

# Planning Committee

1 August 2022

## Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

### Report of Chief Executive

#### 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**

**1 August 2022**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
22/00558/FUH	96 Gaia Lane Lichfield	Lichfield
22/00627/FUL	Land Rear 156 Main Street Alrewas Burton Upon Trent	Alrewas

Lichfield  
district council

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District Council House  
Frog Lane  
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WS13 6YY

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# LOCATION PLAN

22/00558/FUH  
96 Gaia Lane  
Lichfield

Scale: 1:1,000

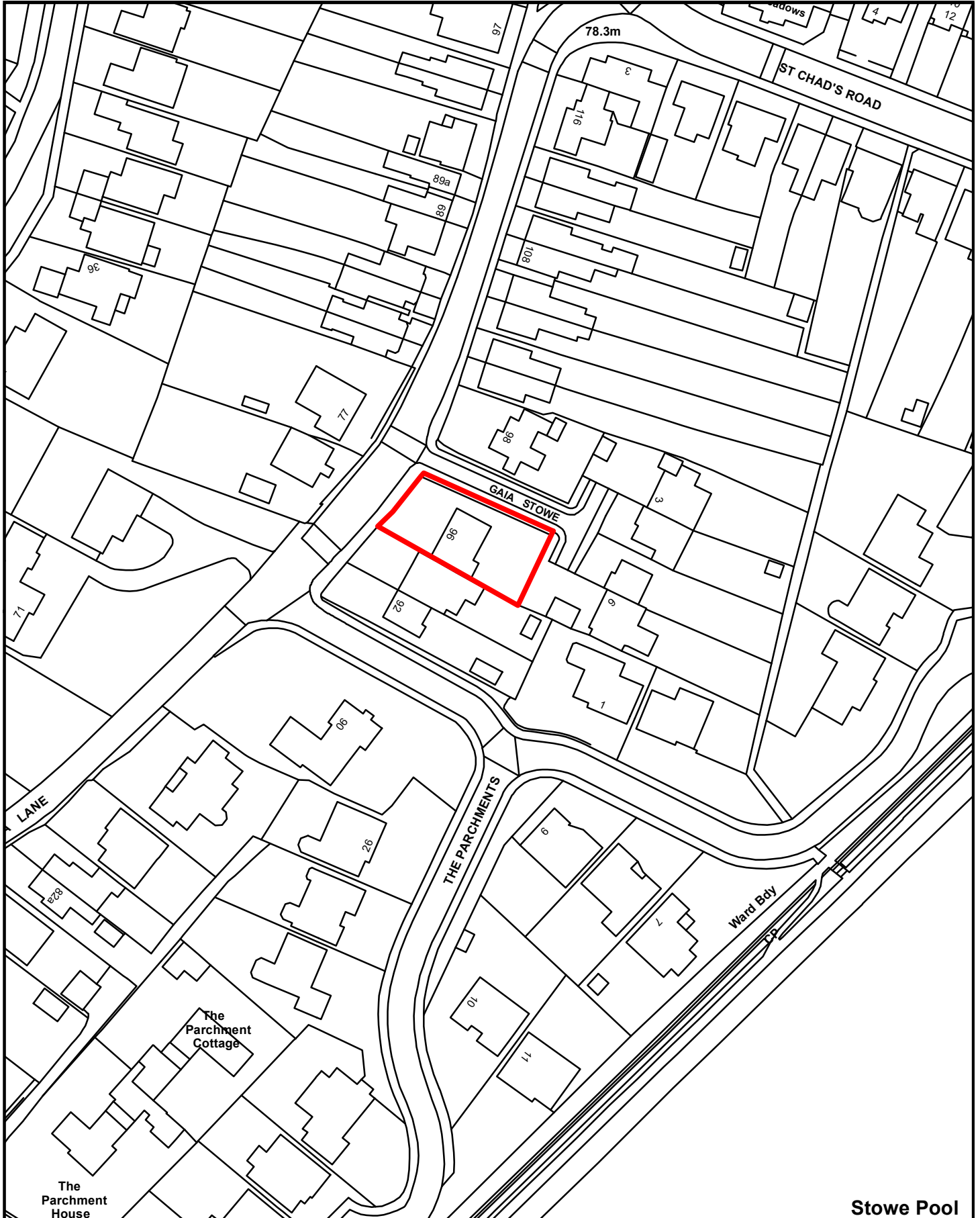
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## 22/00558/FUH

Erection of two storey front side and rear extensions  
96 Gaia Lane, Lichfield, Staffordshire, WS13 7LS  
For: Mr & Mrs K Bhopal

Registered 06/04/2022

Parish: Lichfield

**Note:** This application is being reported to the Planning Committee due to the application being called in by Councillor Joanne Grange, District Councillor for the Chadsmead Ward on the following grounds:

- Design- the overall scale and massing of the proposal. The design is out of keeping with the surrounding area and will have a detrimental impact upon the street scene. Terracing is a concern with the extension being built to the limits of the site boundary. The rear building line will also impact on the access to Gaia Lane and the Parchments. The proposal is too big for the plot and will impact negatively on the Conservation Area.
- Residential Amenity- There will be a significant impact on the neighbouring properties residential amenities. There is insufficient garden area and the proposal will not meet with the requirements of the Sustainable Design SPD.
- Ecology and Drainage- The scheme will impact on biodiversity with the proposal including removal of the front garden for the requisite number of parking spaces for a large 5 bedroomed property and reduction in the size of the rear garden. Water run off from the proposed block paved drive is not clarified.

**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.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

- 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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP14, BE1, NR3 and NR4 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

- 3 Notwithstanding any description/details of external materials in the application documents, the external brickwork and roof tiles shall match in colour and texture those of the existing dwelling or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Lichfield Local Plan Allocations Document, the Sustainable Design SPD and the National Planning Policy Framework.

- 4 Within one month of completion, 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.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City 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. Severn Trent Water standard advise is that there may be a public sewer located within the application site. Even where statutory sewer records do not show any public sewers within the application area, 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 Severn Trent Water at the earliest opportunity to discuss the implications of their 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.

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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 14: Our Built and Historic Environment  
Policy BE1: High Quality Development  
Policy NR3: Biodiversity, Protected Species & their Habitats  
Policy NR4: Trees, Woodland and Hedgerow

Policy ST2: Parking Provision

### Local Plan Allocations

Policy BE2: Heritage Assets

### Supplementary Planning Document

Sustainable Design SPD

Biodiversity & Development SPD

Trees, Landscaping and Development SPD

### Other

Lichfield City Neighbourhood Plan (2018)

### Lichfield District Local Plan 2040

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

### RELEVANT PLANNING HISTORY

L5883	Garage porch extension	Approve	25/07/1979
L1321	Porch extension	Approve	14/07/1975

### CONSULTATIONS

**Lichfield City Council** – Updated- Object to the amended application: Massing -although amended plans slightly reduce the roof height and property width the overall scale of the footprint of the property remains excessive. Street scene-proposed build will result in a large property which will be out of keeping with the street scene and historic character of Gaia Lane. (11.07.2022)

Initial- No objections. (21.04.2022)

**Lichfield Civic Society**- Object to the amended application for the following reasons:

- The proposed alterations would still produce a residential dwelling too massive for the site, effectively producing an over-development of this site.
- By reason of its mass, design and height it also would be too dominant on the street-scene.
- It would be out of character with the street-scene. The current building is similar in character to its neighbours on either side, being of a similar age and, despite some changes, basically still of similar design; whereas what is proposed would so alter the character of the existing house that it would be substantially different to its neighbours and this house's original character would effectively be destroyed and replaced.
- The group of dwellings at this location do not qualify for the accolade of Listed Building status; however they are of a pleasant enough aspect to sit well enough in the Conservation Area which by contrast, the proposed building would not. Whereas the Local Authority's Local Plan indicates it is eager to promote good quality design, this application, with its unlovely extra storey, is of such unappealing aspect that it would prove an 'eye-sore.'
- The extra storey would diminish the degree of light currently enjoyed.
- Although the 'spice kitchen' has been removed from plans, the odours which would have emanated from that will probably be produced in the planned kitchen, which opens to the garden via bi-fold doors. Presumably these doors will be open in warm weather and the odours escaping will therefore be shared with neighbours. (14.07.2022)

**LDC Conservation Team- Updated- The design has been amended which includes reductions to the ridge height and scale of the application proposal dwelling.** A street scene has been provided which demonstrates the scale of the proposal dwelling within its context. The height of the application property is now considered to be more in keeping with the scale of the surrounding dwellings and would not appear incongruous within the street scene nor within the conservation area.

In regards to the proposed additional footprint by the extensions, the footprint has been reduced. It is considered that the footprint is not excessive when comparing this to surrounding development within the area.

In terms of materials a condition is required for the applicant to provide details on all external materials. Consideration is required for materials that reflect the quality of the conservation area and in addition consider sustainability and low embodied carbon. In terms of the overall impact when considering harm the proposal would have on the conservation area, it is considered that the proposal would not be harmful subject to condition on materials. (13.07.2022)

Initial- Further information required in order to fully assess the impacts of the proposal. (25.04.2022)

**LDC Arboricultural Team-** No objections were raised. It is noted that the proposals can be achieved with little or no constraints from existing trees upon and adjacent to the site and that no further comments will be required from this department.(22.04.2022)

### **LETTERS OF REPRESENTATION**

Six letters of representation have been received objecting to the scheme. One was initially received with a further five following an amended consultation. The comments are summarised as follows:

- Potential loss of light on neighbouring properties;
- Overbearing impact and impact on outlook;
- Disproportionate scale and mass;
- Incongruous design and character;
- It would result in serious cramming in a low density area.
- The proposed roof height negatively impacting the street scene
- Overdevelopment of the site and a reduction in private amenity space to the rear;
- Disruption caused by construction works. There is no construction management plan to mitigate risks during the construction phase.
- Concerned by the proposal of a 'spice' kitchen, are the owners making sure they have the means to prevent the odours of spices entering their living space, will odours cause nuisance to neighbours. The proposal does not make any mention of extraction methods/ statement.
- The proposed building will be as if a completely new house is being built on an existing plot and totally against the Lichfield City Conservation Area.
- The heritage statement is light touch.

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

1:1250 Location Plan dated as received 04 April 2022

Existing Block Plan dated as received 04 April 2022

1054/001 Existing Floor Plan dated as received 04 April 2022

1054/002 Existing Elevations and Site Plan dated as received 04 April 2022

1054/003 Rev C Proposed Ground Floor Plans dated as received 29 June 2022

1054/004 Rev C Proposed First Floor Layout Plan dated as received 29 June 2022

1054/005 Rev D Proposed Second and Loft Plan dated as received 29 June 2022

1054/006 Rev C Proposed Elevations dated as received 29 June 2022

1054/007 Rev C Proposed Block Plan dated as received 29 June 2022

1054/008 Rev D Proposed Street scene dated as received 29 June 2022

## **OBSERVATIONS**

### **Site and Location**

The application relates to a two-storey, detached property located to the east of Gaia Lane, Lichfield.

The property is approached via a block paved driveway with garden to the front and rear and off-road parking for 2 cars plus an integral garage. The property is designed such that it has a hipped roof giving way to a gable end at the front façade.

The property is situated in a residential area among properties of a mix of architectural styles, size and age. Properties to the north of the application property date from the early 1900's and comprise a mix of semi-detached villa style and terrace properties, the former having relatively narrow frontages and very long rear gardens. Development to the south west of the application site are from the latter half of the 20th century and comprise predominantly large detached dwellings in large plots, presenting a mix of hipped and gable roofs and of varying mass and height. The property is located in the Lichfield City Conservation Area.

The site is within the 15km area of the Zone of Influence for Cannock Chase Special Area of Conservation.

### **Proposals**

This application seeks permission for the erection of two storey front, side and rear extensions.

The proposed two storey extension would raise the ridgeline of the house by a maximum of 1m and would feature a front to back pitched roof with gable ends. The proposed gable roof would reach a maximum height of 8.75m with an eaves height of 5.2m.

The proposed rear extension would increase the rearward projection by a maximum of 3.2m and the width of the resulting dwelling would be a maximum of 11.95m.

Internally, the ground floor of the property would be altered to provide an enlarged open plan kitchen and dining area. At first floor, an additional bedroom and an en-suite would be created. At second floor, within the loft space, an additional bedroom with en-suite would be created. The effect would be to create a 5 bedroom dwelling.

The extensions would be constructed of brick and tile to match the existing dwelling. As part of the proposals, the existing driveway would be extended within the frontage of the site, with landscaping provided along the front and side boundaries. The low brick wall to the front boundary would be retained.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Heritage Impacts
3. Residential Amenity
4. Parking and Highway Safety
5. Biodiversity
6. Cannock Chase SAC
7. Other Matters
8. Human Rights
7. Conclusion



## 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, the Local Plan Allocations Document (2008-2029), adopted in July 2019 and the Lichfield City Neighbourhood Plan (2018). The Local Plan Policies Maps form part of the Local Plan Allocations Document.
- 1.2 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.
- 1.3 The application relates to extensions to an existing residential property located within a predominantly residential area. The application site is sustainably located within the settlement boundaries for Lichfield as identified in the Local Plan and as such, the principle of the proposal is considered to be acceptable. However, proposals that are acceptable in principle are subject to all other policy tests which will now be discussed in turn.

## 2. Design and Heritage Impacts

- 2.1 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 Core Policy 3 of the Local Plan Strategy which states that development should: “protect and enhance the character and distinctiveness of Lichfield District”; “be of a scale and nature appropriate to its locality” and “encourage the re-use of previously developed land”. Policy BE1 of the Local Plan Strategy states ‘development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on new development in terms of layout, size, scale, design and public views’. The policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.
- 2.2 The proposed extensions would be sited to the front, side and rear of the property and have been designed with matching materials, the latter of which could be secured by condition to ensure satisfactory appearance.
- 2.3 It is noted that objections have been made regarding the mass and scale of the proposed development, both upon receipt of the initial plans and subsequent amended designs. The initial proposal was considered an incongruous form of development by virtue of its mass, scale and design. The subsequent proposal reduced the proposed ridgeline 1.08m and reduced the proposed width by 1m. From a design perspective, although there is a change to the appearance and general massing, it is considered that the development is acceptable, subject to the use of matching materials which would be secured by an appropriately worded condition. In terms of overall design and impacts on the character of the area, it is considered that the proposals meet the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.
- 2.4 The site is located within the Lichfield City Conservation Area. Section 72(1) places a general duty as respects conservation areas in the exercise of planning functions stating that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 2.5 Paragraph 184 of the National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.

- 2.6 Under Paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 2.7 In relation to the historic environment, Policy BE1 of the Local Plan Strategy states that development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on its significance. Core Policy 14: 'Built and Historic Environment' sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: 'Heritage Assets' of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.
- 2.8 In accordance with paragraph 194 of the NPPF the applicant has submitted a Heritage Statement to describe the significance of the heritage asset affected which has been assessed by the Conservation Officer. The Heritage Statement, states
- 'The existing house is not on the Local List of Buildings or in the National List and is classed as a 'neutral building' in the Lichfield District Council Appraisal Report, although in a Conservation Area - located in the 'Gaia Lane Extension' part of the Lichfield City Conservation Area.
- The new extended house is designed with the use of predominantly matching materials - red facing brickwork and plain roof tiles as the bulk of the streetscene, particularly towards the north-eastern end of the road; windows to be of a simple design all to be in-keeping with boundary / landscaping retained.
- On this basis, no heritage assets will be affected as part of this development.'
- 2.9 Comments have been received from neighbours stating that the statement is 'light touch' Whilst this may be true paragraph 194 of the NPPF makes it clear that the 'level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.
- 2.10 The applicant has also submitted a street view plan to demonstrate how the proposal would look in the context of the neighbouring property. This, along with the Heritage Assessment, has allowed the Conservation Officer to comment that taking 'into consideration the scale, form and overall design of the extensions, the proposals would cause no harm to the character and appearance of the Conservation Area'.
- 2.11 Officers, noting the variety of house types and variation in size, massing and heights of the buildings along Gaia Lane and the immediate area, accept the comments of the Conservation Officer.
- 2.12 It is therefore concluded that having had regard to the above paragraphs of the NPPF the proposal would have a neutral impact and therefore preserve the character, appearance and significance of the Lichfield City Conservation area in accordance with Policies Be1, Be2 and Core Policy CP14 of the Lichfield Local Plan Strategy.

### 3 Residential Amenity

- 3.1 Paragraph 130(f) of the NPPF states 'planning policies and decisions should ensure that developments [amongst other things] create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Similarly, Core Policy 3 of the Lichfield Local Plan Strategy states that development should "protect the amenity of our residents".

- 3.2 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design SPD which contains guidelines to assess the impact of development on the amenities of neighbouring dwellings. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 3.3 The potential for the proposal to impact on the daylight amenity enjoyed by the occupiers of No. 94 Gaia Lane has been given full consideration. The Sustainable Design SPD sets out that the 45-degree guidelines will be utilised for front and rear extensions to a dwelling or for new built development to assess the impact on the dwelling next door. The proposal would comply with the 45 Degree Guideline requirements in relation to adjacent property No.94 Gaia Lane.
- 3.4 Turning to the impacts on principal windows of neighbouring properties. The Sustainable Design SPD requires at least 21m between dwellings where primary principal habitable windows face each other. Although the front façade of the dwelling would be extended, this would be within the current building line of the dwelling and there is 25.6m distance between the proposed development and the directly facing property to the west. There is a 21.7m separation between the proposed development and the properties to the rear. The separation distances would therefore be met with respect to principal windows.
- 3.5 Paragraph 19 of Appendix A 'Space About Dwellings Amenity Standards of the Sustainable Design Supplementary Planning Document' makes it clear that 'the provision of garden space for dwellings is important in order to provide activities connected with outdoor residential use, such as gardening; drying / washing; children's play space, together with some space for garden stores/ sheds' adding that 'both new and extended dwellings should allow for an acceptable provision of these uses. Paragraph 20 goes on to state that 'All private amenity space should be a minimum of 10 metres in length and the total area of the garden should be a minimum of:
- 45 square metres for dwellings with 2 or less bedrooms;
  - 65 square metres for dwellings with 3 and 4 bedrooms;
  - 100 square metres for dwellings with 5 or more bedrooms;
- 3.6 However, it should be noted that the above standards are in the nature of guidance and should be applied judiciously having regard to the particulars of each case. In this instance the distance between the plane of the rear elevation and the rear boundary would be 8.5 metres and have an average width of 15.7m, giving a total area of private amenity space of 133m<sup>2</sup>. As such although the depth of the rear amenity space is substandard by 1.5m this would not result in a deficiency of rear amenity which would exceed the minimum requirement by 33m<sup>2</sup>. Therefore, having had regard to the amenity standards, it is considered, on balance, that the proposal is acceptable in respect to the amount of outdoor private amenity space for a 5 bedroom dwelling.
- 3.7 It is therefore considered that a high standard of residential amenity would be maintained for all existing and future occupiers of the host property and those of neighbouring properties in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy and paragraph 130(f) of the NPPF.
- 3.8 It is noted that concerns have been raised in respect to odours arising from cooking with spices. However, it is not unusual to find that kitchens are used to cook with spices or that odours are generated from cooking activities within kitchens. The proposed kitchen is of a domestic scale and it is considered that odours generated from cooking activities would be no greater than from any other kitchen serving a dwelling. It is not normal practice to insist on an extraction system for kitchens or to seek to curtail cooking activities and there is nothing within this application which would suggest a departure from normal practice.

#### 4. Parking and Highway Safety

4.1 Paragraph 111 of the NPPF states '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'. In addition, Local Plan Policy ST2 states that appropriate provision should be made for off street parking in development proposals in accordance with the maximum parking standards set out in the Council's Sustainable Design Supplementary Planning Document.

4.2 The guidance within Policy ST2 and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling. A dwelling with 5 or more bedrooms would require 3 off road parking spaces. The existing dwelling has 3 bedrooms and the proposed extensions would facilitate the creation of 2 further bedrooms. The proposed widening of the paved area of the front drive would accommodate 3 parking spaces. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document and therefore would not result in unacceptable impacts on highway safety.

#### 5. Biodiversity

5.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it "Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings". It further requires that all development deliver a net gain for biodiversity.

5.2 Taking into account the submissions, it is not considered that the proposals would cause harm to existing biodiversity. Notwithstanding this, in order to achieve a net gain to biodiversity as required by Policy NR3, it is recommended that a condition is attached to any permission granted to secure the provision of a bird box within the application site. An informative to remind the applicant of their responsibilities in terms of wildlife legislation should also be attached to any permission granted. The proposal is therefore considered acceptable with regard to the ecological considerations of the development plan.

#### 6. Cannock Chase SAC

6.1 Policy NR7 of The Lichfield Local Plan Strategy states that before development is permitted it must be demonstrated that either alone or in combination with other developments the proposal will not be likely to lead directly or indirectly to an adverse effect on the integrity of the Special Area of Conservation (SAC).

6.2 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impacts of the development on the Cannock Chase SAC.

6.3 A Habitat Regulation Assessment has been completed which has screened out the requirement for an Appropriate Assessment as the development will not increase the number of dwellings within the defined zone of influence for the Cannock Chase SAC. Where the number of dwellings does not increase through the development proposals there is no requirement for mitigation through a financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.

#### 7. Other matters

7.1 Concerns have been raised regarding surface water run off from the driveway, which would be altered and extended as part of the proposals. The amended plans indicate that an area

of planting and landscaping would be retained to the front and side boundaries of the site, and an 'aco' drainage channel would be installed at the back edge of the pavement to catch excess surface water. It is considered that these measures would be sufficient and reasonable to deal with any surface water run off from the driveway.

## 8. Human Rights

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

## 9. Conclusion

9.1 Having had regard to all relevant local and national policies and guidance it is concluded that the proposed development is acceptable in principle at this location. Furthermore, it is considered that the development would not cause harm to the character and appearance of the area, including the adjacent Conservation Area, the amenity of neighbouring properties, or highway safety or biodiversity. Measures are proposed to deal with surface water run off and there are no drainage concerns in principle.

9.2 Consequently, it is recommended that this application be approved, subject to conditions included in this report.

# LOCATION PLAN

22/00627/FUL

Land Rear 156 Main Street

Alrewas

Burton Upon Trent

Scale: 1:1,250

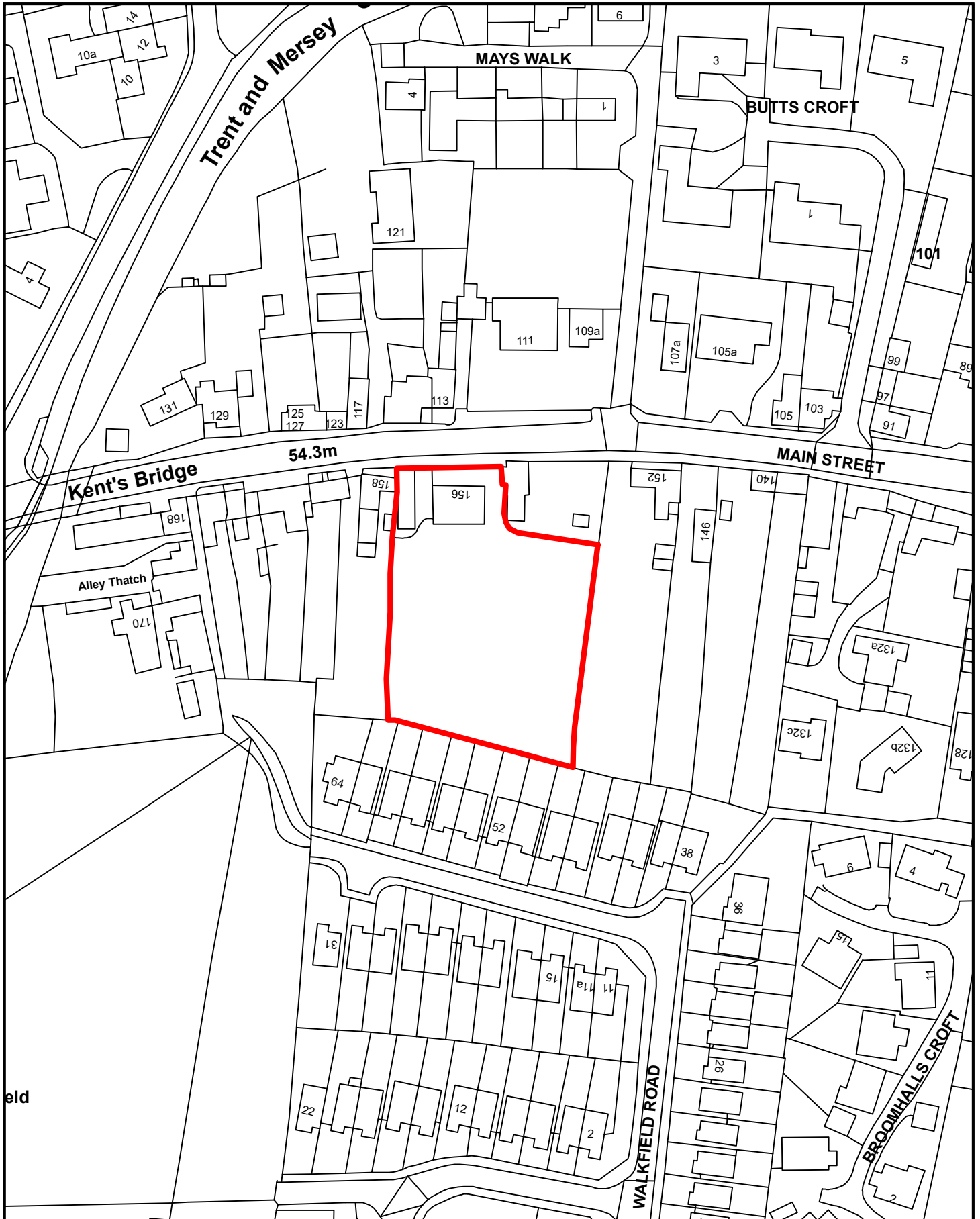
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## 22/00627/FUL

**Erection of a 4 bedroom detached dwelling and detached double garage and associated works**

**Land Rear 156 Main Street, Alrewas, Burton Upon Trent, Staffordshire**

**FOR Dr Iain MacGregor**

Registered **11/05/2022**

**Parish: Alrewas**

**Note:** This application is being reported to the Planning Committee, due to a call-in request received from Cllr Wilcox on the following grounds:

- Design: large residential building is not in keeping with the surrounding streetscene.
- Highways: Main Street has many cars parked just before the canal bridge, causing poor visibility to drivers approaching the bridge. This property will increase vehicles visiting the property and parking on Main Street which is extremely busy at all times with parked cars.
- Other: this is infill in a Conservation Area.

Alrewas Parish Council also raise significant planning objections on the grounds of highway concerns, infill in the Conservation Area and the design which is not considered to be in keeping with the Conservation Area.

**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.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

- 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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP6, CP13, CP14, ST1, ST2, NR3, NR4, BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD, the Historic Environment SPD, Policies HP1, HP2, EC1, TT1 and PR4 of the Alrewas Neighbourhood Plan and the National Planning Practice Guidance and the National Planning Policy Framework.

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

- 3 Before the development approved is commenced, details of all external materials (including bricks, tiles, cladding, windows, doors, and any other fixtures and fittings, boundary treatments) 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.

Reason: To ensure the satisfactory appearance of the development and to safeguard the character and setting of Alrewas Conservation Area in accordance with the requirements of Policies BE1 and CP3 of the Lichfield Local Plan Strategy, Policy BE2 of the Allocations Document, Policy EC1 of the Alrewas Neighbourhood Plan, the Sustainable Design SPD, the Historic Environment SPD, and the National Planning Policy Framework

- 4 Before the development hereby approved is commenced, a detailed planting scheme (incorporating the retention of any existing trees) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of enhancing biodiversity in line with Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity & Development SPD, and the National Planning Policy Framework.

- 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 (BALDS007-22 TPP Rev A) 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.

Reason: To safeguard existing protected trees in accordance with the requirements of Core Policies 3 and Policies NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, Policy PR4 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.

- 6 Before the development hereby approved is commenced, a Construction Environment Management Plan detailing the parking of vehicles of site personnel, operatives and visitors; the loading and unloading of plant and materials; storage of materials and 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. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the locality and highway safety in accordance with Policies CP3, CP5, ST1, and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

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

- 7 All planting, seeding or turfing shown on the approved plans/ approved details of landscaping required under condition 4 above shall be carried out in the first planting and seeding season following the first occupation of the dwelling 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.



Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development SPD, the Alrewas Neighbourhood Plan and the National Planning Policy Framework.

8. The Construction of the development shall be carried out in full accordance with the methods of working detailed within the 'BS5837 Tree Report' prepared by Braemar Arboriculture Limited, BALDS007-22 Rev A, received 11 May 2022.

Reason: 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, Policy EC1 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.

9. The dwelling hereby approved shall not be occupied until the internal access, parking and turning areas, and bike store have been completed in accordance with the submitted 'Proposed Site Plan' and shall be thereafter retained at all times for their designated purpose for the lifetime of the development.

Reason: In the interests of highway safety and to ensure adequate off-street parking exists to serve the development in accordance with the requirements of policies CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

10. The scheme of boundary treatments shown on the approved plans shall be provided prior to the first occupation of the dwelling hereby approved and shall be maintained as such for the lifetime of the development.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties in accordance with Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, Policy EC1 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.

11. The garage hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the new dwelling.

Reason: To ensure any future use or development of the dwelling does not adversely affect the amenities of occupiers of adjacent properties and the locality in general in accordance with Lichfield Local Plan Strategy Policies CP3, CP5, ST2 and BE1, the Sustainable Design SPD and the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the order with or without modification) the dwelling hereby approved shall not be enlarged or extended, or any additional windows installed other than those indicated on the approved drawings without prior written permission, on application, to the Local Planning Authority.

Reason: To safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and or future occupants of the development hereby approved, in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Alrewas Neighbourhood Plan and the National Planning Policy Framework.

## NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Alrewas 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. The applicant is advised of the following in relation to biodiversity interests on the site:

### SMALL MAMMALS CAUTION

Caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. Areas should be cleared on rotation with scrubby patches left to provide nesting habitat and cover. If this is not possible, piles of dead wood and brash piles can be created in other areas around the site to mitigate for the removal of suitable nesting sites. These can be created behind hedges or out of the way for smaller developments with limited space.

### NESTING BIRDS

Awareness is needed of bird nesting season, (March-August inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. This is in specific reference to; onsite trees, hedgerow, and vegetation ' which works would cause disturbance to should birds chose to inhabit and nest within. 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. If any evidence of nesting birds are found, all work that may cause impact or disturbance must cease until the young have naturally fledged.

All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 and it is thus an offence, with certain exceptions to: Intentionally kill, injure or take any wild bird. Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

6. Severn Trent Water advises 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.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Policy CP1 - The Spatial Strategy

Policy CP2 - Presumption in Favour of Sustainable Development

Policy CP3 - Delivering Sustainable Development

Policy CP5 - Sustainable Transport

Policy CP6 - Housing Delivery

Policy CP14 - Our Built & Historic Environment

Policy BE1 - High Quality Development

Policy H1 - A Balanced Housing Market

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 - Trees, Woodland, and Hedgerows

Policy NR5 - Natural & Historic Landscapes

Policy NR7 - CC SAC

### **Local Plan Allocations**

Policy BE2 - Heritage Assets

### **Supplementary Planning Document**

Sustainable Design SPD

Historic Environment SPD

Trees Landscaping and Development SPD

Biodiversity and Development SPD

### **Alrewas Neighbourhood Plan**

HP1- Housing Provision

HP2- Alrewas Village

EC1- Protecting and Enhancing the Built Environment

TT1—Traffic

PR4- Trees and Hedges

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

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

## **RELEVANT PLANNING HISTORY**

21/01686/FUH	Demolition of existing garage and erection of detached garage and studio	Approved	19.11.2021
06/00372/FUL	Conversion of existing outbuilding to residential use	Approved	16.06.2006
04/01270/FUL	Glazed verandah to rear	Approved	18.01.2005
L891055	Conversion to form a granny flat	Approved	08.01.1990
L3684	Removal of Condition 3 of planning permission L1230	Refused	26.09.1977
L1230	Double garage	Approved	18.07.1975
L3684	Development Appeal related to L3684	Dismissed	07.09.1978

## **CONSULTATIONS:**

**Alrewas Parish Council:** Final – Object. The Parish Council retains concerns as it does not believe that any material changes have been made to the design which remains out of keeping with the Conservation Area. The Neighbourhood Plan supported small infill developments instead of largescale estate development, and as Alrewas now has large-scale estate development it is felt that Alrewas has houses built above the allocated numbers and further infill should not be allowed. When the Neighbourhood Plan is updated the infill supporting policy will be removed. (21.06.22)

Initial - The Parish Council raised strong objections to the proposal on the following grounds:

- the infill would increase housing density in the Conservation Area;
- the proposed development is large and out of scale with the Conservation Area;
- the location is a busy and narrow part of Main Street with existing on-street parking so access onto Main Street from the proposed properties would be dangerous; and
- Mature trees would be lost in the development. (18.05.22)

**Alrewas Civic Society:** No comment received.

**Severn Trent Water:** No objections raised. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied. (12.05.2022)

**SCC Highways:** Final – No objections subject to the conditions outlined in the previous response. (28.06.2022)

Initial – Adequate parking and turning facilities for the existing and proposed dwelling are retained/provided. The Highway Authority accepts the proposal and recommends that conditions be attached to any forthcoming planning permission requiring a scheme for the parking of vehicles of site personnel, operatives and visitors; the loading and unloading of plant and materials; and the storage of plant and materials during the construction of the development; and measures to prevent the deposition of deleterious material on the public highway. Additionally, conditions that require the bike store to be installed prior to occupation; and the parking and turning facilities to be retained at all times for their designated purpose. (26.05.2022)

**LDC Spatial Policy and Delivery Officer:** No objections were raised to the principle of the development which complies with the relevant policies within the Local Plan. (26.05.2022)

### **LDC Conservation and Urban Design Team:**

Final comments- No objections- The application property is located within a conservation area and also within a listed building setting. Amendments have been provided for the scheme which are considered to be acceptable. A condition required to secure appropriate external materials to be used in the development. (28.06.22)

Initial – Object to the design of the proposed development. The proposed development draws on traditional and modern elements in its design. To the north elevation is a glazed gable front with timber detailing, this punches through a canopy roof. The second floor is situated within the roof of the application property with sky lights on the roof. The design incorporates traditional elements including chimneys and lintel detailing over windows. In terms of harm to the conservation area it is considered that in its present form it would not be appropriate. The overall appearance does not consider the local context and its appearance would be viewed as too domestic due to the proposed scale and appearance within this rear garden setting within a conservation area. In principle a dwelling within this location would be acceptable, however the overall design needs amendment. It is considered that a proposal inspired by something that would be viewed as ancillary to the use of 156 Main Street (e.g a coach house or workshop) would be acceptable within this setting. (30.05.22)

**LDC Arboricultural Officer:** Final – No objection. The updated measures detailed satisfy the concerns raised within our previous comments and the proposals can be achieved with minimal constraints from existing trees. The confirmed Ground and Tree Protection measures deposited should be added to any permissions that may be forthcoming. (31.05.2022)

Initial – Further information requested in the form of a tree protection plan as the site lies within the local Conservation Area and as such trees within and around the site are protected. (16.05.2022)

**LDC Ecology Manager-** No objection. Having reviewed this application, the submitted documents, and consulted the Staffordshire Ecological Record, the Ecology Team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. No ecological survey work is required. The justification of this is due to lack of buildings, features and habitats which protected species could utilise that this development could cause harm to. It is apparent from the plans that the scheme currently represents a net loss to biodiversity due to the loss of garden area from the scheme. As per the requirements of Policy NR3 in the Local Plan, all development must provide a net gain to biodiversity value. A site plan should be submitted designating suitable areas for contractor parking and a contractor compound ' where materials, fuels and chemicals will be kept and stored. (12.06.2022)

**LDC Environmental Health Team:** No objections to the proposals in principle. (30.05.2022)

**Staffordshire Joint Waste Services:** No objections were raised. 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. (13.05.2022)

### **LETTERS OF REPRESENTATION**

Two letters of representation have been received in respect of this application, one in support and one objection. The comments are summarised as follows:

- Concerns related to potential impact on the privacy of neighbouring properties due to gaps in the hedgerow along the southern boundary;
- Enquiry related to proximity to dwellings on Walkfield Road and request for confirmation that the required separation standards would be met;
- Enquiry related to the construction timeframes;
- The comments in support of the application respond directly to the Parish Council's initial comments highlighting that:
  - the plan for one additional house is on one of the largest plots in the Conservation Area and a number of larger density developments have taken place;
  - The plans are for 3 to 4 bedroom house and many more of this size have been approved within the Conservation Area;
  - Suggests a "no parking" area to be enforced along Main Street, however notes that the access from 156 Main Street has a better line of sight from the driveway than other properties;

- The planning proposal cannot have detrimental effect on the Conservation Area than other development which have greater effect visually and in terms of population density and traffic.

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

Title:	Drawing number:	Received:
Location Plan	AL22/717lp	11.05.2022
Proposed Site Layout	AL22/717 psp(r4)	18.07.2022
Proposed Plans and Elevations	AL22/717 r7b	18.07.2022
Proposed Bike Store	AL22/717bs	11.05.2022
Proposed Garage	AL22/717g	18.07.2022
Existing Site Plan	AL22/717esp	11.05.2022
Sections	AL22/777	13.06.2022
Tree Protection Plan	BADS007-22TPP A	11.05.2022

### **OBSERVATIONS**

#### **Site and Location**

This application relates to a two-storey red brick detached house located on the southern side of Main Street in Alrewas. The surrounding area is residential in character. No. 156 Main Street is an unlisted property that occupies a large spacious plot of c. 2,888 square metres within Alrewas Conservation Area. The dwelling is a period property with two gables to the front elevation and windows with flat segmental arches. The front of the property is bordered by a low brick with hedgerow behind. No.154 Main Street sits forward of the front elevation of No.156 and adjoins the side boundary of the site. A driveway with access off Main Street is located in between 154 and 156 Main Street. The driveway provides access to the rear of the property and a parking area with a detached garage. The rear of the application site is bound by hedgerows and a wall and comprises a large garden with a collection of small-scale outbuildings (a summer house, two sheds, a green house, former pig sty), various mature trees and ornamental planting.

The site benefits from a recent planning permission for the demolition of the existing garage and erection of detached garage and study (21/01686/FUH), which have not been implemented.

#### **Proposals**

This application seeks permission for the subdivision of the existing site and the erection of a 4 bedroom detached dwelling and detached double garage and associated works. The dwelling would be situated within the south of the plot, beyond the previously approved garage (21/01686/FUH) and a new 2m boundary fence would intersect the plot from the east to west. The existing driveway off Main Street would be extended to the east of the previously approved garage and would lead to the new dwelling, detached double garage and bike store. The amenity space for the new dwelling would be provided largely within the west of the plot. The new dwelling would be orientated at an angle from the main dwelling. The existing boundary hedgerows and trees would be retained.

The dwelling would have an L-shaped footprint of maximum dimensions 17.6m in length and 11.7m in width. The proposed dwelling would be two storey, with brick elevations and a gable roof over. The height of the dwelling would be c. 6.4m above ground level to the top of the main ridgeline and 3.45m to the eaves. The ground floor would include a kitchen, family room, bedroom/snug and sitting room. The first floor would be created within the roof space and would provide 3no. additional bedrooms. The dwelling would include windows on all elevations, 10no. rooflights, 2no. patio doors on the western elevation (facing towards the garden) and 1no. patio door on the southern elevation (facing towards the southern boundary). The windows would reflect a traditional arch shaped and rectangular design. Materials would comprise red brickwork with traditional tiles to the roof.

The double garage would be a timber structure adopting a similar style to the previously approved garage (21/01686/FUH) which would serve the main dwelling. It would have a broadly square footprint of 5.67m by 5.6m and would sit adjacent to the previously approved garage. The proposed garage would have a gable roof design with an overall ridge height of 4.5m. A timber bike and bin store is proposed which would be located adjacent to the proposed garage. Materials for both buildings would comprise oak frame and Siberian larch weatherboarding with Staffordshire blue roof tiles.

The application is supported by a Heritage Statement.

The scheme has been revised significantly during the course of the application. The changes to the design of the dwelling are summarised as:

- Dormer windows removed;
- Northern glazed gable revised and oak entrance feature replaced with brickwork arch detailing;
- Timber cladding removed and replaced with brickwork;
- Ridge lines simplified;
- Brick arches to openings provided;
- Glazing elements altered and French doors to the front elevation removed; and
- Eaves aligned on the northern elevation.

## Determining Issues

1. Policy & Principle of Development
2. Design and Impact on Heritage Assets
3. Residential Amenity
4. Access and Highways Safety
5. Impact on Trees
6. Ecology
7. Planning Obligations & Cannock Chase SAC
8. Other Issues
9. Human Rights

### 1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the 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 Alrewas Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

1.2 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.

1.3 The Five Year Housing Land Supply 2021 for Lichfield shows that the District Council can currently demonstrate a 13.4 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.

1.4 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.

- 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 Alrewas Neighbourhood Plan Policy HP1 Housing Provision is supportive of development within the village settlement boundary and Policy HP2 Alrewas Village states that infill development is supported.

#### Assessment

- 1.8 The Parish Council's objection to the proposal highlights that the Neighbourhood Plan provides support for small infill developments within the village boundaries instead of largescale estate development. Notwithstanding this, the Parish consider that *"as Alrewas now has large-scale estate development it is felt that Alrewas has houses built above the allocated numbers and further infill should not be allowed"*. The Parish also note that when the Alrewas Neighbourhood Plan is updated the infill statement will be removed from Policy HP2. At this stage, there is no published emerging planning policy to take into account. As such, whilst the policy to support infill development may be removed within a future neighbourhood plan, at this time the application falls to be assessed against current adopted planning policies.
- 1.9 The site is located within the sustainable settlement of Alrewas and the proposal comprises infill development within the village settlement boundary. Whilst the comments made by the Parish Council are noted, infill development is supported within the adopted Alrewas Neighbourhood Plan which forms part of the development plan against which the proposals must be assessed. Furthermore, policies CP1 and CP6 of the Local Plan guide new residential development within the District to specific areas, including the key rural settlement of Alrewas. In principle, the proposal is therefore considered to be acceptable in terms of the policies set out in the Local Plan, by providing development in a sustainable location where infill development is supported.

## 2. Design and Impact on Heritage Assets

- 2.1 The NPPF (Section 12) advises that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"* and that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.
- 2.2 The National Planning Practice Guidance has recently been amended to state that, *"the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented"*. In addition the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.



- 2.3 The National Model Design Code advises that, *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*. The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 2.4 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 should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. 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.
- 2.5 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE1: High Quality Environment states that all development should ensure that a high quality sustainable built environment can be achieved.
- 2.6 Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.
- 2.7 Policy EC1 of the Alrewas Neighbourhood Plan sets out that within the village, development proposals must have regard to local character and demonstrate a high quality of design, form and layout.

#### Assessment

- 2.8 The application site is located within Alrewas Conservation Area. It is also located within the setting of a Grade II listed building (No. 158 Main Street, ‘Old Eaves’). Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act places a general duty as respects conservation areas in the exercise of planning functions stating that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’. In determining planning applications with respect to Listed Buildings, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant permission for development which affects a listed building or its setting, special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2.9 It is acknowledged that conservation related concerns have arisen during the consultation/consideration period from the Council’s Conservation Officer and the Parish Council. These points of concern have been carefully considered and the scheme has been revised by the applicants in order to address the issues raised. The design of the proposed dwelling, along with proposed materials have been significantly revised. The proposed scheme is now considered to be sympathetic to its historic surroundings and the context of the conservation area, the adjacent Listed Building and the host dwelling No.154 Main Street. The design of the dwelling has been simplified, and in overall terms would be reminiscent of an outbuilding. The use of appropriate materials is important in securing a high quality development, as such a condition is recommended to ensure that appropriate materials are used.

- 2.10 A cross section plan has been provided to ensure that the height of the new dwelling would not dominate in the existing townscape and would be subservient to the main dwelling No. 156 Main Street. Views of the development would be restricted by intervening buildings. Regarding concerns raised on density and infill development the conservation appraisal states in paragraph 2.25 that: 'If the special interest of the conservation area is to be protected in the future, development should only be allowed where it will fit in with the existing historic form of development; where it does not impinge on the setting of historic buildings; and where it does not result in the loss of important green open space'. It is considered that with the amendments made to the proposal there will be no negative impact upon the character and appearance of the locality in general or the Conservation Area. The significance and setting of the Listed Building would not be harmed by the proposals.
- 2.11 The additional garage and bike/ bin storage buildings are acceptable and would be constructed from materials which are softer in appearance. In terms of scale, they are subservient and proportional to the context of the development as a whole. A condition to secure appropriate boundary treatments is also recommended given the sensitivity of the location.
- 2.12 In addition to the above comments, the cross section (AL22/777) shows the relationship between the proposed development, the main dwelling on Main Street and neighbouring properties on Walkfield Road. The height of the main ridgeline of the new dwelling would be 6.4m, which would be 3.0m lower than that of the main dwelling 156 Main Street and 1.3m lower than the properties on Walkfield Road. The scale of the proposed new dwelling is therefore considered subservient to the dwellings which surround it. A condition to remove permitted development rights to ensure any future development at the site respects the heritage assets and neighbouring amenity.
- 2.13 In conclusion regarding the heritage and design impacts of the amended scheme, the proposed development is considered to be an appropriate addition to the site. The development would not have a detrimental impact upon the significance, setting, the character or appearance of the designated heritage assets. As such, the scheme is considered to be acceptable on heritage and design grounds, in accordance with the requirements of the development plan and NPPF.

### 3. Residential Amenity

- 3.1 Core Policy 3 of the Lichfield Local Plan Strategy states that development should “*protect the amenity of our residents*”. 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.
- 3.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for external amenity space based upon the number of bedrooms in a dwelling.

#### Assessment

- 3.3 A neighbouring occupier has queried whether the required separation standards would be met between the new dwelling and properties on Walkfield Road. Additionally, concerns were raised related to potential impact on the privacy of neighbouring properties on

Walkfield Road due to gaps in the hedgerow along the southern boundary. These considerations form part of the amenity assessment carried out in accordance with the SPD.

- 3.4 The Sustainable Design SPD requires at least 21m between dwellings where primary principal habitable windows face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15m. The Sustainable Design SPD also states that there should be *“at least 6 metres between a primary principal habitable room window and private neighbouring residential amenity space, except where there is no overlooking demonstrated”*.
- 3.5 The nearest properties to the new dwelling would be on Walkfield Road and they are located 15m from the southern wall of the new dwelling. This would meet with the separation distance requirement of 13m as set out in the Sustainable Design SPD. It is noted that there are no significant differences in ground levels which would affect the application of the separation distance requirements.
- 3.6 The proposed dwelling would have habitable room windows in the ground floor Northern, Eastern and Western elevations. The first floor rooms would be served by rooflights. In terms of the ground floor windows the 6m separation set out in the Sustainable Design SPD would be achieved, with the exception of two secondary ‘family snug’ windows in the ground floor eastern elevation where a separation distance of 5m would be achieved to the boundary with No.152 Main Street. Notwithstanding this shortfall of 1m, taking into consideration the separation achieved and the existing boundary hedging which would be retained as part of the proposals it is not considered that there would be any unacceptable overlooking/ loss of privacy issues. Taking into consideration the internal floor height and the angle of the rooflights, it is not considered that they would give rise to future overlooking issues.
- 3.7 The Sustainable Design SPD also sets out guidance for the provision of garden space for dwellings and requires a minimum of 10 metres in length and the total area of garden should be a minimum of 65 square metres (sqm) for dwellings with 3 and 4 bedrooms, and 100 sqm for dwellings with 5 bedrooms or more. Due to the large plot size, these standards are exceeded by some way for both the existing dwelling (which has at least 773sqm garden space) and the new dwelling (which has at least 614sqm garden space).
- 3.8 Overall, the proposals are considered acceptable within regard to residential amenity and accord with the aforementioned policies.

#### 4. Access and Highways Safety

- 4.1 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.
- 4.2 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 states that the maximum parking standard for 3-4 bed dwellings is two spaces.
- 4.3 Policy TT1 of the Alrewas Neighbourhood Plan confirms that development proposals will not be supported if the cumulative traffic generation and parking impacts result in a severe impact on parking, congestion, residents access or road and pedestrian safety.

Assessment

- 4.4 The scheme would use the existing access in between numbers 156 and 158 Main Street which at its narrowest is 3.4m in width. The above parking standards would be exceeded within the site through a combination of the property's driveway and the proposed double garage. More than sufficient parking and turning areas would also be retained to serve the existing dwelling. A cycle store is also provided as part of the new dwelling and therefore the objectives of policy ST2 and the Sustainable Design SPD is considered to be met.
- 4.5 The County Highways team have been consulted in relation to the planning application and have advised that there are no objections on highway grounds, subject to relevant planning conditions to secure a scheme detailing the parking of vehicles of site personnel, operatives and visitors; the loading and unloading of plant and materials; and measures to prevent the deposition of deleterious material on the public highway prior to the commencement of the development. Also subject to conditions on the parking and turning facilities retention at all times for their designated purposes, and installation of the bike store prior to commencement.
- 4.6 It is acknowledged that highways related concerns have been presented by the Parish Council and that one resident has suggested a "no parking" area be established along Main Street. The County Highways team has confirmed that they must make a judgement on the existing situation, the scale of proposed development and accident data linked to the application site. Current records show that there were not any Personal Injury Collisions on Main Street for the previous five years. Main Street is not considered to be narrow or present unacceptable high levels of parking, and it is considered that sufficient visibility levels can be achieved at the access to the site. The off road parking provision proposed to serve the existing and proposed dwelling conforms to the Local Authority parking standards.
- 4.7 Following the receipt of the professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highways related grounds with no technical evidence to the contrary. The development proposal is therefore considered acceptable on highways grounds subject to conditions being applied to any planning approval to secure the relevant details. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## 5. Impact on Trees

- 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. Policy NR4 is supported by the Council's Trees, Landscaping and Development SPD.
- 5.2 Policy PR4 'Trees and Hedges' of the Alrewas Neighbourhood Plan confirms that support will not be provided for development proposals which lead to the loss of trees and hedges and proposals should be designed to retain such features. Further tree planting will be supported to enhance the character of the village and reflect its position as a gateway into the National Forest.

### Assessment

- 5.3 Trees within the site are afforded protection by virtue of the Alrewas Conservation Area. A Tree Report prepared in accordance with BS5837 and tree protection drawing were submitted as part of the planning application. The Council's Tree Officer stated that the proposals could be achieved with minimal constraints from existing trees and raised no objections to the proposals subject to the incorporation of planning conditions to secure the tree protection measures within any forthcoming permission.

- 5.4 It is noted that concerns were raised by the Parish Council related to the loss of trees, however the Tree Survey report confirms that no trees would be removed as part of the proposals. New trees would also be planted within the wildlife area as shown on the proposed site layout, with details to be secured prior to commencement.
- 5.5 The development would be in accordance with the requirements of Local Plan Policy NR4, the Trees, Landscaping and Development SPD and Policy PR4 of the Alrewas Neighbourhood Plan 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 managements of the biodiversity and/or geodiversity value of the land and buildings”*. It further requires that all development deliver a net gain for biodiversity.

### Assessment

- 6.2 The Council’s Ecology Officer was consulted as part of the planning process. The Ecology Officer advised that the proposed works would be unlikely to negatively impact upon protected or priority species or habitats. The requirement to secure a net gain was highlighted in the context of the loss of the garden area due to the proposed development.
- 6.3 In line with Policy NR3 of the adopted Local Plan, a wildlife area has been incorporated within the site layout plan and it is recommended that a condition be attached to any forthcoming planning condition to agree a detailed planting scheme for this area in order to secure biodiversity net gains. As such it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

## 7. Planning Obligations & Cannock Chase SAC

- 7.1 The proposed 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. From 1st April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the Cannock Chase SAC. In this case, the development falls within the Zone of Influence and as such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £290.58 per dwelling in mitigation. Subject to the agreement of the applicant, this contribution could be secured by means of a unilateral agreement.
- 7.2 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the higher charging area as identified on the CIL Charging Schedule and would be charged at a rate of £55 per square metre for residential development (not including indexation).

## 8. Other Issues

- 8.1 An enquiry was received to the construction timeframes of the proposed development, however this is not material planning considerations which can be taken into account.
- 8.2 Severn Trent Water was consulted and raised no objections, however provided standard advice that it is recommended be included as an informative should planning permission be

granted. The site is located within Flood Zone 1 where there are no flooding concerns in principle and it is acknowledged that a suitable drainage scheme can be incorporated.

## 9. Human Rights

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

## **Conclusion**

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

The principle of the proposed development is supported by the Local Plan Strategy and Alrewas Neighbourhood Plan. The proposed development has been amended during the course of the application and as a result complies with the objectives of adopted planning policies, including those related to heritage assets, residential amenity, highways, trees and ecology. Consequently, it is recommended that this application be approved, subject to conditions and a financial contribution towards Cannock Chase SAC, as set out above.