. The development will increase the building density and be detrimental to the amenity of neighbours. It will cause additional traffic to be pulling out onto an already busy main road and consequently it is not considered to accord with Council Policy on sustainable development (12.5.2021).

**Staffordshire County Council (Highways)** - Initially Following submission of amended drawing No.9744/PI02 Rev. E the proposal is now acceptable in terms of vehicular parking from a Highway Authority perspective. Subject to conditions on retention of turning facilities. (25 June 2021)  
Previous comments - Object - The proposed development fails to make adequate provision for the parking of vehicles within the site curtilage resulting in an increase in the likelihood of highway danger due to the likelihood of vehicles being parked on the public highway. There are also public transport facilities and safety cameras at this location. (11/5/21).

**Environmental Health Team - LDC** - No objections in principle, but do advise that an informative be included with any permission regarding controls in a Smoke Control Area. (19.5.2021)

**Severn Trent Water** - No Objections - (13/5/21).

**Waste Management - LDC - No objection.** Proposals for individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. 26/4/21).

**Arboricultural Officer - LDC** - No objections to the proposal on arboricultural grounds subject to a condition requiring a landscape plan to indicate appropriate trees to compensate for the loss of the existing trees is necessary (30/6/21).

Previous comments - Objection - The site is not within any designated conservation area and currently there are no trees protected under a Tree Preservation Order, but it does appear that there are a number of large trees that may be affected some of which may be on third party land. As such the requirements of our policies BE1, NR3 & 4 and the associated SPD are relevant. Therefore we cannot support this proposal and a tree report to BS5837 is required including a constraints map to inform on useable amenity space and a tree protection plan for any retained trees (27/4/21).

### **LETTERS OF REPRESENTATION**

3 letters of representation have been received from neighbouring occupiers/ local residents in respect of this application. The comments made are summarised as follows:

- Issues over visibility when exiting via car onto Cannock Road.
- Boundary issues.
- Garage/party wall issues.
- Drainage issues.
- Flood risk issues.
- Reduce views from property and make own property feel more enclosed.
- Landscaping concerns and impact to natural environment.

- Garden sizes.
- Overall overdevelopment.
- Devaluation of property.

### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

9744/PL01revD – Proposed Layout, elevations and floorplans (14/07/2021)  
 164 Cannock Road – BS5837 Arboricultural Report (28.05.2021)

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### **OBSERVATIONS**

#### **Site and Location**

This application site relates to a substantial garden area to the rear of a two storey semi-detached property located on the northern side of Cannock Road, Chasetown, within a residential area. The properties along Cannock Road all vary in size, design and age and the plots on the northern side all benefit from large rear gardens. The property also has off road parking for 2 no. vehicles. There are examples of backland garden development in the locality, with No's 166a and 166b being detached bungalows located in the rear garden of No.166 to the west. To the rear of the site are dwellings which front onto Thorpe Close to the north of the application site.

The site is located within the 0-8km zone of influence for Cannock Chase Special Area of Conservation (SAC).

#### **Background**

There is no relevant background with this application.

#### **Proposals**

This application seeks permission for the erection of a two bedroom bungalow within the rear garden of 164 Cannock Road. As part of the proposals, 4 No. off road parking spaces would be provided to serve both the proposed bungalow and the existing dwelling house. The dwelling would be constructed using Ibstock Warwickshire Olde English facing brick, Marley Edgemere concrete roof tiles, white uPVC windows and black uPVC rain water goods.

The proposed bungalow would be positioned towards the northern end of the plot and would measure 5.9m in height to the ridge of the roof, 2.65m in eaves height, 8.7m in width and 12.75m in length. Windows are proposed in the front and rear elevations, with a bathroom window and the front door located in the side elevations of the dwelling. The proposed rear garden would have a depth of 9.83m and an overall area of 98m<sup>2</sup>.

It is proposed to retain a garden area of 66m<sup>2</sup> which would be 10m in depth for 164 Cannock Road, which would be enclosed by 1.8m high fencing.

#### **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. Residential Amenity
6. Ecology
7. Drainage/ Flooding
8. Community Infrastructure Levy (CIL) / Planning Obligations
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 Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Burntwood Neighbourhood Plan was also made in June 2021 and as such, also carries full material weight.
- 1.2 The emerging Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30 2021 with submission to the Secretary of State expected in autumn 2021. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.
- 1.3 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.4 The NPPF sets out a presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.
- 1.5 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. Burntwood will be one of the areas that the District Council will direct the majority of growth to, with Lichfield being categorised as a Strategic Centre within the Settlement Hierarchy set out at table 4.1 of the policy.
- 1.6 Core Policy 6 sets out that housing development will be focused within Burntwood, amongst other key urban and rural settlements. In the remaining rural areas, only particular residential development will be permitted of which includes infill development within defined village settlement boundaries.
- 1.7 Policy H1 states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The proposal is for a 2 bedroom bungalow and as such the application complies with this adopted policy.
- 1.8 In respect of the above, it is considered that the principle of residential development is established given its relatively sustainable location and being within a defined settlement boundary. Notwithstanding this the material considerations of the scheme are discussed in further detail below.

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

- 2.1 Paragraph 127 of the National Planning Policy Framework sets out certain principles for achieving well designed places, of which Part b) states that development should be *visually attractive as a result of good architecture, layout and appropriate and effective landscaping*. Part c) continues by setting out that planning policies and decisions should ensure that

developments are *sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.*

- 2.2 Core Policy 3 of the Local Plan Strategy states that the Council will require 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.
- 2.3 Policy BE1 states that development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on the built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 2.4 In terms of the Burntwood Neighbourhood Plan, Policy B5 'Enhancing the Identity and Distinctiveness of Local Neighbourhoods' requires consideration to be given to building materials and the sites relationship to the surrounding street and road pattern. Policy B6 'Promoting Good Quality Design in New Housing' of the Burntwood Neighbourhood Plan states that new residential development should be of a good quality design and should be designed in such a way that the best of the varied, local building styles in the Burntwood neighbourhood area is used to inform new designs.
- 2.5 As such, a key factor in determination will be assessing the balance between the benefits of the proposal, which include the introduction of innovative architecture within the street scene, against the scheme's impact upon the character and appearance of the surrounding area, including its impact upon the immediate surrounding built context.
- 2.6 In terms of the positioning of the proposal within the rear garden of an existing property, it is noted that there are two bungalows located within the original rear garden area of 166 Cannock Road, which is within close proximity of the site. There is therefore precedent for this type of backland development in the local area and it is not considered that the proposals would contrast with the character of the area. The scheme takes advantage of the original relatively wider plot of the host property, and provides sufficient space for each dwelling to be accommodated.
- 2.7 Due to the siting and scale of the proposed dwelling, it would not be significantly visible from the streetscene and would be well screened. There is no consistent house type or style along Cannock Road, therefore on its own as a bungalow, and in relation to the surrounding residential character, the property would appear in context and proportionate to the site. The proposed bungalow is smaller in scale and more proportionate to the existing houses in the area. Full details of materials have been provided as part of the application. The proposed materials are considered to be appropriate and are subject to a condition and it is noted that there is sufficient room within the site to accommodate the necessary refuse bins for both the original and the new dwelling.
- 2.8 As such, the proposal is considered to accord with the Development Plan as well as relevant guidance set out within the National Planning Policy Framework.

### 3 Access and Highway Safety

- 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 Staffordshire County Council Highways Authority initially had concerns that the proposed development would fail to make adequate provision for the parking of vehicles

within the site curtilage resulting in an increase in the likelihood of highway danger due to the potential for vehicles being parked on the public highway. However, revised details were received to provide adequate parking to serve both the existing and the proposed dwelling. The proposed dwelling now has provision for 2no parking spaces, meeting the requirements as set out within the SPD.

3.3 It is also important to note paragraph 111 of the NPPF which highlights 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. As such with no further objections being raised by the SCC Highways Team, the proposal is considered to be acceptable on highway grounds.

3.4 Therefore the proposal is considered to accord with Policy ST2 of the Local Plan Strategy, the Sustainable Design SPD as well as relevant guidance set out within the National Planning Policy Framework.

#### 4 Arboriculture

4.1 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.

4.2 The application has been supported by a Tree Protection Plan which provides appropriate protection for nearby trees. Consequently an appropriate condition has been recommended to ensure this remains in place for the duration of the development.

4.3 In addition to this, a condition requesting a landscaping plan be submitted has been recommended, that will seek to redress the loss of any trees to accommodate the development and ensure the proposal assimilates into the surrounding environment well.

4.4 As such, the proposal is considered to accord with the development plan, the Trees, Landscaping and Development SPD as well as relevant guidance set out within the National Planning Policy Framework.

#### 5 Residential Amenity

5.1 Policy BE1 of the Local Plan Strategy 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 upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

5.2 Appendix A of the Sustainable Design SPD sets out space about dwellings and amenity guidelines for all development. In particular, numerical guidelines are set out to ensure that new residential development does not overlook or cause overbearing impacts to surrounding properties. It also provides guidelines identifying that private amenity space should be a minimum 10m in length and provide a minimum of 45 sq metres for dwellings with 2 bedrooms.

5.3 The proposed dwelling is located in the rear garden of number 164 Cannock Road and would be in excess of the 21m guidelines as set out in the Sustainable Design SPD from the rear windows of the nearest neighbouring properties including those behind. As a bungalow the height of the property will ensure that the proposals does not give rise to a detrimental impact on the locality in terms of any overbearing impact upon neighbouring amenity space,



due to separation distances from adjacent properties, the building height and the intervening boundary treatments of close boarded fencing and hedging. Finally, as there are no habitable room side windows the potential for any loss of privacy is minimal. Furthermore, as the proposal would be of limited scale, it is considered that it would not give rise to unacceptable levels of noise or disturbance. For these reasons, it is considered that the proposal is acceptable in terms of any impact on the amenity of local residents.

- 5.4 In terms of the private amenity space proposed, it is considered that the objectives of the space guidelines set out in the Sustainable Design SPD are met. The proposals include the demolition of outbuildings to the rear of the retained host property No.164 Cannock Road. This which would ensure that the minimum guidelines for garden sizes (10m in depth and 65 sq m in area) for this original property would be provided. With regard to the proposed property, it is noted that the garden depth would fall slightly short of the 10m guideline by 17cm. Notwithstanding this, taking into consideration the proposed depth of 9.83m and the area of garden proposed which significantly exceeds the area guideline at 98 sqm, it is considered that adequate amenity space would be provided.
- 5.5 In order to protect the future amenity of neighbouring residents, conditions have been recommended which ensure that the proposed boundary treatments are installed and maintained prior to occupation, and permitted development rights to prevent any future additions or alterations to the bungalow are removed.
- 5.6 Overall the proposed development is not considered to cause significant detriment to the amenity of adjacent and nearby occupiers and accordingly complies with the Development Plan and the National Planning Policy Framework in this regard.

## 6 Ecology

- 6.1 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.
- 6.2 The Ecology Team were consulted and are satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However, due to the nature and location of the proposed development it is recommended that a net gain to biodiversity could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.) either within the proposal site or the adjacent retained dwelling.
- 6.3 The agent has agreed to the inclusion of such a method to create a net gain in ecology and an appropriately worded condition is recommended.
- 6.4 Therefore with regards to mitigating on site ecology impact, the proposed development is considered to comply with the Development Plan and the National Planning Policy Framework.

### Cannock Chase SAC

- 6.5 The application site lies within the 0-8km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-8km 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.

6.6 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.

6.7 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, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

## 7 Drainage

7.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

7.2 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). The site lies within flood zone 1 and as such there are no flooding concerns in principle. In terms of drainage, Severn Trent Water have raised no objection to the principle of the proposal and do not require details of foul and surface water disposal.

7.3 As such, the proposal is considered to accord with the Development Plan, as well as relevant guidance set out within the National Planning Policy Framework, in this regard.

## 8 Community Infrastructure Levy CIL

8.1 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.

## 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 National Planning Policy Framework 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 present a sustainable and appropriate form of development within this location. The principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Burntwood within an established residential area, and would not have a siting at odds with the character with the local area. The proposals would also not have a detrimental impact on local highway safety, mature trees and landscaping, and local ecology.

Consequently, it is recommended that this application be approved, subject to conditions, as set out above and a signed unilateral undertaking relating to mitigation measures to avoid any adverse impact on the Cannock Chase Special Area of Conservation.

Lichfield  
district council

www.lichfielddc.gov.uk

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Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

# LOCATION PLAN

21/00567/FUL

Land Rear Of 79 Ironstone Road  
Burntwood

Scale: 1:1,000

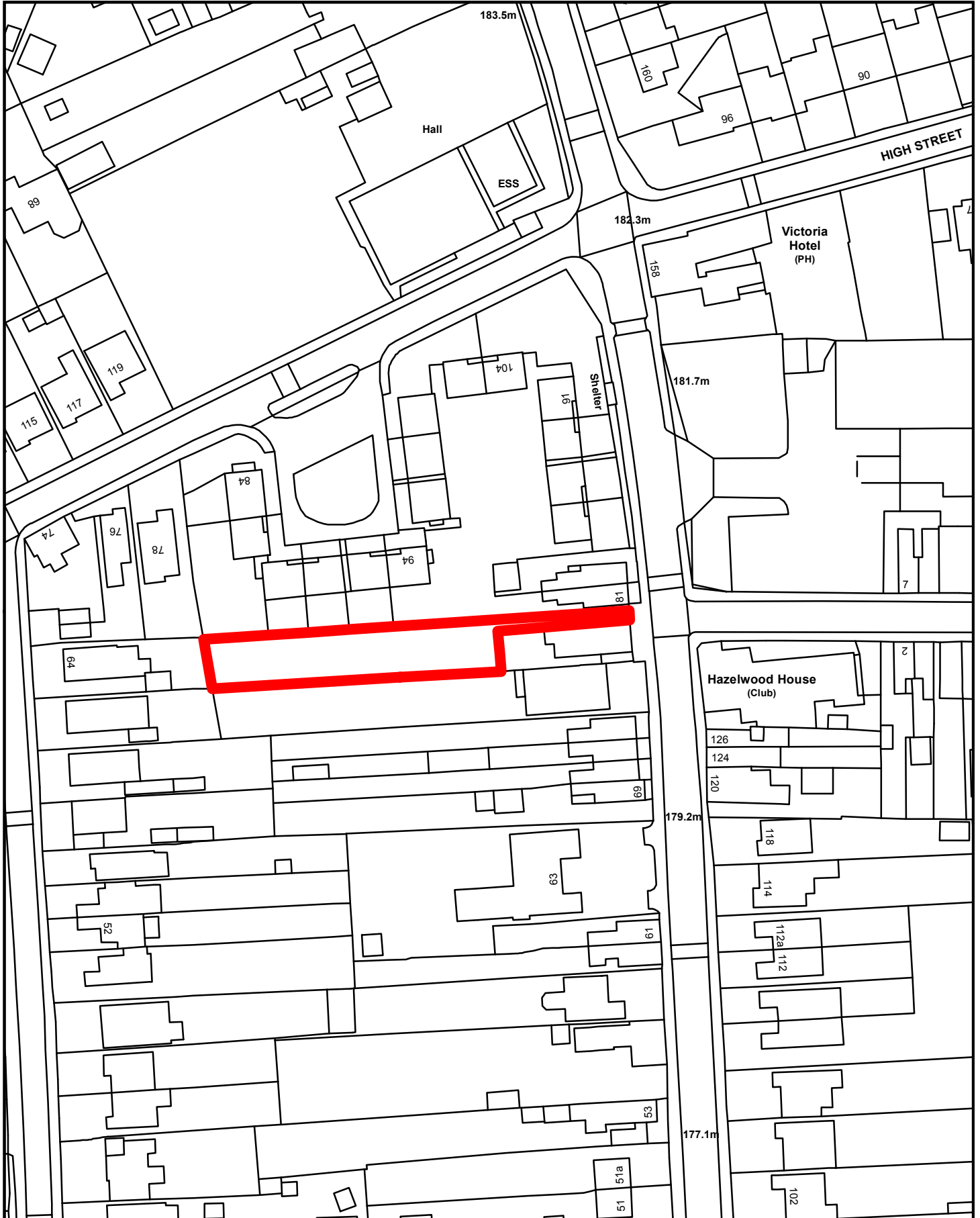
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**21/00567/FUL**

**Erection of 1no detached two bedroom bungalow  
Land rear of 79, Ironstone Road, Burntwood, Staffordshire  
FOR Mr J Fisher**

Registered **26/04/2021**

**Parish: Burntwood**

**Note:** This planning application is being reported to the Planning Committee due to a significant objection having been received from Burntwood Town Council. Their grounds of objection are:

1. Loss of amenity and privacy in rear gardens.
2. Increases the building density in an area where the properties have open space
3. Changes the character of the area.
4. Unsustainable development.
5. Access concerns and associated highways implications.

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

**CONDITIONS:**

1. The development 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, materials 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 detailed landscape and planting scheme (incorporating the retention of any existing trees) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use.
4. Before the development hereby approved is commenced a scheme for (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 (d) measures to prevent the deposition of deleterious material on the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. Each of the facilities shall be provided and maintained during the construction of the development hereby approved.

**CONDITIONS to be complied with PRIOR to the FIRST OCCUPATION of the development hereby approved:**

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

6. Before the first occupation of the dwelling hereby approved full details of a secure weatherproof cycle storage facility for the dwelling shall be submitted to and approved in writing by the Local planning Authority. The development shall be undertaken in full accordance with the approved details.

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

7. 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.
8. The parking and turning facilities within the site curtilage hereby approved shall be retained at all times for their designated purposes.
9. Within one month of completion of the development 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.
10. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-G of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

**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, BE1, ST1, ST2, NR3, NR4 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping & Development SPD, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.
3. To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.
4. In the interests of highway safety and in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
5. To safeguard the privacy of occupiers of the adjacent properties in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
6. To ensure the development provided sustainable travel methods in accordance with policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
7. In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD the Trees, Landscaping & Development SPD and the National Planning Policy Framework.

8. In the interests of highway safety and in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD 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 Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.
10. In the interests of neighbour and visual amenity, to enable the Local Planning Authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Burntwood Neighbourhood Plan (2021).
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. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. The applicant is advised to note and act upon as necessary the comments of the Ecology team dated 26 May 2021.
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 applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department dated 26 April 2021.
7. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

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**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

### Lichfield Local Plan Allocations 2008-2029

Policy Burntwood 1: Burntwood Environment

### Burntwood Neighbourhood Plan

Policy B5: Enhancing the Identity and Distinctiveness of Local Neighbourhoods  
Policy B6: Promoting Good Quality Design in New Housing Development

### Supplementary Planning Document

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

### Local Plan Review: Preferred Options (2018-2040)

#### RELEVANT PLANNING HISTORY:

No relevant planning history.

#### CONSULTATIONS:

**Burntwood Town Council** - Object - This application is back garden development, so would have a negative impact on neighbouring properties with regards to a loss of amenity and privacy in rear gardens. It increases the building density in an area where the properties have open space to the rear of the dwellings with gardens bordered by other gardens rather than directly onto other dwellings. This changes the character of the area and is not sustainable development when gardens are converted into dwelling space. There is also concern regarding the narrow access between properties that would be required to gain access and safety issues it could cause with additional vehicles pulling onto the road and over the pavement when exiting the property. (12/5/21)

**Conservation Team - LDC** - There are no objections in principle to this application. Amended plans should show a bin collection point at the end of the driveway and should show secure and covered cycle storage. (24/5/21)

**Ecology Team - LDC** - 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). 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 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. (26/5/21)



**Spatial Policy and Delivery Team** - No objections, subject to compliance with habitat regulations, the proposed development conforms to both national and local policy and would provide a dwelling in the sustainable settlement of Burntwood. (17/5/21)

**Staffordshire County Council (Flood Risk Officer)** - No objections. (7/5/21)

**Natural England** - No objection subject to appropriate mitigation being secured. (25/5/21)

**Severn Trent Water** - No objections. (13/5/21)

**Staffordshire County Council (Highways)** - No objections on Highway grounds subject to conditions being included on any approval related to controlling construction traffic; secure cycle storage; and retention of proposed parking facilities. (11/5/21)

**Environmental Health Team - LDC** - No objections to the proposals in principle. It is recommend that the following be included as an informative with any permission: 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>. (19/5/21)

**Tree Officer - LDC** - No objections subject to a tree and hedge retention condition. (27/4/21)

**Waste Management** - Proposals for individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. The Joint Waste Service offers a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection day and return the bins as soon as possible after emptying. (26/4/21)

**Environment Agency** - No Comments Received.

**Cannock Chase Special Area Of Conservation Partnership** - No Comments Received.

#### **LETTERS OF REPRESENTATION:**

One letter of representation has been received in respect of this application. The comments made are summarised as follows:

- Development out of keeping with local area,
- Design, character and appearance implications,
- Impact on hedgerows,
- Concerns with regards to density.

#### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:**

4049-002-02 REV.B - Existing & Proposed Location Plan & Proposed Block Plan

4049-002-01 REV.C - Proposed Plans, Elevations & Section (including materials)

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#### **OBSERVATIONS:**

##### **Site and Location**

This application site relates to a substantial garden to the rear of 79, Ironstone Road, Burntwood, Staffordshire, within a residential area. No 79 is currently a single storey retail unit. The surrounding locality comprises of properties varying in size, design, age and plot size. There are examples currently present of back land garden development on other sites off Ironstone Road within the nearby vicinity of the application site. To the north of the site are bungalows situated off School Lane

with rear gardens bordering the application site. The site under consideration is located within the 0-8km zone of influence for Cannock Chase Special Area of Conservation (SAC).

## **Background**

There is no relevant background with this application.

## **Proposals**

This application seeks permission for the erection of a detached two bedroom bungalow on garden land to the rear of 79, Ironstone Road, Burntwood, Staffordshire.

The proposed bungalow is to be situated relatively centrally within the plot, and would have a footprint of approximately 6.9m (width) by 13.5 (length). A west and east facing gable ended roof design is proposed with a central ridge at approximately 5.7m in height above ground floor level and an eaves height at approximately 2.6m in height above ground floor level. Front and rear windows facing east and west are proposed to serve the two bedrooms and the rear dining/ living area. There are no habitable room windows along the sides of the proposed bungalow facing north or south. Private amenity space, in excess of 260sqm, for the proposed dwelling is provided to the rear (west) of the proposed bungalow.

It is proposed to retain a garden area, in excess of 40sqm, for No.81 Ironstone Road, whereby the property will also benefit from two off-street car parking spaces in front of the proposed bungalow.

As part of the proposals two off-street car parking spaces are proposed for the new bungalow and two off-street car parking spaces are proposed to serve No.81 Ironstone Road which, is within the ownership of the applicant.

The applicant has stated within the submitted documentation that the proposed bungalow would be constructed using brickwork, concrete roof tiles, white upvc windows, a composite front door, and a white upvc side door. Full details of these materials have been provided on a revised plan. A new 1.8m high closed boarded fence to the amenity area of No.81 Ironstone Road would be provided along the driveway.

## **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. Residential Amenity
5. Impact on Trees
6. Ecology and Cannock Chase SAC
7. Drainage / Flooding
8. Community Infrastructure Levy (CIL) / Planning Obligations
9. Other Matters
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 Lichfield District Local Plan Strategy 2008-2019, the Lichfield Local Plan Allocations 2008-2029, and the Burntwood Neighbourhood Plan (2021). The National Planning Policy Framework (NPPF) also 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.*

- 1.2 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. Burntwood will be one of the areas that the District Council will direct the majority of growth to, with Lichfield being categorised as a Strategic Centre within the Settlement Hierarchy set out at table 4.1 of the policy.
- 1.3 Local Plan Strategy Core Policy 6 sets out that housing development will be focused within Burntwood, amongst other key urban and rural settlements. In the remaining rural areas, only particular residential development will be permitted of which includes infill development within defined village settlement boundaries.
- 1.4 Policy H1 of the Local Plan Strategy states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The proposal is for a two bedrooled detached bungalow and as such the application complies with this adopted policy.
- 1.5 In respect of the above, it is considered that the principle of residential development is established given its relatively sustainable location and being within a defined settlement boundary. Notwithstanding this, the material considerations of the scheme are discussed in further detail 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 In terms of the Burntwood Neighbourhood Plan, Policy B5 “Enhancing the Identity and Distinctiveness of Local Neighbourhoods” requires consideration to be given to building materials and the sites relationship to the surrounding street and road pattern. Policy B6 “Promoting Good Quality Design in New Housing” of the Burntwood Neighbourhood Plan states that new residential development should be of a good quality design and should be designed in such a way that the best of the varied, local building styles in the Burntwood neighbourhood area is used to inform new designs.
- 2.4 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.

- 2.5 The proposed detached two bedroomed bungalow would be set back from the street-scene of Ironstone Road without significant views from the street-scene and also well screened. Throughout the surrounding locality there is no consistent house type or style. The proposed detached bungalow is therefore considered to appear in context, and is proportionate to the relatively generously sized plot. It is also noted that there are bungalows located to the north of the application site off School Lane. There is therefore precedent for bungalow styled development in the local area and therefore this proposal would accord with this character without significant harm to the existing street-scene or surroundings. There are examples currently present of back land garden development on other sites off Ironstone Road within the nearby vicinity of the application site, therefore this form of development would not be out of character within this locality. 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.
- 2.6 The Conservation & Design Team have assessed the proposal and have no objections to the principle of the application, subject to the provision of a bin collection point at the end of the driveway and a secure and covered cycle storage area. This information has been outlined within submitted amended plans provided by the applicant. With regards to a secure weatherproof cycle storage facility a pre-occupation planning condition is considered necessary to ensure the delivery and to gain an acceptable design of such. Subject to this aforementioned planning condition the proposal is considered by the Local Planning Authority to be acceptable in this regard.
- 2.7 The applicant has provided details of external materials which are considered to be acceptable in the context of the site. A condition is attached to ensure these materials are used to ensure a satisfactory appearance of the development.
- 2.8 Overall, the proposal is considered to accord with the development plan as well as relevant guidance set out within the National Planning Policy Framework, in this regard.
3. Access and Highway Safety
- 3.1 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect 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 (SPD) as well as the NPPF, particularly paragraph 111 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.
- 3.2 The Staffordshire County Council Highways Authority have no objections to the proposal subject to conditions related to the retention of the approved parking facilities for the life of the development; the provision of secure weatherproof cycle storage; and construction period parking and loading / unloading facilities, plant and material storage; and measures to prevent site material from entering the public highway. As such it is considered that the proposal would not have a detrimental impact on highway safety in this regard.
- 3.3 The proposed dwelling incorporates two off-street car parking spaces for the proposed bungalow and two off-street car parking spaces for No.81 Ironstone Road which, is within the ownership of the applicant. The proposed off-street car parking spaces are considered to represent a reasonable provision of off-street car parking in accordance with the requirements outlined within Appendix D of the Sustainable Design Supplementary Planning Document.
- 3.4 It is acknowledged that access concerns and associated highways implications have been raised by Burntwood Town Council and local residents. However, following the receipt of

comments from the Highways Authority it is considered that the proposal would not be unacceptable on highways related grounds. Therefore the proposed scheme of development is acceptable on access and highway safety grounds subject to the recommendation of relevant conditions.

3.5 Overall, the proposal is considered to comply with the development plan as well as relevant guidance set out within the National Planning Policy Framework in this regard.

#### 4. Residential Amenity

4.1 Policy BE1 of the Local Plan Strategy 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 upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

4.2 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). This sets out space about dwellings and amenity guidelines for all development. In particular, numerical guidelines are set out to ensure that new residential development does not overlook or cause overbearing impacts to surrounding properties, including received daylight and sunlight.

4.3 Following the submission of amended plans a separation distance of approximately 10m has been provided between the north facing elevation of the proposed detached bungalow and the rear elevations of the neighbouring bungalows to the north. This level of separation is considered by the Local Planning Authority to be acceptable and in accordance with the guidelines set out within the Sustainable Design SPD.

4.4 The proposed dwellings habitable windows would face east and west, towards amenity space serving the proposed dwelling. The nearest dwelling to the west would have a separation distance on in excess of 40m, whilst the separation distance to the dwelling to the east would be approximately 23m and as such would accord with the guidelines of the SPD. No habitable room windows will be provided facing north or south with shorter distances to the property boundaries. The potential for any loss of privacy, by way of overlooking, to adjacent properties is therefore minimised.

4.5 A rear private amenity area, in excess of 260sqm, to serve the proposed two bedrooled bungalow on the western part of the site is proposed in excess of the 45 sqm identified in the SPD for 2 bed dwellings. With regards to the private amenity space of the retained dwelling, no 81 Ironstone Road, this would be approximately 43 sqm. Although this would be below 45 sqm identified in the SPD for a 2 bedrooled dwelling, it is considered that this would acceptable as this retained property would now benefit from a new shared driveway leading to 2 off street parking spaces as part of the proposals. It is therefore considered that the objectives of the space about dwelling guidelines set out in the Sustainable Design SPD are met. In terms of the impact of the proposal on daylight / sunlight received by neighbouring properties, as a bungalow, the height of the property will ensure that, there is an acceptable impact of the proposal in terms of any overbearing impact upon neighbouring amenity space. Also given the limited scale of the proposal, it is not considered that it would not give rise to unacceptable levels of noise or disturbance. For this reasoning it is considered that the proposal is acceptable upon the impacts on those living nearby.

4.6 Conditions to ensure that the proposed boundary treatments are installed and maintained and the removal of permitted development rights to prevent any future additions or alterations to the proposed detached bungalow are recommended in order to protect the future amenity of neighbouring residents.

## 5. Arboriculture

- 5.1 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.
- 5.2 The Arboriculture Team have advised that the site is not within any designated conservation area and currently there are no Tree Protection Orders. They do not consider that there are any large trees affected by the proposals despite there being some on the boundary. As such they have no objections to the proposal, subject to recommending an appropriately worded condition to retain any existing trees and hedges.
- 5.3 As such, the proposal is considered to accord with the Development Plan, the Trees, Landscaping and Development SPD as well as relevant guidance set out within the National Planning Policy Framework.

## 6. Ecology and Cannock Chase SAC

- 6.1 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.
- 6.2 The Ecology Team were consulted and are satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However, due to the nature and location of the proposed development it is recommended that a net gain to biodiversity could be best achieved via the inclusion of onsite habitat improvement works or the creation/ planting of new habitats or features. This shall be achieved via a planning condition requiring within one month of the completion of the development, a bat or bird box to be installed within the proposal site. The bat or bird box shall thereafter be retained as such for the life of the development.
- 6.3 Subject to recommending a suitably worded condition the Local Planning Authority are satisfied with the development proposal with regards to potential ecological implications. Therefore, the proposed development is considered to comply with the Development Plan and the National Planning Policy Framework, in this regard.

### Cannock Chase SAC

- 6.4 The application site lies within the 0-8km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-8km 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.
- 6.5 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. 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 the 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.

6.6 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

## 7. Drainage

7.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

7.2 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). The site lies within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of drainage, Severn Trent Water have raised no objection to the principle of the proposal and do not require details of foul and surface water disposal.

7.3 As such, the proposal is considered to accord with the Development Plan, as well as relevant guidance set out within the National Planning Policy Framework, in this regard.

## 8. Community Infrastructure Levy (CIL)

8.1 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. An informative noting the need to resolve CIL payment for this development will be attached to any permission.

## 9 Other Matters

9.1 The Waste Management team have advised that proposals for individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. The Joint Waste Service offers a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection day and return the bins as soon as possible after emptying.

9.2 The applicant has reviewed this consultation response and amended plans were received, providing a location in front of the proposed bungalow for the bin storage. The Local Planning Authority consider the level of detail and clarifications provided in this regard to be acceptable, and as such the development would accord with the Development Plan in this regard.

## 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.

### **Conclusion**

The National Planning Policy Framework 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 proposed erection of a detached two bedroom bungalow on land rear of 79, Ironstone Road, Burntwood is considered to present a sustainable and appropriate form of development within this location. The principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Burntwood within an established residential area, and would not have a siting at odds with the character of the local area. The proposals would also not have a detrimental impact on local highway safety, mature trees and landscaping, and local ecology.

Consequently, it is recommended that this application be approved, subject to conditions, as set out above and a signed unilateral undertaking relating to mitigation measures to avoid any adverse impact on the Cannock Chase Special Area of Conservation.



Lichfield  
district council

www.lichfielddc.gov.uk

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Frog Lane  
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# LOCATION PLAN

21/00456/OUT  
Unit 1 Mount Road  
Burntwood

Scale: 1:1,000

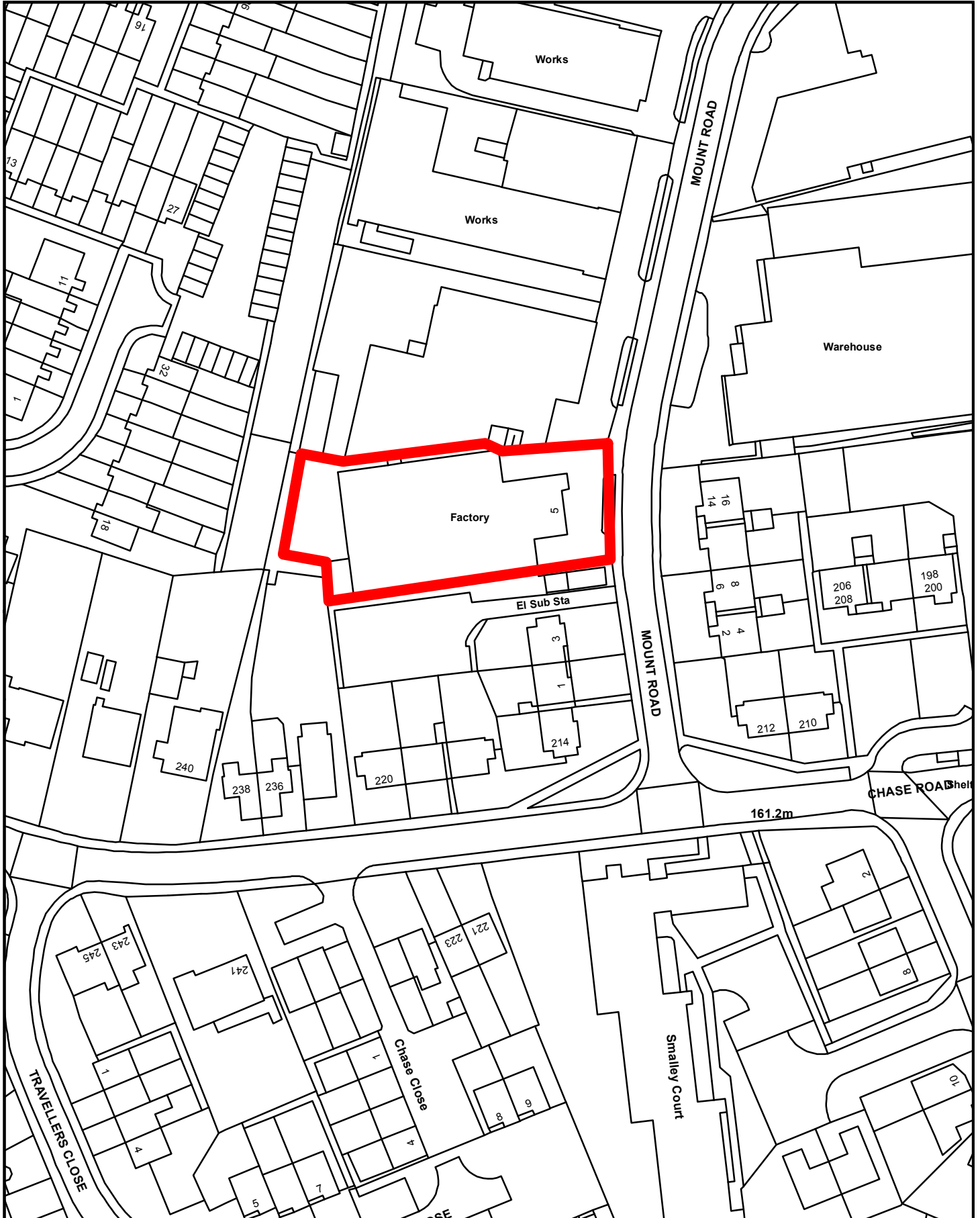
Dated: September 2021

Drawn By:

Drawing No:



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## **21/00456/OUT**

**Outline application with all matters reserved for the erection of up to seven 2-bedroom dwellings, with parking and associated works including the demolition of the existing industrial unit.**

**Unit 1, Mount Road, Burntwood, Staffordshire.**

**FOR Mr Steven Buckley**

Registered **19/02/2021**

**Parish: Burntwood**

**Note:** This application is being reported to the Planning Committee due to a significant objection having been received by Burntwood Town Council. Their grounds of objection are:

Whilst Burntwood Town Council recognise the benefit of 2 bedroom homes in meeting the requirements for affordable homes in the district, we wish to raise an objection on the basis that this development would result in the loss of a business property in an industrial area of the town. The loss would reduce the availability of property that can ensure employment and business opportunities in the town. This would subsequently impact negatively on the local economy.

An objection has also been received from the Councils Economic Development Officer on the grounds that the development shall create a loss of 913 square metres of internal commercial floorspace on the site which would be suitable for any growing, established business who is seeking commercial floorspace within Burntwood. Whilst the relocation of the business won't create any job losses, it shall reduce the amount of commercial floorspace available within Burntwood, creating less opportunities for job creation. Burntwood has currently seen the existing loss of employment land to residential housing in close proximity to Burntwood Business Park, limiting the amount of space available for businesses with this development increasing this detriment on the local economy, limiting viable spaces for employment and business growth.

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

### **CONDITIONS**

1. An application for approval of the reserved matters to include the access, appearance, landscaping, layout and scale of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.
3. This is an outline planning permission and no development hereby approved shall be commenced until details of the access to the site, design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; and the landscape and planting of the site shall be submitted to and approved by the Local Planning Authority by way of reserved matters application(s).
4. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

5. No development shall take place until full precise details of the means of access at the location indicated on drawing number 2035-01B along with details of all surfacing materials have been provided and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
6. No development shall take place until details of all materials to be used externally, ensuring the product name and manufacturer is provided, (including details of coursing of brickwork, rendering and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
7. No development shall take place until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.
8. No development shall take place until a scheme of noise mitigation has been provided and agreed in writing by the Local Planning Authority. The approved mitigation measures and any associated ventilation shall be implemented in accordance with the approved details and be the subject of a validation report to be submitted to the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved and any deficiencies identified shall be rectified in full before residential occupation commences on any respective dwelling. The approved mitigation shall thereafter be maintained for the life of the development.
9. No development shall take place until a scheme of onsite habitat improvement works has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme with any mitigation measures retained for the lifetime of the development.
10. No development shall take place until full details of tree protection measures for third party trees with root protection areas within the application site has been provided and agreed in writing by the Local Planning Authority. The approved measures will be implemented and maintained throughout the construction phase.
11. The reserved matters submissions required under condition 3 above shall include a detailed soft landscaping scheme to include full details of shrub and tree planting (including planting sizes, species and numbers/densities, tree pits and aftercare/watering details). The approved landscape and planting scheme shall thereafter be implemented within eight months of any part of the development first being occupied and the approved aftercare/watering details shall be complied with for the lifetime of the development.
12. The reserved matters submissions required under condition 3 above shall include details of weatherproof cycle storage to be provided within each plot prior to the first occupation of the dwelling which it serves. The cycle storage shall be provided and retained as such for the parking of cycles for the life of the development.
13. The reserved matters submissions required under condition 3 above shall include a communal bin collection point of a sufficient size to accommodate a minimum of 2 No. bins per property to which it serves. The communal bin collection point shall be located near the rear of the highway boundary and provided prior to the first occupation of the new dwellings which it serves and thereafter will be retained for its designated purpose for the lifetime of the development.

14. Before the development hereby approved is commenced, a highways construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The management plan shall specify details for the:
- a) A site compound with associated temporary buildings,
  - b) The parking of vehicles of site operatives and visitors,
  - c) Times of deliveries including details of loading and unloading of plant and materials,
  - d) Storage of plant and materials used in constructing the development,
  - e) Duration of works,
  - f) Wheel wash facilities,
  - g) Appropriate routing agreement using the most appropriate access route.
- The development shall thereafter be carried out in accordance with the approved details and thereafter adhered to throughout the construction period.

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

15. The reserved matters submissions required under condition 3 above shall include parking bays with a minimum dimension of 4.8m x 2.4m.
16. If during the demolition and construction phase of the development hereby approved, any contamination or evidence of likely contamination is identified such shall be subjected to a detailed scheme of investigation and recording and a written scheme of investigation, recording and proposed remediation shall be submitted to and approved in writing by 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, details of all remediation works necessary to render the contamination harmless, the methodology used and the proposed timetable for completing such works relative to the construction schedule. Thereafter, any so approved remediation scheme shall be completed in accordance with the approved details and a validation report shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed to ensure that all contaminated land issues on the site have been adequately addressed in accordance with the approved timetable and prior to the first occupation of any part of the development.
17. Prior to any imported soil being brought onto the site in connection with the development, details of the soil shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Officer.
18. Any tree, hedge or shrub planted as part of a landscaping scheme (or any later replacement tree/hedge) on the site, 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 another of similar size and species.
19. No trees, shrubs or hedgerows planted or retained as part of the approved landscaping and planting scheme, shall be topped, lopped or cut down without the prior consent in writing of the Local Planning Authority.

**REASONS FOR CONDITIONS**

1. To conform with Section 92 (2) of the Town and Country Planning Act 1990.
2. To conform with Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. In order to comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990, as amended.

4. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP6, BE1, ST1, ST2, NR3, NR4 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping & Development SPD, Burntwood Neighbourhood Plan Policies B5 and B6 and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
5. In the interests of highway safety, in accordance with Policies CP3, CP5, ST1, ST2 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Burntwood Neighbourhood Plan Policies B5 and B6 and the National Planning Policy Framework.
7. 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 Lichfield Local Plan Strategy and National Planning Policy Framework.
8. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
9. To secure suitable biodiversity net gain, in accordance with Policies CP3, CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
10. To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
11. To ensure that an appropriate soft landscaping scheme is provided to enhance the development and visual amenities within the locality in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD, Burntwood Neighbourhood Plan Policy B5 and the National Planning Policy Framework.
12. To facilitate and encourage the use of a sustainable transport mode, in accordance with Policies CP3, ST1 and ST2 of the Lichfield Local Planning Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
13. In the interests of the visual amenities of the area and highway and pedestrian safety, in accordance with in accordance with the requirements of Policies CP3, BE1 and ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
14. In the interests of highway safety and to protect the amenity of neighbouring residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework
15. In the interests of highway safety, in accordance with Policies CP3, CP5, ST2 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

16. To ensure that any contamination issues on site are adequately addressed in order to safeguard human health and the environment including during the construction phase, in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.
17. To safeguard human health and the environment including during the construction phase, in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.
18. To ensure that any initial tree and/or plant losses are overcome to safeguard the visual amenities of the area and safeguard created habitat, in accordance with Policies CP3, BE1 and NR4 of the Lichfield Local Planning Strategy, the Trees, Landscape and Development SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.
19. To ensure that the landscaping scheme is appropriately retained in the interests of the visual amenities of the area and to safeguard created habitat, in accordance with the requirements of Policies CP3, CP13, BE1, NR3, NR4 of the Local Plan Strategy, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD and the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and Burntwood Neighbourhood Plan (2021).
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 <https://www.lichfielddc.gov.uk/planning-guidance/community-infrastructure-levy>
5. The applicant/ developer is advised that developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days. Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard. A suitable bin collection point (BCP) may be required with due consideration to the distance from the residents properties (maximum of 30m) and the main highway. The BCP can be a simple paved area but it must be sufficient to accommodate 3 x 240l bins for every property served by the private drive and be adjacent to the adopted highway to ensure an efficient refuse/recycling operation takes place.

- 6 The applicant/ developer is advised that Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
- 7 The applicant/ developer is advised that in relation to Condition 9 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.) should be included in a landscaping plan. Bat box and bird boxes (or bat brick, swallow cup etc.) should also be included within the application red line site area.
- 8 The applicant/ developer is advised with respect to the proposed layout, a minimum distance of 6m is required to the rear of a parking bay to allow for reversing/ turning/ manoeuvring. It is further advised that a garden shed is considered to be a secure weatherproof storage facility.
- 9 The applicant/ developer is advised to seek pre application advice prior to submitting the necessary reserved matters application. Pre-application advice cannot guarantee that your planning application will be accepted - this is because we may not be aware of all issues at the pre-app stage, and won't be able to consider any comments or responses that are made once an application has been submitted. That said, it can help speed up the planning process as any potential problems can be highlighted before you submit your application.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Design Guide  
National Model Design Code

### **Local Plan Strategy**

Policy CP1 - The Spatial Strategy  
Policy CP2- Presumption in favour of sustainable development  
Policy CP3 - Delivering Sustainable Development  
Policy CP6 - Housing Delivery  
Policy H1 - A balanced Housing Market  
Policy CP7 - Employment & Economic Development  
Policy CP13-Our Natural Resources  
Policy BE1 - High Quality Development  
Policy NR3- Biodiversity, Protected Species and their Habitats  
Policy NR4- Trees, Woodland and Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy ST2 – Parking Provision

Policy Burntwood 1: Environment  
Policy Burntwood 2: Services and Facilities

### **Local Plan Allocations**

EMP1- Employment Areas and Allocations  
Policy Burntwood 3- Burntwood Economy  
Policy Burntwood 4: Burntwood Housing

### **Supplementary Planning Document**

Sustainable Design SPD  
Trees, Landscaping and Development SPD  
Biodiversity and Development SPD  
Developer Obligations SPD

### **Burntwood Neighbourhood Plan**

Policy B5- Enhancing the Identity and Distinctiveness of Local Neighbourhoods  
Policy B6- Promoting Good Quality Design in New Housing Developments

### **Emerging Lichfield District Local Plan 2040**

An emerging local plan is in preparation and has reached Regulation 19 public consultation stage (5 July – 30 August 2021) on the soundness and legal compliance of the pre-submission version of the Lichfield District Local plan, the proposed publication plan. At Regulation 19 consultation stage the proposed Local Plan is afforded limited weight.

### **RELEVANT PLANNING HISTORY**

There is no planning history.

### **CONSULTATIONS**

**Burntwood Town Council** - Whilst Burntwood Town Council recognise the benefit of 2 bedroom homes in meeting the requirements for affordable homes in the district, they wish to raise an objection on the basis that this development would result in the loss of a business property in an industrial area of the town. The loss would reduce the availability of property that can ensure employment and business opportunities in the town. This would subsequently impact negatively on the local economy. (22nd March 2021)

**Natural England** - No objections raised subject to appropriate mitigation being secured for recreational impacts on Cannock Chase SAC. (07 April 2021)

**Severn Trent Water** - No objections were raised subject to the inclusion of a condition requiring drainage details and an informative regarding the location of public sewers. (24th March 2021)

**Staffordshire County Council (School Organisation)** - This development falls within the catchments of Springhill Primary Academy and Erasmus Darwin Academy. The development is scheduled to provide 7 dwellings. Including accounting for any demolitions, the threshold for calculating education contributions on residential developments is 10 or more dwellings. Therefore no education contribution is requested for this application. (22nd March 2021)

**Staffordshire County Council (Highways)** - No objections were raised in relation to the revised indicative layout plan (drawing number 2035-01B). Conditions recommended requiring full details of the access and layout of the site and the surfacing materials. Conditions also recommended to secure appropriate parking bay sizes and cycle storage along with the closure of the existing Northern site access. (13 August 2021)

Initially recommended refusal due to concerns regarding the reliance on parking to be located to the frontage of dwellings fronting onto Mount Road. This would involve the displacement of on street



parking in the locality, increase the likely danger to vehicular traffic and involved the relocating of street lighting. (15 April 2021)

**Spatial Policy And Delivery Team - LDC** - No objections were raised. In summary, subject to compliance with habitat regulations, the proposed development conforms to both national and local policy and would provide dwellings in the sustainable settlement of Burntwood. (15 April 2021)

**Tree Officer - LDC** - The site is not within any designated conservation area and currently there are no Tree Preservation Orders. There are some boundary trees that may be on third party land affected. As such the requirements of our policies BE1, NR3 & 4 and the associated SPD are all germane here.

There are no arboricultural grounds for any objection to the proposal in its current form but if this application were to proceed we would require to see tree protection measures for those trees retained and a detailed landscape plan. (29th March 2021)

**Environmental Health Team - LDC** - No objections were raised in principle. The findings of the submitted noise survey and additional responses provided by the acoustician are accepted. (23<sup>rd</sup> July 2021)

**Waste Management - LDC** - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days. Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard.

A suitable bin collection point (BCP) may be required with due consideration to the distance from the residents' properties (maximum of 30m) and the main highway. The BCP can be a simple paved area but it must be sufficient to accommodate 3 x 240l bins for every property served by the private drive and be adjacent to the adopted highway to ensure an efficient refuse/recycling operation takes place. (29th March 2021)

**Ecology Team - LDC** - No objections were raised subject to conditions to ensure that a net gain to biodiversity is achieved. (21st April 2021)

**Economic Development - LDC** - The development shall create a loss of 913 square metres of internal commercial floorspace on the site which would be suitable for any growing, established business who is seeking commercial floorspace within Burntwood. Whilst the relocation of the business won't create any job losses, it shall reduce the amount of commercial floorspace available within Burntwood, creating less opportunities for job creation. Burntwood has currently seen the existing loss of employment land to residential housing in close proximity to Burntwood Business Park, limiting the amount of space available for businesses with this development increasing this detriment on the local economy, limiting viable spaces for employment and business growth.

The applicant hasn't provided any evidence of why the employment land shouldn't be left within its existing use, such as publicising the vacant unit and demand for it. I'd like to oppose this application on economic development grounds. (25th March 2021)

#### **LETTERS OF REPRESENTATION**

1 letter of representation has been received from a neighbouring premises in respect of this application. The comments made are summarised as follows:

- No objections raised to the use of the site to provide homes, however concerns regarding the boundary treatments were raised and the maintenance of structures on the boundary.

## **OTHER BACKGROUND DOCUMENTS**

The following information has been submitted to support the application:

- Indicative Proposed Layout
- Planning Statement
- Sustainability Statement.
- Noise Impact Assessment.

## **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

1:1250 OS Map, Drawing Number 2035-02B dated as received 18 February 2021

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## **OBSERVATIONS**

### **Site and Location**

This application relates to a brownfield site located within Burntwood, which current comprises a red brick light industrial unit. The unit fills a large portion of the site, with an external storage area to the rear and a parking area to the frontage. There is an 'in/out' vehicular access arrangement off Mount Road to the Eastern boundary of the site. The application site is largely rectangular in shape with irregular boundaries to the rear (Western) end. To the South, West and East of the site are residential properties, with commercial units to the North. Adjacent to the Southern boundary of the site there is an electrical substation.

The site is fairly level, although it is noted that ground levels generally rise in the locality towards the North, as such the adjacent commercial unit is set up slightly from the application site. There are no significant trees or hedges within the site.

The site is within the settlement boundary for Burntwood as identified in the Local Plan, and is not identified or allocated for any particular use on the Local Plan Allocations Maps. It is assessed as comprising previously developed land in existing employment use.

### **Background**

An indicative layout plan has been provided to support the application.

### **Proposals**

Consent is sought for outline approval with all matters reserved for the redevelopment of the site for up to seven 2-bedroom dwellings, with parking and associated works including the demolition of the existing industrial unit.

During the course of the application the applicant has confirmed that the existing access point to the South of the frontage of the site would be used in the development.

Although an illustrative layout plan has been provided to demonstrate how the number of dwellings proposed could be integrated into the application site, all matters in relation to the 'means of access', 'appearance', 'landscaping', 'layout' and 'scale' are reserved at this time and would therefore be dealt with under a later application. Outline permissions cannot be implemented until all matters reserved have been granted permission.

### **Determining Issues**

As this application is in outline form only with all matters reserved, the material determining issue to be addressed is the principle of the development only. Matters in relation to the access, design, layout, landscaping and car parking provision cannot be taken into consideration at this stage, as

these matters will require a separate necessary reserved matters application which will be given consideration at that stage. However outline applications are required to indicate the area where access points to a development will be situated even if 'access' is a reserved matter.

1. Policy & Principle of Development
2. Design and impact on the character of the area
3. Impact on Amenity, including Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Housing Mix and Affordable Housing
7. Impact on Ecological Interests, including Cannock Chase SAC
8. Drainage and Flooding
9. Heritage Assets
10. Community Infrastructure Levy (CIL)
11. Other Issues
12. 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 (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Burntwood Neighbourhood Plan was also made in June 2021 and as such, also carries full material weight.
- 1.2 The emerging Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30 2021 with submission to the Secretary of State expected in autumn 2021. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.
- 1.3 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.4 The NPPF sets out a presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.
- 1.5 Policy CP1 of the Lichfield District Local Plan Strategy sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.
- 1.6 Policy CP6 of the Lichfield District Local Plan Strategy sets out that a sufficient supply of deliverable/developable land is available to deliver around 478 new homes each year. Housing development will be focused upon the following key urban and rural settlements:
  - Lichfield City
  - Burntwood
  - Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
  - Adjacent to the neighbouring towns of Rugeley and Tamworth

- 1.7 Policy CP6 of the Lichfield District Local Plan Strategy also sets out measures to build on the strengths of the existing local economy by allocating land for employment and supporting the modernisation of existing employment sites.
- 1.8 Policy H1 sets out that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of housing need. In support of this, the District Council will promote the delivery of smaller properties including two bedroom apartments and two and three bedroom houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 1.9 A vision for Burntwood is also set out in the Local Plan, with Burntwood Policy 1 setting out an environment to be achieved to maintain and enhance Burntwoods role as a separate and freestanding community and Burntwood Policy 2 which seeks to improve services and facilities.
- 1.10 Policy Burntwood 3 'Burntwood Economy' sets out that the town of Burntwood will be promoted as an area of increased and more diverse economic activity, to include new retail, employment, leisure, residential, recreational, health, educational resources and improvements to its environmental quality and public realm. It is also stated that the future role of the Mount Road Industrial Estate will be considered via the Local Plan Allocations document in terms of its potential future role in contributing towards a sustainable settlement. The Local Plan Allocations Document was adopted in July 2019, with Policies B1 and B2 setting out allocations for housing land and mixed use sites.
- 1.11 Policy Burntwood 4 states that Burntwood will play an important role in accommodating new housing, with approximately 13% of the District's housing growth to 2029 taking place here.
- 1.12 Policy EMP1 'Employment Areas and Allocations' of the Lichfield District Local Plan Allocations document states that within the existing employment areas, as shown on the local plan policies map, the District Council will support proposals for new, or the expansion, conversion or redevelopment of existing employment premises which will contribute to the delivery of 79.1 hectares of employment land (Use classes B1, B2, B8) drawn from the employment portfolio. Between 2008 and 2029 allocated sites as shown on the local plan policies map and detailed in the relevant settlement section of the plan will contribute toward a requirement for an additional 10 hectares of employment land (Use Classes B1, B2 and B8) beyond that identified within the existing portfolio. Development proposals outside the traditional employment use classes (B1, B2 and B8) will be supported on existing and allocated employment sites, where the development proposals clearly demonstrate the potential for job creation on these sites, and provided that they do not undermine or constrain the main purpose of the employment allocation.
- 1.13 In line with the requirements of the NPPF, broad locations for development, including land use designations and allocations within Burntwood are indicated on Inset 3 of the Local Plan Maps which forms part of the Local Plan Allocations Document. Together with the Strategic Policies contained within the Local Plan Strategy and the Local Plan Allocations Documents as set out above a clear strategy for bringing sufficient land forward to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development are set out.
- 1.14 Burntwood Neighbourhood Plan was 'Made' in June 2021. There are no policies relevant to the principle of this proposal contained within the plan.
- 1.15 The site is not specifically allocated for any particular use, including employment or housing/mixed use developments in the Local Plan. Furthermore the site is not allocated for any uses

in the Burntwood Neighbourhood Plan. Whilst it is acknowledged that the site is currently in employment use, as it does not fall within a designated 'existing employment area' (as referred to in Policy EMP1 as set out above) the specific continued use of the site for employment purposes is not supported by Local Plan Policies. The site does not form part of the Employment Land Portfolio. In terms of the Local Plan policies, it is considered that the use of this brownfield site for housing is acceptable, and it is noted that no objections have been raised by the Spatial Policy and Delivery Officer.

- 1.16 It is noted that objections to the loss of employment land have been raised by the Economic Development Officer. Concerns relate to the scale of commercial floorspace which would be lost which may be suitable for other businesses seeking such a premises within Burntwood. In response to this objection, the applicant has confirmed that the current building has been occupied by their company manufacturing stairs for over 25 years. The current building is in a poor state of repair and it would not be financially viable for the company to repair or replace the existing building. Video evidence of significant flooding of the building was also provided. The applicant has advised that the company would look to relocate to a more modern premises within Burntwood, with the sale of the land supporting the move.
- 1.17 Notwithstanding the concerns raised by the Economic Development Officer, it is not considered that the existing building in its current form, due to its poor state and investment needed, would be suitable for re use by another business. Whilst potentially the site could be redeveloped to provide a replacement building for a commercial use, it is noted that in policy terms new employment development is directed to a different location within Burntwood. On balance, given the background policy perspective, the availability of better quality employment units within Burntwood and taking into consideration the visual improvements that the redevelopment of the site could deliver Officers consider that the loss of employment land in this location would be acceptable.
- 1.18 Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable locations and encourages development to make efficient use of land, prioritising previously developed land. Core Policy 6 of the Local Plan Strategy furthermore states that the delivery of housing will be focused upon the key urban and rural settlements, which includes Burntwood. Policy Burntwood 4 also states that the redevelopment of existing brownfield land within the settlement will be encouraged. Therefore, the principle of housing in this location is supported.
- 1.19 Overall, it is considered that the level of housing growth proposed through this development complies with the Local Plan Spatial Strategy, the Burntwood Neighbourhood Plan and the NPPF, subject to meeting other policy requirements and general development management criteria. This issues are discussed below.

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

- 2.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an areas defining characteristics, it states that developments should:
- Function well and add to the overall quality of the area
  - Establish a strong sense of place
  - Achieve appropriate densities
  - Respond to local character and history, and reflect local surroundings and materials
  - Create safe and accessible environments
  - Be visually attractive as a result of good architecture and appropriate landscaping.
  - Opportunities should be taken to incorporate trees

- 2.2 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 2.3 Policy B5 of the Burntwood Neighbourhood Plan 'Enhancing the identity and distinctiveness of local neighbourhoods' sets out criteria to enhance and reinforce the distinctiveness of neighbourhoods within Burntwood. The criteria include the use of appropriate building materials and the sites relationship to the street and road pattern. Policy B6 'Promoting good quality design in new housing development' states that new residential development should be of good quality design. New development should integrate with and make a positive addition to the public realm. In doing this, development should be designed so as to create a clear distinction between streets, other publicly accessible spaces, and areas that are intended for private use by the occupants.
- 2.4 An illustrative layout plan has been submitted and whilst it is not the detailed proposal for the site it does provide sufficient detail to inform how a development of 7 dwellings could be accommodated on the site. The indicative layout makes efficient use of available land, where houses of a suitable scale would be set out in a two tier layout, with houses fronting onto Mount Road, and a further row of dwellings to the rear of the site behind a centralised parking area. Whilst this is not in accordance with the general pattern of development in the locality, it is not considered that a reason for refusal could be sustained on this layout given the benefits of bringing forward housing on the site and the presence of the adjacent employment unit to the North. The indicative layout demonstrates that natural surveillance and active frontages can be provided, along with adequate parking provision.
- 2.5 As this application is in outline form only, it should be noted that the detailed design and layout is not being considered at this stage. Nevertheless, it is important to ensure that the detailed proposals that come forward at the reserved matters stage are of the highest design quality and appropriate for the locality. As the current application is in 'outline' at this stage it is seeking to establish the principle of residential development. In accordance with planning legislation the means of access, appearance, layout, scale and landscaping are 'reserved' and there is a legal requirement that these details are required to be submitted and approved through the 'reserve matters' condition attached to any outline consent granted.
- 2.6 Based on the above, and subject to conditions which would include details of appropriate materials, it is considered that the application is acceptable in principle.

### 3. Impact on Amenity, including Residential Amenity.

- 3.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents and businesses, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 The site is located in an area adjacent to a commercial premises. There is therefore potential for adjacent commercial operations to have an impact on the amenity of future residents. The applicant has submitted a noise assessment which has been considered by the Council's Environmental Health Team, who raise no objection, subject to a condition

requiring the submission of a comprehensive environmental noise assessment and mitigation measures embodying the principles set out in the submitted noise assessment.

3.3 In terms of existing residential occupiers adjacent to the site, sufficient information has been provided at this stage through the indicative layout to conclude that the necessary separation distances could be achieved and the new dwellings could be assimilated into the site without giving rise to loss of light, privacy or overbearing impacts.

3.4 The precise layout, scale and design of the dwellings will necessarily follow at any reserved matters stage. It is, however, possible to conclude at this stage that the site is of sufficient size to accommodate up to 7 No. dwellings without giving rise to negative impacts on existing and future residential amenities for occupiers and adjoining residential and commercial occupiers adjacent. It is also noted that there is sufficient space to provide private gardens in accordance with the requirements of the Sustainable Design SPD.

#### 4. Access and Highway Safety

4.1 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

4.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is, or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

4.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage.

4.4 The application is in outline form, with means of access and the site layout to be reserved matters for a later stage. Initially, an indicative layout was provided which showed dwellings fronting onto Mount Road with frontage parking. The County Highways Officer raised objections on the basis of creating additional accesses off Mount Road, where on street parking is prevalent as existing. The agent has since provided an additional layout plan which indicates that the existing access would be retained, with parking to be located within the central area of the site. On this basis, the County Highway Authority have removed their objections and recommended a number of conditions which are attached. The precise details of the access and the parking provision would be fully assessed at the necessary reserved matters stage. Given that the full and precise details of access are not provided under this application it would not be reasonable at this stage to condition the northern access to be made redundant as requested by the Highways Officer. Notwithstanding this, it should be noted that this recommended condition is likely to form part of any reserved matters consent.

4.5 A condition is recommended to ensure that appropriate cycle storage is provided in line with the requirements of Policy ST2.

#### 5. Impact on Trees

5.1 Policy NR4 of the Local Plan Strategy along with the Trees, Landscaping and Development SPD recognises the importance of the districts Trees as ecological and visual assets within townscapes. Sufficient space within developments should be provided for the planting and

sustainable growth of large trees and existing trees should be retained as far as possible. In this case, whilst there are no trees within the site, there are 3<sup>rd</sup> party trees around the perimeter. These trees should be protected from future development of the application site. The Council's Tree Officer has raised no objections to the proposals in principle, but the reserved matters application should be informed by a tree protection plan. In addition, the submission of a detailed landscaping plan would also be necessary, which should include details of all species proposed and future management.

5.2 Subject to the aforementioned conditions it is considered that the proposal would comply with the requirements of the development plan and the NPPF in this regard.

## 6 Housing Mix and Affordable Housing

6.1 Policy H1 of the Local Plan Strategy requires the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. To address the current imbalance of dwelling types within the district, the Council will actively promote the delivery of smaller properties, to include 2 and 3 bed dwellings. This reflects the approach in the NPPF which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

6.2 The application seeks permission for the principle of residential development, with an illustrative plan identifying an indicative proposal of up to 7 dwellings. However, the exact housing mix would need to be determined through a reserved matters application, this would be assessed in accordance with Policy H1 of the Local Plan Strategy at this stage.

6.3 Overall, in terms of housing mix, it is considered that a development which balances the strategic need set out in the Local Plan Strategy, with the need to secure an appropriate design and density for this site can be achieved. Details of this will be considered at reserved matters stage. Accordingly, subject to conditions it is considered that the development would meet the requirements of the Development Plan and the NPPF in this regard.

6.4 Planning Practice Guidance states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. One of these circumstances is that contributions should not be sought from developments of 10-units or less. This guidance came into force in 2016. Therefore, taking the details of the proposal into consideration there is no basis to seek affordable housing provision on this site.

6.5 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.

## 7 Impact on Ecological Interests, including Cannock Chase Special Area of Conservation

7.1 The development is likely to have an impact upon Cannock Chase SAC (CC SAC). Protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. The site of the proposed development lies within the 0-8km zone of influence for impacting upon Cannock Chase SAC. As such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of



£178.60 per dwelling in mitigation. This would be secured via a Unilateral planning obligation.

- 7.2 The Councils Ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. Protected species surveys are therefore deemed not a requirement for this application. However, under policy NR3 of the Local Plan Strategy a net gain to biodiversity must be incorporated into all developments. As such, a condition is recommended to ensure that biodiversity enhancement details are provided and integrated into the development. In addition, a condition to ensure that any clearance works are undertaken outside of bird nesting season, or if this 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.
- 7.3 In conclusion, subject to conditions it is considered that the proposals accord with the requirements of the Development Plan and the NPPF in respect to ecology and protected sites.

## 8 Drainage and Flooding

- 8.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 8.2 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques and limit surface water discharge to the greenfield run-off rate.
- 8.3 The site is not located within an identified flood risk area being in Flood Zone 1 nor is it an identified local flooding hotspot. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections subject to the submission and approval of a scheme for the disposal of foul and surface water.
- 8.4 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal is therefore considered to be compliant with the Local Plan and the NPPF.

## 9 Heritage Assets

- 9.1 Section 16 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 9.2 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.

- 9.3 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. Again, as for the Section 72 duty referred to above, 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.
- 9.4 Policy BE2 of the Local Plan Allocations requires development proposals to protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.
- 9.5 There are no heritage assets- Conservation Areas or Listed Buildings within the immediate vicinity of the application site. It is not considered that the proposal will have any impact on views into, or those out of any designated areas, or affect any listed building or its setting and that the statutory duties under Section 66(1) and under Section 72 are not therefore engaged.
- 10 Community Infrastructure Levy (CIL)
- 10.1 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.
- 11 Human Rights
- 11.1 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. With reference to this scheme, economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing facilities. The scheme would replace a building which is in a poor state of repair and improve visual amenity with the street scene. Socially, the proposal is sited to ensure no significant impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is compliant with the requirements of the Council's Local Plan Strategy.

Environmentally the site would in-fill an area between existing built forms. It is considered through the number of dwellings and mix proposed, a suitable density of development would be provided to integrate into the area, whilst also helping to meet the accommodation needs of the District.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that an appropriate vehicular access can be provided

without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety. Full and precise details of the access and parking provision will form part of a necessary reserved matters application.

Subject to suitable mitigation and enhancement as set out in the report above and secured by condition there will be no adverse impact on protected or priority species and ecological habitats, including Cannock Chase SAC. With regard to drainage and residential amenity it is considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused.

Having to due regard to the planning merits of the case set out in detail in the Assessment section of this report the principle of residential development is acceptable and no other material conditions exist to warrant a refusal of this planning application. The application is therefore recommended for approval subject to the necessary Unilateral Undertaking and conditions as set out above.