

# Planning Committee

29 November 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**

**29 November 2021**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
21/00058/FUL	27 New Road Armitage Rugeley	Armitage With Handsacre

# LOCATION PLAN

21/00058/FUL  
27 New Road  
Armitage Rugeley

Scale: 1:1,000

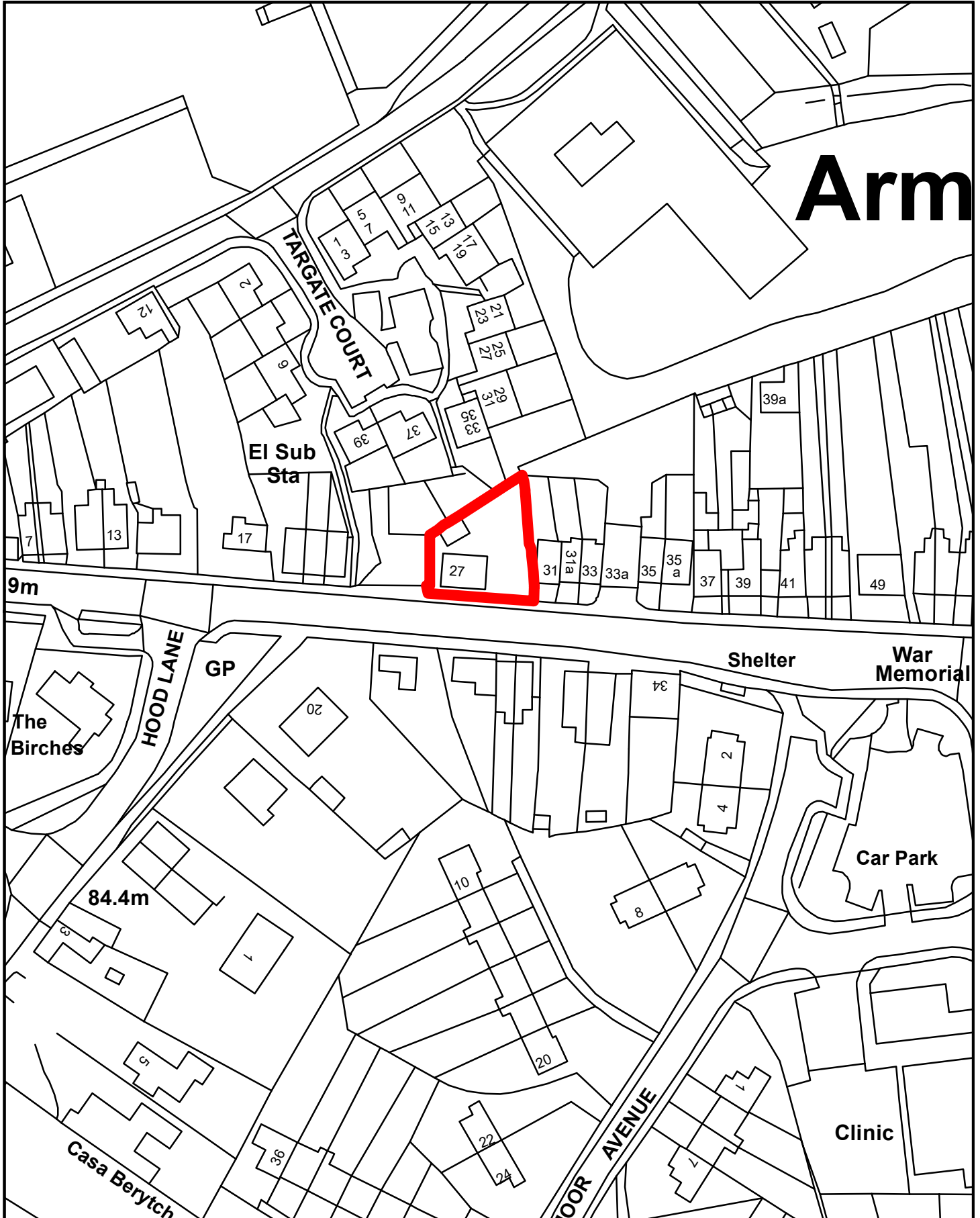
Dated: November 2021

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## **21/00058/FUL**

**Extension of existing dwelling, demolition of existing garage, erection of new 3 bedroom 2 storey detached dwelling with 2 parking spaces (incorporating integral garage) and associated works including the formation of a new vehicular access.**

**27 New Road, Armitage, Staffordshire WS15 4AA  
FOR Mr Dayus**

Registered **19/02/2021**

**Parish: ARMITAGE WITH HANDSACRE**

**Note:** This application is being reported to the Planning Committee due to a Parish Council objection to the proposal and which is set out below:

‘The Parish Council strongly object to this application. The councillors feel the further widening of the driveway will create even more loss of parking amenities for the local shops and still believe that this could be detrimental for the wellbeing of the village amenities nearby and cause further traffic chaos on this busy road.’

**RECOMMENDATION: Approve, subject to the completion of a unilateral undertaking relating to Cannock Chase mitigation 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 hereby approved shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

3. Before the development hereby approved is commenced, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority for
  - a. parking of vehicles of site personnel and visitors
  - b. loading and unloading of plant and materials
  - c. storage area of plant and materials used during the construction of the development
  - d. measures to prevent the deposition of deleterious material on the public highway.Each of the facilities shall be provided and maintained during the construction of the development hereby approved.
4. Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. 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; and 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.

5. Before the development hereby approved is commenced a scheme of boundary treatments to include hedgehog friendly fencing shall be submitted to and approved in writing by the Local Planning Authority. On the front boundary to New Road any fence wall or other means of enclosure shall not exceed 600 mm in height. The scheme of boundary treatments shall be provided prior to the first occupation of the respective dwelling which it serves and shall be maintained for the lifetime of the development.
6. No development shall take place until full details of tree protection measures for trees within the site and any 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.

**CONDITIONS to be complied with BEFORE the commencement of development hereby approved above slab level:**

7. Before any development above slab level, hereby approved is commenced details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.

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

8. Before the first occupation of the new residential dwelling the access and parking areas shown on the approved plans reference HGD20-118-1.1 Rev D shall be hard surfaced in a bound material prior to the first occupation of the building hereby permitted. Thereafter, the parking area shall be retained in accordance with the approved plans for the lifetime of the development.
9. Before the first occupation of the new residential dwelling the location and design of bin storage for the new dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The bin storage shall be provided prior to first occupation and thereafter retained at all times for its designated purpose.
10. Before the first occupation of the new residential dwelling, hereby approved, details of the design of weatherproof cycle stores shall be provided and thereafter retained for the life of the development.
11. Before the first occupation of the new residential dwelling 1 No. Bird Box and 1 No. Bat Box shall be installed to the trees within the application site. The bird and bat boxes shall thereafter be retained as such for the life of the development.

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

12. The proposed ridge height for the approved dwelling and proposed levels for the external amenity areas for the approved dwelling and 27 New Road shall accord with the details provided on drawing no's HGD20-118-1.3 Rev G (levels) and HGD20- 118-1.1 Rev D and the development shall be carried out in accordance with the approved details.
13. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 1900 hours Monday to Friday and 0800 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking or reenacting the Order

with or without modification) no development contained within Classes A, AA, B, C, D and E of Schedule 2, Part 1, (including that no extensions or alterations, no extra storey, no additions or alterations to any roof, no windows, dormers or other openings being created, no enclosures or other structures required for purposes incidental to the enjoyment of the dwellinghouses being erected or installed within the domestic curtilage) shall be carried out at the new dwellinghouses hereby approved.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the proposed covered parking spaces serving the new dwelling shall be retained and made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.
16. The parking areas indicated on plan HGD20-118-1.1 Rev D shall not be enclosed and shall be retained for the parking of motor vehicles for the lifetime of the development.

### **REASONS FOR CONDITIONS**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP5, CP13, BE1, NR3, NR4, NR7 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Historic Environment SPD, the Biodiversity and Development SPD the Trees, Landscaping & Development SPD, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
3. 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.
4. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, BE1 and Policy NR3 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Armitage and Handsacre Neighbourhood Plan and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development and to encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, NR3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
6. To ensure that adequate measures are taken to preserve trees and their root systems whilst construction work is progressing in accordance with the Lichfield Local Plan Strategy NR4, Trees, Landscaping & Development SPD and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
8. To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
9. 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, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.

10. In the interests of the visual amenities of the area and to facilitate and encourage the use of a sustainable transport mode, in accordance with Policies CP3, ST1, ST2 and BE1 of the Lichfield Local Planning Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
11. To encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, NR3 and BE1 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
12. To ensure the satisfactory appearance of the development in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
13. To safeguard the amenity of nearby residents in accordance with the requirements of CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
14. To ensure the satisfactory appearance of the development and in order to protect neighbour amenity in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
15. To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
16. To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design 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) the Armitage with Handsacre Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. 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. Severn Trent Water advise that there is a public surface water sewer located within the site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.
6. The proposed site access 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 [road.adoptions@staffordshireov.uk](mailto:road.adoptions@staffordshireov.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/Highways/highwaysntrol/HighwaysWorkAgreements.aspx>
7. The on-road parking spaces outside the site will be required to be amended through a Traffic Regulation Order as insufficient space will result between the existing and approved access to the approved dwelling to accommodate a parking bay. This will be assessed in detail in conjunction with 6 above. The applicant will be requested to pay the costs of the amendment to the Traffic Regulation Order and amending the on-road carriageway markings in order to make the proposed development acceptable.

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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 5: Sustainable Transport  
Core Policy 6: Housing Delivery  
Core Policy 13: Our Natural Resources  
Policy ST2: Parking Provision  
Policy H1: A Balanced Housing Market  
Policy NR3: Biodiversity, Protected Species and their Habitats  
Policy NR7: Cannock Chase Special Area of Conservation  
Policy BE1: High Quality Development  
Policy Rural 1: Rural Areas  
Policy Arm 4: Armitage with Handsacre Housing

### **Local Plan Allocations**

Policy AH1: Armitage with handsacre Housing Land Allocations

### **Supplementary Planning Documents**

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



Developer Contributions

### **Armitage with Handsacre Neighbourhood Plan**

Policy AH2: Conserving and Enhancing Local Natural Environment

Policy AH5: Better Design

Policy AH8: New Housing Development within the Village of Armitage with Handsacre

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

The emerging Lichfield District Local Plan 2040 has recently completed its Regulation 19 public consultation stage (August 2021) and is awaiting final updating and submission to the Secretary of State for the Department for Communities and Local Government for appointment of an independent Planning Inspector to undertake a public examination of the draft Local Plan. At this stage limited weight is given to the draft Emerging Local Plan Policies.

### **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

### **CONSULTATIONS**

**Armitage with Handsacre Parish Council - Current Objection:** 'The Parish Council strongly object to this application. The councillors feel the further widening of the driveway will create even more loss of parking amenities for the local shops and still believe that this could be detrimental for the well being of the village amenities nearby and cause further traffic chaos on this busy road.' (01/10/2021)

*Previous Response - Objection:* Summarised as strong objection to 2.5 storey detached dwelling, located too close to existing dwelling and overlooks neighbours on either side. Two parking spaces for each dwelling is welcomed but access and egress is considered potentially dangerous on the bus New Road and would result in the loss of two amenity (on road spaces) to the front of the dwelling to the detriment of nearby local amenities. (23.08.2021)

*Previous Response - Objection:* Summarised as strong objection as the new house will overlook and overshadow nearby houses. The driveway/access is dangerous and in a very busy business location on a major route through the Parish. Loss of amenity (on street) parking spaces to provide the access will be a major concern to businesses and residents who use the spaces day and night. (31.05.2021)

*First Response – Objection:* Summarised as will overlook Targate Close residents, more than 2 storeys high and therefore in breach of the 2 storey limitation imposed by the Neighbourhood Plan. Leaves little to no garden for the original and proposed dwelling. New house stands in front of allocated parking spaces on New Road which would be lost and would create another driveway to new Road which would be dangerous. Currently issues with parking on main Road. Support request by Tree Officer that a tree protection plan is a pre-development requirement, to ensure no surrounding trees are damaged. (25.03.2021)

**SCC Highways - No Objection:** Amended plans have been received. Parking provision remains acceptable and there will be sufficient space to provide a viable useable car parking space. To ensure future usability permitted development rights should be removed and conditions attached including a requirement to amend a Traffic Regulation Order to preclude parking between the two access points and amend the on-road carriageway markings. (23.09.2021)

*Previous Response – Objection:* Amended plans have now been submitted showing acceptable visibility splays. The existing front boundary of no 27 will need to be removed or lowered to a maximum of 600mm to ensure visibility is achievable. The existing garage for no 27 is to be deleted and whilst it would result in the loss of a car parking space it still provides an adequate level of parking spaces. Cycle parking is now provided.

'Although the proposed residential use would generate more trips than the existing use as a residential garden, it would not create an unsafe intensification in use of the surrounding highway.

Subject to conditions the proposal is acceptable. It is noted that a Traffic Regulation Order may be required to be amended to remove the parking bay between the two accesses on New Road, at the applicant's own costs.

*Previous Response – Objection:* The submitted application does not provide sufficient visibility splays from the proposed access onto New Road and therefore cannot demonstrate a safe and suitable access. (20.08.2021)

*Previous Response – Objection:* Although revised plans for vehicular access have been submitted they do not provide sufficient visibility splays from the proposed access onto New Road and therefore cannot demonstrate a safe and suitable access. (03.06.2021)

*First Response – Objection:* No cycle parking is provided for either dwellings so fails to meet the parking standards. The driveway width is only 2.4 m with gable walls either side which will lead to occupants parking on the highway – should be 3.2 m minimum. Visibility splay is substandard lying outside the redline site area. Revised parking and access details should be submitted and cycle parking for each property. (31/03/2021)

**Severn Trent Water - No Objections.** The site contains a public sewer which has statutory protection and will require further discussion with Severn Trent as to the potential impacts and mitigation required. (17/03/2021)

**LDC Arboricultural Officer - No Objections.** It does not appear that there are any large trees of note affected that could not be retained successfully and two trees at the rear are to be retained. Requests that a tree protection plan is required prior to any development commencing. (03.03.2021)

**LDC Waste Officer - Comments:** Development of individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. A kerbside collection service requires bins to be presented at the nearest appropriate highway on collection days. (03.03.2021)

**Natural England - Final Response - No Objection:** Previous comments apply. (03.06.2021)

*Previous Response – No objection:* (12.05.2021)

*First Response - No objection:* Subject to appropriate mitigation being secured. (23.03.2021)

### **LETTERS OF REPRESENTATION**

One response raising objections to the revised scheme was received from a neighbouring occupier expressing concern over the disruption caused by the redevelopment of 34 New Road and requests the Council assess the road and disruption resulting from the works prior to granting consent.

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

Plan 1.4 Topographical Survey dated as received 29 July 2021

Plan HGD20-118-1.3 Rev G Location Plan, Proposed site plan and block plan received on 9 September 2021

Plan HDG20-118-1.2 Rev H Proposed Site plan visibility splay received on 6 September 2021

Plan HDG20-118-1.1 Rev D Proposed elevations received on 6 September 2021

## **OBSERVATIONS**

### **Site and Location**

This application relates to No.27 New Road, Armitage and its associated garden area. The application site is located within the settlement boundaries as defined in the Local Plan in a predominantly residential road interspersed with a limited number of small local shops and other local facilities. Properties range from higher density traditional terraced houses built close to the back edge of the pavement to twentieth century properties with small front gardens. Two storey dwellings predominate in the street scene.

New Road is a main route into the village of Armitage and the surroundings of the site are characterised by narrower pavements and older Victorian and early twentieth century houses built either behind the back edge of the pavement or slightly set back behind hard surfaced areas enclosed by low boundary walls.

The Highway, A513 is single carriageway in either direction and provided with marked out parking bays a length of which extends along the front of the application site. Parking is restricted to 30 minutes in the parking bays.

The application dwelling, which has been previously extended to the rear is a rendered two storey two bay dwelling separated from the front boundary by a small hard surfaced area to the front. To the east of the dwelling is a reasonably sized side garden enclosed to the front by a brick and fenced boundary treatment. The property has the benefit of a single width vehicular access to the west side of the dwelling with dropped kerb. A flat roofed canopy straddles between the gable wall and the next door property an extended detached dwellings of similar age.

Immediately to the east of the site is a row of terraced houses set back into their plots behind front gardens. These properties are set slightly lower than road level and it is noted that the properties in the immediate locality sit below adjacent ground level, as do their rear gardens.

Opposite the site are dwellings of a similar age and appearance with gaps between properties providing on plot parking. A zigzag crossing is positioned to the west of the site whilst to the rear of the site is a cul-de-sac of modern houses and bungalows, Targate Close.

To the rear the plot accommodates a garden with a garage located immediately to the rear of the dwelling. To the boundaries there is timber fencing to the rear and side boundaries and two small trees on the north eastern rear boundary. The plot has a slight slope east-west whilst also sloping north –south with the rear boundary being approximately 1.5 metres lower than the New Road pavement level.

No. 25 New Road has no side facing windows overlooking the site and is built up to the common boundary with the application site. The dwelling at 31 New Road (immediately to the east) is offset slightly from its side boundary and has no side facing windows but has a rear glazed modern conservatory.

### **Proposals**

Consent is sought to extend No. 27 New Road (the existing property within the application site) to the rear at first floor level with a two storey pitched roof extension to the same depth as the existing rear extension. The extension which will be positioned on the footprint (approximately) of an existing single storey extension measuring 2068 mm width by 3618 mm depth and would line up with the existing rear two storey extension. Internally, this would provide a bathroom and enable a fourth bedroom to be made at first floor level and the reconfiguration of the ground floor. A side facing bedroom window and side facing ground floor window in the flank wall of the existing property would be infilled. In addition the insertion of a pitched roofed bay window and new porch

is proposed to the frontage of the dwelling. The existing rear garage would be removed as part of the proposals and two parking spaces would occupy the existing side driveway.

The side garden would be separated off to provide a new plot to accommodate an 'L shaped' three bedroom dwelling over two floors with a rear pitched roof two storey element. The dwelling is shown with a front elevation which largely follows the appearance of the front of the existing dwelling. A bay window and porch matching those proposed on no. 27 is shown and the dwelling is proposed to have rendered elevations with a gable roof over. Open parking spaces are provided between the proposed dwelling and the existing property No. 27 with the spaces covered over by a third bedroom in the proposed dwelling. The dwelling is proposed to be at a similar ground level to the existing dwelling with the rear part of the 'L' lowered to line up the ridge of the rear element with the eaves level of the main part of the dwelling. Rear gardens are provided for both plots separated by fencing and the two existing trees along the rear boundary would be retained as part of the proposals.

The proposals have been revised significantly during the course of the application process, with the overall height of the dwelling reduced from 2.5 storeys to 2 storeys and the dwelling design altered to overcome objections from the Highway Authority and in relation to neighbouring impacts.

### **Determining Issues**

1. Policy & Principle of Development
2. Design matters and Impact on the Character of the Area
3. Highways and Parking
4. Residential Amenity
5. Ecology and Cannock Chase Special Area of Conservation
6. Other matters
7. Community Infrastructure Levy
8. Human Rights

#### **1. Policy & Principle of Development**

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the 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 Armitage with Handsacre Neighbourhood Plan was also made in October 2018 and as such its Policies carry full weight in the consideration of the application.
- 1.2 The emerging local plan, the Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021. The adopted Local Plan Allocations document sets the timeframe for the submission of the Local Plan 2040 to the Secretary of State by the end of 2021. Given that the document is still emerging, weight may be given to the policies in accordance with paragraph 48 of the National Planning Policy Framework. Given that the plan has yet to be submitted for its examination it is suggested that very limited material weight can be given to the policies within the emerging Local Plan 2040 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 Five Year Housing Land Supply 2020 for Lichfield shows that the District Council can currently demonstrate a 12.8 year supply of housing land against the Local Housing Need

(LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.

- 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 AH8 of the Armitage with Handsacre Neighbourhood Plan confirms that development within the Neighbourhood Plan settlement boundary for Armitage new housing will be supported where it meets specific criteria laid down under the Policy.
- 1.8 Policy AH1 of the Lichfield District Local Plan Allocations provides the strategic requirements for the village setting a range of between 120 -220 dwellings to be delivered through allocated sites which was confirmed under Local Plan Policy ARM4 (Armitage with Handsacre Housing). Policy ARM4 states that small scale redevelopment within the village will be supported and housing will provide for the needs of the local community, particularly providing a range of affordable homes, starter homes and smaller homes to address downsizing need and the needs of the aging population. Local plan Policy H1 confirms the District's strategy in relation to delivering a balanced housing market with the active promotion of smaller properties including two and three bed houses to increase local housing choice and contribute to sustainable communities.
- 1.9 The site is within the defined settlement boundary for the village of Armitage and is considered to be an infill site given the proximity and siting of surrounding residential development. In principle, the proposal is considered to be acceptable in terms of the policies set out in the Local and Neighbourhood Plan, by providing a small infill development in a sustainable location.
- 1.10 The proposal would provide an additional 3 bedroom dwelling house within the Armitage settlement boundary and as such would accord with Policies H1 and ARM4 of the Local Plan. In respect of the above, the principle of development is considered to be acceptable and the development of new housing in this location is compliant with relevant policies contained within the Local Plan Strategy as well as relevant guidance within the National Planning Policy Framework.
2. Design matters and Impact on the Character of the 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 The National Design Guide and the National Model Design Code illustrate how well designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. The National Design Guide addresses the question of how we recognise well designed places, by outlining and illustrating the Government’s priorities for well-designed places in the form of ten characteristics. The NPPF sets out that the National Design Guide and National Model Design Code should be used to guide decisions on applications in the absence of locally produced guides or codes. These documents provide guidance on what constitutes well-designed and beautiful places as well as providing a default checklist of issues that schemes will be expected to address.
- 2.3 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 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.
- 2.4 Policies AH5 of the Armitage with Handsacre Neighbourhood Plan sets out design criteria for new development, including being of good quality design and taking into consideration site frontages and elevations and achieving parking standards, amongst other design considerations set out in the Policy. Policy AH8 advises that new housing should normally be no more than two storey in height.
- 2.5 The proposal in relation to the proposed dwelling has been significantly revised during the course of the application, following concerns raised by Officers and it is now considered that the design of the proposed new dwelling reflects the simple design character of the adjoining dwelling and other older traditional properties seen in the vicinity. Of particular relevance the ridge height is set at that of the existing dwelling and the design approach of a two bay plan form is reflective of the vernacular of the locality. By including the parking within an open area of the ground floor of the dwelling the visibility of the parking provision is reduced when viewed from the street scene and in streetscape views along the road the overall impression will be of a two bay dwelling very similar to no. 27 the adjoining property. This is reinforced as the dwelling is set back to align with the position on plot of no 27.
- 2.6 The gap between built development on this section of New Road as a result of the property having both a side and rear garden does not currently contribute to the character of the road. It has historically been extensively screened by fencing and walling and is not considered to positively contribute in any manner to the appearance of the road. It is acknowledged that the space would be infilled by a two storey building and therefore the character of the space would inevitably change as would the streetscape as a consequence. However, New Road has a range of house types and plot sizes, positions on plots and gaps for occasional driveways and this contributes to its appearance, character and visual interest whilst informing its development over time. The introduction of a further dwelling in this location, having regard to its design and appearance and footprint position is sufficiently reflective of the older properties in the locality to enable it to visually quietly integrate with the existing build development in the vicinity.
- 2.7 The choice of render for the elevations and a shallow pitched roof is characteristic of this part of Armitage and is considered to accord with Local Plan Policies CP3 and BE1 and Neighbourhood Plan policy AH5 and guidance contained within the Sustainable Design SPD.

- 2.8 Turning to the proposed extension to 27 and the inclusion of a bay window to the front elevation. Whilst the bay window and new porch will be visible from the public realm these additions are design features often seen on smaller older traditional properties, and provided appropriate materials are used they visually integrate well in terms of the host building and the streetscape. The rear extension is provided with a low set pitched roof and when viewed from adjoining properties will not appear unduly prominent or visually discordant with the existing dwelling. The design of the extension is considered to accord with the relevant Design policies contained within the Local and Neighbourhood Plans.
- 2.9 A suitably worded condition is recommended to ensure that appropriate high-quality materials are used in the development. Permitted development rights are also recommended to be removed in order to control future extensions/ alterations to the properties and to ensure that the parking spaces for each property is retained long term.
- 2.10 In conclusion the development, as revised will provide a unified and coherent form of development along this part of New Road and is not considered to result in a detrimental impact upon the character or appearance of road. As such, the scheme is considered to be acceptable on design grounds, in accordance with the requirements of the Development Plan, the NPPF and the National Design Guide in this regard.

### 3. Highways and Parking

- 3.1 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.
- 3.2 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. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling. Policy AH5 of the Armitage with Handsacre Neighbourhood Plan confirms that development should accord with parking standards whilst Policy AH8 requires new development to be provided with safe access and adequate car parking and garaging.
- 3.3 The existing property is served by an existing access, parking to the side and a garage to the rear of the property. The proposal removes the garage and retains the existing access and parking which provides for two off road parking spaces which the County Highway Authority confirms is acceptable. This access already has the benefit of a dropped kerb and crossover and therefore the proposal does not alter the current position. An additional bedroom is created in the existing dwelling but this remains within the requirement for two car parking spaces in the parking standards set out in the Sustainable Design SPD.
- 3.4 The proposed new dwelling is a three bedroom property and therefore has a requirement also of two parking spaces and a new access to New Road. The Highway Authority originally recommended refusal on the basis that an acceptable access and visibility splays were unable to be achieved. Following revisions to the proposal the Highway Authority have withdrawn their objections subject to conditions being attached which preclude permitted development rights to convert the proposed parking spaces to part of the dwelling and retention of the visibility splays by precluding boundary walls or any planting above 600 mm in height. Cycle storage would also be provided to serve each dwelling. In parking and cycle storage terms the requirements of the Local and Neighbourhood Plans would be met.
- 3.5 New Road is a parking controlled area in the vicinity of the application site and a continuous length of restricted 30 minute parking bays extend along the frontage of the application site,

including to the frontage of the new dwelling. The Parish Council have objected to the development on the grounds that the provision of a new access to serve the new dwelling would remove some of this on street parking, which serves local residents visiting shops and other services in the locality.

- 3.6 The Highway Authority acknowledge that bays will be lost not only by virtue of the opening up of a new access but also as a consequence of the gap between the existing vehicular access to no 27 and the proposed access is unlikely to have sufficient length to enable it to accommodate an vehicle between the access points. The Highway Authority has not, however, raised an objection to the loss of some of these parking bays and has advised that the applicant will be required to fund an amendment to the Traffic Regulation Order to alter the road marking to amend the parking bays to enable the access to the new dwelling to be achieved but have raised no objection to the proposal on these grounds.
- 3.7 Having regard to the County Highway recommendation it is considered that the proposal does not raise unacceptable highway issues which would warrant a refusal of planning permission on highway and parking grounds.

#### 4.0 Residential Amenity

- 4.1 Policies CP3 and BE1: High Quality Development of the Local Plan Strategy 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 Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD requires dwellings with 3 and 4 bedrooms to have 65 square metres of private amenity space.
- 4.3 In relation to the proposed extension to 27 New Road the proposed rear extension does not exceed the depth of the existing two storey rear extension and raises no issues in relation to overshadowing of the adjoining property no 25. The configuration of the layout of the properties in Targate Court to the rear of the site are not compromised with sufficient gap resulting to protect privacy between windows (relating to 37 Targate Court in particular) and whilst the proximity to the closest corner of 33 and 35 Targate Court is shown as 19.234 m this is at an oblique angle and does not result in a direct window to window relationship. It is also a relevant consideration that the new first floor window in the proposed extension to 27 New Road is a bathroom window and therefore would be obscurely glazed and does not serve a habitable room. At ground floor level no window is proposed in the rear elevation and again the room served, a utility room, is not considered a habitable room.
- 4.4 The existing dwelling does have side facing windows at ground and first floor overlooking the existing side garden. The rooms served by the windows currently are a living room and bedroom and alterations are proposed which reposition the windows to the rear elevations. The property is elevated above adjacent garden level and ground levels in Targate Court and therefore these windows would be at a higher level than the equivalent windows in properties in the Court, a number of which are bungalows. Taking into account the ground level differences, screening enclosures along the rear boundary even at 1.8 metres in height would not therefore screen views out from the proposed ground floor rear facing window (kitchen patio doors). However, the 21 metre required distance is achieved in relation to 33 and 35 Targate Court and there is an intervening garden between the rear of the plot and these properties in any case as the garden of 25 New Road extends around the rear of the application site.



- 4.5 The existing dwelling No.27 New Road would have a garden area of 80 sqm and the proposed new dwelling would benefit from a garden area of 95 sqm, which are both in excess of the required minimum 65 sqm as set out in the Sustainable Design SPD.
- 4.6 Having regard to these matters it is considered that the proposed extensions to 27 New Road do not conflict with the requirements of Local Plan Policy BE1 or the Sustainable Design SPD.
- 4.7 In terms of the impact on existing neighbouring properties from the proposed new dwelling, the separation distances as set out in the Sustainable Design SPD would be met by the proposal. It is noted that the maximum rear garden length associated with the proposed dwelling would 14.34 m and the dwelling would be elevated above adjacent ground levels in comparison to the properties behind in Targate Court. However there is sufficient distance between facing windows to accord with the requirements of the SPD even when including the requirement to increase the gap when dwellings are on varying ground levels.
- 4.8 In relation to the adjacent property on New Road, no 31, the proposed dwelling is positioned to have the rear elevation level with the rear elevation of no 31 which prevents any overbearing impacts on the existing conservatory. Additionally the proposed dwelling is located to the west of 31 New Road.
- 4.9 The existing side boundary of 27 with 31 New Road indents slightly and consideration has been given to whether unacceptable oblique overlooking could occur in respect of the private amenity space (rear garden) of 31. Following consideration it is concluded that the scope for unacceptable oblique overlooking is limited to the bottom of the garden of no 31 and 1.8 metre high screen fencing (measured from the higher ground level) would address this matter.
- 4.10 As such it is considered that the proposal would comply with the relevant separation and space guidelines and would therefore not have an unacceptable impact upon the residential amenity of neighbouring occupiers in terms of overlooking, loss of light or overbearing impact.
- 4.11 On the whole, the proposal would provide an acceptable level of residential amenity whilst causing no unacceptable harm to the existing amenities, such as light and privacy enjoyed by neighbouring occupiers. As such the development would be in accordance with the requirements of the Development Plan, Policy AH8 of the Armitage with Handsacre Neighbourhood Plan and NPPF, in this regard.
- 5.0 Ecology and Cannock Chase Special Area of Conservation
- 5.1 Local Plan Strategy Policy NR7, Cannock Chase SAC applies as the property lies within the 0-15km Zone of Influence of Cannock Chase Special Area of Conservation. Evidence supporting the Policy identifies that development resulting in an increase in visitors to the SAC can have an adverse impact on the SAC's integrity and its status. A separate assessment is therefore required to be undertaken to meet the requirements of the Habitats Regulations.
- 5.2 The application site lies within the 0-8km Zone of Influence (ZOI) of the Cannock Chase SAC and Policy NR7 sets out that any development leading to a net increase in dwellings within the 0-8km ZOI will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.
- 5.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017 the Local Planning Authority is required to undertake an Appropriate Assessment which concludes that the mitigation measures set out in the development plan for windfall sites will address any harm arising from the development on the SAC. Natural England have offered no objection subject to suitable mitigation measures in the form of a developer contribution

being secured. This is set out in the Developer Contributions SPD. As such a unilateral undertaking is required to secure the financial contribution. The applicant has agreed this obligations.

- 5.4 Local Plan Policy NR3 requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development.
- 5.5 The site is currently tended garden land and therefore offers opportunities for biodiversity enhancement, albeit limited in nature. In accordance with Local Plan Policy NR3 a condition is recommended which requires a bat and bird box to be installed within the application site prior to the first occupation of the new dwelling.
- 5.6 In respect of the above, the development proposal is considered to be acceptable on ecological grounds and is compliant with Policy NR3 of the Local Plan Strategy as well as relevant guidance contained within the NPPF.

## 6. Other Matters

- 6.1 The Tree Officer has advised that although there are no protected trees on the site there are two trees on the rear boundary. In accordance with Local Plan Policy NR4 and Trees, Landscaping and Development SPD it is recommended that a tree protection plan condition is included.
- 6.2 In light of the above, it is considered that the impact upon retained trees can be controlled and a landscaping scheme will ensure that any loss of trees will be mitigated in accordance with the aforementioned Local Plan Policies, the Trees, Landscaping and Development SPD and the NPPF.
- 6.3 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.
- 6.4 The site is not located within an identified flood risk area being in Flood Zone 1, nor is it an identified local flooding hotspot. In terms of national policy and standing advice from the Environment Agency a Flood Risk Assessment is not required in this case. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections, and do not require a drainage condition to be attached in this case.
- 6.5 Severn Trent Water Ltd, however, have advised that a public surface water sewer crosses the site and may require diversion. This will be addressed outside of the planning application procedure.
- 6.6 The proposal is therefore, considered to be compliant with the Local Plan Strategy and the NPPF, in this regard.

## 7. Community Infrastructure Levy

- 7.1 The Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply and this application site

falls within the lower charging zone. An informative noting the need to resolve CIL payment for this development will be attached to any permission.

## 8. Human Rights

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

## **Conclusion**

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

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

Highway concerns have been appropriately addressed and mitigated through the submission of an amended, improved scheme. It is considered that no outstanding material considerations are present in the determination of this application. The development proposal will not have an impact upon any heritage assets. Appropriate mitigation measures have been put in place to accommodate the increase in the number of vehicles accessing the site, ensuring the safety of the surrounding highway network. The proposal is therefore considered to be compliant with the development plan and the NPPF.

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