

Planning Committee

5 September 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

5 September 2022

CONTENTS

Case No.	Site Address	Parish/Town Council
21/01661/FUL	35 Little Aston Hall Aldridge Road Little Aston Sutton Coldfield	Shenstone
22/00932/FUH	17 Trafalgar Way Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

21/01661/FUL
35 Little Aston Hall
Aldridge Road Little Aston
Sutton Coldfield

Scale: 1:2,000

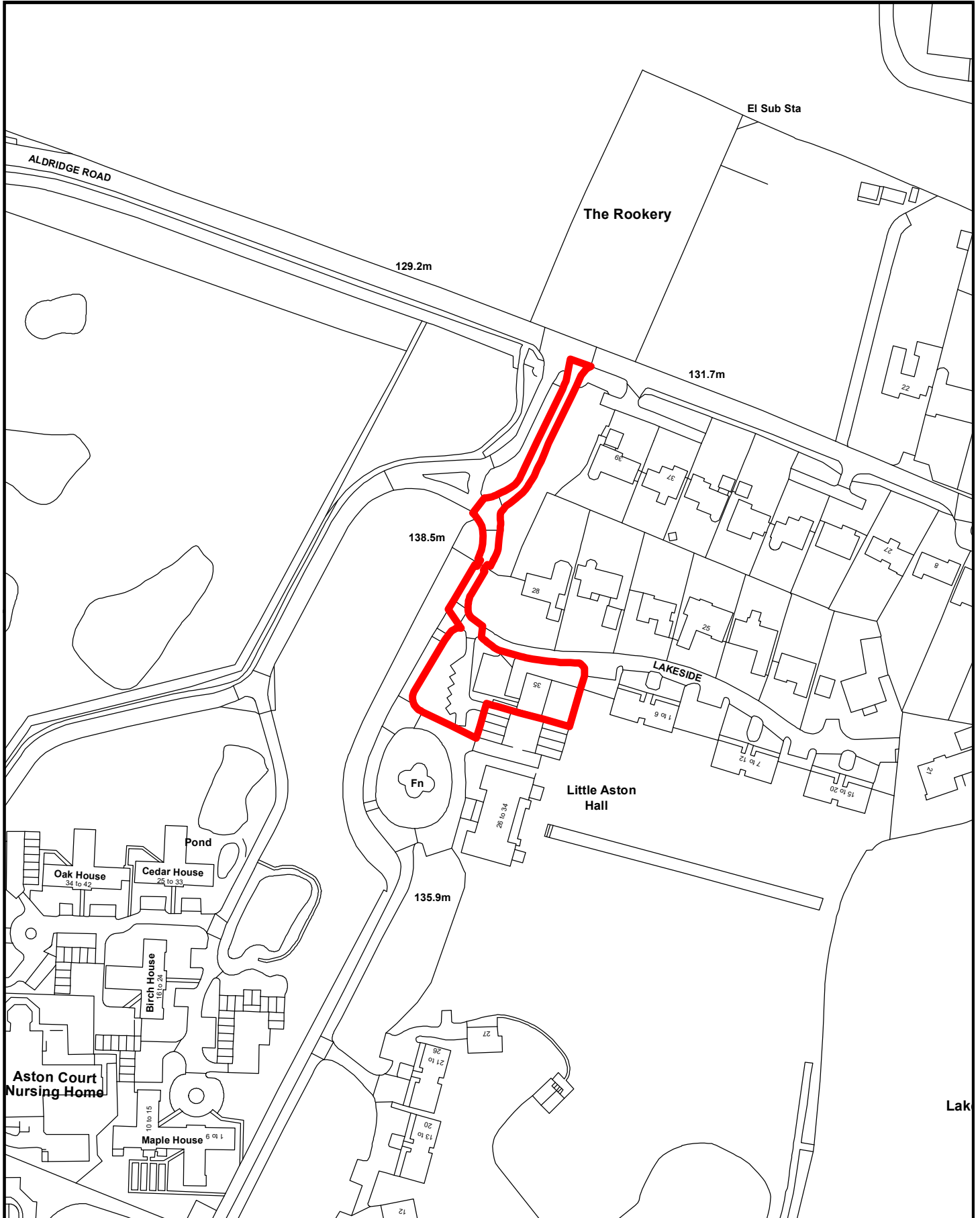
Dated: July 2022

Drawn By:

Drawing No:



© Crown Copyright
Database Rights 2021
Lichfield District Council
Licence No: 100017765



21/01661/FUL

**DEMOLITION OF 1 NO. DISUSED OFFICE BUILDING AND ERECTION OF 1NO DETACHED DWELLING
INDEX FUND ADVISORS LTD, 35 LITTLE ASTON HALL, ALDRIDGE ROAD, LITTLE ASTON
FOR R Lallie**

Registered **30/09/2021**

Parish: Shenstone

Note: This planning application is being reported to the Planning Committee due to a Call-In request from Councillor Joseph Powell. The Call-In request was provided in response to the original scheme and is summarised as follows:

- The design of the proposed house breaches the height and massing characteristics of a long established settled area.
- Proposed materials for the house are unsympathetic to the area
- The proposal would appear out of keeping with the character with the area.

Shenstone Parish Council also raise significant objections on the grounds of conflict with key neighbourhood plan policies regarding infill development and the overall scale, mass and design of the proposal. The Parish Council are also concerned that mature trees of significance remain at risk due to the extensive subterranean works identified.

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 CP3, CP5, CP14, BE1, NR3, NR4 and ST2 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, the Biodiversity and Development SPD, the Trees, Landscaping & Development SPD, the Little Aston Neighbourhood Plan and the National Planning Policy Framework.

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

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

Each of the facilities shall be provided and maintained during the construction of the development hereby approved and the Construction stage of the development shall take place in accordance with the approved plan unless alternative provision are first agreed in writing with the LPA.

Reason: In the interests of highway safety and neighbour amenity, in accordance with Policies CP3, CP5, ST2 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

- 4 Before the development hereby approved is commenced an Arboricultural Method Statement (BS5837-2012) shall be submitted to and approved in writing by the Local Planning Authority. The statement should include the excavation of the basement level in addition to the remainder of construction operations and incorporating tree protection measures. The development shall thereafter only be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To safeguard existing protected trees in accordance with the requirements of Policies CP3, NR4 and BE1 of the Lichfield Local Plan Strategy and the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

- 5 Before the development hereby approved is commenced a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In order to provide a biodiversity net gain and 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, CP13, CP14, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, Trees, Landscaping and Development SPD, the Biodiversity and Development SPD, the Little Aston neighbourhood Plan and the National Planning Policy Framework.

- 6 Before the development hereby approved is commenced an updated scheme of biodiversity enhancement shall be provided and agreed in writing by the Local Planning Authority. The Enhancement measures shall be provided prior to the first occupation of the dwelling hereby approved and retained for the lifetime 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 SPD, the Little Aston Neighbourhood Plan and the National Planning Policy Framework.

- 7 No development hereby approved shall be commenced until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained as such for the life of the development.

Reason: To ensure the satisfactory appearance of the development and in order to protect heritage assets in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the

Sustainable Design SPD, the Biodiversity and Development SPD, the Little Aston Neighbourhood Plan and the National Planning Policy Framework.

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

- 8 Before the first occupation of the dwelling hereby approved the access, parking and turning areas shown on the approved plans shall be provided in a bound material and thereafter shall be made available at all times for their designated purposes.

Reason: To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

9. The development hereby approved shall be carried out in strict accordance with the Ecological Appraisal Report (dated 9th March 2021) dated as received 30 September 2021.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, the Little Aston Neighbourhood Plan and the National Planning Policy Framework.

10. The development shall be carried out in strict accordance with the recommendations contained within the Tree Survey Assessment (dated 5th March 2021) dated as received 17 May 2022.

Reason: To safeguard existing protected trees in accordance with the requirements of Policies CP3, NR4 and BE1 of the Lichfield Local Plan Strategy and the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

11. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730-1900 hours Monday to Friday and 0800-1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: To safeguard the amenity of nearby residents in accordance with the requirements of Core Policies 3 and BE1 of the Lichfield Local Plan Strategy 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 or reenacting the Order with or without modification) no development contained within Classes A, AA, B, C, D and E of Schedule 2, Part 1, (including that no extensions or alterations, no extra storey, no additions or alterations to any roof, no windows, dormers or other openings being created, no enclosures, or other structures required for purposes incidental to the enjoyment of the dwellinghouses being erected or installed within the domestic curtilage) shall be carried out at the new dwellinghouse hereby approved.

Reason: To ensure the satisfactory appearance of the development and in order to protect heritage assets, neighbour amenity and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Little Aston Neighbourhood Plan and the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation/parking space which serves the new dwelling hereby approved, shall be retained and made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

Reason: To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
5. Severn Trent advise there may be a public sewer within the site. 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 at the earliest opportunity to discuss the implications of their assets crossing the site.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 5: Sustainable Transport
Core Policy 6: Housing Delivery
Core Policy 13: Our Natural Resources
Core Policy 14: Our Built & Historic Environment
Policy ST2: Parking Provision

Policy H1: A Balanced Housing Market
Policy NR3: Biodiversity, Protected Species and their Habitats
Policy NR4: Trees, Woodland and Hedgerows
Policy NR7: Cannock Chase Special Area of Conservation
Policy BE1: High Quality Development

Local Plan Allocations

BE2: Heritage Assets

Supplementary Planning Documents

Sustainable Design SPD
Biodiversity and Development SPD
Historic Environment SPD
Trees Landscaping and Development SPD

Little Aston Neighbourhood Plan

HSG1 – Residential Infill and Backland Development
LAP2 – Design of Development in Little Aston Park

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 Levelling Up, Housing and Communities 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

There is no recent relevant planning history.

CONSULTATIONS

Shenstone Parish Council: Final- Object to the proposals. The revised scheme fails to address the objections and policy conflict outlined in the earlier response. (14.05.2022)

Initial - Object to the proposals. The application does not meet two key NP policies and these form the basis of the Parish Council's objection.

- Policy HSG1 Residential Infill: This key, approved, NP policy states that outside of the Little Aston Park density policy area, (which this application is) planning permission for residential development proposals on infill and backland sites will be permitted subject to the following criteria: 1. Proposals should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflecting the scale, mass, height, and form of its neighbours. This proposal has not adhered criteria 1 as the scheme fails to conform to the uniformity of the immediate residential neighbourhood by reflecting the scale, mass, height and form of its neighbours.
- Policy LAP2 Design of Development in Little Aston Park: Criteria 2. of this key approved NP policy states that ... "design should ensure that the residential amenity of neighbouring properties is not impacted and that the extensive mature tree cover making up Little Aston Park's woodland setting is retained"
- The Parish Council believes the design proposed will detract from the existing residential amenity due to its scale, height, mass, and form inside its immediate neighbourhood. The Parish Council are also concerned that mature trees of significance remain at risk due to the extensive subterranean works identified. (09.11.2021)

Severn Trent Water: No objections. The proposal has minimal impact on the public sewerage system and there is no requirement for a drainage condition to be applied. A public sewer may be located within the site and therefore an informative is recommended stating that the applicant should contact Severn Trent before commencing work. (4.5.22 & 19.10.2021).

Staffordshire County Council (Highways): Final- No objections were raised. (05.05.2022).

Initial - No objection in principle to the original scheme, however as only 2 No. parking spaces are provided for a 7 or 8 double bedroom dwelling, this development does not accord with Lichfield District Council's parking standards. It is recommended that a further parking space is provided (19.10.2021).

LDC Conservation Team: Final- Amended plans have been submitted following consultation with the architect and LDC arboricultural team. Based upon the changes there are no further conservation objections subject to the satisfactory agreement of materials.

The concerns previously raised were based upon the impact of the proposals upon mature trees within the Little Aston Conservation Area. The new dwelling has been substantially re-designed with these concerns in mind. Based upon this it is considered that the proposed scheme will not have a detrimental impact upon the setting of the listed Little Aston Hall or the character of the conservation area.

The materials of the new dwelling and the detached garage will be important in order to ensure the new work sits comfortably within its surroundings. These details can either be submitted prior to the determination of the application or covered by a condition at the time of determination (19.05.2022).

Initial - The scheme is for the demolition of an existing later C20 office building and the erection of a new detached dwelling. The site is located within the Little Aston Conservation Area and stands next to the Grade II listed Little Aston Hall.

There are no objections to there being a building in this location adjacent to the hall as there was originally a series of ancillary service buildings for the hall in this location. These were subsequently removed and replaced with the existing building. The existing office is not of high quality and is typical of its age. There are no conservation objections to the demolition of this building, which does not contribute positively to the setting of the hall.

However, concerns were raised with regards to the scale, mass and design of the replacement structure. The building is proposed to be across four floors. This will add significant height and massing to the site in close proximity of the hall. Whilst it is accepted that the surrounding buildings are not necessarily in keeping with the character of the hall itself, this eroded setting is not a reason for allowing further erosion of the setting.

The design is inappropriate and would affect the setting of the listed building. In its current form the proposals cause less than substantial harm to the setting of the hall without providing any heritage related public benefits. Therefore, in its current form the application cannot be supported. (22.10.2021).

LDC Tree Officer: Final- No objections. Detail regarding the basement element of the scheme has been submitted and addresses concerns raised in previous comments. The excavation of the basement level along with the remainder of construction operations and incorporating tree protection details will need to be incorporated within an arboricultural method statement to BS5837-2012. This may be secured via pre-commencement condition (22.06.2022).

Updated- Previous comments indicated that the subterranean elements of the design had been removed. This was a view formed from comparing previous elevations (which had shown the garaging etc.) to current elevations which do not. On examining the plan views it is clear that although the garaging has been removed and re-located, the basement level remains. Basement construction can

be problematic when constructing close to retained trees depending on the precise details of construction, the material to be excavated and the extent/depth of excavation. There can also be hydrological impacts which can affect retained trees. Therefore, further details relating to the above must be submitted in order to ensure the sustainable retention of adjacent protected trees. The detail must be submitted prior to determination. If such details cannot be supplied then an in principle objection is raised and refusal on the grounds of potential detrimental impact to retained and protected trees is recommended (31.05.2022).

Updated - Significant amendments to the design and layout of the proposed property have occurred following consultation. The subterranean element of the scheme has been deleted in favour of a separate garage building and the extent of the proposed property has been amended to achieve a more sustainable relationship with protected and retained trees. There is now no objection to a development of this form in principle. In order that any development on the plot is carried out in a manner that protects the existing trees, an Arboricultural Impact Assessment and attendant Arboricultural Method Statement to BS5837-2012 produced by a suitably qualified and experienced arboricultural consultant will be required. Ideally this should be secured prior to determination. Alternatively a detailed pre-commencement condition could be applied (29.04.2022)

Initial- Objects to the proposal. The development site is within the designated local Conservation Area and a number of the trees upon the site (and adjoining) are protected by the Tree Preservation Order 1977/19037/TPO. A Tree Survey to BS5837:2012 has been submitted. However, this Survey is usually presented as a pre-development survey and used to determine scheme layout and design, in this instance the survey was undertaken after the scheme was designed, rather than prior to the crucial design stage. Due to the timing of the Survey and it's submission, the suite of relevant Application documents is without the required Arboricultural Impact Assessment, Arboricultural Method Statements and Arboricultural Mitigation measures that the Authority will need to assess and agree before the scheme can be supported. I would also note that an associated Landscaping Scheme design has not been submitted for the Authority to assess. The submitted layout document 2110.01A-1 describes suggested tree removal/s and tree works to allow the facilitation of the development in rather vague and unsubstantiated terms. Given the agreed and noted importance of the trees upon the site further information is required. (20.10.2021).

LDC Ecology Team: Final- The Ecology Team is satisfied with the methodology and the information provided within the submitted Ecological Appraisal Report. The Ecology Team concurs with the conclusions of the report in that; the site supported very little habitat of value to wildlife, and there was no evidence of protected or priority species using the building or vegetation on site, including no ingress opportunities for bats. No further ecological survey effort is required from the applicant at this time, subject to conditions to secure methods of working and a biodiversity net gain on site. (06.05.2022 & 20.10.2021).

LDC Environmental Health Team: Final- No objections were raised in principle to the proposals, subject to the imposition of a condition to control hours of deliveries and construction (11.05.2022).

LETTERS OF REPRESENTATION

60 letters of representation have been received in respect of this application from 42 contributors. The comments made are summarised as follows:

Revised Scheme

28 responses containing objections to the revised scheme have been received from neighbouring residents. The comments made are summarised as follows:

- The proposal is contrary to Policies 1, 3 & 6 of the Local Plan and HSG1 of the Little Aston Neighbourhood Plan.
- The revised proposals do not overcome original objections.

- The overdevelopment of the site, scale and height of the house remains unacceptable and out of keeping with the character of Little Aston Hall Estate and Lakeside.
- Little Aston Hall and Lakeside occupy on 3.3% of the land and the revised building proposals occupy 16.5% of the associated plot.
- The site is more suitable for a two storey house or bungalow
- The roof terrace areas on the 3rd floor would cause privacy and amenity issues to surrounding residents have not been addressed. This would set an inappropriate precedent for any future development.
- Overbearing impacts.
- The drop in height of 2m of the house is not sufficient to compensate for the addition of 3 car detached garage building and addition of a basement replacing the subterranean garage.
- Large basement still remains.
- Proposed garage block may cause damage to established belt of Rhododendron hedge roots, which would erode the character of Little Aston Hall and Lakeside.
- 10m long 1.8m high fence and Yew hedge parallel to Lakeside Road will enclose the site and spoil the open character of Little Aston Hall and Lakeside. This enclosure would also a create pedestrian safety hazard, as there are no footpaths in Lakeside.
- Disruption, noise and safety issues caused to surrounding residents from construction work and vehicles.
- No details of materials or landscaping have been provided.
- Misleading information in Design & Access Statement.

Original Scheme

32 responses containing objections to the original scheme have been received from neighbouring addresses. The comments made are summarised as follows:

- The proposal is contrary to policies of the Local Plan and Neighbourhood Plan in terms of scale, height, mass and design of the proposed house relative to Little Aston Hall and Lakeside.
- The design and three storey property is not in keeping with the character with the area.
- The proposed landscaping is inadequate.
- The proposal would fail to enhance of protect the character of the area.
- Overdevelopment of the plot.
- Loss of privacy/ overlooking.
- A two car underground garage would not provide sufficient parking for a 7 bedroom property. There are covenants on the estate to restrict outside parking.
- Hazards from the construction traffic to highway and pedestrian safety.
- Disruption during construction works
- Impact on protected trees and Rhododendron belt.
- 10m long 1.8m high fence and Yew hedge parallel to Lakeside Road will enclose the site and spoil the open character of Little Aston Hall and Lakeside. This enclosure would also a create pedestrian safety hazard, as there are no footpaths in Lakeside.
- No details of materials or landscaping have been provided.
- The information in the Design & Access Statement states white/green colour of materials for the proposed building, which would be incompatible with the setting of Little Aston Hall and Conservation Area.
- Proposed construction materials should respect the Conservation Area.
- Part of the existing garage block would be modified, upsetting the symmetry of design.

PLANS & DOCUMENTS CONSIDERED AS PART OF THIS RECOMMENDATION

2110.01 Location/Block/Site Plan dated as received 06 April 2022

2110.02 Tree drawing plan dated as received 06 April 2022

2110.03 Proposed Floor Plans dated as received 06 April 2022

2110.04 Proposed Elevations & Sections dated as received 06 April 2022

2110.05 Context Sheet 1 dated as received 06 April 202

2110.06 Context Sheet 2 dated as received 06 April 2022
2110.07 Comparison with original scheme dated as received 06 April 2022
2110.08 Existing elevations dated as received 06 April 2022
2110.09 Orientation of windows dated as received 22 April 2022
Ecological Appraisal Report (dated 9th March 2021) dated as received 30 September 2021
Structural Engineer Letter (dated 17 June 2022) dated as received 18 July 2022
Design & Access Statement (May 2022) dated as received 17 May 2022
Planning & Sustainability Statement (May 2022) dated as received 17 May 2022
Heritage Statement (March 2022) dated as received 17 May 2022
Tree Survey Assessment (dated 5th March 2021) dated as received 17 May 2022

OBSERVATIONS

Site and Location

The application site is located at the junction of Lakeside and approximately 22m to the north of the Grade II Listed Little Aston Hall. The site is wholly within the Little Aston Conservation Area and the Little Aston Neighbourhood Plan Area. The site is surrounded by mature trees, there are two individually protected trees on the site and an area protection (1977/19037/TPO) which covers a number of trees. The existing site plan shows a large oak to the rear of the dwelling. The site is currently occupied by a vacant single storey office building and its associated car parking.

There is a wide variety of design, footprint, scale and mass of buildings in the immediate surrounding area comprising:

Office building -single storey maximum height 5m
Garages – single storey maximum height 5m
2 storey houses – maximum height 8m
4 storey apartment blocks – maximum height 11m
Little Aston Hall -maximum height 13.5m

The dominant building in the immediate area is the Grade II listed Little Aston Hall which has an overall width of some 36m and depth of 25m. In the 1980's the Little Aston Hall site was redeveloped. The original hall was converted into seven superior residential apartments, whilst retaining its external appearance. In addition seven new modern style double blocks each of six apartments were built in the grounds overlooking the lake, three of these blocks are located to the East of the site within Lakeside. Lakeside also contains eight large detached houses.

Background

There are no recent relevant planning permissions pertaining to the site. However, a pre-application enquiry was made during July 2021, which received a positive response on the principle of redevelopment of the site for a single dwelling, with further details required with regards to revised design of the building and impact on trees.

Proposals

This application seeks permission for demolition of 1 No. disused office building and erection of 1 No. detached dwelling.

The proposals are for the demolition of an existing single storey office building and the erection of a three storey detached house to provide 5 No. bedrooms, with basement. The proposed scheme includes a detached triple garage. The proposed house takes architectural references to The Hall and has been substantially revised since submission in collaboration with the relevant officers of the Council. The scheme proposes the removal of a significant amount of hardstanding to the front of the existing building which would be replaced with soft landscaping.

The dwelling has been reduced in height by 2.1m from the original submitted design and has been reduced in footprint by 16%. The elevations have been altered to incorporate a pitched roof design and the elevations are flat fronted. The second floor roof terraces are located to the side elevations and are set back from the principal elevation of the dwelling. Competing elements of the original designs have been removed to improve the relationship with The Hall.

An originally proposed car lift has been removed from the scheme and an alternative above ground location was agreed for a garage to be located within the dense rhododendron shrub group located to the front of the site. A single storey rear wing has also been omitted.

A comprehensive tree survey has been submitted to support the revised scheme. The survey confirms the removal of Some category C trees, however all other trees are to be retained.

The revised proposal re-uses the existing hardstanding to the front of the site with a no-dig construction path linking this to the entrance to the house. All other areas of hardstanding are proposed to revert to soft landscaping.

A number of internal changes have been made to ensure that windows to habitable rooms are not close to the canopies of mature adjacent trees. The revised design would comprise a Parex Render Sand /yellow colour to the elevations, instead of a white render for the original submitted design.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact Heritage Assets/Character of the Area
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology
7. Drainage and Flooding
8. CIL / Planning Obligations
9. Other Issues
10. Human Rights

1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the 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 Little Aston Neighbourhood Plan was made in 2016 and as such, also carries full material weight.

1.2 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 and therefore whilst noted within the above report are not specifically referenced elsewhere.

1.3 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

- 1.4 The Five Year Housing Land Supply 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.
- 1.5 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 Little Aston Neighbourhood Plan.
- 1.6 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. It further lists the locations where development will be directed. Little Aston is not listed within these areas of growth.
- 1.7 Policy CP6 of the Lichfield District Local Plan Strategy relates to housing delivery and focuses upon the monitoring and management of the housing delivery targets outlines in CP1. The policy outlines the proportion of development for each strategic development allocation area. Little Aston is not identified as a strategic development allocation. Outside of the strategic development allocation sites identifies key rural developments where additional housing will be targeted, Little Aston is not included in the list of key rural areas. Outside the strategic development allocations and the key rural settlements the policy lists exceptions where housing development will be permitted. One of these is infill development within defined village settlement boundaries that are set out in the Local Plan Allocations document. The site is within the Little Aston settlement boundary.
- 1.8 Policy CP14 sets out that the District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment. The significance of designated heritage assets including nationally protected listed buildings and their settings, and conservation areas and their settings, will be conserved and enhanced and given the highest level of protection.
- 1.9 The Little Aston Neighbourhood Plan refers specifically to new housing development within a designated area. The site is outside of the Little Aston Park Area. Policies within the plan do not preclude residential development, but do provide specific design and residential amenity criteria for infill development, which are discussed in detail later in this report.

Assessment

- 1.10 The site is located within the settlement boundaries of Little Aston and the proposal comprises infill development within a residential area. Policies CP1 and CP6 of the Local Plan guide new residential development within the District to specific areas, including to within defined settlement boundaries. 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 upon Heritage Assets/Character of the Area
 - 2.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an areas defining characteristics, it states that developments should:
 - Function well and add to the overall quality of the area

- Establish a strong sense of place
 - Achieve appropriate densities
 - Respond to local character and history, and reflect local surroundings and materials
 - Create safe and accessible environments
 - Be visually attractive as a result of good architecture and appropriate landscaping.
 - Opportunities should be taken to incorporate trees
- 2.2 Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. It further states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area as a result of development. 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.
- 2.3 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 2.4 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.
- 2.5 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.
- 2.6 Policy HSG1 – Residential Infill and Backland Development of the Little Aston Neighbourhood Plan sets out that proposals should ‘reflect the character of the area; reinforce the uniformity of the street by reflecting the scale, mass, height and form of it’s neighbours.’
- 2.7 Policy LAP2 – Design of Development in Little Aston Park of the Little Aston Neighbourhood Plan sets out that proposals for ‘new or replacement dwellings in the Little Aston Park density policy area that show innovative design will be encouraged. Such design should ensure that the extensive mature tree cover making up Little Aston Park’s woodland setting is retained.’

Assessment

- 2.8 The site is within the Little Aston Conservation Area and neighboured by Little Aston Hall, which is Grade II listed and a number of large dwellings and blocks of flats. The application is supported by a Heritage Statement which sets out the relevant heritage assets and confirms that the scheme has been designed to complement the adjacent listed building through the removal of the existing office building which is of poor architectural quality, careful design of its replacement building and the retention of trees within the site. The surrounding buildings comprise a wide variety of scale, footprint, design and age of construction.
- 2.9 There have been substantial objections received from neighbours and a local councillor with regards to the proposed height, scale, massing and materials of the proposed scheme appearing out of keeping with the character of the area.

- 2.10 The information supplied, indicates that the proposed dwelling is set forward and down relative to Little Aston Hall. It is considered that the substantially revised scheme (designed with close collaboration with the Council's Conservation Officer) has removed the conflict in design between that of the proposed dwelling and Little Aston Hall, providing a subservient building that would allow the Hall to remain a dominant feature in the landscape. The scheme would provide an improved appearance than that of the existing vacant office building. It would also increase the amount of soft landscaping on the frontage of the site, while preserving the existing trees that are in good condition. Taking into consideration the revised form and layout of the proposed development and the existing buildings which would be demolished it is considered that the development would preserve the setting of the adjacent Listed Building and would preserve and enhance the character and appearance of the Little Aston Conservation Area. The scheme would therefore be compliant with the requirements of the NPPF. A suitably worded condition is recommended to ensure that appropriate high-quality materials are used in the development. Permitted development rights are also recommended to be removed to the new dwelling, in order to control future extensions/alterations to the properties and further protect the historic setting.
- 2.11 As such, it is considered that the proposal would provide an appropriate replacement building that would be of a bespoke and innovative design that would reflect the character of the area, reinforce the uniformity of the street by reflecting the scale, mass, height and form of its neighbours. Therefore, the scheme would not cause harm to the significance, setting, the character or appearance of the designated heritage assets. Thus, the scheme is acceptable on heritage and design grounds and would enhance the character of the conservation area, in accordance with the requirements of the Little Aston Neighbourhood Plan, the Local Plan Strategy and the NPPF.

3 Residential Amenity

- 3.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD requires dwellings with 5 or more bedrooms to have 100 square metres of private amenity space.
- 3.3 Policy HSG1 – Residential Infill and Backland Development of the Little Aston Neighbourhood Plan sets out that new buildings should 'not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden/window or unacceptably reduce the level of private amenity space provision for existing residential properties.'
- 3.4 Policy LAP2 – Design of Development in Little Aston Park of the Little Aston Neighbourhood Plan sets out that proposals for new dwellings should 'ensure that the residential amenity of neighbouring properties is not impacted.'

Assessment

- 3.5 There have been objections received on the grounds that the proposed balcony area would cause detriment to residential amenity and set a precedent within the area. These comments are noted, however, there are balconies on the nearby apartments in Lakeside and there are intervening mature trees, which would preserve the privacy of surrounding residents.

- 3.6 The proposal would comply with the 45 degree/25 degree and facing distance requirements of the Sustainable Design SPD measured from the habitable room windows of nearest residential properties. The scheme provides well in excess of minimum garden requirements for the potential occupiers in accordance with the Sustainable Design SPD. As such it is considered that the proposal would therefore not have an unacceptable impact upon the residential amenity of neighbouring occupiers in terms of overlooking, loss of light or overbearing impact.
- 3.7 On the whole, the proposal would provide an acceptable level of residential amenity whilst causing no unacceptable harm to the existing amenities such as light and privacy enjoyed by neighbouring occupiers. As such the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

4 Access and Highway 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 sets out the following the maximum parking standards for new dwellings which for 5 bed dwellings should have 3 spaces per dwelling.

Assessment

- 4.3 Residents have raised concerns relating to highway safety with regard to vehicular/ pedestrian conflict due to the erection of new railings proposed as part of the redevelopment scheme. However, the new deer rail fencing would be sited behind a Yew hedge and would retain a grass strip to the exterior of the perimeter, which is considered to be of sufficient width to provide a pedestrian refuge from vehicles, if so required.
- 4.4 The proposed new dwelling replaces a vacant office block. It would have a triple detached garage and 3 No. external parking spaces in front of the garage block and house, to serve the property and space for visitors/overflow parking. The parking standards for the proposed development is therefore met. A condition is recommended to ensure that the existing parking spaces and garage serving the new dwelling is retained to ensure sufficient parking is maintained.
- 4.5 Records state that there have been no personal injury collisions on Little Aston Hall Drive or on Aldridge Road within the last five years. Little Aston Hall Drive and Lakeside are private roads and therefore Staffordshire County Council Highways do not hold any accident data for them. They have raised no objections to the amended proposals, as it would have no impact on the public highway and the development proposal is considered to be acceptable on highway grounds. 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 sets out that in order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The Trees, Landscaping and Development SPD sets out how the

Council will expect trees to be protected during development and appropriate new planting to be incorporated into new development sites.

- 5.2 The site contains a number of protected trees, and during the course of the application an updated Arboricultural Assessment has been provided to inform the proposals. The tree survey categorises the existing individual trees in terms of their health and longevity and identifies protection measures for retained trees on site.

Assessment

- 5.3 There are a number of trees within the site and outside, but in close proximity to the boundaries. The proposals would result in the loss of five category 'C' trees. 'C' category are trees of low quality and value. These trees are largely located in the perimeter of the site and are of poor form or unlikely to flourish given their location. Whilst the scheme would result in the loss of some trees, compensatory planting would be secured by a landscaping condition requiring full details of soft and hard landscaping. The Councils Tree Officer has confirmed that the proposed protection measures, which could be utilised in the revised scheme are acceptable and should be conditioned as such.

- 5.4 In light of the above, it is considered that the impact upon retained trees can be controlled and a landscaping scheme will ensure that any loss of trees will be mitigated in accordance with the aforementioned Local Plan Policies, the Trees, Landscaping and Development SPD and NPPF.

6 Ecology

- 6.1 Local Plan Policy NR3 requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development.

Assessment

- 6.2 The preliminary ecological survey found that the site supported very little habitat of value to wildlife, and there was no evidence of protected or priority species using the building or vegetation on site, including no ingress opportunities for bats.

- 6.3 The Ecology team agreed with the conclusions and recommendations of the submitted preliminary ecological assessment, which sets out essential measures and methods of working to ensure protected species are not harmed during the construction phase of the development. This includes any vegetation clearance to be outside of bird nesting season, and the requirements for licensed ecologists to be brought on site should any unexpected protected species be discovered.

- 6.4 The scheme proposes to reduce the existing front areas of hardstanding with soft landscaping and this will also contribute to biodiversity net gains. A condition is recommended to ensure that a specific biodiversity enhancement scheme is submitted, approved and implemented prior to the first occupation of the dwelling.

- 6.5 In respect of the above, the development proposal is considered to be acceptable on ecological grounds and is compliant with Policy NR3 of the Local Plan Strategy as well as relevant guidance contained within the National Planning Policy Framework.

7 Drainage and Flooding

- 7.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 7.2 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques and limit surface water discharge to the greenfield run-off rate.
- 7.3 The site is not located within an identified flood risk area being in Flood Zone 1 nor is it an identified local flooding hotspot. In terms of national policy and standing advice from the Environment Agency a Flood Risk Assessment is not required in this case. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections and do not require a condition to be imposed for the disposal of foul and surface water, however advise an informative for the applicant should be included on the decision notice if the application is approved.
- 7.4 The proposal is therefore considered to be compliant with the Local Plan Strategy and the NPPF, in this regard.

8 CIL / Planning Obligations

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

9 Other Issues

- 9.1 Part of one of the existing garage blocks to the rear would be retained and modified by the proposed scheme, however, this would not cause any significant detrimental impact upon the visual amenity of the area, or remaining structure, as it would be screened from the wider streetscene by surrounding buildings and trees. The resultant building would provide garden storage.

10 Human Rights

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

Conclusion

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

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

Heritage, tree and highway concerns have been appropriately addressed and mitigated through the submission of an amended, improved scheme. It is considered that no outstanding material considerations are present in the determination of this application. The development proposal will not have an unacceptable impact upon the designated heritage asset and will enhance the character and appearance of the Conservation Area. There would be no adverse impact upon highway or pedestrian safety of the surrounding highway network. The proposal is therefore considered to be compliant with the development plan and the NPPF.

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

LOCATION PLAN

22/00932/FUH
17 Trafalgar Way
Lichfield

Scale: 1:1,000

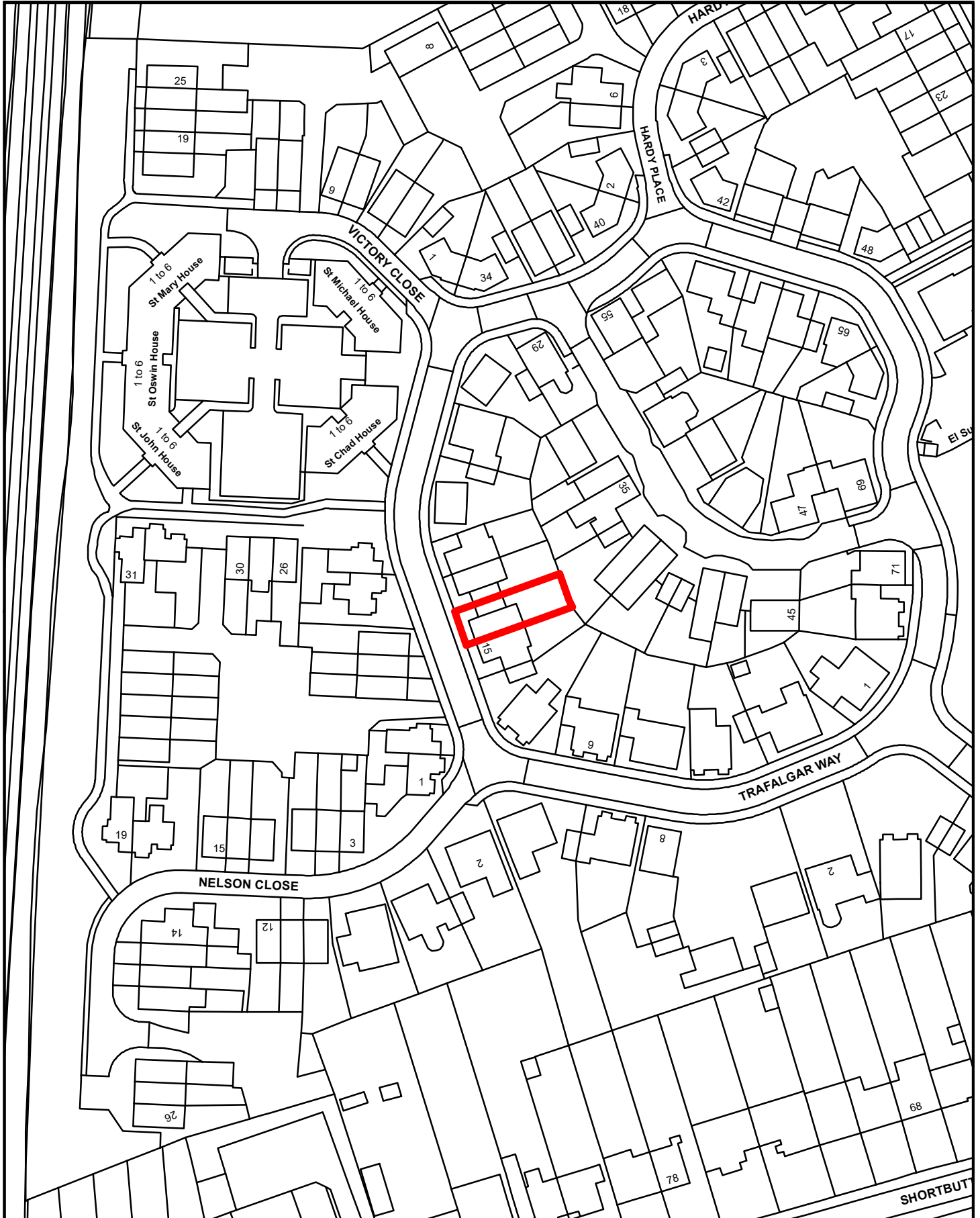
Dated: July 2022

Drawn By:

Drawing No:



© Crown Copyright
Database Rights 2021
Lichfield District Council
Licence No: 100017765



22/00932/FUH

**ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION TO FORM ENTRANCE HALL AND LIVING ROOM
17 TRAFALGAR WAY, LICHFIELD
FOR Miss Melanie Dewell**

Registered **22/06/2022**

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to the application being called in by Councillor Christopher J Spruce, elected member for St John's Ward on the following grounds:

- Design
- Residential Amenity
- Planning Policy

and that 'the application uses a shared party wall'.

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, BE1 and NR7 of the Lichfield Local Plan Strategy, 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 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) 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.

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
Policy BE1: High Quality Development
Policy ST2: Parking Provision

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 Levelling Up, Housing and Communities 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.

CONSULTATIONS

Lichfield City Council: No objections. (04.07.2022)

LDC Arboricultural Team: No objections were raised. (28.07.2022)

LETTERS OF REPRESENTATION

A letter of objection has been received from a neighbouring property at No. 19 Trafalgar Way, which shares a side boundary with the application site. The comments of objection made are summarised as follows: -

- Part of the proposal attaches to an existing wall which is a shared wall with the neighbour
- Before planning is considered the Council should obtain clarification from the applicant as to what work the applicant has done to satisfy herself that any extra load caused by the development will not cause undue stress or any damage.
- Does the applicant intend to reach an agreement on the condition of the party wall prior to commencement of work and buy insurance to cover the cost of any rectification works should such works become necessary?
- The local area consists mainly of three-storey terrace houses, the gardens are small, and neighbours over-look each other. Any extensions are modest. The proposal seeks permission for a significantly bigger, dominating and overbearing extension which creates over-development of the site.
- The floor area of the ground floor of No17 is 36.5m², the proposed extension would increase this to 62m² an increase of 25.2m² or 69%. The existing garden measures 61m² and the proposal would reduce this to an L-shaped 35.8m² which is very small and leaves insufficient garden. This is a reduction of 25.2m² or 41.3%.
- Excessive scale and size
- The site plan is misleading and suppresses size of extension. The site plan has been drafted to give the impression that neighbouring extensions are comparable to the proposed extension. The extension would be two fence panels longer than my own, and each fence panel is 1.9m
- Location of trees is not disclosed on the application. There is a tree in the neighbour's garden which would be in line with the wall of the extension and another tree in another neighbouring garden that is within falling distance. This needs to be addressed.
- Impact on existing car parking arrangements. The proposal includes a door that would enable access directly from the carport. The applicant has stated that this is needed to ensure access by wheelchair in the future. The car port is too cramped and not suitable for this purpose, it also has poor light which would be exacerbated by the extension.
- My neighbour's house is on the south side of my garden so it is an important source of light, I have a window on the side of my extension and I am concerned about reduced day light. Horizontally from the middle of that window the angle is more than 45 degrees to the end of the extension.
- The shared car port and drive relies on light from the back garden. The proposed extension would substantially reduce light coming into the car port for long parts of the day. This creates safety issues in what is already a cramped space.
- The applicant is proposing to install 7.55m of guttering on the side of the extension with a down pipe that she will be unable to fully access. This guttering would be close to my fence and I have concerns of water damage should the pipe become blocked.
- If permission was granted it would set a precedent.

PLANS & DOCUMENTS CONSIDERED AS PART OF THIS RECOMMENDATION

Other	45 Degree Standard Assessment
Existing Elevations / Plans	1484-1 C
Proposed Elevations / Plans	1484-2 C
Existing Elevations / Plans	1484-3 C
Proposed Elevations / Plans	1484-4 C
Sections	1484-5 C
Location Plan	1484-6 C

OBSERVATIONS

Site and Location

The application property is a three-storey, semi-detached property located to the east of Trafalger Way, Lichfield. The property has a dual pitched roof containing a dormer window to the front elevation and is linked to No.19 at first floor level over a shared car port. The off roading parking area belonging to No.17 can house 2 cars.

The property is situated in a residential area as part of a modern development amongst properties matching in style.

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 a single storey side and rear extension. The proposed extension would have a pitched roof and would be accessed via the rear of the car port. The proposed extension would reach a maximum height of 3.6m with an height to the eaves of 2.6m.

The proposed rear extension would increase the rearward projection by a maximum of 7.5m and the width of the extension would be a maximum of 4.8m.

Internally, the extension would feature a hallway and living room with a velux roof light proposed above the hallways. The extension would feature French doors opening to the south side elevation.

The extension would be constructed of brick and tile to match the existing dwelling.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact on the Character of the Area
3. Residential Amenity
4. Parking and Highway Safety
5. Biodiversity
6. Cannock Chase SAC
7. Other Matters
8. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015, 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 an extension 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 Impact on the Character of the Area

- 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 extension would be sited to the side and rear of the property and only glimpses of it would be seen through the shared car port. The extension is single storey and so is clearly subordinate to the host property. Furthermore, it has been designed with matching materials and pitched roof which reflect the character of the host property and which would ensure a satisfactory appearance.
- 2.3 It is noted that an objection has been made regarding the size and scale of the proposed development. In this respect it is noted that the extension would have a depth of 7.5m and a width of 4.8m, which although large, is not out of scale with the host property.
- 2.4 Given the above 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.

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 Supplementary Planning Document (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. 19 Trafalgar Way 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 stage 2 of the 45 Degree Guideline requirements in relation to adjacent property No.19 Trafalgar Way. This has been demonstrated on the submitted plans as part of the application. A 45 degree line drawn from the eaves of the proposed extension intersects the base of the existing rear extension at No.19, falling below the mid-point of the rear doors and the roof light.
- 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 (such as for 'front to front' and 'rear to rear' relationships). However, the SPD goes on to state that if there is an intervening screen between the two elevations the distance between ground floor facing windows can be reduced to 15 metres; or 13 metres in the case of single storey dwellings. In this case there would be a 16.5m separation between the rear elevation of the proposed single storey extension and the properties to the rear with the addition of the garden fences acting as a screen. The separation distances would therefore be met with respect to principal windows and it is therefore considered that an acceptable level of outlook, light and overlooking would be attained for the occupiers of the application site and the properties to the rear at No 37 Trafalgar Way which is the property to the immediate rear of the application site.
- 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 existing 10m length garden would be retained in the southern third of the garden to a width of 2.4m. The distance between the plane of the rear elevation of the proposed extension and the rear boundary would be 4.6m across a width of 5m, giving a total area of private amenity space of 47m², that is 18m² less than that stipulated in the guidance. However, it is worth noting that under the provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 a dwelling house can be extended up to 3m from the rear elevation of the dwelling house and that Class E of the same Part allows for the provision of curtilage buildings provided that they would not exceed 50% of the total area of the curtilage without the need to apply to the local planning authority for permission.
- 3.7 In the above context although the proposal would result in a reduced standard of outside amenity space than that specified in the guidance it is considered that this factor in itself would not warrant refusal in that it would still maintain a high standard of amenity for the occupiers as set out in Paragraph 130 (f) of the National Planning Policy framework. 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 3-bedroom dwelling.

3.8 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.

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. Under the guidance a dwelling with 3 bedrooms would require a maximum of 2 off road parking spaces. It is noted that objections have been received regarding the proposed entrance at the rear of the car port not being accessible for a wheelchair user when the car port is full. However, the proposal provides 2 off-street parking spaces of adequate size and therefore 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.

4.3 In respect to the door in the front elevation of the extension it is noted that this opens inwards and therefore does not detract from the level of parking provision.

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 In this respect it is noted that the application site is small private garden and is not known to support any species or habitat that has special conservation status or ecological value. In respect to the issue of the provision of net gain, this should be proportionate to the scale of the proposal. Whereas it is normal practice for two storey extension to provide a bird or bat box with the curtilage of the extended property it is considered that single storey extensions are below the threshold for when it would be considered proportionate to provide a net gain for biodiversity. It is therefore concluded, on balance, that although the proposal would not be in strict accordance with Policy NR3 of the Local Plan the proposal is acceptable without any net gain for biodiversity.

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 Several concerns have been raised by the occupiers of the adjoining property which have not been addressed in the main body of the report. These will now be addressed.
- 7.2 In respect to the comment of the party wall Officers would point out that this is dealt with under separate legislation and is not a material planning consideration.
- 7.3 In respect to the structural integrity of the proposed extension Officers would comment that this is a matter for Building Control to consider and is not a material planning consideration.
- 7.4 In respect to insurance and harm to third party property Officers would comment that the primary responsibility for the safe development and secure occupancy of a development rests with the developer. The granting of planning permission does not give a developer or successor in title any right to enter or damage third party property. If damage is caused to third party property, then that is a private civil matter between the respective parties with the Courts being the final arbiter on the matter.
- 7.5 In respect to the accuracy of the submitted plans Officers confirm that these have been drawn on an Ordnance Survey map base which may, or may not, be drawn accurately. However, Officer recommendations are not just determined based on submitted plans but also based on site visits where the plans are read in the context of the site and the surrounding area. On this basis the proposal has been assessed to be acceptable.
- 7.6 In respect to the assertion that the location of trees is not disclosed on the application it is noted that there is a single conifer tree adjacent to the shared boundary in the rear garden of No 19 Trafalgar Way. This tree cannot be seen from the public realm and therefore there is no public interest in securing its retention. In respect to the other tree which the objector states would be in falling distance it is noted that 'falling distance' is not a criterion for securing a tree survey. It is whether a development would affect the health of a tree that is the relevant matter. On this basis, given the distance of the tree to the proposed extension it is considered that a tree survey and arboricultural impact assessment is not required.
- 7.7 Concerns have been raised regarding the ability of the applicant to be able to maintain the guttering and downpipe that is proposed to the north side elevation of the extension. Any issues arising from this, such as water damage to the neighbouring property, the applicant would be liable for under civil law. This would not constitute a material consideration as part of the planning process. However, it is noted that there would be a 0.5m gap between side elevation and boundary fence with the downpipe situated close to one end where it would be reachable should the need arise.
- 7.8 In respect to the assertion that if permission was granted it would set a precedent Officers advise that there is no concept of 'precedent' in determining planning applications. Whilst it is expected that decisions will be made consistently the usual principle is that applications should be judged on their individual merits.

8. Human Rights

- 8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be

justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

Conclusion

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, the amenity of neighbouring properties, or highway safety or biodiversity.

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