

SUPPLEMENTARY REPORT

**PLANNING COMMITTEE (7 February 2022)**

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

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**Demolition of existing social club and subsequent erection of 7no dwelling houses (affects footpath 'Elford 6')  
Elford Sports and Social Club, 13 The Beck, Elford, Tamworth**

**Amended Recommendation**

**RECOMMENDATION:**

(1) Subject to the owners/applicants first entering into a S106 to secure a contribution of £10,000 towards improvement works to the Elford Cricket Club or any other community facility listed within Policy LS2 of the Elford Neighbourhood Plan.

**Additional Consultations**

**Staffordshire County Council Highways** – No objection. It is not considered that the proposed development would have a significant impact on the surrounding highway network. The proposed change of use at the application site would result in fewer vehicular trips generated than the extant use as a Sport and Social Club. Therefore, there are no objections on Highway grounds to the proposed development subject to conditions (01/02/2022).

**Amendment to Condition 4**, to read as follows:

4. The development hereby approved shall be carried out in strict accordance with the approved Construction Management Plan (dated 03/12/2021) for the duration of the construction programme.

**Additional Notes to Applicants:**

13. The applicant is advised that it is important that users of the footpaths are still able to exercise their public rights safely and that the paths are reinstated if any damage to the surface occurs as a result of the proposed development and increased vehicular use. Staffordshire County Council is only responsible for the footpath for pedestrians, not vehicles. The applicant is advised that it is illegal to park on the public footpath.

14. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

### **Additional Observations- Section 3:**

The proposed dwellings are to be constructed on higher ground levels than that of the existing social club, and are proposed to be constructed 1.3m above existing ground level. The finished flood levels are dictated by the Environment Agency, due to the risk of flooding. As requested by the Environment Agency the finished floor levels shall be set no lower than 55.17 metres above Ordnance Datum (AOD). Finished floor levels for both the proposed dwellings and the existing surrounding properties are requested via ordered condition.

### **Amendment to paragraph 1.18:**

1.18 Within the planning statement there is no evidence to demonstrate that an equal or better facility within the village would be provided. However, as set out above the existing facility is closed and has been for some time. The applicant has agreed to fund improvement works to Elford Cricket Club or any other community facility listed within Policy LS2 of the Elford Neighbourhood Plan. A commuted sum of £10,000 has been agreed, which would be secured by means of a S106 agreement. On balance, taking into consideration the viability (or lack of) of the existing Social Club as an ongoing enterprise; the existing community facilities available to residents of Elford and; the proposed improvements to the existing Cricket Club building or other community facility, it is considered that the scheme would meet with the objectives of Policy IP1 of the Local Plan Strategy and LS2 of the Elford Neighbourhood Plan. Therefore, on balance, the proposal is therefore considered to be acceptable in principle.

### **Amendment to paragraph 8.2:**

8.2 The applicant has agreed to enter into a S106 agreement to secure a commuted sum of £10,000 which would be used towards improvement works to the Cricket Club or any other community facility listed within Policy LS2 of the Elford Neighbourhood Plan, to offset the loss of the Social Club as a community facility.

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**21/00790/COU – Change of use of open amenity space to residential garden and erection of a 2m high boundary fence**  
**Land Adjacent 7B Wissage Road, Lichfield, Staffordshire, WS13 6SP**

### **Consultations**

The Lichfield Civic Society's comments were received on 13 October 2021 and, due to a technical error, had not been included in the main Planning Committee Report.; their comments are summarised as follows:

Lichfield Civic Society - recommend refusal on the following grounds:

- Legal obligations under 17/01445/FUL. The Society consider that under planning consent 17/01455/FUL the developer acquired both rights and legally binding obligations and within the approval, it was stipulated that works should be done strictly in accordance with the conditions of that permission. The District Council should insist that the developer fulfils their legal obligations.
- Street Scene and Amenity Space. The Society have raised concerns that the construction of the 2m high fence would adversely impact the street scene, as well as setting a precedent for further 2m high fencing in this area. Enforcement of the original scheme for the area adjacent to 7B Wissage Road would enhance the street scene and

benefit those living and working at the Darwin Court residential home and the wider community.

- The Society questioned why the occupiers of 7B Wissage Road require further amenity space and note that if the change of use of the site is given for residential use, there is the possibility that further development will take place at the site.

#### **Additional Consultations.**

Lichfield Civic Society – Object. Their comments are summarised as follows:

- The scheme would result in the loss of a community amenity space, used by hospital staff and the wider community.
- The scheme will have an adverse impact upon the street scene, by virtue of the erection of a 2m high fence.
- The erection of a 2m high fence will set a precedent for similar developments.
- The conversion of the site to the use of a residential garden may set a precedent for further development at the site that, may have a detrimental impact upon the street scene.
- The proposed fence would have an adverse impact upon the sight lines of traffic.
- The Society raised concerns that developers are becoming increasingly able to neglect legal obligations, for this site and other schemes in the District. (4/2/2022)

#### **Letters of Representations**

A neighbour led petition was received on 2 August 2021 which included 44 signatures of local residents objecting to the development proposals. The petition asks Lichfield Council to reject the planning application to change the use of our intended Open Amenity Space into a private residential garden and, enforce the building developer's obligations stated within the granted planning permission (no. 17/01455/FUL) to finish and manage our Open Amenity Space. The petition document also notes that the area of Open Amenity space could have offered some relief during the Covid restrictions.

#### **Observations**

The matters raised by Lichfield Civic Society and neighbour representations have already been considered in the main report. Therefore no amendment to the officer recommendation is proposed.

LIST OF SPEAKERS

**PLANNING COMMITTEE MEETING**

7 February 2022

**21/00790/COU**

Andy Cheer

Objector

Cllr Colin Greateorex

Non Committee Ward Member

Helen Brett

Applicant

**21/02119/SCC (SCC/21/0057/VOC)**

Cllr Mike Wilcox

Non Committee Ward Member