

Planning Committee

31 October 2022

Agenda Item 4

Contact Officer: Claire Billings

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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

31 October 2022

CONTENTS

Case No.	Site Address	Parish/Town Council
20/00800/COUM	Hawkesyard Estate Armitage Lane Armitage	Armitage With Handsacre
22/00143/FUL	74 Park Road Alrewas	Alrewas
22/00580/FUL	17A Main Street Alrewas	Alrewas
22/00805/FUH	Fairfield Ford Lane Chorley Lichfield	Farewell And Chorley

Lichfield
district council

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Frog Lane
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Staffs
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LOCATION PLAN

20/00800/COUM
Hawkesyard Estate
Armitage Lane Armitage
Rugeley

Scale: 1:4,500

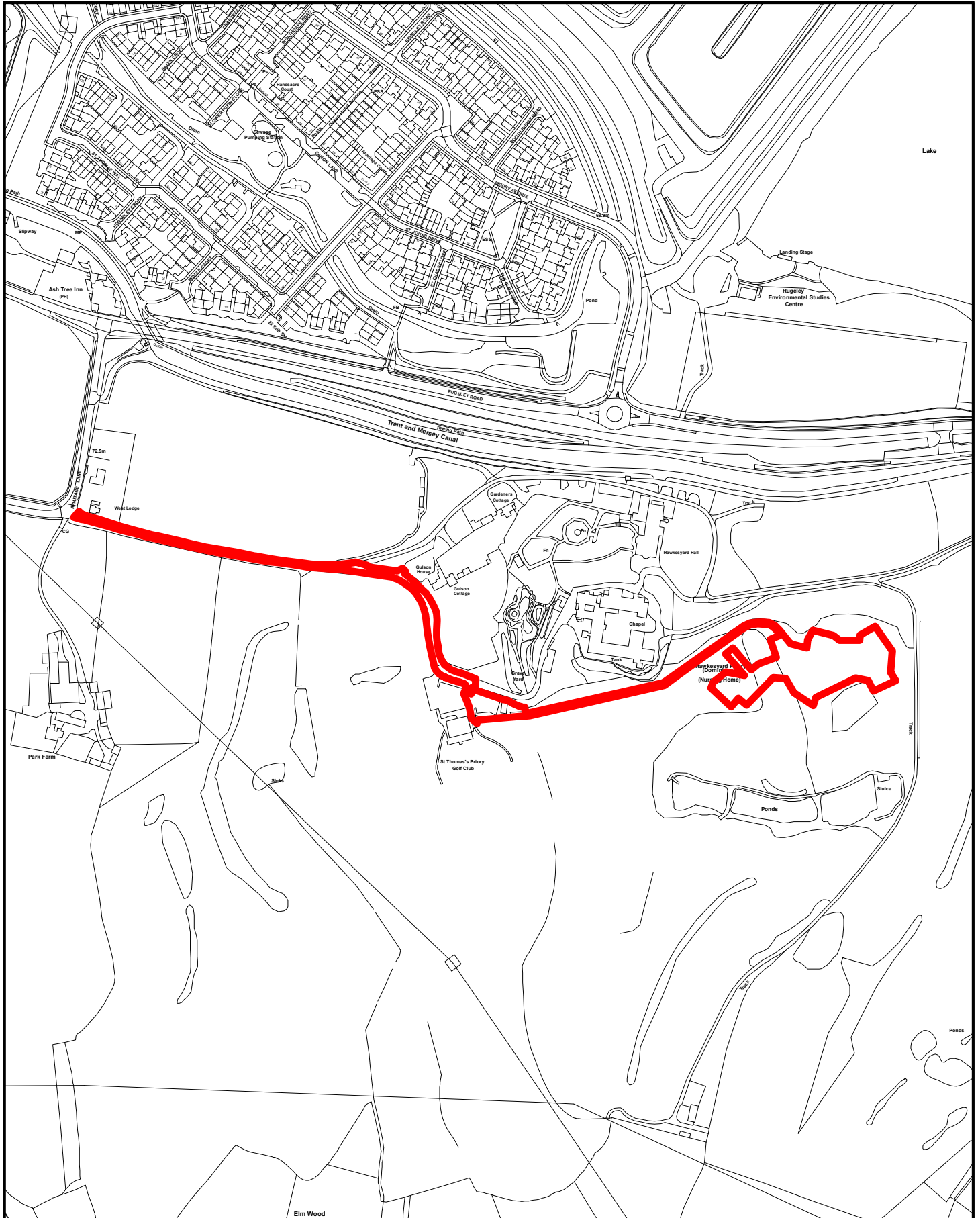
Dated: October 2022

Drawn By:

Drawing No:



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20/00800/COUM

Erection of 10 holiday lodges and associated use of the land for tourist purposes, together with the installation of foul sewerage treatment plant, change of use of former buggy store to form a holiday reception area and use of an existing parking area.

Hawkesyard Estate, Armitage Lane, Armitage, Rugeley.

FOR R Whorton

Registered 09/09/2020

Parish: Armitage With Handsacre

Note 1: This planning application is being reported to the Planning Committee due to significant planning objections raised by Armitage with Handsacre Parish Council and the significant level of neighbourhood objection.

Armitage with Handsacre Parish Council objections include:

- Loss of Green Belt land;
- Not an acceptable use of land;
- Development is out of keeping;
- Detrimental impact upon surroundings;
- Lodges could become permanent in the future

Note 2: Members will recall this application was previously due to be considered by the committee on the 9th May 2022. Before any consideration or debate was made at that committee, it was recommended the item be deferred due to advice received from the Council's legal advisors in regard to non-compliance with the CIL Regulations, which needed to be addressed before the determination of the application. The motion to defer was accepted by the Committee.

Since such time, officers have sought further clarification and information from the applicant to seek to address such concerns. Whilst some information has been submitted, based on assessment of this and further legal advice received, it is not considered that this has adequately addresses the matters of concern regarding the proposals, which therefore remain contrary to Policy. Therefore, officers have prepared a further report and are now recommending to Committee an alternative recommendation that the Application is refused for the reasons set out below.

The original report, recommendation and supplementary from the 9th May 2022 are included as an Appendix to this report for information.

RECOMMENDATION:

Refuse, for the following reasons:

REASONS FOR REFUSAL:

1. The proposed development would constitute an inappropriate form of development in the Green Belt which would, by definition, cause harm to its openness by virtue of introducing new built development to an undeveloped green field site. The proposal does not fall within any category set out in the National Planning Policy Framework (2021) as constituting an exception to inappropriate development in the Green Belt and it has not been demonstrated that very special circumstances exist to outweigh the harm to the Green Belt in this case. The scheme is therefore in conflict with Policy NR2 of the Lichfield District Local Plan Strategy (2015) and the National Planning Policy Framework (2021).

2. The proposed development would result in less than substantial harm to the significance of two designated heritage assets Spode House and St Thomas Chapel. There are no public benefits associated with this proposal which outweigh the harm identified. The proposal is therefore in conflict with Core Policy 3 (Delivering Sustainable Development), Core Policy 14 (Our Built and Historic Environment) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), Policy BE2 (Heritage Assets) of the Local Plan Allocations Document (2019), Historic Environment Supplementary Planning Document (2015) and the National Planning Policy Framework (2021).
3. The proposed development lies within the Zone of Influence of the Cannock Chase Special Area of Conservation. It has not been satisfactorily demonstrated that the development would not detrimentally impact on the ecological importance of this Special Area of Conservation. The proposal is therefore contrary to Core Policy 13 (Our Natural Resources) and Policy NR7 (Cannock Chase SAC) of the Lichfield District Local Plan Strategy (2015) and the National Planning Policy Framework (2021).

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and Armitage with Handsacre Neighbourhood Plan (2017).
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission they may appeal to the Planning Inspectorate, in accordance with Section 78 of the Town & Country Planning Act, 1990 (as amended), within six months of receipt of this notice, or in exceptional cases a longer period as the Planning Inspectorate may allow.
3. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. You must use a Planning Appeal Form when making your appeal, which is obtainable from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>. Only the applicant has the right of appeal.
5. The Inspectorate may publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the Local Authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available at <https://acp.planninginspectorate.gov.uk>.

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 CP7 – Employment & Economic Development

Policy CP9 – Tourism

Policy CP13 – Our Natural Resources

Policy CP14 – Out Built & Historic Environment

Policy NR1 – Countryside Management

Policy NR2 – Development in Green Belt

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees Woodland & Hedgerows

Policy NR5 – Natural & Historic Landscapes

Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces

Policy NR7 – Cannock Chase Special Area of Conservation

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy BE1 – High Quality Development

Local Plan Allocations

Policy BE2- Heritage Assets

Supplementary Planning Document

Sustainable Design SPD

Biodiversity and Development SPD

Historic Environment SPD

Rural Development SPD

Trees, Landscaping and Development SPD

Armitage & Handsacre Neighbourhood Plan (2018)

Policy AH2- Conserving and Enhancing the Local Natural Environment

Policy AH5- Better Design

Policy AH6 – Maintaining the Rural Nature of the Villages

Other Guidance

Historic Environment Good Practice Advice in Planning: 4

RELEVANT PLANNING HISTORY

19/00935/FUL- Retention of 2no. shelters for outdoor leisure activities use- Refused 23.8.2019

19/00864/ADV- Retention of 4no. free standing non-illuminated signs- Part Approved 20.8.2019

19/00854/FUL- Removal of condition 2 of permission 10/00472/FUL relating to removal of fence- Approved subject to conditions 5.7.2019

10/01222/FUL- Retention of 2 golf practice shelters – Refused 17.12.2010 & Allowed on appeal 26.10.2011

10/00472/FUL- Retention of boundary fence- Approved, subject to conditions 8.6.2010

09/00943/FUL- Retention of boundary fencing- Refused 21.10.2009

07/01216/FUL- Single storey infill extension and formation of new canopy- Approved, subject to conditions 16.1.2008

08/00048/FUL- Retention of golf buggy shed and compound- Approved, subject to conditions 11.3.2008

02/00744/COU- Use of land to the left of the golf club approach drive for a golf practise area- Approved, subject to conditions 12.8.2002

CONSULTATIONS

Armitage with Handsacre Parish Council: Final Comments- Strongly objects to the proposed application. The proposed development is on designated green belt, and the use of this piece of land for commercial purposes does not fit within current national or local planning policy. There are particular concerns that the number and size of lodges and the potential occupancy will have considerable impact on the need for hard surface parking, and will likely cause excess vehicle movements in an area where there is a large care home facility. It is difficult to accept that this development is simply for tourist purposes, given the location is not a recognised tourist location. Rather it may be an attempt to create dormitory accommodation for workers on the future development at the Power Station development in Rugeley.

The buildings do not appear to be in keeping with the wider context of the Hawkesyard estate and its environs. The position of the proposed buildings would lead to an overall detrimental impact on the general area. The economic benefits of the proposal do not show a clear or warranted economic advantage. The only entity that gains advantage from this proposal is the applicant. The view of the Parish Council is that the proposal is for a purely commercial enterprise and is not in keeping with the general location. This development could have a detrimental impact generally and will have a negative effect on residential amenity. Believe this proposed development is setting a negative and unwelcome precedent for the green belt area around the Parish. The volume of objections from local residents and the ongoing efforts of a local (and legitimate) action group, shows that there is no appetite for the approval of this application. Our understanding is that applicants proposed redevelopment and refurbishment of the gardens and graveyard is contingent on acceptance of the proposed development. It is our understanding that the gardens and graveyard are already maintained adequately. (05.4.2022)

Initial Comments- Parish Council strongly object to the proposed application. The proposed development is on green belt and is not an acceptable use of valuable land assets for the community. The proposal is for a commercial enterprise and is not in keeping with the area or the intended use and will impact the surrounding area of mainly open farming fields. We do not want this proposed development setting a precedent for the green belt area around the Parish. Have concerns that if this development was to go ahead and the enterprise was not successful in the future, the temporary homes could be converted into permanent dwellings. The Parish has already met the requirements for new homes recommended by the District Council's Local Plan Strategy 2008 - 2029. (11.10.2020)

Severn Trent Water: No objections to the proposals and drainage conditions are not required. (29.09.2020 & 14.05.2021)

Natural England: No objections. Based on the proposals, the development would not damage or destroy the interest features for which the Cannock Chase SAC has been designated for. (09.09.2020 & 09.12.2020)

Campaign to Protect Rural England: Object to the proposals. The scheme constitutes inappropriate development in the Green Belt. (25.09.2020)

Architectural Liaison Officer: No objections. Anti- crime recommendations and advice provided. (29.09.2020)

Western Power Distribution- No objections, however there may be WPD assets in the vicinity of the development works. Recommend the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines. (11.09.2020)

SCC Archaeology: Whilst there is certainly archaeological interest in the wider area, given the developmental history of the application site (i.e. the engineering and landscaping works that would have been carried out in creating the golf course when the parkland was converted for this purpose in the 1980s), the scale, and the lightweight nature and likely impact of the proposals, there are no archaeological concerns. (16.10.2020)

SCC County Highways: No objections on Highway grounds to this proposal. (24.09.2020 & 08.10.2020)

SCC Minerals & Waste: No comments on this application. (16.09.2020)

LDC Spatial Policy & Delivery: The impact upon the Cannock Chase SAC will need to be understood and resolved. The site falls within the Green Belt and with its element of new build conflicts with both national and local policy in regard to inappropriate development in the Green Belt. (28.09.2020)

LDC Economic Development Officer: Supports the proposals on economic development grounds. The proposed development shall enhance the visitor accommodation opportunities within Lichfield District, steering away from the concentration of accommodation within and surrounding Lichfield City to provide further overnight stays and variety of accommodation within the north of the district.

The Staffordshire Accommodation Study 2019 highlights there being no take up of golf resorts and no development of eco lodges within Staffordshire County and this being an area to focus on going forward in developing visitor accommodation. The holiday lodges shall support delivering this sort of accommodation by providing environmentally friendly tourist accommodation, made from natural materials and electric buggies used within a rural setting. Whilst also supporting the generation of new revenue for the Hawkesyard Estate which has previously diversified through creating business space on the estate. The proposal also supports 'strategic priority 10: tourism' in the Lichfield District Local Plan Strategy by growing the existing tourism facilities within the district and providing a greater variety of accommodation. (23.09.2020)

LDC Conservation & Design: Final Comments: Confirm that the Quarry Garden is within the setting of listed buildings and entirely within the Trent and Mersey Canal Conservation Area. The heads of terms previously reviewed set out an opportunity to bring additional funding in to restore a neglected heritage feature, the cost of which would not be insubstantial. It would help to better reveal the developments of the gardens around the main house. It is noted that the longer this restoration is left, the higher the expenses will be in order to bring it back to a good state of repair.

The historic garden is an unusual Victorian quarry garden. These became popular later in the C19 and are distinctly different to the vast landscapes of the C18 gardeners such as Lancelot "Capability" Brown. They have an intimacy that provides a very different character. They are not well represented in the area to my knowledge, therefore there are heritage benefits to carrying out repair works before the form of it is totally lost. They can personally see the benefit to the restoration. The submissions indicate that this benefit would need to be clearly tied to the development of the lodges, which in itself will cause some harm to the setting of the listed buildings. Based upon the location of the lodges, there will be limited impact upon the setting of the listed buildings. From the assessment of the site, the development causes less than substantial harm to the setting of the listed buildings. Whilst there will be screening, the development cannot be seen to enhance or preserve the setting as it does change it further. The works proposed to the Victorian garden were seen as a heritage related benefit to that and could be considered to

outweigh this harm. Without the restoration of the Quarry Garden, it is not possible to balance the harm identified by the lodges against the benefits of the restoration work. (17. 10. 2022)

Updated Comments- Having reviewed the Heads of Terms provided by the applicant in relation to the proposed restoration of the Quarry Garden it is accepted that this is a reasonable approach with regards to the garden features that were identified in the submissions. There will be an impact upon the heritage asset in terms of the proposed development, however this development will be now tied to the works to the Victorian gardens. Therefore, there will be a tangible heritage related public benefit to outweigh this. (04.03.2022)

Updated Comments- Further to a site visit carried out on 25 November 2021. It is considered that the lodges in this location will cause some harm to the character of the area and the setting of the listed buildings, however this impact will be relatively small and can be mitigated against by the addition of more planting and the tying of the decision to the restoration of the historic Victorian Quarry Garden, which is within the ownership of the applicant. (24.12.2021)

Updated Comments- A financial report has been provided to support the statement that the proposed development will be used to create additional income to support the repair and maintenance of the heritage assets. It is suggested that if a case is to be made for enabling development then considerably more information would be required before this could be considered by the LPA. (22.12.2020).

Initial Comments- It is considered that the proposals will cause less than substantial harm to the significance of two designated heritage assets Spode House and St Thomas Chapel. The siting of the cabins and other aspects of the proposals have been carefully considered and have sought to minimise the impact of the proposals on the designated heritage assets. There is insufficient evidence to demonstrate how the proposal will ensure the upkeep of heritage assets. (30.09.2020)

LDC Environmental Health: Final Comments- No objections. The drainage plans are acceptable. (15.11.2020)

Initial Comments- There is potential for the proposals to give rise to noise that could impact unreasonably on neighbouring noise sensitive receptors. A scheme of noise management should be submitted and agreed. It is also advised that a survey is undertaken to demonstrate that the proposed foul drainage arrangements for the site are viable, including porosity tests in the vicinity of the area selected for the soakaway system. (30.09.2020)

LDC Ecology: Final Comments- Satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Biodiversity Metric 2.0 and Preliminary Bat Roost Assessment and Bird Survey. They concurs with the conclusions of the surveys. The LPA is therefore in a position to demonstrate compliance. However, all recommendations and methods of working detailed must be made a condition along with a Construction Environment Management Plan and a Habitat Management Plan. (19.10.2020)

Initial Comments- A biodiversity metric is requested. (02.10.2020)

LDC Parks and Leisure Services: The application is outside the remit of the Councils Grounds Maintenance, Parks and Open Spaces Teams due to being a development within Hawkesyard Estate private golf course. No comment to make. (17.09.2020).

LDC Arboriculture: Final Comments: The service details should also be conditioned and included into the Tree Protection pre-commencement condition. (28.09.2020)

Initial Comments- No objections, however if officers are minded to approve the scheme we would ask that a pre-commencement condition is applied that requires a Tree Protection Plan and a Landscape Plan. (18.09.2020)

LETTERS OF REPRESENTATION

Neighbour consultation was carried out and site and press notices were posted in relation to the planning application. A total of 118 responses were received of which 115 raise objections.

The objections are summarised as follows:

- Loss of Green Belt land.
- Unacceptable use of land.
- Lodges could become permanent in the future.
- Use for commercial purposes is unacceptable and out of keeping.
- Proposed tourist use questioned and not supported.
- Does not show a clear or warranted economic advantage.
- Negative precedent for future similar development.
- "Very special circumstances" unclear and not adequately demonstrated.
- Detrimental impact on nearby historic setting and buildings.
- Detrimental impact upon wider surroundings/ development not in keeping.
- Existing natural landscape would be destroyed/ become unsafe.
- Surrounding graves and historic land must be respected.
- Negative affect on the residential amenity of local residents, and vulnerable care home residents.
- Would cause noise, light, pollution and anti-social behaviour.
- Highways, access and rights of way concerns.
- Excessive vehicle movements in an area where there is a large care home facility.
- Considerable impact on the need for hard surface parking.
- The gardens and graveyard are already maintained adequately.
- Ownership of land access and surrounding discrepancies highlighted.
- Potential for detrimental impacts on existing on site and surrounding ecology.
- Possible arboriculture implications posed by the development proposal.
- Potential to create precedent for future development.

A petition signed by 71 people was received raising concern about the treat to the Hawkesyard Priority Nursing Home with regard to saving the Greenbelt behind the home from development, which would cause loss of green environment, wildlife, habitats and noise disruption to the home.

A letter of support was received from an Archbishop formerly of the Priory Church of St Thomas stating the proposals would bring revenue into the local community, especially as a tourist attraction.

Neighbour re-consultation was undertaken on 22 March 2022 with regard to additional information submitted to support the application, including the potential of public benefits (prepared by Phillip Heath) and heads of terms for a proposed S106 documentation.

Following this re-consultation a total of 7 further representations have been received from local residents all raising objections to the proposal. A further representation of objection from the Armitage with Handsacre Parish Council was also received which is summarised above.

The further objection representations raised to the scheme predominantly relate to concerns/objections previously cited and raise concerns and objections with regard to the contents and conclusions of the potential of public benefits (prepared by Phillip Heath), and heads of terms for a proposed S106 documentation.

Further points of objection received include:

- Discrepancies with regards to the land ownership
- Unclear right to access the land

- Land is gated and locked
- Works unjustified and do not present essential enabling works
- S106 schedule lacks details
- Contrary to national green belt policy
- Disruption to scenery and peaceful environment of the care home

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:

HYE260520_E001B_Existing OS Plan - TCC
 HYE260520_E002B_Existing Block Plan - TCC
 HYE260520_P001C_Proposed OS Plan - TCC
 HYE260520_P002B_Proposed OS Plan with Grid Lines - TCC
 HYE260520_P003B_Proposed Block Plan - TCC
 HYE260520_P004B_Landscape Plan - TCC
 HYE260520_P005C_Reception Building Plans and Elevations - TCC
 HYE260520_P006C_Car Park and Reception Site Plan – TCC
 Mobile Home Boston
 WPL-Diamond-Operation-and-Maintenance-Manual
 WPL-Diamond-UK-Brochure-Digital
 Bat and Bird survey woodland at Hawkesyard Estate Rugeley July 2020 ver 1.1 (1)
 Hawkesyard Estate Armitage Lane Rugeley Pre-Development Tree Survey 02.06.2020
 11361 - Hawkesyard Hall, Rugeley Preliminary Ecological Appraisal (PEA) & Biodiversity Net Gain (BNG) Assessment EMEC - Sept 2020
 Biodiversity Metric 2.0 Calculation Tool Beta Test - Hawkesyard Estate EMEC - Sept 2020
 EAL.97.20 - Hawkesyard Estate - Percolation Letter 22.10.2020
 RBS-20-1974-001 – Red Box Topo.
 Planning & Heritage Statement Hawkesyard by JVH Planning
 Assessment for potential of “public benefit” by Phillip Heath
 Heads of terms for a proposed S106 documentation

OBSERVATIONS

Site and Location

This planning application relates to part of the ‘Hawkesyard Estate’ (as described on the submitted application), Armitage Lane, Armitage, Rugeley.

The application site comprises of 0.9 of a hectare of land formerly used as the Hawkesyard Priory Golf Club, which is accessed from the south side of the A513 via Armitage Lane. The site is located to the south of the Trent and Mersey Canal, Spode House, St Thomas Priory and Hawkesyard Nursing Home, within what is now referred to as the grounds of the Hawkesyard Estate. The Hawkesyard Estate Golf Course; mainly to the south of the site, closed in early 2017.

The area where the holiday lodges are proposed is set to the east of the former golf course club house and previously formed part of the golf course. The site area where the lodges are proposed to be located is surrounded by trees to the north and south, with the former golf fairway leading up from the carpark to the site. The land is undulating and the levels fall from the east towards the car park.

Part of the existing car park is included within the application site, which includes 17 No. parking spaces. There is an existing single storey building within the car park which also forms part of the application proposals.

The application site is situated within the Green Belt, and is within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). The site is within flood zone 1 and the Trent and Mersey Canal, along with its associated Conservation Area is located to the North of the application site. It is noted that part of the access route leads through the Conservation Area. To

the North West of the main site lies the Grade II listed Roman Church of St Thomas, with Spode House and associated coach and summer houses (all Grade II listed) beyond. The area surrounding these buildings is considered as a non-designated historic park and garden, which provides a setting for the aforementioned listed buildings. This park/garden area includes the former Victorian Quarry Garden, which is located to the South-West of the main dwelling associated with the Hawkesyard Estate. The Quarry Garden (which lies outside the application site) is within the setting of the Listed Buildings and entirely within the Trent and Mersey Canal Conservation Area.

Proposals

Planning permission is sought for the proposed erection of 10 No. holiday lodges and associated use of the land for tourist purposes, together with the installation of a foul sewerage treatment plant, change of use of former golf buggy store to form a holiday reception area, and use of an existing parking area in association with the holiday lodges.

The existing site comprises of a part of a former golf course and a buggy store. The golf course closed in 2017. It is proposed to locate the 10 No. holiday lodges adjacent to the former fairway in a grassed area between trees. The holiday lodges themselves would be constructed from timber, each with a footprint of 6m by 19m, with an eaves height of 2.3m and ridge height of 3.2m. Internally, the lodges can be configured to provide a range of bedrooms and living spaces. The proposal aims to deliver low impact tourist accommodation enabling guests to enjoy the landscaped surroundings and other nearby attractions within the area.

A total of 17 No. existing car parking spaces are accommodated to the west within the application site. This provision of off-street car parking is proposed to be retained to serve the proposed holiday lodges. Transportation between the car parking area and the proposed mobile lodges will be facilitated by electric buggy. The existing golf buggy store is proposed to be converted to an office reception area to be used in association with the holiday lodges, with no external alterations required.

Drainage details have been provided which includes the provision of permeable paths and a foul drainage package treatment plant to serve the lodges.

An ecology survey and a Planning & heritage statement in addition to a public benefit statement have been submitted in support of the application.

Following concerns raised by officers in relation to the sensitive location of the development being within the Green Belt and adjacent to heritage assets, during the course of the application the Application was amended and in addition now proposes a scheme of restoration works to an existing Victorian quarry garden located within the wider Hawkesyard estate area. The quarry garden is located immediately to the west of Hawkesyard Hall within its gardens, which on the whole remain well kept and form the immediate outlook from the west elevation of the house. Off to the south of these landscaped gardens, the landscape suddenly becomes more wild and tree-covered, and this is the location of the quarry garden. The garden appears to date from the 1840s. It originated as a quarry of red sandstone, with soil brought in afterwards for the plants. An octagonal glasshouse was a central feature until the 1920's, with sunken paths and planting that were designed to provide a 'curious and thrilling experience' to visitors. Such gardens are rare in form and have not survived since the early 1900's. Currently, the garden has not been maintained for many years and is overgrown and impenetrable. The Victorian Quarry Garden is located outside the red line plan for this application, but is within land under the ownership of the applicant.

The applicant has proposed remedial works to the Quarry gardens, which the submissions indicate are to be directly funded by the profits of the holiday lodge development. The remedial works include, a botanical survey of the quarry garden; a schedule of arboriculture works; the clearing of the grounds including debris of the old glasshouse, making the tunnel entrance accessible again and associated remedial works; archaeological recording of the quarry garden; topographical surveying; and, the re-planting of the area with plants that would have formed part of the original garden in

order to reveal the significance of this heritage asset. The Applicant proposes to secure these quarry garden restoration works via a S106 legal agreement.

Following deferral from the committee agenda in May 2022 - Officers sought additional information from the applicant to satisfy itself that the proposals could properly be considered as enabling development and accordingly meet relevant tests with regard to the CIL Regulations, in that the proposals are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The applicant has supplied the following information since May 2022:

- A statement to answer questions raised by Officers (additional information);
- Details of the proposed wastewater treatment;
- St Thomas Priory Golf Course and Leisure Ltd Annual Report and Unaudited Financial Statements for the year ending June 2019;
- Relaine Estates Ltd Annual Report and Unaudited Financial Statements for the year ending June 2019;
- Report re profit forecasts for the Lodges;
- S106 Heads of Terms Document;
- Block Plan 003 Rev B.

Following further legal advice received in regard to the additional information submitted, additional information was requested, however no further submissions have been provided.

Determining Issues

1. Policy and Principle of Development
2. Impact on the Green Belt
3. Design and Impact upon Heritage Assets and the Character and Appearance of the Surrounding Area/Green Belt
4. Residential Amenity
5. Access and Highway Safety
6. Arboriculture Impacts
7. Ecology
8. Planning Obligations
9. Drainage
10. Other Issues
11. Human Rights

1. Policy and Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Armitage with Handsacre Neighbourhood Plan was also made in 2018 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 Levelling Up, Housing and Communities. Planning

Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

1.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

1.4 Paragraph 81 of the NPPF provides support to economic growth development stating, *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

1.5 Paragraph 84 of the NPPF states that *“Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

1.6 Paragraph 85 continues: *‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.’*

1.7 In terms of the Local Plan Strategy, Core Policy 1 of the Local Plan Strategy establishes the Council’s Spatial Strategy, which seeks to direct growth to the identified sustainable settlements within the District. The policy also recognises the importance of the rural economy, the Green Belt and key tourism assets. The policy sets out that key tourism assets

will be protected and enhanced as this is vital to the particular distinctiveness and character of the District, providing opportunities for increased biodiversity, recreation, tourism, inward investment, improved health and wellbeing and sense of local identity. Core Policy 3 sets out specific issues which need to be addressed in order to achieve sustainable development and minimise the impacts of new development.

- 1.8 Core Policy 7 (Employment and Economic Development) and Rural 1 (Rural Areas) of the Local Plan Strategy supports proposals for diversification of the rural economy where they do not conflict with other Local Plan Policies. Policy NR1 (Countryside Management) recognises the important economic role of the countryside. Rural diversification and job creation are also encouraged in the Council's Rural Development Supplementary Planning Document.

Assessment

- 1.9 The proposal seeks to provide holiday accommodation which would support the tourism offerings within the District. The Council's Economic Development Officer has offered support for the proposals, advising that the proposals would enhance visitor accommodation opportunities in the more rural parts of the District. The Staffordshire Accommodation Study 2019 highlights there being no development of eco lodges within Staffordshire County and this being an area to focus on going forward in developing visitor accommodation. The holiday lodges shall support delivering this sort of accommodation by providing environmentally friendly tourist accommodation, made from natural materials and utilising electric buggies within a rural setting. The proposals would also support the generation of new revenue for the 'Hawkesyard Estate' which has previously diversified through creating business space on the estate. The proposals would be in compliance with strategic priority 10: tourism in the Local Plan Strategy by growing the existing tourism facilities within the district and providing a greater variety of accommodation. In regard to the economy and tourism, it is considered that the scheme would be acceptable. It is noted that the Parish Council and others have raised concerns that the holiday lodges could be converted into dwelling houses, however it is considered that the future use of the lodges could be controlled by suitably worded conditions to ensure that the lodges are used for short stay tourist accommodation only as set out at the beginning of this report. The principle of the provision of short stay tourist accommodation in this location is considered acceptable, subject to the impact on the Green Belt, Heritage Assets and relevant other material considerations which are addressed in detail below.

2. Impact on the Green Belt

- 2.1 The application site is located within the West Midlands Green Belt and therefore, it is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the Green Belt area. Paragraph 137 of the NPPF states that the government attaches great importance to Green Belts and notes that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and to assist in safeguarding the countryside from encroachment. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt. Core Policies CP1 and CP3 also set out the role and importance of the West Midlands Green Belt.
- 2.2 The decision making process when considering proposals for development in the Green Belt is essentially in three stages, as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be

permitted, unless there are very special circumstances which outweigh the presumption against it.

- 2.3 The NPPF states in paragraph 147 that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 states that LPAs should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 149 states that LPAs should regard construction of new buildings as inappropriate in the Green Belt, it then lists exceptions to this and in paragraph 146 lists other forms of development in the Green Belt that are not inappropriate.

Assessment

- 2.4 The conversion of the existing golf buggy store to an office/ welcome desk would entail the re-use of an existing building. No alterations are proposed to the existing building. Similarly the car park provision already exists and as such is considered to have a neutral impact in terms of the Green Belt. Notwithstanding this, the proposed development of 10. No holiday lodges would constitute inappropriate development which should only be approved if there are very special circumstances which outweigh the presumption against them. As set out above, paragraph 149 of the NPPF defines new buildings as being inappropriate. For the purposes of assessment and clarity Officers consider the holiday lodges as new buildings given their scale and permanence. Very special circumstances are only considered to exist where the harm to the Green Belt is clearly outweighed by other considerations.
- 2.5 In terms of what constitutes 'very special circumstances', this will depend on the weight of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. This stage will often be divided into two steps. The first is to determine whether any individual factor taken by itself outweighs the harm identified and the second is to determine whether some or all of the factors in combination outweigh the harm. There is case law that says that a number of factors, none of them 'very special' in isolation, may when combined together amount to very special circumstances. The weight to be given to any particular factor will be very much a matter of degree and planning judgement. There is no formula for assessing the weight which can be attributed to individual factors and neither is there any categorical way of deciding whether any particular factor is a 'very special circumstance'. The list is open ended but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 2.6 The applicant has put forward what they consider to be very special circumstances in their supporting planning statement to justify the development. This includes the provision of tourism accommodation and that the extra income generated from the lodges would support the existing listed buildings. They note that since the golf club closure in 2017 the estate has seen a significant drop in revenue, with a further drop in revenue due to the Coronavirus pandemic forcing closure of the estate for wedding/event purposes. They therefore consider that the overriding economic benefit of the proposals outweighs any perceived harm within the Green Belt and comprises very special circumstances to justify the development.
- 2.7 In addition to the above, during the consideration of the application, further information and clarification had been sought by officers in regard to the harm to the green belt and other harm (including heritage impact; as discussed further below). This culminated in the submission of further supporting information about the proposed restoration of the Victorian Quarry garden, which forms part of the very special circumstances submitted to justify the proposals. This information formed the basis of the previous recommendation and associated Committee Report (Appendix A).
- 2.8 As set out in the previous Committee Report, matters related to economic growth and tourism, whilst noted and acknowledged as important and supported by planning policy above, it is not considered that such matters justify very special circumstances to overcome

the harm caused to the Green Belt in this instance, as such could be provided elsewhere within the District and still achieve the same aims. Furthermore, no clear evidence has been provided to show how the estate would fail without the provision of the revenue from the proposed holiday lodges. Therefore, in the planning balance, economic growth and tourism benefits can be afforded little weight.

2.9 However, it is acknowledged by Officers that the Victorian Quarry Garden is a rare historic asset in its own right. The restoration of such is furthermore supported by the Councils Conservation & Design Officer, as they note that it would provide a positive heritage improvement and avoid the potential loss of this rare garden feature. The applicant provided a supporting assessment for potential of “public benefit” associated with the Quarry Garden. The proposals set out that the restoration works would be secured directly from the development of the holiday lodges through a S106 legal agreement. So it was originally considered that these garden restoration works could consequently, on balance, through enabling development provide a very special circumstance for the proposals, by providing a positive heritage enhancement and ensuring that this historic garden feature is not lost and is also brought into public use.

2.10 Notwithstanding the proposals, Officers have accepted the legal advice that the details of the works proposed to the gardens and the public benefits proposed are not sufficiently clear; in particular how the proposals are linked to the restoration works and how such a public benefit will be suitably secured. It is unclear whether planning permission would be required to secure all of the proposed restoration works and also the quarry gardens lie outside the application site. Whilst S106 heads of terms were originally presented, further queries were raised to ensure that necessary policy tests are met. Paragraph 208 of the NPPF relates to enabling development and requires Local Planning Authorities to assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the benefits of departing from those policies. Historic England have produced a Good Practice Guide ‘Enabling Development and Heritage Assets’ which is a material policy consideration in such proposals. Whilst potential heritage benefits are acknowledged by Officers, harm to heritage assets has also been identified, this issue is dealt with in more detail in section 3 of this report.

2.11 The outstanding issues included:

- Why is it necessary that the funding for the restoration needs to come from this development?
- What resource issues/viability issues have been identified by the applicant to evidence that they cannot afford to restore the Victorian Gardens?
- How will the restoration of the Victorian Gardens be of benefit to the public? i.e. accessibility issues need to be in place in perpetuity.
- Are there any other funding means that have been explored by the applicant to meet the costs of the restoration? e.g. heritage grants to evidence that without the development there would never be a restoration of the garden.
- What restoration works are proposed and what are the costs of the works and is the Local Planning Authority satisfied that those costs can be met within a reasonable timescale from the development.
- What is so special about the Victorian Gardens that outweighs the harm to the Green Belt?

2.12 The applicant has since provided additional information which was reviewed by Officers and the Councils legal advisors. The additional information, which included previously submitted details, is however considered insufficient to address the queries raised or allow Officers to attach weight to the restoration of the Quarry Gardens and the public benefits proposed. The applicant was given a further opportunity to provide information, yet no further submissions have been forthcoming.

2.13 Whilst on balance, the restoration of the Victorian Quarry Gardens could be presented as a very special circumstance to out weight harm caused by the proposed development, it is Officers view in this case that it can only be afforded very little weight. This is because limited information to confirm why the development of the holiday lodges is required to enable the restoration works; that the timescales are unclear; and due to imprecise details of the restoration works and the public benefits and how they are to be secured have been provided in response to the concerns raised. Therefore, it is considered that the harm identified to the Green Belt, by reason of inappropriateness, is not outweighed by very special circumstances. The proposed scheme of development as a whole is therefore considered to fail to meet with relevant Green Belt policies and therefore should be refused for such reasons.

3. Design and Impact upon Heritage Assets and the Character and Appearance of the Surrounding Area.

3.1 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. Paragraph 189 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.

3.2 Under Paragraph 199 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes onto state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm should be weighed against the public benefits of the proposal.

3.3 Paragraph 202 of the NPPF sets out that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.

3.4 Historic England set out good practice advice in 'Enabling Development and Heritage Assets' (June 2020) to guide decision-takers through the relevant considerations when making an assessment of such applications. The guidance advises that the case for enabling development rests on there being a conservation deficit. A conservation deficit is defined as '...The amount by which the cost of repair (and conversion to optimum viable use (if appropriate)) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs.'

3.5 In determining planning applications with respect to any building or other land in a Conservation Area, local planning authorities have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse

consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

3.6 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for the Section 72 duty referred to above, case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

3.7 Local Plan Strategy Policy CP1 sets out that, *'The District's significant high quality natural and built environment and key tourism assets will be protected and enhanced in their own right.....Significant assets include the District's important historic environment and natural, landscape and tourism assets which include conservation areas, Lichfield Cathedral (including views to and from)....'*

3.8 Policy CP3 of the Local Plan Strategy confirms development proposals should, amongst a number of criteria: protect and enhance character and distinctiveness, be of a scale and nature appropriate to its locality, conserve, enhance and expand natural built and heritage assets whilst encouraging the use of previously developed land in the most sustainable locations.

3.9 Local Plan Strategy Policy CP14 states: *'The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to this historic environment's local distinctiveness.'*

'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.'

The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported..... In conservation area, the built form will be protected and enhanced and there should be no net loss of trees.....'

'High quality design, tree planting, landscaping and green spaces will be required as part of new development and elsewhere, to improve quality of place....'

3.10 Policy BE1 of the Local Plan Strategy requires all development to ensure that a high quality sustainable built environment can be achieved which will have a positive impact on *'the significance of the historic environment.... Such as listed buildings, conservation areas and skylines containing important historic, built and natural features. 'Furthermore development including extensions and alterations to existing buildings should 'carefully respect the character of the surrounding area and development in terms of layout, size, architectural design and public views.'* The Policy concludes that new development should have a positive impact on the public realm and *'ensure high quality, inclusive design.'*

3.11 Local Plan Allocations Policy BE2 confirms that development proposals which conserve and enhance the District's historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting. *'The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuring harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF.'*

- 3.12 The Armitage with Handsacre Neighbourhood Plan Policy AH5 requires new development to be of good quality design and respond positively to the site setting and context amongst other factors. Policy AH6 'Maintaining the Rural Nature of the Villages Development' proposals should maintain the rural nature of the villages. Proposals will be supported which maintain Armitage and Handsacre as separate free-standing communities within a rural setting and which: a) respect the landscape setting of the settlement concerned ; b) maintain the distinction between Armitage and Handsacre from other settlements.

Assessment

- 3.13 It is acknowledged that design and heritage related concerns and objections have been presented by local residents and due regard to this is given below.
- 3.14 The application proposes 10 timber lodges. The lodges are to be constructed from slow grown spruce and are proposed to provide environmentally friendly tourist accommodation. Each lodge would be set on an individual concrete pad, and the lodges would be linked by pathways. Vehicular access to the lodges would be prohibited, with visitors' cars being kept on the existing car park and direct access to the lodges being by golf buggy. The lodges have been discreetly placed to limit any impact on the historic setting of adjacent heritage assets and existing mature trees/ vegetation would provide screening. The Councils Tree Officer has confirmed that the development could be assimilated into the site alongside the existing trees and that further landscaping can be secured by condition.
- 3.15 Taking into consideration the nature and scale of the proposals, it is considered that the design and appearance of the proposed development would not have a detrimental impact upon the character and appearance of the surrounding area. As such, subject to conditions to ensure that appropriate additional landscaping is provided and existing trees remain protected, the scheme is considered to be acceptable in regards to general design and impact on the surrounding area.
- 3.16 In terms of the impact on heritage assets, the Conservation & Design Officer has confirmed that the location of the cabins allows for them to be well screened, so there is limited inter-visibility with the cabins and the nearby listed buildings; Spode House and St Thomas Chapel. However, the site sits within landscaped parkland which contributes to the setting and significance of these Grade II listed buildings. The introduction of built form into the otherwise open part of the parkland is considered to erode the quality and appearance of the parkland to a degree and this in turn will have a harmful impact on the setting of the Listed Buildings. It is also considered that the proposals will harm the significance of Hawkesyard Priory Park, which is a non-designated heritage asset. The Conservation & Design Officer has confirmed that this harm to heritage assets, both designated and non-designated is considered to be less than substantial.
- 3.17 Therefore, in accordance with both the NPPF and the Core Strategy policies, this harm needs to be weighed against the public benefits and securing the optimum viable use of the site. In this instance, it was previously considered that significant weight could be afforded to the heritage benefits of the scheme, which as outlined above, includes that the Victorian Quarry Garden is restored.
- 3.18 Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables the conservation of a relevant heritage asset in cases where, otherwise, the future of the asset would not be secured. It is not in the public interest to pursue enabling development if there are alternative means of delivering the same outcome for the heritage asset, such as other sources of public or private investment. The guidance describes it as being '[an]...inefficient way of raising money for the conservation of heritage assets, because it is likely that only a small percentage of the value

of the new development is put towards the repairs and maintenance the other percentage going on the costs of the enabling development.'

- 3.19 In terms of securing the enabling works, the good practice states: *'Using conditions and planning obligations as appropriate to ensure the repair and maintenance of the asset can be secured and enforced. This will usually necessitate setting a standard for the conservation works, and making the funds to do so available as early as possible in the course of the scheme. This would ideally be at the outset and almost certainly before completion or occupation of the enabling development. Planning obligations should only be used where it is not possible to ensure the repair and maintenance of the asset via planning conditions.'*
- 3.20 As set out above in section 2 of this report, insufficient information has been provided to enable Officers to clarify the extent of restoration works proposed, the costs of the works, how such costs would be met, if a standalone planning consent is necessary and associated timescales arising from the development. The proposals to restore the Quarry Gardens have been put forward as a form of 'enabling development', in that the development of the lodges would directly fund the restoration of the Quarry Gardens. However, insufficient information has been provided to demonstrate the extent of the works and if the enabling development would result in heritage benefits, which outweigh the harm identified to the heritage assets. As submitted, the scheme therefore fails to address the Historic England Guidance which sets out key requirements and issues for consideration in such cases. The Historic England Guidance on 'Enabling Development and Heritage Assets' is a material consideration in the assessment of schemes which seek to result in development which will secure the conservation of a heritage asset. The proposals are therefore considered to be unacceptable on such grounds and are contrary to planning policy and guidance.
- 3.21 In relation to archaeological matters, the County Archaeologist comments that no significant impact to the archaeological resource is anticipated. As such no archaeological mitigation condition is required in this instance.
- 3.22 Whilst it is noted that landscaping could be secured by condition, this alone would not outweigh the harm to the heritage assets identified. Furthermore, the harm identified to the heritage assets is not outweighed by the scheme of restoration proposed to the Quarry Gardens when taking into consideration the level of detail submitted to support this application. It is therefore recommended that the application is refused on such grounds

4. Residential Amenity

- 4.1 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. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference is made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD); which includes guidelines to assess the impact of development on neighbouring properties with regard to overlooking, and separation distances recommended to ensure suitable daylight and sunlight.

Assessment

- 4.2 The proposed siting of the development proposals and relationship with the nearest neighbouring properties, ensures the proposed scheme of development would not present any issues with regards to loss of daylight, over bearing impact or overlooking.
- 4.3 It is noted that objections raised to the proposal include the increased likelihood of noise, disturbance and anti-social behaviour. The concerns of local residents are noted, however, it

is considered that the given the separation distances from neighbouring dwellings, the control on the number of lodges (being a maximum of 10), and relevant Environmental Health legislation, which makes provision for noise nuisance there would be no significant detrimental impacts on the existing amenities enjoyed by neighbouring occupiers, so as to justify a sustainable reason to withhold planning permission.

- 4.4 Overall, the development proposals are considered to be acceptable in regards to potential impacts on neighbouring amenity.

5. Access and Highway Safety

- 5.1 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect the amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further to this Policy ST1 - Sustainable Travel and Policy ST2 - Parking Provision of the Local Plan Strategy are also relevant. It is important to also consider the Council's Adopted Sustainable Design Supplementary Planning Document (SPD) as well as the NPPF, particularly paragraph 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.2 The proposed lodges would utilise the existing access and parking areas, with a total of 17 spaces being allocated to serve the 10 lodges. As set out above, transportation between the car parking area and the proposed mobile lodges will be facilitated by electric buggy.
- 5.3 The County Highways Officer has reviewed the proposals and raises no objections to the scheme on highway safety grounds. The proposed development is considered to be a low traffic generator in highway terms and is remote from the public highway. Sufficient off road parking to serve the scheme is proposed. The provision of the parking does not conflict with other permitted uses at the site, as there is additional parking available outside of the application site on the existing car park to serve such uses.
- 5.4 It is acknowledged that highways related concerns and objections have been presented by local residents. Following receipt of the professional County Highways advice, it is however considered to be unreasonable to suggest that the scheme of development would be unacceptable on highways related grounds. The proposed scheme of development is therefore acceptable on access and highway safety grounds.

6. Arboriculture Impacts

- 6.1 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.

Assessment

- 6.2 The majority of the application site is not within a designated Conservation Area (only part of the access is within the designated area) and there are no trees protected by means of a Tree Preservation Order within the site. Notwithstanding this, it is acknowledged that there are a number of mature trees within the site. Such trees form part of the overall layout design for the lodges and aid their integration into the site and its surroundings. A tree report has been submitted which demonstrates that the lodges will be located outside of the

Root Protection Areas for the retained trees. Given the potential for some damage during the installation of the drainage, services and hardstanding to occur, a suitably worded condition requiring a Tree Protection Plan and Method Statement could be used to ensure that the existing retained trees are afforded adequate protection during construction works. Landscaping could also be secured by condition in order to ensure that appropriate planting is provided to enhance the character of the area and the development.

- 6.3 On this basis, subject to the above referenced planning conditions, the proposed scheme of development is acceptable on arboriculture related grounds.

7 Ecology

- 7.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

Assessment

- 7.2 The application is supported by a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Biodiversity Metric 2.0 and Preliminary Bat Roost Assessment and Bird Survey. The Ecology Team concurs with the conclusions of the surveys which set out that there was no evidence of bats or birds using the existing building to be retained as an office and whilst bats are foraging and commuting across the site there was no evidence of bat roosts in trees.
- 7.3 It can therefore be concluded that it is unlikely that the proposed works would negatively impact on protected species or upon a protected or priority species or habitat. The Local Planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regulations 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 7.4 The submitted preliminary ecological appraisal and bat and bird survey sets out methods of working and mitigation/ enhancement measures. Such methods of working can be secured by condition. Proposed mitigation measures include the restriction of external lighting within the site, the provision of 10.No. bat boxes and bird boxes across the site and the planting of meadow grass seed mixes to promote a diverse grassland mix to support insect diversity and therefore forage opportunities for bats and birds. Suitably worded conditions could also ensure that an appropriate scheme for future habitat creation works and sustained good management thereof, in the form of a Habitat Management Plan (HMP), is agreed and implemented. Furthermore, all recommendations and methods of working detailed within the Preliminary Ecological Appraisal and the Preliminary Bat Roost Assessment and Bird Survey could be subject to a condition to ensure that works to construct the lodges are carried out appropriately.
- 7.5 Subject to this above referenced planning conditions, it is considered that the development proposal is acceptable with regards to potential ecological implications.

8 Planning Obligations

Cannock Chase SAC

- 8.1 The application site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation. The proposed scheme of development is considered to present an adverse impact on the Cannock Chase Special Area of Conservation unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 8.2 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, additional recreation pressures from development within a 15km zone of influence are considered to present adverse effects to the integrity of the SAC.
- 8.3 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015 (which was updated on 1st April 2022), acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the zone. This site lies within the 15 km zone of influence and as such is directly liable to SAC payment with respect to the provision of visitor accommodation which is likely to result in tourists visiting the area.
- 8.4 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Appropriate Assessment concludes that the mitigation measures which include a financial contribution towards the maintenance and control of visitors to the SAC (paid to the Cannock Chase SAC Partnership) will address any harm arising from the development to the Cannock Chase SAC. The contribution is calculated on a formula based on tourism bed spaces. On the basis of year round occupancy, the financial contribution required would be £2905.80. This approach is supported by Natural England through the Cannock Chase Partnership.
- 8.5 The Cannock Chase SAC Partnership mitigation payment has not been included in the submitted S106 heads of terms. In the absence of a legal agreement to secure the financial contribution set out above towards the Cannock Chase SAC Partnership, it is concluded that the Local Planning Authority cannot meet its requirements as the competent authority, as required by the Habitat Regulations and therefore the proposal fails to comply with the requirements of the Development Plan and the NPPF in this regard. Refusal is therefore recommended on such grounds.

9 Drainage

- 9.1 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. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

Assessment

- 9.2 The scheme of development hereby under consideration proposes to drain surface water from the lodges via soakaway/ runoff while also using permeable paths. It is proposed that foul drainage will utilise a new WPL Diamond package treatment plant and drainage field for its runoff.
- 9.3 The site lies within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of drainage, Severn Trent Water have raised no objection to the principle of the proposal and do not require details of foul and surface water disposal. It is therefore considered that the requirements of the Local Plan and the National Planning Policy Framework with respect to drainage and flooding are therefore met.

10 Other Issues

- 10.1 Concerns have been raised about the discrepancies with land ownership matters. Having reviewed matters officers are satisfied that the necessary procedural requirements with regard to service of notice has been carried out with regard to the application site/area outlined in red and the land outlined in blue.
- 10.2 Matters related to right of access lie with the applicant/future developer to secure and is not a reason to withhold planning permission.

11 Human Rights

- 11.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. Article 1 of the first protocol may also be of relevance as it provides for every natural and legal person to be entitled to the peaceful enjoyment of their possessions. The potential interference here has been fully considered within the report in having regard to the representations received and the provisions of the policies of the development plan and national planning policy and is proportionate. The applicant has a right of appeal in accordance with Article 6.

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 proposed development is located within a sensitive location being within the West Midlands Green Belt and with designated and non-designated heritage assets being in close proximity. The site also sits within landscaped parkland which contributes to the setting and significance of adjacent heritage assets. During the course of the consideration of the application officers have worked with the applicants to establish the precise extent of heritage benefits which can be supported by the scheme, such benefits now include provisions for the restoration of a Victorian Quarry Gardens, which is a rare historic asset in its own right. The proposed restoration works have been outlined by the applicant and in principle are supported by the Councils Conservation & Design Officer. Whilst the submissions indicate that the restoration works are to be secured directly from the development of the holiday lodges through a S106 legal agreement, additional adequate information to demonstrate that the scheme is necessary and appropriate to secure the future conservation of this rare heritage asset has not been forthcoming. As such, insufficient information has been provided to outweigh the harm of inappropriate development in the Green Belt.

The identified harm to the setting and significance of the heritage assets has been balanced against the public and heritage benefits of the scheme, in line with the requirements set out in National Policy and Historic England Guidance. Given the ambiguity surrounding the Quarry Garden restoration works and how they are secured, it is considered that the heritage benefits of the scheme are limited, and insufficient to outweigh the less than substantial harm identified to the heritage assets in the locality. The provision of tourist accommodation in this part of the District would present tourism benefits to the local economy. These benefits are however afforded limited weight in the planning balance, although compliance with policies in relation to the economy and tourism are noted.

In terms of the impact on residential amenity and highway safety, as set out in the above report, no objections have been raised by the County Highway Authority, and it is noted that parking provision could be secured by condition. It is also considered that the scheme would respect existing and future residential amenity and could by way of mitigation measures secured by condition address on site biodiversity and ecological aims. Tree protection and additional planting could also be secured by condition. Notwithstanding this, these factors would not outweigh the harm identified to the Green Belt or Heritage Assets.

It is also noted that the Heads of Terms for the proposed S106 legal agreement has not been presented with respect to securing financial mitigation towards Cannock Chase SAC, which is a policy requirement. Therefore, harm would be caused in this regard.

Consequently, it is considered that even with the consideration of the submission of additional information from the applicant, the appropriate assessment of the proposals against Heritage England Guidance and following legal advice, this confirms that the proposals are unacceptable as they depart from the relevant guidance and accordingly the proposal cannot be supported. Accordingly, it is recommended that this application be refused, subject to the reasons as set out at the beginning of this report.

List of Appendices

Appendix 1- Planning Committee Report 09.05.2022

Appendix 2- Planning Committee Supplementary Paper 09.05.22

Appendix 1- Planning Committee Report 09.05.22 extract
relating to application ref. 20/00800/COUM

20/00800/COUM

ERECTION OF 10 HOLIDAY LODGES AND ASSOCIATED USE OF THE LAND FOR TOURIST PURPOSES, TOGETHER WITH THE INSTALLATION OF FOUL SEWERAGE TREATMENT PLANT, CHANGE OF USE OF FORMER BUGGY STORE TO FORM A HOLIDAY RECEPTION AREA AND USE OF AN EXISTING PARKING AREA.

**HAWKESYARD ESTATE, ARMITAGE LANE, ARMITAGE, RUGELEY
FOR R Whorton**

Registered: **09/09/2020**

Parish: Armitage with Handsacre

Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by Armitage with Handsacre Parish Council and the significant level of neighbourhood objection.

Armitage with Handsacre Parish Council objections include:

- Loss of Green Belt land;
- Not an acceptable use of land;
- Development is out of keeping;
- Detrimental impact upon surroundings;
- Lodges could become permanent in the future

RECOMMENDATION:

- (1) **Subject to the owners/applicants first entering into a S106 to secure the following:-**
 - i **A financial contribution towards the Cannock Chase Special Area of Conservation;**
 - ii. **The restoration of the Victorian Quarry Garden.**
- (2) **If the S106 legal agreement is not signed/completed by 1st September 2022 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

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

4. Prior to the commencement of the development, notwithstanding the submitted details, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be undertaken in strict accordance with the approved details for the duration of the construction programme.
5. Prior to the commencement of the development, a Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The HMP shall detail in full the future habitat creation works and sustained good management thereof. The development shall be carried out and managed in accordance with the approved details contained within the HMP for the lifetime of the development.
6. Prior to the commencement of the development, a detailed scheme of landscaping and measures for the protection of trees and hedges to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority. The works and protection measures shall thereafter be carried out in accordance with the agreed details and timescales or pursuant to the requirements of other conditions set out within this consent.

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

7. Prior to the first use of any part of the development hereby approved, a scheme of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme of external lighting shall be implemented in accordance with the approved details prior to the first use of the development. There shall be no other external lighting installed within the application site whatsoever other than with the approved external lighting scheme.

All other CONDITIONS to be complied with:

8. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping (as approved pursuant to condition 6) shall be carried out in the first planting and seeding season following the first occupation of any of the lodges 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.
9. All existing trees and hedges shown as being retained on the plans hereby approved shall be protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.
10. The car parking shown on the approved plans shall be retained for its designated purposes to serve the holiday lodges hereby approved for the lifetime of the development.
11. The development shall be carried out wholly in accordance with the recommendations and methods of working detailed within the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and the Preliminary Bat Roost Assessment and Bird Survey both dated as received 09 September 2020.
12. The holiday lodges hereby approved shall be used for short-stay holiday accommodation only and not used for permanent residential occupation at any time. There shall be a

maximum single continuous occupation/let of a holiday lodge of one month. There shall be a period of at least a 1 month gap between the occupation/let of a holiday lodge by the same occupants. A register including dates of occupation, names and permanent home addresses, of the occupants of the holiday lodges shall be maintained for inspection during reasonable hours by the Local Planning Authority.

13. Upon the permanent cessation of the use of the holiday lodges, supporting structures and any related paraphernalia shall be removed and the land restored to its former condition.

REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP5, CP13, CP14, NR1, NR2, NR3, NR4, NR7, ST1, ST1 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Biodiversity and Development SPD, the Historic Environment SPD, the Rural Development SPD, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Armitage & Handsacre Neighbourhood Plan, and the National Planning Policy Framework.
3. 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, BE2 of the Local Plan Allocations Document, the Sustainable Design SPD the Armitage & Handsacre Neighbourhood Plan and the National Planning Policy Framework.
4. 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 and the National Planning Policy Framework.
5. In order to safeguard the ecological interests of the site and 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 and the National Planning Policy Framework.
6. In order to provide a biodiversity net gain, in the interests of the visual amenities of the locality and to mitigate impact on the setting of nearby listed buildings, in accordance with Policies CP3, CP13, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD and the Historic Environment SPD, the Armitage & Handsacre Neighbourhood Plan, and the National Planning Policy Framework.
7. 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 and the National Planning Policy Framework.
8. 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 heritage assets 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, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD, the Armitage & Handsacre Neighbourhood Plan, and the National Planning Policy Framework.

9. To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.
10. 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.
11. 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 and the National Planning Policy Framework.
12. For the avoidance of doubt to ensure the development is used as holiday accommodation as applied for only and not as permanent living accommodation with associated permitted development rights for alterations and extensions in accordance with Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Armitage & Handsacre Neighbourhood Plan and the National Planning Policy Framework.
13. In the interests of the amenity of the locality in general and the conservation of heritage assets, in accordance with Policies CP3, CP14, CP5, ST1 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Armitage & Handsacre Neighbourhood Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and Armitage with Handsacre Neighbourhood Plan (2017).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
4. The applicant is advised to note and act upon as necessary the comments of the Ecology team.
5. The applicant is advised to note and act upon as necessary the comments of the Environmental Health team.
6. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department.

7. The applicant is advised that there may be Western Power Distribution assets in the vicinity of the development works. The applicant/ developer is advised to contact Western Power Distribution prior to any works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development.
 8. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 9. The applicant is advised that the tree protection plan required under condition 6 should include service details such as drainage provision and electricity connection.
 10. The applicant is advised that the landscaping details required under condition 6 should include details of meadow grass planting, as recommended in the submitted Bat and Bird Survey enhancement measures.
 11. The applicant is advised that the Habitat Management Plan required under condition 5 should include details of a scheme of bird and bat boxes to achieve biodiversity enhancement within the site in line with the recommendations of the submitted Ecology Reports.
 12. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
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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 CP7 – Employment & Economic Development
Policy CP9 – Tourism
Policy CP13 – Our Natural Resources
Policy CP14 – Our Built & Historic Environment

Policy NR1 – Countryside Management
Policy NR2 – Development in Green Belt
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation

Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy BE1 – High Quality Development

Local Plan Allocations

Policy BE2- Heritage Assets

Supplementary Planning Document

Sustainable Design SPD

Biodiversity and Development SPD

Historic Environment SPD

Rural Development SPD

Trees, Landscaping and Development SPD

Armitage & Handsacre Neighbourhood Plan (2018)

Policy AH2- Conserving and Enhancing the Local Natural Environment

Policy AH5- Better Design

Policy AH6 – Maintaining the Rural Nature of the Villages

Other Guidance

Historic Environment Good Practice Advice in Planning: 4

RELEVANT PLANNING HISTORY:

19/00935/FUL- Retention of 2no. shelters for outdoor leisure activities use- Refused 23.8.2019

19/00864/ADV- Retention of 4no. free standing non-illuminated signs- Part Approved 20.8.2019

19/00854/FUL- Removal of condition 2 of permission 10/00472/FUL relating to removal of fence- Approved subject to conditions 5.7.2019

10/01222/FUL- Retention of 2 golf practice shelters – Refused 17.12.2010 & Allowed on appeal 26.10.2011

10/00472/FUL- Retention of boundary fence- Approved, subject to conditions 8.6.2010

09/00943/FUL- Retention of boundary fencing- Refused 21.10.2009

07/01216/FUL- Single storey infill extension and formation of new canopy- Approved, subject to conditions 16.1.2008

08/00048/FUL- Retention of golf buggy shed and compound- Approved, subject to conditions 11.3.2008

02/00744/COU- Use of land to the left of the golf club approach drive for a golf practise area- Approved, subject to conditions 12.8.2002

CONSULTATIONS:

Armitage with Handsacre Parish Council: Final Comments- Strongly objects to the proposed application. The proposed development is on designated green belt, and the use of this piece of land for commercial purposes does not fit within current national or local planning policy. There are particular concerns that the number and size of lodges and the potential occupancy will have considerable impact on the need for hard surface parking, and will likely cause excess vehicle movements in an area where there is a large care home facility. It is difficult to accept that this development is simply for tourist purposes, given the location is not a recognised tourist location. Rather it may be an attempt to create dormitory accommodation for workers on the future development at the Power Station development in Rugeley.

The buildings do not appear to be in keeping with the wider context of the Hawkesyard estate and its environs. The position of the proposed buildings would lead to an overall detrimental impact on the general area. The economic benefits of the proposal do not show a clear or warranted economic advantage. The only entity that gains advantage from this proposal is the applicant. The view of the Parish Council is that the proposal is for a purely commercial enterprise and is not in keeping with the general location. This development could have a detrimental impact generally and will have a negative effect on residential amenity. Believe this proposed development is setting a negative and unwelcome precedent for the green belt area around the Parish. The volume of objections from local residents and the ongoing efforts of a local (and legitimate) action group, shows that there is no appetite for the approval of this application. Our understanding is that applicants proposed redevelopment and refurbishment of the gardens and graveyard is contingent on acceptance of the proposed development. It is our understanding that the gardens and graveyard are already maintained adequately. (05.4.2022)

Initial Comments- Parish Council strongly object to the proposed application. The proposed development is on green belt and is not an acceptable use of valuable land assets for the community. The proposal is for a commercial enterprise and is not in keeping with the area or the intended use and will impact the surrounding area of mainly open farming fields. We do not want this proposed development setting a precedent for the green belt area around the Parish. Have concerns that if this development was to go ahead and the enterprise was not successful in the future, the temporary homes could be converted into permanent dwellings. The Parish has already met the requirements for new homes recommended by the District Council's Local Plan Strategy 2008 - 2029. (11.10.2020)

Severn Trent Water: No objections to the proposals and drainage conditions are not required. (29.09.2020 & 14.05.2021)

Natural England: No objections. Based on the proposals, the development would not damage or destroy the interest features for which the Cannock Chase SAC has been designated for. (09.09.2020 & 09.12.2020)

Campaign to Protect Rural England: Object to the proposals. The scheme constitutes inappropriate development in the Green Belt. (25.09.2020)

Architectural Liaison Officer: No objections. Anti- crime recommendations and advice provided. (29.09.2020)

Western Power Distribution- No objections, however there may be WPD assets in the vicinity of the development works. Recommend the developer contacts WPD prior to any of their works commencing. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines. (11.09.2020)

SCC Archaeology: Whilst there is certainly archaeological interest in the wider area, given the developmental history of the application site (i.e. the engineering and landscaping works that would have been carried out in creating the golf course when the parkland was converted for this purpose in the 1980s), the scale, and the lightweight nature and likely impact of the proposals, there are no archaeological concerns. (16.10.2020)

SCC County Highways: No objections on Highway grounds to this proposal. (24.09.2020 & 08.10.2020)

SCC Minerals & Waste: No comments on this application. (16.09.2020)

LDC Spatial Policy & Delivery: The impact upon the Cannock Chase SAC will need to be understood and resolved. The site falls within the Green Belt and with its element of new build conflicts with

both national and local policy in regard to inappropriate development in the Green Belt. (28.09.2020)

LDC Economic Development Officer: Supports the proposals on economic development grounds. The proposed development shall enhance the visitor accommodation opportunities within Lichfield District, steering away from the concentration of accommodation within and surrounding Lichfield City to provide further overnight stays and variety of accommodation within the north of the district.

The Staffordshire Accommodation Study 2019 highlights there being no take up of golf resorts and no development of eco lodges within Staffordshire County and this being an area to focus on going forward in developing visitor accommodation. The holiday lodges shall support delivering this sort of accommodation by providing environmentally friendly tourist accommodation, made from natural materials and electric buggies used within a rural setting. Whilst also supporting the generation of new revenue for the Hawkesyard Estate which has previously diversified through creating business space on the estate. The proposal also supports 'strategic priority 10: tourism' in the Lichfield District Local Plan Strategy by growing the existing tourism facilities within the district and providing a greater variety of accommodation. (23.09.2020)

LDC Conservation & Design: Final Comments- Having reviewed the Heads of Terms provided by the applicant in relation to the proposed restoration of the Quarry Garden it is accepted that this is a reasonable approach with regards to the garden features that were identified in the submissions. There will be an impact upon the heritage asset in terms of the proposed development, however this development will be now tied to the works to the Victorian gardens. Therefore, there will be a tangible heritage related public benefit to outweigh this. (04.03.2022)

Updated Comments- Further to a site visit carried out on 25 November 2021. It is considered that the lodges in this location will cause some harm to the character of the area and the setting of the listed buildings, however this impact will be relatively small and can be mitigated against by the addition of more planting and the tying of the decision to the restoration of the historic Victorian Quarry Garden, which is within the ownership of the applicant. (24.12.2021)

Updated Comments- A financial report has been provided to support the statement that the proposed development will be used to create additional income to support the repair and maintenance of the heritage assets. It is suggested that if a case is to be made for enabling development then considerably more information would be required before this could be considered by the LPA. (22.12.2020).

Initial Comments- It is considered that the proposals will cause less than substantial harm to the significance of two designated heritage assets Spode House and St Thomas Chapel. The siting of the cabins and other aspects of the proposals have been carefully considered and have sought to minimise the impact of the proposals on the designated heritage assets. There is insufficient evidence to demonstrate how the proposal will ensure the upkeep of heritage assets. (30.09.2020)

LDC Environmental Health: Final Comments- No objections. The drainage plans are acceptable. (15.11.2020)

Initial Comments- There is potential for the proposals to give rise to noise that could impact unreasonably on neighbouring noise sensitive receptors. A scheme of noise management should be submitted and agreed. It is also advised that a survey is undertaken to demonstrate that the proposed foul drainage arrangements for the site are viable, including porosity tests in the vicinity of the area selected for the soakaway system. (30.09.2020)

LDC Ecology: Final Comments- Satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Biodiversity Metric 2.0 and Preliminary Bat Roost Assessment and Bird Survey. They concurs with the conclusions of the surveys. The LPA is therefore in a position to demonstrate compliance. However, all

recommendations and methods of working detailed must be made a condition along with a Construction Environment Management Plan and a Habitat Management Plan. (19.10.2020)

Initial Comments- A biodiversity metric is requested. (02.10.2020)

LDC Parks and Leisure Services: The application is outside the remit of the Councils Grounds Maintenance, Parks and Open Spaces Teams due to being a development within Hawkesyard Estate private golf course. No comment to make. (17.09.2020).

LDC Arboriculture: Final Comments: The service details should also be conditioned and included into the Tree Protection pre-commencement condition. (28.09.2020)

Initial Comments- No objections, however if officers are minded to approve the scheme we would ask that a pre-commencement condition is applied that requires a Tree Protection Plan and a Landscape Plan. (18.09.2020)

LETTERS OF REPRESENTATION:

Neighbour consultation was carried out and site and press notices were posted in relation to the planning application. A total of 118 responses were received of which 115 raise objections.

The objections are summarised as follows:

- Loss of Green Belt land.
- Unacceptable use of land.
- Lodges could become permanent in the future.
- Use for commercial purposes is unacceptable and out of keeping.
- Proposed tourist use questioned and not supported.
- Does not show a clear or warranted economic advantage.
- Negative precedent for future similar development.
- "Very special circumstances" unclear and not adequately demonstrated.
- Detrimental impact on nearby historic setting and buildings.
- Detrimental impact upon wider surroundings/ development not in keeping.
- Existing natural landscape would be destroyed/ become unsafe.
- Surrounding graves and historic land must be respected.
- Negative affect on the residential amenity of local residents, and vulnerable care home residents.
- Would cause noise, light, pollution and anti-social behaviour.
- Highways, access and rights of way concerns.
- Excessive vehicle movements in an area where there is a large care home facility.
- Considerable impact on the need for hard surface parking.
- The gardens and graveyard are already maintained adequately.
- Ownership of land access and surrounding discrepancies highlighted.
- Potential for detrimental impacts on existing on site and surrounding ecology.
- Possible arboriculture implications posed by the development proposal.
- Potential to create precedent for future development.

A petition signed by 71 people was received raising concern about the treat to the Hawkesyard Priority Nursing Home with regard to saving the Greenbelt behind the home from development, which would cause loss of green environment, wildlife, habitats and noise disruption to the home.

A letter of support was received from an Archbishop formerly of the Priory Church of St Thomas stating the proposals would bring revenue into the local community, especially as a tourist attraction.

Neighbour re-consultation was undertaken on 22 March 2022 with regard to additional information submitted to support the application, including the potential of public benefits (prepared by Phillip Heath) and heads of terms for a proposed S106 documentation.

Following this re-consultation a total of 7 further representations have been received from local residents all raising objections to the proposal. A further representation of objection from the Armitage with Handsacre Parish Council was also received which is summarised above.

The further objection representations raised to the scheme predominantly relate to concerns/objections previously cited and raise concerns and objections with regard to the contents and conclusions of the potential of public benefits (prepared by Phillip Heath), and heads of terms for a proposed S106 documentation.

Further points of objection received include:

- Discrepancies with regards to the land ownership
- Unclear right to access the land
- Land is gated and locked
- Works unjustified and do not present essential enabling works
- S106 schedule lacks details
- Contrary to national green belt policy
- Disruption to scenery and peaceful environment of the care home

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:

HYE260520_E001B_Existing OS Plan - TCC
HYE260520_E002B_Existing Block Plan - TCC
HYE260520_P001C_Proposed OS Plan - TCC
HYE260520_P002B_Proposed OS Plan with Grid Lines - TCC
HYE260520_P003B_Proposed Block Plan - TCC
HYE260520_P004B_Landscape Plan - TCC
HYE260520_P005C_Reception Building Plans and Elevations - TCC
HYE260520_P006C_Car Park and Reception Site Plan – TCC
Mobile Home Boston
WPL-Diamond-Operation-and-Maintenance-Manual
WPL-Diamond-UK-Brochure-Digital
Bat and Bird survey woodland at Hawkesyard Estate Rugeley July 2020 ver 1.1 (1)
Hawkesyard Estate Armitage Lane Rugeley Pre-Development Tree Survey 02.06.2020
11361 - Hawkesyard Hall, Rugeley Preliminary Ecological Appraisal (PEA) & Biodiversity Net Gain (BNG) Assessment EMEC - Sept 2020
Biodiversity Metric 2.0 Calculation Tool Beta Test - Hawkesyard Estate EMEC - Sept 2020
EAL.97.20 - Hawkesyard Estate - Percolation Letter 22.10.2020
RBS-20-1974-001 – Red Box Topo.
Planning & Heritage Statement Hawkesyard by JVH Planning
Assessment for potential of “public benefit” by Phillip Heath
Heads of terms for a proposed S106 documentation

OBSERVATIONS:

Site and Location

This planning application relates to part of the 'Hawkesyard Estate' (as described on the submitted application), Armitage Lane, Armitage, Rugeley.

The application site comprises of 0.9 of a hectare of land formerly used as the Hawkesyard Priory Golf Club, which is accessed from the south side of the A513 via Armitage Lane. The site is located to the south of the Trent and Mersey Canal, Spode House, St Thomas Priory and Hawkesyard Nursing Home, within what is now referred to as the grounds of the Hawkesyard Estate. The Hawkesyard Estate Golf Course; mainly to the south of the site, closed in early 2017.

The area where the holiday lodges are proposed is set to the east of the former golf course club house and previously formed part of the golf course. The site area where the lodges are proposed to be located is surrounded by trees to the north and south, with the former golf fairway leading up from the carpark to the site. The land is undulating and the levels fall from the east towards the car park.

Part of the existing car park is included within the application site, which includes 17 No. parking spaces. There is an existing single storey building within the car park which also forms part of the application proposals.

The application site is situated within the Green Belt, and is within the 0-8km zone of influence for the Cannock Chase Special Area of Conservation (SAC). The site is within flood zone 1 and the Trent and Mersey Canal, along with its associated Conservation Area is located to the North of the application site. It is noted that part of the access route leads through the Conservation Area. To the North West of the main site lies the Grade II listed Roman Church of St Thomas, with Spode House and associated coach and summer houses (all Grade II listed) beyond. The area surrounding these buildings is considered as a non-designated historic park and garden, which provides a setting for the aforementioned listed buildings. This park/garden area includes the former Victorian Quarry Garden, which is located to the South-West of the main dwelling associated with the Hawkesyard Estate.

Background

This application has been pending determination for some time. As noted above the application was initially registered in September 2020. During this time the application has had 3 different planning case officers, due to staff changes within the team. In addition there has been various coordination between the acting agents and officers, to seek clarification and or additional information related to various matters, which culminated in the last submission of further information in February 2022 (draft Heads of Terms for S106 and Public Benefit report by Phillip Heath) on which further public consultation was carried out. The agents have agreed to several extensions of time during the course of the application.

Proposals

Planning permission is sought for the proposed erection of 10 No. holiday lodges and associated use of the land for tourist purposes, together with the installation of a foul sewerage treatment plant, change of use of former golf buggy store to form a holiday reception area, and use of an existing parking area in association with the holiday lodges.

The existing site comprises of a part of a former golf course and a buggy store. The golf course closed in 2017. It is proposed to locate the 10 No. holiday lodges adjacent to the former fairway in a grassed area between trees. The holiday lodges themselves would be constructed from timber, each with a footprint of 6m by 19m, with an eaves height of 2.3m and ridge height of 3.2m. Internally, the lodges can be configured to provide a range of bedrooms and living spaces. The proposal aims to deliver low impact tourist accommodation enabling guests to enjoy the landscaped surroundings and other nearby attractions within the area.

A total of 17 No. existing car parking spaces are accommodated to the west within the application site. This provision of off-street car parking is proposed to be retained to serve the proposed holiday lodges. Transportation between the car parking area and the proposed mobile lodges will be facilitated by electric buggy. The existing golf buggy store is proposed to be converted to an office reception area to be used in association with the holiday lodges, with no external alterations required.

Drainage details have been provided which includes the provision of permeable paths and a foul drainage package treatment plant to serve the lodges.

An ecology survey and a Planning & heritage statement in addition to a public benefit statement have been submitted in support of the application.

Following concerns raised by officers in relation to the sensitive location of the development being within the Green Belt and adjacent to heritage assets, during the course of the application the applicant has proposed a scheme of restoration works to an existing Victorian quarry garden located within the wider Hawkesyard estate area. The quarry garden is located immediately to the west of Hawkesyard Hall within its gardens, which on the whole remain well kept and form the immediate outlook from the west elevation of the house. Off to the south of these landscaped gardens, the landscape suddenly becomes more wild and tree-covered, and this is the location of the quarry garden. The garden appears to date from the 1840s. It originated as a quarry of red sandstone, with soil brought in afterwards for the plants. An octagonal glasshouse was a central feature until the 1920's, with sunken paths and planting that were designed to provide a 'curious and thrilling experience' to visitors. Such gardens are rare in form and have not survived since the early 1900's. Currently, the garden has not been maintained for many years and is overgrown and impenetrable.

The proposed remedial works to the quarry gardens are to be directly funded by the profits of the holiday lodge development and would include, a botanical survey of the quarry garden; a schedule of arboriculture works; the clearing of the grounds including debris of the old glasshouse, making the tunnel entrance accessible again and associated remedial works; archaeological recording of the quarry garden; topographical surveying; and, the re-planting of the area with plants that would have formed part of the original garden in order to reveal the significant of this heritage asset. It is proposed to secure these restoration works via a S106 legal agreement.

Determining Issues

1. Policy and Principle of Development
2. Principle of Development- Green Belt and Very Special Circumstances
3. Design and Impact upon Heritage Assets and the Character and Appearance of the Surrounding Area/Green Belt
4. Residential Amenity
5. Access and Highway Safety
6. Arboriculture Impacts
7. Ecology
8. Planning Obligations
9. Drainage
10. Other Issues
11. Human Rights

1. Policy and Principle of Development

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

Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Armitage with Handsacre Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

- 1.2 The emerging Local Plan 2040, has completed its Regulation 19 consultation in the summer of 2021. The adopted Local Plan Allocations document sets the timeframe for the submission of the Local Plan 2040 to the Secretary of State by the end of 2021. This document is still emerging and at this stage has not been submitted to the Secretary of State. In accordance with paragraph 48 of the National Planning Policy Framework limited weight may be attached to the emerging plan, given that the plan has yet to be submitted for its examination and therefore whilst noted, policies in the emerging plan are not specifically referenced elsewhere.
- 1.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 1.4 Paragraph 81 of the NPPF provides support to economic growth development stating, *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.
- 1.5 Paragraph 84 of the NPPF states that *“Planning policies and decisions should enable:*
- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) *the development and diversification of agricultural and other land-based rural businesses;*
 - c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*
- 1.6 Paragraph 85 continues: *‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for*

access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

- 1.7 In terms of the Local Plan Strategy, Core Policy 1 of the Local Plan Strategy establishes the Council's Spatial Strategy, which seeks to direct growth to the identified sustainable settlements within the District. The policy also recognises the importance of the rural economy, the Green Belt and key tourism assets. The policy sets out that key tourism assets will be protected and enhanced as this is vital to the particular distinctiveness and character of the District, providing opportunities for increased biodiversity, recreation, tourism, inward investment, improved health and wellbeing and sense of local identity. Core Policy 3 sets out specific issues which need to be addressed in order to achieve sustainable development and minimise the impacts of new development.
- 1.8 Core Policy 7 (Employment and Economic Development) and Rural 1 (Rural Areas) of the Local Plan Strategy supports proposals for diversification of the rural economy where they do not conflict with other Local Plan Policies. Policy NR1 (Countryside Management) recognises the important economic role of the countryside. Rural diversification and job creation are also encouraged in the Council's Rural Development Supplementary Planning Document.
- 1.9 The proposal seeks to provide holiday accommodation which would support the tourism offerings within the District. The Council's Economic Development Officer has offered support for the proposals, advising that the proposals would enhance visitor accommodation opportunities in the more rural parts of the District. The Staffordshire Accommodation Study 2019 highlights there being no development of eco lodges within Staffordshire County and this being an area to focus on going forward in developing visitor accommodation. The holiday lodges shall support delivering this sort of accommodation by providing environmentally friendly tourist accommodation, made from natural materials and utilising electric buggies within a rural setting. The proposals would also support the generation of new revenue for the 'Hawkesyard Estate' which has previously diversified through creating business space on the estate. The proposals would be in compliance with strategic priority 10: tourism in the Local Plan Strategy by growing the existing tourism facilities within the district and providing a greater variety of accommodation. In regard to the economy and tourism, it is considered that the scheme would be acceptable. It is noted that the Parish Council and others have raised concerns that the holiday lodges could be converted into dwelling houses, however it is considered that the future use of the lodges could be controlled by suitably worded conditions to ensure that the lodges are used for short stay tourist accommodation only as set out at the beginning of this report.

2. Principle of Development- Green Belt & Very Special Circumstances

- 2.1 The application site is however located within the West Midlands Green Belt and lies outside of the settlement boundary. Therefore, it is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the Green Belt area. Paragraph 137 of the NPPF states that the government attaches great importance to Green Belts and notes that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Local Plan Policy NR2 replicates national planning policy in relation to Green Belt. Core Policies CP1 and CP3 also set out the role and importance of the West Midlands Green Belt.
- 2.2 The decision making process when considering proposals for development in the Green Belt is essentially in three stages, as follows:
 - a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.

- b) If the development is appropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted, unless there are very special circumstances which outweigh the presumption against it.

- 2.3 The NPPF states in paragraph 147 that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 states that LPA's should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 149 states that LPAs should regard construction of new buildings as inappropriate in the Green Belt, it then lists exceptions to this and in paragraph 146 lists other forms of development in the Green Belt that are not inappropriate.
- 2.4 The conversion of the existing golf buggy store to an office/ welcome desk would entail the re-use of an existing building. No alterations are proposed to the existing building. Similarly the car park provision already exists and as such is considered to have a neutral impact in terms of the Green Belt. Notwithstanding this, the proposed development of 10. No holiday lodges would constitute inappropriate development which should only be approved if there are very special circumstances which outweigh the presumption against them. Very special circumstances are only considered to exist where the harm to the Green Belt is clearly outweighed by other considerations.
- 2.5 The applicant has put forward what they consider to be very special circumstances in their supporting planning statement to justify the development. This includes the provision of tourism accommodation and that the extra income generated from the lodges would support the existing listed buildings. They note that since the golf club closure in 2017 the estate has seen a significant drop in revenue, with a further drop in revenue due to the Coronavirus pandemic forcing closure of the estate for wedding/event purposes. They therefore consider that the overriding economic benefit of the proposals outweighs any perceived harm within the Green Belt and comprises very special circumstances to justify the development.
- 2.6 In addition to the above, during the consideration of the application, further information and clarification had been sought by officers in regard to the harm to the green belt and other harm (including heritage impact; as discussed further below). This culminated in the submission of further supporting information about the proposed restoration of the Victorian Quarry garden, which forms part of the very special circumstances submitted to justify the proposals.
- 2.7 Matters related to economic growth and tourism, whilst noted and acknowledged as important and supported by planning policy above, it is not considered that such matters justify very special circumstances to overcome the harm caused to the Green Belt in this instance, as such could be provided elsewhere within the District and still achieve the same aims. Furthermore, no clear evidence has been provided to show how the estate would fail without the provision of the revenue from the proposed holiday lodges.
- 2.8 However, it is acknowledged that the Victorian Quarry Garden is a rare historic asset in its own right. The restoration of such is furthermore supported by the Councils Conservation & Design Officer, as it would provide a positive heritage improvement and avoid the potential loss of this rare garden feature. The restoration works would be secured directly from the development of the holiday lodges through a S106 legal agreement. It is considered that these garden restoration works would consequently, on balance, provide a very special circumstance for the proposals, by providing a positive heritage enhancement and ensuring that this historic garden feature is not lost.

- 2.9 Further to the above, it is also noted that paragraph 183 of the NPPF sets out that the Green Belt serves five purposes, which includes the requirement to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and; to assist in urban regeneration by encouraging the recycling of derelict land. It is not considered that the proposed development conflicts in any way with the five key purposes of the Green Belt.
- 2.10 It is therefore considered that, on balance, very special circumstance exists to justify the proposals, subject to the completion of a S106 agreement to secure the quarry garden restoration works. In this case, it is considered that the potential harm to the Green Belt, by reason of inappropriateness, is outweighed by the restoration of a key heritage asset and also there is noted absence of conflict between the development proposed and the five key purposes of the Green Belt.
- 2.11 Overall, the proposals are considered to demonstrate economic and tourism benefits and will result in improvements to a non-designated heritage asset; which would be secured via a S106 legal agreement and represent 'very special circumstances' in Green Belt terms, in order to justify this inappropriate development proposal. The proposed scheme of development is therefore considered, on balance, to be acceptable in this regard. However, further consideration is also needed in terms of impact on the character of the area/green belt and any other harm caused, which is discussed below.
3. Design and Impact upon Heritage Assets and the Character and Appearance of the Surrounding Area.
- 3.1 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. Paragraph 189 of the National Planning Policy Framework states that Local Planning Authorities should recognize that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance.
- 3.2 Under Paragraph 199 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 goes onto state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 201 provides that, where the harm caused by a development proposal to the significance of a heritage asset will be less than substantial, that harm should be weighed against the public benefits of the proposal.
- 3.3 In determining planning applications with respect to any building or other land in a Conservation Area, local planning authorities have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 3.4 Local Plan Strategy Policy CP1 sets out that, *'The District's significant high quality natural and built environment and key tourism assets will be protected and enhanced in their own right.....Significant assets include the District's important historic environment and natural, landscape and tourism assets which include conservation areas, Lichfield Cathedral (including views to and from)...*'
- 3.5 Policy CP3 of the Local Plan Strategy confirms development proposals should, amongst a number of criteria: protect and enhance character and distinctiveness, be of a scale and nature appropriate to its locality, conserve, enhance and expand natural built and heritage assets whilst encouraging the use of previously developed land in the most sustainable locations.
- 3.6 Local Plan Strategy Policy CP14 states: *'The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to this historic environment's local distinctiveness.'*
- '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.'*
- The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported..... In conservation area, the built form will be protected and enhanced and there should be no net loss of trees.....'*
- 'High quality design, tree planting, landscaping and green spaces will be required as part of new development and elsewhere, to improve quality of place....'*
- 3.7 Policy BE1 of the Local Plan Strategy requires all development to ensure that a high quality sustainable built environment can be achieved which will have a positive impact on *'the significance of the historic environment.... Such as listed buildings, conservation areas and skylines containing important historic, built and natural features. 'Furthermore development including extensions and alterations to existing buildings should 'carefully respect the character of the surrounding area and development in terms of layout, size, architectural design and public views.'* The Policy concludes that new development should have a positive impact on the public realm and *'ensure high quality, inclusive design.'*
- 3.8 Local Plan Allocations Policy BE2 confirms that development proposals which conserve and enhance the District's historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting. *'The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuring harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF.'*
- 3.9 The Armitage with Handsacre Neighbourhood Plan Policy AH5 requires new development to be of good quality design and respond positively to the site setting and context amongst other factors. Policy AH6 'Maintaining the Rural Nature of the Villages Development' proposals should maintain the rural nature of the villages. Proposals will be supported which maintain Armitage and Handsacre as separate free-standing communities within a rural setting and which: a) respect the landscape setting of the settlement concerned ; b) maintain the distinction between Armitage and Handsacre from other settlements.
- 3.10 It is acknowledged that design and heritage related concerns and objections have been presented by local residents and due regard to this is given below.

- 3.11 The application proposes 10 timber lodges. The lodges are to be constructed from slow grown spruce and are proposed to provide environmentally friendly tourist accommodation. Each lodge would be set on an individual concrete pad, and the lodges would be linked by pathways. Vehicular access to the lodges would be prohibited, with visitors' cars being kept on the existing car park and direct access to the lodges being by golf buggy. The lodges have been discreetly placed to limit any impact on the historic setting of adjacent heritage assets and existing mature trees/ vegetation would provide screening. The Councils Tree Officer has confirmed that the development could be assimilated into the site alongside the existing trees and that further landscaping can be secured by condition.
- 3.12 Taking into consideration the nature and scale of the proposals, it is considered that the design and appearance of the proposed development would not have a detrimental impact upon the character and appearance of the surrounding area. As such, subject to conditions to ensure that appropriate additional landscaping is provided and existing trees remain protected, the scheme is considered to be acceptable in regards to general design and impact on the surrounding area.
- 3.13 In terms of the impact on heritage assets, the Conservation & Design Officer has confirmed that the location of the cabins allows for them to be well screened, so there is limited inter-visibility with the cabins and the nearby listed buildings; Spode House and St Thomas Chapel. However, the site sits within landscaped parkland which contributes to the setting and significance of these Grade II listed buildings. The introduction of built form into the otherwise open part of the parkland is considered to erode the quality and appearance of the parkland to a degree and this in turn will have a harmful impact on the setting of the Listed Buildings. It is also considered that the proposals will harm the significance of Hawkesyard Priory Park, which is a non designated heritage asset. The Conservation & Design Officer has confirmed that this harm to heritage assets, both designated and non-designated is considered to be less than substantial.
- 3.14 Therefore, in accordance with both the NPPF and the Core Strategy policies, this harm needs to be weighed against the public benefits and securing the optimum viable use of the site. In this instance, significant weight can be afforded to the heritage benefits of the scheme, which as outlined above would ensure that the Victorian Quarry Garden is restored. A timescale of 12 months to begin the restoration process is considered appropriate and would be secured by a legal agreement attached to the planning permission. Non heritage benefits can also be considered by the decision maker, and it is noted that the proposed lodges would also bring the public benefit of tourism to this locality, which would further reveal the significance of the heritage assets to visitors. A condition to ensure appropriate landscaping is recommended and, on balance, whilst a small amount of harm has been identified, it is considered that this would be outweighed by the public benefits of the proposal. The proposal is therefore considered to meet with the objectives of heritage policies as set out in Local and National Planning Policy.
- 3.15 In relation to archaeological matters, the County Archaeologist comments that no significant impact to the archaeological resource is anticipated. As such no archaeological mitigation condition is required in this instance.
- 3.16 Overall, the proposed scheme of development is considered to be acceptable and in accordance with relevant local and national planning policy with regards to design, character, appearance and heritage implications.

4. Residential Amenity

- 4.1 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. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference is made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD); which includes guidelines to assess the impact of development on neighbouring properties with regard to overlooking, and separation distances recommended to ensure suitable daylight and sunlight.

4.2 The proposed siting of the development proposals and relationship with the nearest neighbouring properties, ensures the proposed scheme of development would not present any issues with regards to loss of daylight, over bearing impact or overlooking.

4.3 It is noted that objections raised to the proposal include the increased likelihood of noise, disturbance and anti-social behaviour. The concerns of local residents are noted, however, it is considered that the given the separation distances from neighbouring dwellings, the control on the number of lodges (being a maximum of 10), and relevant Environmental Health legislation, which makes provision for noise nuisance there would be no significant detrimental impacts on the existing amenities enjoyed by neighbouring occupiers, so as to justify a sustainable reason to withhold planning permission.

4.4 Overall, the development proposals are considered to be acceptable in regards to potential impacts on neighbouring amenity.

5. Access and Highway Safety

5.1 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect the amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further to this Policy ST1 - Sustainable Travel and Policy ST2 - Parking Provision of the Local Plan Strategy are also relevant. It is important to also consider the Council's Adopted Sustainable Design Supplementary Planning Document (SPD) as well as the NPPF, particularly paragraph 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.2 The proposed lodges would utilise the existing access and parking areas, with a total of 17 spaces being allocated to serve the 10 lodges. As set out above, transportation between the car parking area and the proposed mobile lodges will be facilitated by electric buggy.

5.3 The County Highways Officer has reviewed the proposals and raises no objections to the scheme on highway safety grounds. The proposed development is considered to be a low traffic generator in highway terms and is remote from the public highway. Sufficient off road parking to serve the scheme is proposed. The provision of the parking does not conflict with other permitted uses at the site, as there is additional parking available outside of the application site on the existing car park to serve such uses.

5.4 It is acknowledged that highways related concerns and objections have been presented by local residents. Following receipt of the professional County Highways advice, it is however considered to be unreasonable to suggest that the scheme of development would be unacceptable on highways related grounds. The proposed scheme of development is therefore acceptable on access and highway safety grounds, subject to a condition to ensure that the parking is retained for the use of the lodges, as recommended.

6. Arboriculture Impacts

- 6.1 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.
- 6.2 The majority of the application site is not within a designated Conservation Area (only part of the access) and there are no trees protected by means of a Tree Preservation Order within the site. Notwithstanding this, it is acknowledged that there are a number of mature trees within the site. Such trees form part of the overall layout design for the lodges and aid their integration into the site and its surroundings. A tree report has been submitted which demonstrates that the lodges will be located outside of the Root Protection Areas for the retained trees. Given the potential for some damage during the installation of the drainage, services and hardstanding to occur, a condition requiring a Tree Protection Plan and Method Statement is recommended to ensure that the existing retained trees are afforded adequate protection during construction works. A further condition is also recommended to ensure that a landscaping plan is submitted, approved and implemented in a timely manner in order to ensure that appropriate planting is provided to enhance the character of the area and provide screening to historic assets.
- 6.3 On this basis, subject to the above referenced planning condition, the proposed scheme of development is acceptable on arboriculture related grounds.

7 Ecology

- 7.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.
- 7.2 The application is supported by a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Biodiversity Metric 2.0 and Preliminary Bat Roost Assessment and Bird Survey. The Ecology Team concurs with the conclusions of the surveys which set out that there was no evidence of bats or birds using the existing building to be retained as an office and whilst bats are foraging and commuting across the site there was no evidence of bat roosts in trees.
- 7.3 It can therefore be concluded that it is unlikely that the proposed works would negatively impact on protected species or upon a protected or priority species or habitat. The Local Planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regulations 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 7.4 The submitted preliminary ecological appraisal and bat and bird survey sets out methods of working and mitigation/ enhancement measures. Such methods of working can be secured by condition. Proposed mitigation measures include the restriction of external lighting within the site, the provision of 10.No. bat boxes and bird boxes across the site and the planting of meadow grass seed mixes to promote a diverse grassland mix to support insect diversity and therefore forage opportunities for bats and birds. A condition is recommended to ensure that an appropriate scheme for future habitat creation works and sustained good management thereof, in the form of a Habitat Management Plan (HMP), shall be agreed and

implemented, and an informative is also recommended to ensure that the necessary meadow grass planting is included within the necessary landscaping plans which are also to be secured by condition. Furthermore, all recommendations and methods of working detailed within the Preliminary Ecological Appraisal and the Preliminary Bat Roost Assessment and Bird Survey are recommended to be subject to a condition, to ensure that works to construct the lodges are carried out appropriately.

- 7.5 Subject to this above referenced planning conditions, it is considered that the development proposal is acceptable with regards to potential ecological implications.

8 Planning Obligations

Cannock Chase SAC

- 8.1 The application site lies within the 15km zone of influence of the Cannock Chase Special Area of Conservation. The proposed scheme of development is considered to present an adverse impact on the Cannock Chase Special Area of Conservation unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 8.2 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, additional recreation pressures from development within a 15km zone of influence are considered to present adverse effects to the integrity of the SAC.
- 8.3 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015 (which was updated on 1st April 2022), acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the zone. This site lies within the 15 km zone of influence and as such is directly liable to SAC payment with respect to the provision of visitor accommodation which is likely to result in tourists visiting the area.
- 8.4 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Appropriate Assessment concludes that the mitigation measures which include a financial contribution towards the maintenance and control of visitors to the SAC (paid to the Cannock Chase SAC Partnership) will address any harm arising from the development to the Cannock Chase SAC. The contribution is calculated on a formula based on tourism bed spaces. This approach is supported by Natural England through the Cannock Chase Partnership.
- 8.5 A Section 106 agreement is required to secure the financial contribution set out above towards the Cannock Chase SAC Partnership, which the applicant is agreeable to. On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

Quarry Garden Restoration

- 8.6 The restoration works for the Quarry Garden as set out in the above report, including the timescales for implementation will also need to be secured by means of a Section 106 legal

agreement. The draft heads of terms, which makes provisions for restoration works including a botanical survey of the garden, a schedule of arboriculture works, clearance of debris, restoration of the tunnels, potential replacement of the octagonal greenhouse have been considered and is supported by the Councils Conservation & Design Officer. Trigger points in the agreement will reflect the fact that the approved development will have to be up and running to generate the income to facilitate the restoration works. The applicants have proposed a trigger point of within 1 year of the permission being implemented a detailed scheme and appropriate timescale for the restoration of the garden will be submitted and approved by the Local Planning Authority. As set out in the above, the restoration of the Quarry Garden is necessary to make the proposals acceptable in planning terms.

9 Drainage

9.1 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. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

9.2 The scheme of development hereby under consideration proposes to drain surface water from the lodges via soakaway/ runoff while also using permeable paths. It is proposed that foul drainage will utilise a new WPL Diamond package treatment plant and drainage field for its runoff.

9.3 The site lies within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of drainage, Severn Trent Water have raised no objection to the principle of the proposal and do not require details of foul and surface water disposal. It is therefore considered that the requirements of the Local Plan and the National Planning Policy Framework are therefore met.

10 Other Issues

10.1 Concerns have been raised about the discrepancies with land ownership matters. Having reviewed matters officers are satisfied that the necessary procedural requirements with regard to service of notice has been carried out with regard to the application site/area outlines in red. It is noted that the area of the quarry garden lies outside the application site but has been identified in the planning submission as land also in the ownership of the applicant. Notwithstanding this, the quarry garden works are proposed to be secured by way a S106 legal agreement and it would be necessary for all parties with an interest in the said land to be party to this agreement. This does not impact on the ability of the local planning authority to determine the application however, rather the obligations and necessity to comply will lie with the relevant parties of the legal agreement. If all parties do not sign the legal agreement, then delegated authority is sought to refuse the application, as set out above.

10.2 Matters related to right of access lie with the applicant/future developer to secure and is not a reason to withhold planning permission.

11 Human Rights

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

Conclusion

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

The proposed development is located within a sensitive location being within the West Midlands Green Belt and with designated and non-designated heritage assets being in close proximity. The site also sits within landscaped parkland which contributes to the setting and significance of adjacent heritage assets. During the course of the consideration of the application officers have worked with the applicants to establish the precise extent of heritage benefits which can be supported by the scheme, such benefits now include provisions for the restoration of a Victorian Quarry Garden, which is a rare historic asset in its own right. The restoration works have been outlined by the applicant and are fully supported by the Councils Conservation & Design Officer. The restoration works are to be secured directly from the development of the holiday lodges through a S106 legal agreement. The proposal would secure the future conservation of this rare heritage asset, and as such is considered, on balance, to be a 'very special circumstance' to justify inappropriate development in the Green Belt.

The identified harm to the setting and significance of the heritage assets has been balanced against the public and heritage benefits of the scheme in line with the requirements set out in National Policy. The provision of tourist accommodation in this part of the District would present tourism benefits to the local economy. Subject to conditions and a legal agreement to secure the appropriate details and timescales for the remediation works to the Victorian Quarry Garden, the proposals are considered to be acceptable in heritage terms.

The future use of the holiday lodges can be secured by condition to ensure that they are retained for tourist use only, as the presence of dwelling houses in this location would not be acceptable. The condition requires the applicant to keep a log of all guests to ensure compliance.

In terms of the impact on residential amenity and highway safety, as set out in the above report no objections have been raised by the County Highway Authority, and it is noted that parking provision can be secured by condition. It is also considered that the scheme would respect existing and future residential amenity and would by way of mitigation measures secured by condition addresses biodiversity and ecological aims. Tree protection and additional planting would also be secured by condition.

Planning obligations in relation to the Cannock Chase Special Area of Conservation have been accepted by the applicant in the form of off-site payments and there are no technical matters which have arisen through the consultation process which cannot be overcome by condition.

Consequently, it is recommended that this application be approved, subject a legal agreement and conditions, as set out above.

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (9 May 2022)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

Page 9

20/00800/COUM: Erection of 10 holiday lodges and associated use of the land for tourist purposes, together with the installation of foul sewerage treatment plant, change of use of former buggy store to form a holiday reception area and use of an existing parking area Hawkesyard Estate, Armitage Lane, Armitage, Rugeley

Additional Consultations

LDC Conservation & Design: Refer to previous comments. (08.5.2022)

Additional Neighbour Representations

Additional neighbour comments have been received since the publication of the committee report. This includes a further objection to the proposals, largely emphasising comments previously submitted, with the key points summarised as follows:

- Object to the development on Green Belt.
- Would severely affect the residents of Hawkesyard Priory Nursing home. They are used to serenity at a time when some residents are near to end of life.
- Object to the cemetery and rock garden which used to be open to the public being locked, neglected and left to deteriorate. Deliberate act to justify development on Green Belt.
- It also affects families as they are unable to visit the graves of their loved ones.

Appendix 2- Planning Committee Supplementary Paper 09.05.22 extract
relating to application ref. 20/00800/COUM

LIST OF SPEAKERS

PLANNING COMMITTEE MEETING

9 May 2022

20/00800/COU

Sue McFadden

Objector

Councillor Richard Cox

Non Committee Ward Member

Janet Hodson (JVH Town Planning Consultants)

Applicant's Agent

Appendix 2

LOCATION PLAN

22/00143/FUL
74 Park Road
Alrewas
Burton Upon Trent

Scale: 1:1,000

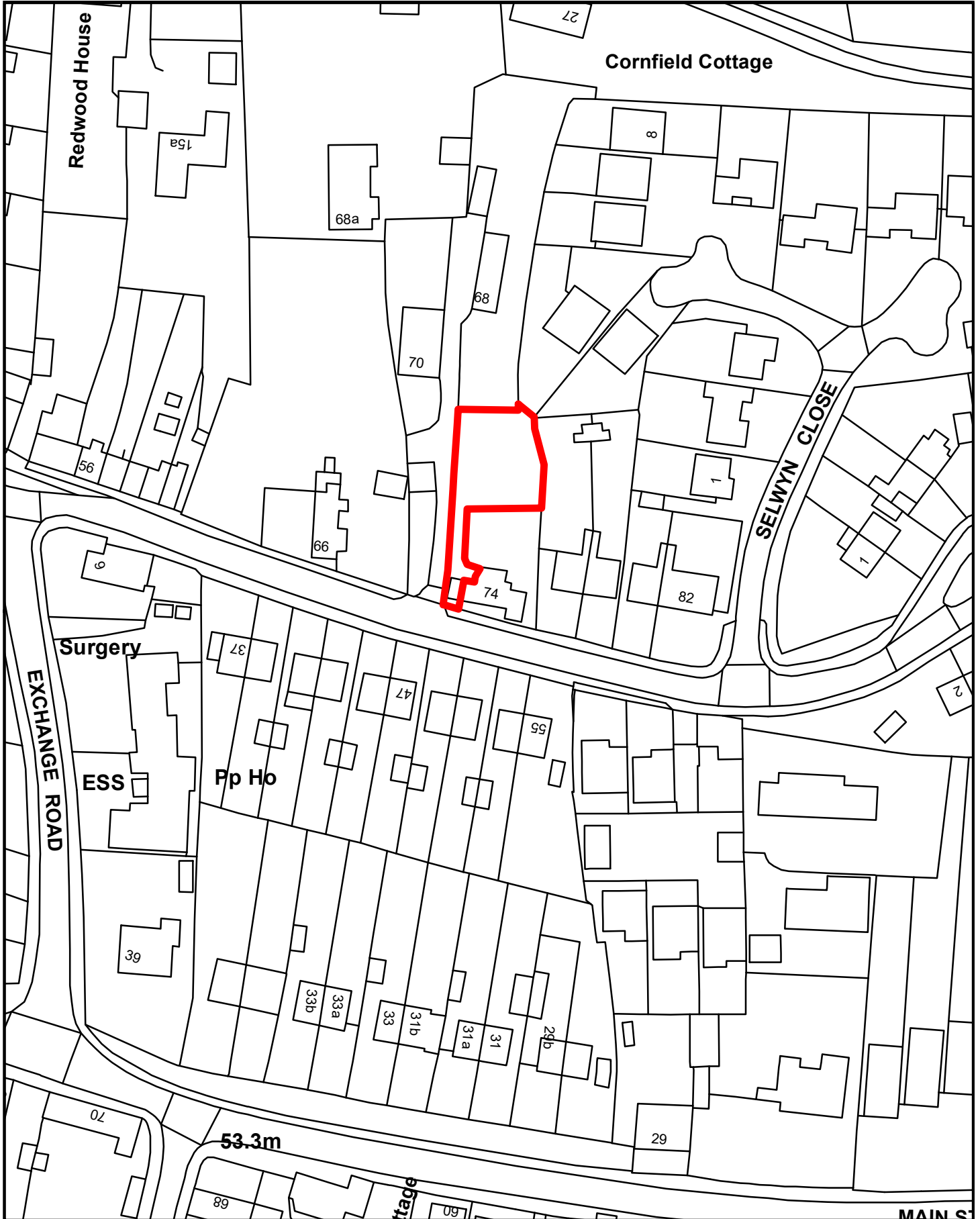
Dated: October 2022

Drawn By:

Drawing No:



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22/00143/FUL

Change of use of existing annex to holiday rental (sui generis use)

74 Park Road, Alrewas, Burton Upon Trent, Staffordshire

FOR Mr A Spooner

Registered 24/02/2022

Parish: Alrewas

Note: This application is being reported to the Planning Committee, due to a number of comments of objection been received from neighbouring residents together with significant planning objections being received from Alrewas Parish Council. The comments of objection received from neighbouring residents are summarised as follows:

- Property used as a holiday let without permission since May 2021
- Increased housing density
- Inappropriate development for a Conservation Area and the grounds of a Listed Building
- Noise and disturbance caused by the AirBnB use
- Highways, access and safety related concerns

Alrewas Parish Council have also raised significant planning objections to the proposals.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS:

1. The development authorised by this permission shall be retained 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 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Biodiversity and Development SPD, Policies EC1, ED4, HP1, HP2, PR4 and TT1 of the Alrewas Neighbourhood Plan (2018), and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

2. Within three months of the date of this permission, the existing 1.8m high close boarded fence within the site shall be removed and the laurel hedge landscaping shall be provided in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the development and in the interests of protecting the setting of the Listed Building in accordance with the requirements of Policies CP3, CP6, CP13, CP14, ST1, ST2, NR3, NR4 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Biodiversity and Development SPD, the Alrewas Neighbourhood Plan, and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. The development hereby approved shall not at any time be used other than holiday accommodation purposes and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification. For

the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation.

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 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Alrewas Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

4. The holiday accommodation hereby approved shall be used for short-stay holiday accommodation only, with a maximum stay of one month in any twelve month period, and a register of occupants shall be maintained for inspection during reasonable hours by the Local Planning Authority.

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 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Alrewas Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

5. The existing parking and turning areas broadly indicated on Drawing No. '1029/11 Rev. D' shall be provided in accordance with the approved plans and shall remain thereafter for the lifetime of the development.

Reason: In the interests of providing adequate parking provision and highway safety in accordance with Policies CP3, CP5, ST1, and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Alrewas Neighbourhood Plan and the National Planning Policy Framework.

6. Within two months of the date of this decision 1 No. Bird Box shall be installed to a gable apex of the annexe building and retained for the lifetime of the development.

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 Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

NOTES TO APPLICANT:

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

4. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
-

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 CP4 - Delivering Our Infrastructure
Policy CP5 - Sustainable Transport
Policy CP6 - Housing Delivery
Policy CP7 - Employment & Economic Development
Policy CP9 - Tourism
Policy CP13 - Our Natural Resources
Policy CP14 - Our Built & Historic Environment
Policy BE1 - High Quality Development
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodland, and Hedgerows
Policy NR5 - Natural & Historic Landscapes
Policy NR6 - Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 - Cannock Chase Special Area of Conservation
Policy SC1 - Sustainability Standards for Development
Policy SC2 - Renewable Energy
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision

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 (2018)

EC1 - Protecting and Enhancing the Built Environment
ED4 - Tourism
HP1 - Housing Provision
HP2 - Alrewas Village
PR4 - Trees and Hedges
TT1 - Traffic

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. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public

examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

RELEVANT PLANNING HISTORY:

22/00904/TRCA- Reduce height and thin of no 1 Common Ash (15) , reduce height of no 1 Damson Tree (17)- Tree Works Notice Approved 21.07.2022.

20/01865/TRCA- Trim, shape and reduce height of holly (T7), elder (T8), western red cedar (T9) and hawthorn and holly trees (G10 and G4)- Tree Works Notice Approved 13.01.2021

18/00250/DISCH- Discharge of conditions 3 & 4 of application 18/00250/FUL relating to protective measures to safeguard existing trees and hedgerows and details of materials, sections, eaves details, floor-scape, brick bond and rainwater goods- Approved. 19.12.2019.

19/01546/TRCA- Pruning of willow and common ash trees- Tree Works Notice Approved 05.12.2019

18/00250/FUL- Erection of a single storey 2 bedroom detached annexe in rear garden- Refused. 07.06.2018. Allowed on appeal 12.12.2018.

17/01402/TRCA- Alterations to and removal of various trees and bushes- Tree Works Notice Approved. 19.10.2017

05/01269/FUL- Rear two storey extension for private residential use forming lounge extension and bedroom over- Approved subject to conditions 26.01.2006.

05/01270/LBC- Rear two storey extension for private residential use forming lounge extension and bedroom over- Approved subject to conditions 26.01.2006.

CONSULTATIONS:

Alrewas Parish Council: Raise objections to the proposal on the following grounds:

- The owner has not complied with earlier planning conditions, for example not fencing internally within the garden
- The owner has used the property as a holiday let without permission
- The application will increase traffic movements within the village
- This application would increase housing density against the Neighbourhood Plan in the conservation area
- The Parish Council is concerned about the number of retrospective planning applications being allowed by LDC Planners (21.03.2022)

Architectural Liaison Officer: No comments received.

Severn Trent Water: No comments received.

County Highways: No objection subject to the following being secured via condition; The development hereby permitted shall not be brought into use until the parking and turning areas broadly indicated on Drawing No. '1029/11 Rev. B' have been provided in accordance with the approved plans and shall remain thereafter for the lifetime of the development. (26.07.2022/ 04.10.2022)

LDC Spatial Policy And Delivery: No Objections raised. The proposed development accords with national and local policy and will deliver will deliver small tourist accommodation within the settlement of Alrewas. (25.03.2022)

LDC Arboricultural Team: No objections. (21.03.2022)

LDC Conservation & Design: Final – No objections raised to the proposed replacement of the fencing within the site to Laurel hedging and a gate. (04.10.2022)

Initial - Further details on the new boundary treatment will be needed prior to the determination of the application. (06.04.2022)

LETTERS OF REPRESENTATION:

Five letters of representation have been received four of which present comments of objection in respect of this planning application. The comments of objection are summarised as follows:

- Property used as a holiday let without permission since May 2021
- Increased housing density
- Inappropriate development for a Conservation Area and the grounds of a Listed Building
- Noise and disturbance caused by the AirBnB use
- Inadequate provision of off-street car parking
- Limited nearby on-street car parking, the proposal aggravates existing parking problems
- Tight street is not equipped for a large volume of traffic
- Highways, access and safety related concerns

Received via one letter of representation the comments of support are summarised as follows:

- Support for this application as someone who lives directly opposite
- Since it has been an AirBnB I have not experienced or witnessed any parking issues

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:

- 1029_10 Location plan and existing site plan
- 1029_11d Proposed site plan - Rev D
- 1029_12 Existing floor plan and elevations
- 1029_13 Proposed floor plan and elevations
- Boundary Details received via email dated 07 September 2022.

OBSERVATIONS:

Site and Location

This application relates to a dwelling located within a spacious plot in the village of Alrewas. The application dwelling is a Grade II listed timber framed building with brick elevations. Within the rear garden there is a detached 2 bedroom annexe (subject of this application), located along the Northern boundary of the site. The annexe is single storey with an L shaped footprint. The annexe has been constructed with brick elevations and a gable tiled roof. The rear amenity area of the site includes an area for off road parking and landscaped garden areas. Vehicular access off Park Road is provided along the side of the existing dwelling house along the Western Boundary of the site. A 1.8m high close boarded fence has been erected within the site to subdivide the rear garden and parking areas.

Neighbouring residential properties border the application site to the north, west and east.

The site falls within the Alrewas Neighbourhood Plan Area and within the Alrewas Conservation Area. The site falls outside of the 0-15km Cannock Chase Special Area of Conservation (SAC) zone and is situated within Flood Zone 1.

Background

The detached annexe, which is the subject of this application was originally granted consent on appeal by the Planning Inspectorate following the issue of a refusal in relation to planning application ref 18/00250/FUL.

Proposals

The applicant is seeking to regularise a change of use of the existing annexe to Use Class C1 (holiday rental). The submissions indicate that the change of use occurred in June 2021. The proposals do not include any changes to the layout or exterior of the existing building, however the proposals do include a new boundary treatment within the application site to subdivide the parking area and annexe from the garden area serving the main property. A 1.8m high fence has been installed, however following discussions with the Councils Conservation Officer the plans have been revised to omit the fencing and replace it with a new laurel hedge and a 900mm high pedestrian gate. Whilst the gate is proposed adjacent to the main building, confirmation has been provided that it will not be affixed to the building in any way.

The holiday accommodation facilitated within the annex comprises of an open plan living/ kitchen/ dining room, hallway, bathroom, store and two bedrooms (one en-suite).

The submissions include reference to parking provision. The applicant has cited that the vast majority of bookings only use one vehicle whilst letting the property; however, should the occupants of the holiday let have more than one vehicle, there is sufficient space within the site curtilage to park at least 3 vehicles. In addition, there are a further 2 off road car parking spaces to the east of the main dwelling.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact on Heritage Assets
3. Residential Amenity
4. Access and Highways Safety
5. Arboricultural Impacts
6. Ecology
7. Human Rights

1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), 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 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. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

- 1.3 In terms of national guidance, the NPPF includes a presumption in favour of sustainable development. For decision taking this means:
- a) approving development proposals that accord with an up-to-date development plan without delay; or
 - b) where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:
 - c) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless there are clear reasons or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 1.4 Turning to the Local Plan. Core Policy 3: Delivering sustainable development seeks to contribute to the creation and maintenance of sustainable communities and lists criteria that development should address, of relevance to this application are:
- Protect and enhance the character and distinctiveness of Lichfield District and its settlements,
 - Be of a scale and nature appropriate to its locality,
 - Reduce the overall need to travel, whilst optimizing choice of sustainable modes of travel, particularly walking, cycling and public transport,
 - Use our natural resources prudently and conserve and enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible,
 - Ensure that all new development and conversion schemes are located and designed to maximize energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible, maximize opportunities to protect and enhance biodiversity, geodiversity and green infrastructure
- 1.5 Core Policy 9: Tourism states that the District Council will support the growth of sustainable tourism in the District in line with the principles of core policy 3 and where this does not conflict with other core policies. It also states that to help support the local economy a variety of types of overnight accommodation will be encouraged increasing overnight visitor capacity and enabling longer tourist stays. The use for tourism accords in principle with the tourism policies within the Local plan.
- 1.6 The Alrewas Neighbourhood Plan was 'Made' on the 9th October 2018. A policy of relevance to this application is Policy ED4: Tourism which states that development providing facilities for visitors and tourists will be supported, subject to it being of an appropriate size, scale and to it respecting local character and residential amenity.
- Assessment
- 1.7 The proposed use of the annexe for small scale tourism purposes accords in principle with the economic and tourism policies within the Local Plan. The site is sustainably located within the village of Alrewas and the increase in contribution to the local visitor economy is welcomed and supported. The material impacts of the proposal, including impact on heritage assets, highways, accessibility and ecology are discussed and assessed in further detail below.

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 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 area’s 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
- 2.3 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. 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.
- 2.4 The NPPF states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area or the setting or significance of a Listed Building as a result of development.
- 2.5 Paragraph 194 of the NPPF requires the applicant to submit a heritage statement and paragraph 199 confirms that 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 2.6 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should protect and enhance the character and distinctiveness of the District and be of a scale and nature appropriate to its locality. New development should carefully respect the character of the surrounding area.
- 2.7 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 (including non-designated heritage assets) or its setting.
- 2.8 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

- 2.9 A heritage statement has been submitted in support of this application in accordance with Paragraph 194 of the NPPF and policy BE2 of the Local Plan Strategy. It is acknowledged that design, character and appearance related concerns have been raised by the Parish Council and local residents including the proposals constituting inappropriate development for a Conservation Area and the grounds of a Listed Building. These points have been carefully considered by Officers in the assessment of the development proposal on design, character and appearance and heritage related grounds.
- 2.10 The proposals do not include any external alterations to the existing buildings, however they do include a boundary treatment within the existing site to separate the annexe and its parking area from the garden area serving the main dwelling house. A 1.8m high close boarded fence has been erected, however the physical appearance of this fence is in not considered to be in keeping or an appropriate addition to the site in terms of the setting of the Listed Building. The fence is not visible from the wider Conservation Area. During the course of the application, the applicant has provided amended plans which include the fencing being omitted and a new laurel hedge boundary formed with hedging plants spaced 600mm apart. A proposed 900mm wide 5 bar pedestrian gate is proposed to be located between the hedge and the main building for access. It has been confirmed that the gate will not be attached to the listed building.
- 2.11 The Conservation Officer has advised that subject to the incorporation of the amended boundary treatment, there would be no harm to the setting of the Listed Building or the character and appearance of the Conservation Area. In this case, the heritage tests set out in the NPPF are engaged and have been addressed. It is recommended that the replacement boundary treatment is secured by an appropriately worded condition, with the works to be carried out in a timely manner related to the next available planting season.
- 2.12 It is noted that the proposals leave sufficient space within the plot for an external area to serve the annexe and garden areas to serve the main property. In spatial terms, there is sufficient space within the site to accommodate the holiday let use and the residential use of 74 Park Road. Following the receipt of the professional Conservation & Design advice it would be unreasonable to suggest that the scheme of development would be unacceptable on design, character and appearance or heritage related grounds. The development proposal is therefore in accordance with the requirements of the Development Plan and NPPF in this regard.

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 guidance includes requirements in terms of the size of private amenity space necessary to serve dwellings, whereby 65sqm should be provided for dwellings with 3 or 4 bedrooms, and private amenity space should be a minimum of 10m in length. It is noted that flexibility may be applied.

Assessment

- 3.4 It is acknowledged that amenity related concerns have been arisen by the Parish Council and local residents including noise and disturbances caused by the holiday rental/Airbnb use. The amenity space which remains to serve the main dwelling house No.74 Park Road remains in compliance with the amenity standards as set out in the Sustainable Design SPD.

The layout of the annexe remains unchanged and the accommodation is considered to be commensurate with its proposed use as a holiday let. Given there are no proposed changes to the exterior of the building, there are no issues in relation to loss of light or overbearing impact. Taking into consideration the existing boundary treatments to the perimeter of the site, which exceed 1.8m, this proposal will not result in overlooking issues.

3.5 The site is located in a residential location and surrounded by neighbouring properties. Notwithstanding this, taking into consideration the scale of the annexe building and its current residential use, it is not considered that the use as a holiday let would result in significant additional harm above the existing domestic use.

3.6 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance 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 guidance states that the maximum parking standard for 1-2 bed dwellings is one space per dwelling, and the maximum parking standard for 3-4 bed dwellings is two spaces per dwelling.

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 Park Road is an unclassified road in a residential area with a 30mph speed limit. The application property benefits from a driveway with parking for 2 No. vehicles located adjacent to the Eastern boundary of the site, and a separate driveway which provides access to the rear garden and the annexe which is the subject of this application. This second driveway, has gates set back from the main road by 6.7m and leads to parking within the site curtilage for at least 3 vehicles.

4.5 The submitted proposals intend to convert the existing 2-bedroomed annexe building from private ancillary use to a sui generis use for holiday rentals; this arrangement is already in place and has been operating since June 2021. The applicant has cited that the vast majority of bookings only use one vehicle whilst letting the property; however, should the occupants of the holiday let have more than one vehicle, there is sufficient space within the site curtilage to park at least 3 vehicles. In addition, there are a further 2 car parking spaces to the east of the application property within the wider site therefore, the proposal provides the requisite level of car parking provision to satisfy the requirements set out in the Sustainable Design SPD.

4.6 The County Highways Team have confirmed that the submitted Site Layout plan shows that there would be room to manoeuvre and egress the site in a forward gear, this benefits the scheme from a highway safety perspective as it would mean that vehicles would not be forced to egress the site in reverse onto the highway. However, if in the unlikely event the turning areas were blocked by other vehicles using the holiday let and vehicles had to

reverse out of the site the County Highways team have advised that they would still concur with the inspector's conclusions that were given following the appeal related to the extant permission Ref. No. 18/00250/FUL:

'I am not persuaded by the evidence, even allowing that additional houses served by Park Road are proposed in the locality, that the small increase in reversing movements onto or off the public highway and via an existing access would materially harm highway safety. In consequence there would be no conflict with the NPPF which expects development to achieve safe and suitable access to the site for all users'.

- 4.7 Given that the inspector had no issue with a small number of vehicles reversing from the access and that the proposal will have similar vehicle movements to the existing permitted use, it is not likely that the proposal will have a significant impact on the safe usage of the surrounding highway network. The County Highways team therefore raise no objections on highway grounds, to the proposals. A condition to ensure that the parking and turning areas are retained in perpetuity is recommended.
- 4.8 It is acknowledged that highways related concerns have been presented by the Parish Council and local residents including parking and traffic related problems. Highways related concerns are noted and have been considered by Officers, along with the specialist advice provided by the County Highway Authority.
- 4.9 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 by the Local Planning Authority to be acceptable on highways 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 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 The application site is located within the Alrewas conservation area where trees are protected. The proposal does not change the existing dwelling house appearance nor the annex as part of the change of use and no works are proposed to existing trees. The Arboricultural Team have been formally consulted with regards to this development proposal and have formally advised that there are no arboricultural related grounds for objection. As such, the development is considered to 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 (2018) in this regard.

6. Ecology

- 6.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

Assessment

- 6.2 Taking into consideration the details of the proposal, it is not considered that the scheme gives rise to any detrimental impact on protected species. Officers are satisfied on the basis of the information provided that the development does not cause harm or impact upon protected species. In line with Policy NR3 of the Local Plan, a condition requiring a bird box to be installed within the site is recommended in order to achieve the necessary biodiversity net gain requirement. The site is not located within any Special Areas of Conservation, including the Cannock Chase SAC zone.
- 6.3 Subject to aforementioned planning conditions the Local Planning Authority are satisfied the proposals will accord with the development plan in this regard.

7. Human Rights

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

CONCLUSION:

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

The principle of the proposed development is supported by local and national level planning policy. The impacts of the proposal have been assessed and are considered to meet with policies in relation to heritage, neighbouring amenity and highways impacts. Additional information, including amended details of boundary treatments within the site has been submitted during the planning process to support the scheme of development. The proposal complies with the objectives of planning policies and consequently, it is recommended that this application be approved subject to planning conditions as set out above.

Lichfield
district council

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LOCATION PLAN

22/00580/FUL
17A Main Street
Alrewas
Burton Upon Trent

Scale: 1:1,000

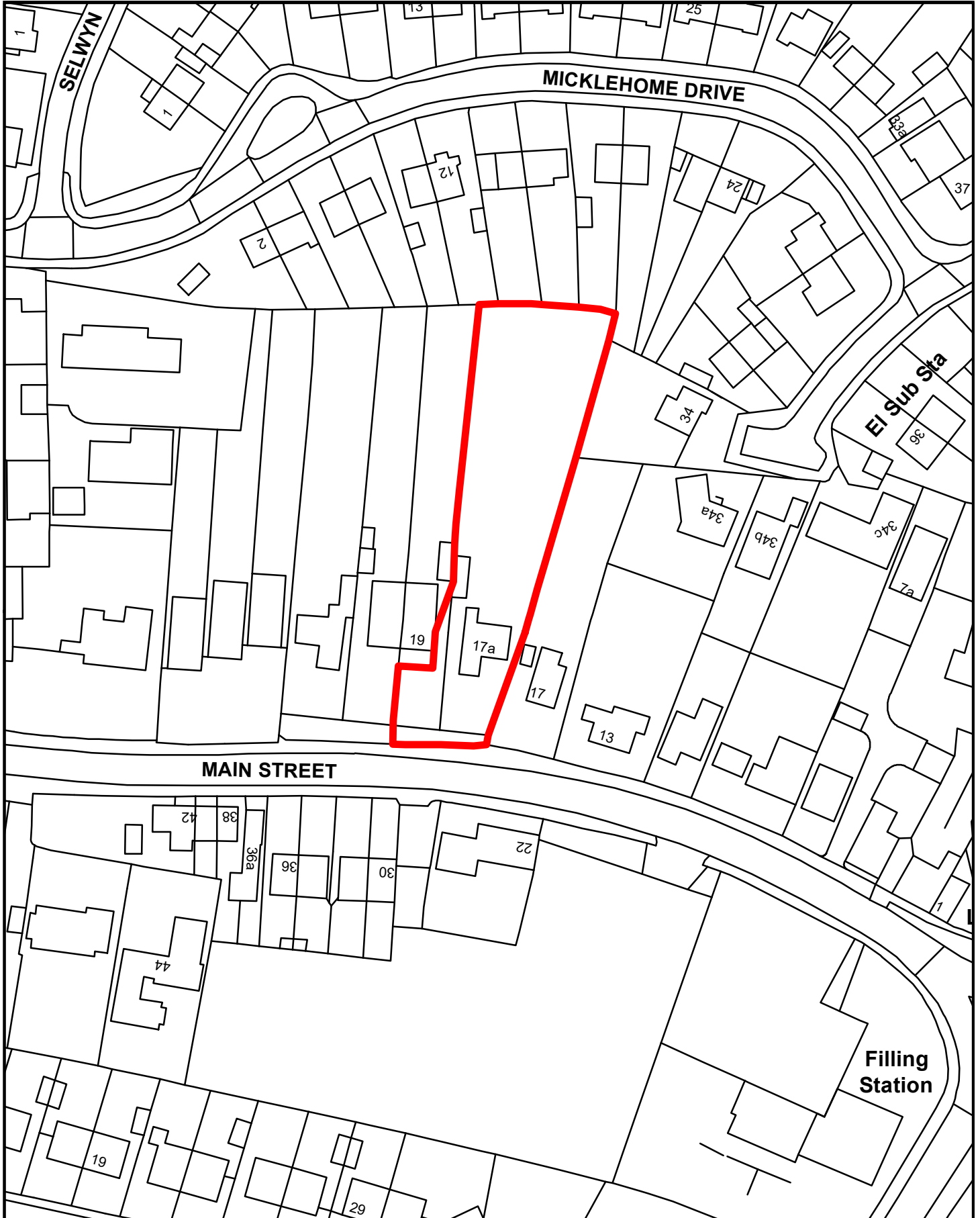
Dated: October 2022

Drawn By:

Drawing No:



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22/00580/FUL

Erection of 2no. detached dwellings and associated works
17A Main Street, Alrewas, Burton Upon Trent, Staffordshire
FOR S. and C. Griffin and Curran

Registered 19/04/2022

Parish: Alrewas

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

- Design of the properties does not blend in with existing properties
- Main Street already has problems with parked vehicles and parking on pavements
- Close proximity of properties to back garden boundary
- Infilling will set a dangerous precedence

Alrewas Parish Council have also raised significant objections to the scheme.

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, CP6, CP13, CP14, ST1, ST2, NR3, NR4, BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and Development SPD, Policies HP1, HP2, EC1, TT1 and PR4 of the Alrewas Neighbourhood Plan (2018) and the National Planning Practice Guidance and the National Planning Policy Framework.

3. The materials and finishes for the scheme of development hereby approved shall accord with the descriptions/ details outlined within the approved documentation of this planning permission.

Reason: To ensure the satisfactory appearance of the development and to safeguard the character of the surrounding locality 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 (2018), the Sustainable Design SPD, and the National Planning Policy Framework.

4. The dwellings hereby approved shall not be occupied until the access, parking and turning areas have been completed in accordance with submitted plans Drawing No. (0450-02 Rev. C) and shall be thereafter retained for the lifetime of the development.

Reason: In the interests of providing adequate parking provision 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.

5. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 07:30 to 19:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: To safeguard the residential amenity and the general amenity of the area, in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Alrewas Neighbourhood Plan (2018), and the National Planning Policy Framework.

6. The development authorised by this permission shall be carried out in complete accordance with the specific no-dig driveway details, the tree report, and tree protection plan which form part of the suite of approved details of this planning consent.

Reason: To ensure the adequate retention and protection of trees within the site, in accordance with Policies BE1, CP3, NR3, and NR4 of the Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Trees Landscaping and Development SPD, the Alrewas Neighbourhood Plan (2018), and the National Planning Policy Framework.

7. Before the first occupation of the dwellings hereby approved, details of all boundary treatments within the site shall be provided and agreed in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved plans prior to the first occupation of the dwellings hereby approved and maintained as such thereafter.

Reason: To protect residential amenity and 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, the Alrewas Neighbourhood Plan (2018), and the National Planning Policy Framework.

8. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping required shall be carried out in the first planting and seeding season following the first occupation of the dwellings 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, the Trees, Landscaping and Development SPD, the Alrewas Neighbourhood Plan (2018) and the National Planning Policy Framework.

9. The development authorised by this permission shall be carried out in complete accordance with the Preliminary Ecological Appraisal - PEA July 2022 which forms part of the suite of approved details of this planning consent.

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.

10. Before the first occupation of the dwellings hereby approved 2 No. Bird Boxes, one for each plot, shall be installed within the application site and retained for the lifetime of the development.

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.

11. The integral garages within the new dwellings hereby approved shall be retained for the parking of vehicles and shall not be used for any other purpose.

Reason: To ensure sufficient parking remains to serve the development 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 dwellings 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 (2018), and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), the 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. 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.
4. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
5. The applicant is advised to note and act upon as necessary the comments of the Severn Trent Water dated 04 May 2022.
6. The applicant is advised to note and act upon as necessary the comments of the Waste Management team dated 19 April 2022.

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 CP4 - Delivering Our Infrastructure
Policy CP5 - Sustainable Transport
Policy CP6 - Housing Delivery
Policy CP13 - Our Natural Resources
Policy CP14 - Our Built & Historic Environment
Policy BE1 - High Quality Development
Policy H1 - A Balanced Housing Market
Policy H2 - Provision of Affordable Homes
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodland, and Hedgerows
Policy NR5 - Natural & Historic Landscapes
Policy NR6 - Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 - Cannock Chase Special Area of Conservation
Policy SC1 - Sustainability Standards for Development
Policy SC2 - Renewable Energy
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision

Supplementary Planning Document

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

Alrewas Neighbourhood Plan (2018)

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 Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

RELEVANT PLANNING HISTORY:

No recent relevant planning history.

CONSULTATIONS:

Alrewas Parish Council: Significant planning objections were raised on the following grounds:

- worrying impact on increased housing density on Main Street, Alrewas
- impact of traffic turning out of a shared driveway onto a busy and narrow part of Main Street
- the loss of mature trees
- complaints by neighbours due to the proposed location of the buildings within the plot
- the modern roof design and proposed materials would not be in keeping with existing surrounding properties

(18.05.2022)

Severn Trent Water: No objections. As the proposal has minimal impact on the public sewerage system it is advised there are no objections to the proposals and a drainage condition is not required. (04.05.2022)

SCC Highways: No objection subject to the following being secured via condition; The dwellings hereby approved shall not be occupied until the access, parking and turning areas have been completed in accordance with submitted plans Drawing No. (0450-02 Rev. C) and shall be thereafter retained for the lifetime of the development. (16.09.2022)

LDC Spatial Policy and Delivery: Subject to compliance with habitat regulations, the proposal is compliant with national and local policy and would provide two dwellings in the settlement of Alrewas. (09.05.2022)

LDC Ecology Team: Final - The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal (PEA), and agrees with the conclusions in that protected species are unlikely to be onsite or directly harmed should the methods of working and recommendations be adhered to. It can now be considered unlikely that the proposed works would negatively impact. No further ecological survey effort is required from the applicant at this time. Adherence by the applicant to all methods of working detailed within the assessment must be made a condition. (27.09.2022)

Initial - There is a reasonable likelihood that the construction of two dwellings could potentially have an impact to biodiversity as such advice of the requirement to complete a Preliminary Ecological Appraisal. (13.05.2022)

LDC Arboricultural Team: Final - The specific no-dig driveway detail for the site is now acceptable. This along with the tree report and tree protection plan should form part of any suite of approved drawings for planning consent on this site. (08.07.2022)

Initial - We can confirm that the details of the "cell web" type material to prevent root compaction mentioned within the deposited Arboricultural documents is generic rather than site specific and we would ask that the specific design and its positioning is confirmed to us before we can agree support for the proposals. (10.05.2022)

LDC Environmental Health: No objections to the proposals in principle. Recommend the following condition: 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). (11.05.2022)

LDC Waste Management: No objections 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. (19.04.2022)

LETTERS OF REPRESENTATION:

Four letters of representation have been received from neighbouring occupiers raising objections in respect of this planning application. The comments of objection are summarised as follows:

- Proximity of bungalows to neighbouring properties
- Increase in noise levels
- Increased shade cast by the new buildings
- Impact on the levels of sunlight
- Materials not in-keeping with other properties
- Noise disturbance generated by construction work
- Increase in traffic levels
- Overlooking concerns and loss of privacy
- Concerns regarding existing infrastructure supporting these properties
- Boundary fence location concerns
- Loss of trees
- Housing numbers for Alrewas have already been met
- Consideration of relevant national and local planning policy

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION:

- Location Plan - 0450- AL (0) SK GENERAL LAYOUTS-01 LOCATION PLAN
- Block Plan - 0450- AL (0) SK GENERAL LAYOUTS-03 EXTG SITE PLAN
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-04 SITE DETAIL
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-05 ROOF PLANS
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-07 ELEVATIONS
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-08 ELEVATIONS
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-10 SITE VISUALS
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-11 SITE VISUALS
- Proposed Elevations / Plans - 0450- AL (0) SK GENERAL LAYOUTS-15 LOCATION WITH OVERLAY
- Proposed Site Plan - 0450-02 Rev C
- Tree Report - BALDS008-22, Rev A
- Tree Protection Plan - BALDS008-22, Rev A
- During Construction Arb Details - TR22-3997_RUR_CEL_17A
- After Construction Arb Details - TR22-3997_RUR_CEL_17A
- Arb Technical Details - TR22-3997_RUR_CEL_17A
- Preliminary Ecological Appraisal - PEA July 2022

OBSERVATIONS:

Site and Location

This application relates to No.17a Main Street, Alrewas. The frontage of adjacent property No.19 Main Street also forms part of the application site, with the remainder of No.19 being presented within a Blue Line indicated as being land within the ownership of the applicant. No.17a Main Street is a two storey detached residential dwellinghouse, situated on the north side of Main Street, with a generous garden, some 62m in depth to the rear. The application site is fairly rectangular in shape adjoining the highway to the south. The surrounding area is residential in character and neighbouring residential properties border the application site to the North, West and East.

The site under consideration is located in the settlement of Alrewas, as illustrated on Insert 4 of the Local Plan Strategy policies map. The site also falls within the Alrewas Neighbourhood Plan Area and is situated within the Parish of Alrewas. The site does not fall within Alrewas Conservation Area,

does not impact upon any Listed Buildings, and does not fall within the 0-15km Cannock Chase Special Area of Conservation (SAC) zone. The site is situated within Flood Zone 1.

Proposals

The applicant is seeking planning permission for the proposed erection of 2no. detached dwellings and associated works at the application site under the address of No.17a Main Street, Alrewas.

The proposed dwellings would be sited in the Northern end of the application plot, along side each other. The dwellings are contemporary in design, single storey in height with a maximum ridge height of 5.2m, and are to be constructed from a mixed palette of materials including facing brickwork, timber cladding, whitewashed brickwork and dark grey standing seam metal roofs.

The accommodation provided within each dwelling comprises of an open plan lounge/ kitchen/ dining room, hallway, utility, cloakroom, shower room, and two bedrooms (one en-suite). Each dwelling will also benefit from a single integral garage to the front. The dwellings will each sit within generously sized plots, with Plot 1 having an area of private amenity space of approximately 193sqm, and Plot 2 having an area of private amenity space of approximately 214sqm.

Vehicular access to the site is to be taken via the existing shared access that serves No.17a and No.19 Main Street, with a new driveway running up in between those two properties to access the dwellings at the rear. Each new dwelling will benefit from two off-street parking spaces. Alterations are proposed to the frontage of existing properties No.17a and No.19 Main Street in order to provide them with sufficient off road parking. The alterations include the provision of hardstanding for parking and landscaping along the front boundary with Main Street.

Determining Issues

1. Policy & Principle of Development
2. Design, Character & Appearance
3. Residential Amenity
4. Access and Highways Safety
5. Arboricultural Impacts
6. Ecology
7. Drainage
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 Alrewas 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 It is acknowledged that concerns have been presented by the Parish Council and local residents including infill development setting a dangerous precedent and the impact of increased housing density. These concerns have been noted and carefully considered by the Local Planning Authority, together with the development proposal and the relevant national and local level planning policy. The adopted Alrewas Neighbourhood Plan (2018) provides support for small infill developments within the village boundaries.
- 1.9 The application 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 and local residents are noted, infill development is supported within the adopted Alrewas Neighbourhood Plan (2018) 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.
- 1.10 In principle, the proposal is therefore considered to be acceptable in terms of the policies set out in the Local Plan and in the Neighbourhood Plan by providing development in a sustainable location where infill development is supported.

2. Design, Character & Appearance

- 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 Policy EC1 of the Alrewas Neighbourhood Plan (2018) 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

- 2.6 It is acknowledged that design, character and appearance related concerns have been arisen by the Parish Council and local residents including the proposed design being out of keeping, the density being out of keeping, and an unsympathetic roof design and proposed materials. These points have been carefully considered by Officers in the assessment of the development proposal on design, character and appearance related grounds.
- 2.7 The proposals seek the erection of 2no. detached single storey dwellings and associated works at the application site under the address of No.17a Main Street, Alrewas. The site does not fall within Alrewas Conservation Area and the proposal does not impact upon any Listed Buildings. The proposed dwellings are to be situated in the existing rear garden area currently serving No.17a Main Street. Both proposed properties are single storey in design with a maximum ridge height of approximately 5.2m above ground floor level. The materials proposed reflect the contemporary design of the new dwellings, and are not considered to be out of context with the surrounding area. It is noted that views of the dwellings will be largely obscured from the street-scene of Main Street due to their positioning and the current context of the site and surroundings.
- 2.8 The dwellings will be visible from neighbouring gardens, however it is noted that as the dwellings are single storey in height they will not result in an overbearing impact. The scale of the properties relates well to the site and as such it is not considered that the dwellings would result in over development of the site. The introduction of two dwellings in this location would not interrupt the general pattern of development in the area which includes examples of backland development.
- 2.9 The layout as proposed includes sufficient parking, turning and garden areas to serve each new dwelling and existing dwelling house. (These matters are discussed in detail later in this report). It is considered that the proposals would not be out of keeping or scale with the existing dwellings in the locality. Furthermore, given the overall plot size the proposals are not considered to be over development within the context of the surrounding residential locality.

2.10 Overall it is considered that the scale and appearance of the proposal is of a high quality of design and cohesiveness using appropriate materials and design features. As such, the proposal is considered to accord with the Development Plan in this regard.

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 guidance includes recommendations for space about dwellings and amenity standards in order to ensure an acceptable level of privacy and light to neighbouring properties and future occupiers is preserved. These include 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; or 13m in the case of single storey dwellings. These also include 10m from first floor windows to boundaries shared with neighbours’ private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings.

3.3 The SPD guidance also sets requirements in terms of the size of private amenity space necessary to serve new dwellings, whereby 45sqm should be provided for dwellings with 2 or less bedrooms, and private amenity space should be a minimum of 10m in length. It is noted that flexibility may be applied.

Assessment

3.4 It is acknowledged that amenity related concerns have been presented by the Parish Council and local residents including regarding close proximity of properties to the back garden boundary, density, and proposed location of buildings within the plots.

3.5 The nearest neighbouring properties to the new dwellings are located within Micklehome Drive located to the north and east of the application site. The rear elevation of No.34 Micklehome Drive faces the proposed side elevation of the dwelling within plot 2, with a separation achieved of 15m, exceeding the 10m separation required in the Sustainable Design SPD. It is noted that the proposed dwellings are single storey and there are no significant differences in ground levels which would affect the application of the separation distance requirements. A separation of 30m is achieved from the rear elevations of the new dwellings to properties located to the North in Micklehome Drive. It is therefore considered that the proposal does not unacceptably harm through loss of daylight, loss of sunlight, an overbearing impact, or overlooking of neighbouring residential properties.

3.6 The Sustainable Design SPD guidance also sets out the provision of garden space for dwellings and requires a minimum of 10m in length and the total area of garden should be a minimum 45sqm for dwellings with 2 or less bedrooms. It is noted that the garden depths for both of the proposed new dwellings falls short of the 10m guideline. Plot 1 achieves a depth of 7.6m and Plot 2 achieves 7.2m. The 10m depth would be achieved for the garden areas retained for both existing dwellings 17A and 19 Main Road. Notwithstanding the depths of the gardens for the new dwellings, it is noted that the private garden area proposed to the rear of each dwelling exceeds the 45 sq m requirement, with plot 1 having 99.56 sq m and plot 2 having 86.4 sq m. On balance, whilst the overall depths are not compliant with the guideline contained within the Sustainable Design SPD, the area provided is useable and in excess of the guidelines. On balance given that the new dwellings are

single storey only and would not present overlooking issues, the garden areas proposed are considered acceptable and commensurate to the scale of property being provided.

- 3.7 It is considered that the internal layouts are acceptable providing sufficient habitable space to ensure an appropriate standard of living accommodation for future residents with well-proportioned rooms.
- 3.8 Overall, the proposals are considered acceptable with regard to residential amenity and accord with the aforementioned policies. A condition is attached removing permitted development rights to ensure any future development at the site respects neighbouring amenity.

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 1-2 bed dwellings is one space per dwelling plus one space per three dwellings for visitors. The development proposed would provide parking in accordance with the recommended standards.
- 4.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.4 Policy TT1 of the Alrewas Neighbourhood Plan (2018) 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

- 4.5 Main Street is a C Class Road in a residential location with a 30mph speed limit and benefits from street lighting. The existing access for 17A and 19 Main Street is 4.8m wide, hard surfaced with tarmac and is flanked by 2.1m wide footways and 4m deep grass verges on either side. Both existing dwellings have ample driveway space to park numerous vehicles on the property frontage.
- 4.6 The submitted plans show that each new dwelling will have 2 bedrooms; requiring 1 car parking space per dwelling according to the standards set out in the Sustainable Design SPD. The submitted plans show that a garage car parking space and an additional driveway car parking space is provided for each dwelling, therefore the proposal provides the required level of car parking provision. The scheme also demonstrates an appropriate level of car parking provision to serve the existing dwellings No's 17A and 19 Main Street.
- 4.7 The submitted site plan indicates that the shared access will be widened to approximately 6.8m wide where it abuts the adopted highway; gradually tapering to 5.0m wide for the first 5.0m of the shared access drive. The County Highway Officer has confirmed that this would allow vehicles and pedestrians to pass each other and wait, without obstructing the adopted

highway. The remainder of the shared access drive reduces in width to approximately 3.1m until it reaches the parking and turning areas serving the dwellings; this provides sufficient visibility for all users to access the two proposed dwellings without conflict. There is sufficient space within the site to ensure that vehicles would be able to access, park, manoeuvre and egress the site independently in a forward gear from both the existing and proposed dwellings. The County Highways Officer has confirmed that the proposed dwellings would not generate a significant intensification in use of the surrounding highway network over the previous residential garden use, therefore the scheme is in compliance with relevant local and national planning policies.

- 4.8 It is acknowledged that highways related concerns have been presented by the Parish Council and local residents including problems with parked vehicles and parking on pavements, and the impact of traffic turning out of a shared driveway. Highways related concerns are noted; however, it is considered subject to an appropriately worded planning condition to ensure the proposed access, parking and turning areas are provided the development is acceptable on highway grounds.
- 4.9 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 the aforementioned planning condition being applied to any planning approval. As such, the development would be in accordance with the requirements of the Development Plan and NPPF in this regard.

5. Arboricultural Impacts

- 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 (2018) 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 It is noted that concerns were raised through the public consultation process with regards to loss of trees on the site. The application site is not situated within a conservation area and there are no protected trees within the site. The Arboriculture Team have assessed the scheme and have advised that, following a review of additional information submitted including details of how the driveway would be constructed, there are no objections. Conditions to secure the construction and tree protection methods set out in the submitted tree report and tree protection plan are recommended along with implementation of the landscaping scheme.
- 5.4 The development is therefore in accordance with the requirements of Local Plan Policy NR4, the Trees, Landscaping and Development SPD, and Policy PR4 of the Alrewas Neighbourhood Plan (2018) in this regard.

6. Ecology

- 6.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

Assessment

- 6.2 The Ecology Team have been consulted and are satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal (PEA). The conclusions in that protected species are unlikely to be onsite or directly harmed should the methods of working and recommendations be adhered to are agreed with. It can now be considered unlikely that the proposed works would negatively impact. No further ecological survey effort is required from the applicant at this time. The adherence by the applicant to all methods of working detailed within the assessment is recommended and this is secured by a planning condition.
- 6.3 Furthermore, due to the nature and location of the proposed development it is however recommended that a net gain in biodiversity could be best achieved via the inclusion of onsite habitat improvement works or the creation/ planting of new habitats or features. An appropriately worded planning condition has been recommended in order to secure such biodiversity enhancements.
- 6.4 The site is not located within any Special Areas of Conservation, including the Cannock Chase SAC zone. Subject to aforementioned planning conditions the Local Planning Authority are satisfied the proposals will accord with the development plan in this regard and the requirements of the relevant Habitat Regulations are met.

7. Drainage

- 7.1 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. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

Assessment

- 7.2 The potential for additional pressure on utilities and drainage due to the presence of the proposed scheme of development has been acknowledged and considered by the Local Planning Authority. The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of pressure on local utilities Severn Trent Water have stated that they have no objection to the development proposal and do not require a drainage condition to be applied in this instance.
- 7.3 Therefore it is considered that the proposals would accord with the development plan and the NPPF in this regard.

8. Other Issues

- 8.1 A planning condition as recommended by the Environmental Health team is proposed to control the hours of construction. This is in the interests of protecting the local residents from disturbances during the construction of the proposed scheme of development.

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 local and national level planning policy. Additional information, including further arboricultural and ecological related details, have been submitted during the planning process to support the scheme of development. The overall design of the scheme, impacts on residential amenity and highways are considered to be acceptable. Consequently, it is recommended that this application be approved subject to planning conditions as set out above.

Lichfield
district council

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Staffs
WS13 6YY

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LOCATION PLAN

22/00805/FUH
Fairfield Ford Lane
Chorley
Lichfield

Scale: 1:1,000

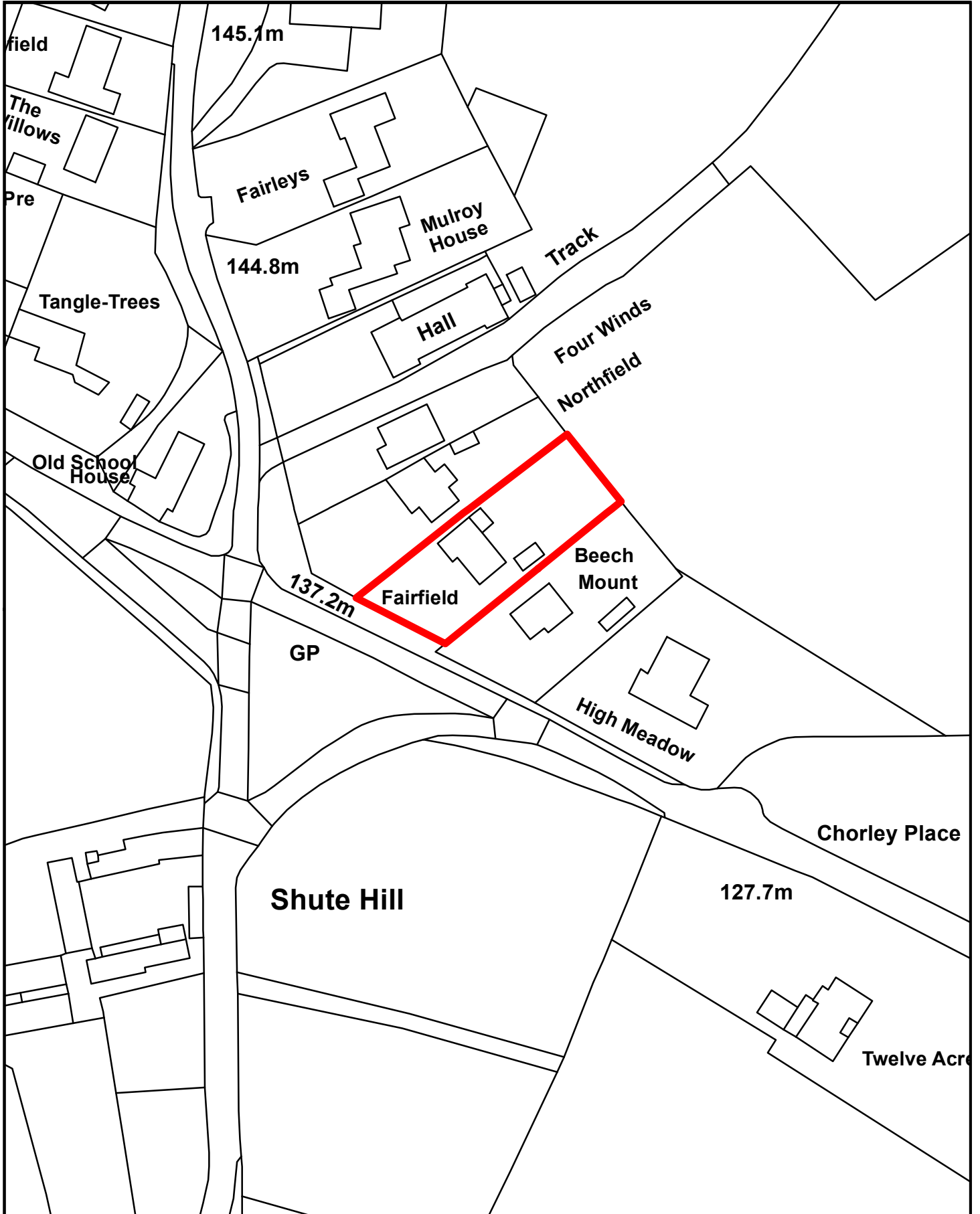
Dated: October 2022

Drawn By:

Drawing No:



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22/00805/FUH

Retention of first floor side extension and the dormers to front and rear, including replacement of the existing patio doors with windows and the replacement of the existing grey cladding with white cladding; and new single storey rear extension.

Fairfield, Ford Lane, Chorley, Lichfield, Staffordshire.

For Mr & Mrs Beard

Registered: **31/05/2022**

Parish: Farewell and Chorley

Note: This application is being reported to the Planning Committee due to significant planning objections from Farewell and Chorley Parish Council on the grounds that:

- The application does not fit in with the character of the area.
- The glass doors to the rear are intrusive on neighbouring properties.
- The flat roof will be used as a balcony.
- The application would set a precedent for retrospective applications.
- The rear floor extension is too large and out of character for the area.
- The property should be returned to its original state as the works have caused significant problems and distress to the neighbours.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. 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 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

2. Within three months of the date of this permission, 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 Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

3. The flat roof area over the rear extension shall at no time be used as an outdoor amenity area.

Reason: In order to safeguard neighbouring residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.

4. No means of external illumination erected on the building shall be brought into use until a scheme for all external lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme for lighting shall include details of the position, design and luminance and light spill of all external lighting proposed. Only the external lighting attached to the property that has been subsequently approved by the Local Planning Authority shall

thereafter be brought into use and any lighting that has been erected that is not subsequently approved, shall be removed within 2 months of the approval of the external lighting scheme.

Reason: In order to safeguard neighbouring residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance, the Supplementary Planning Document: Sustainable Design and the National Planning Policy Framework.

5. Within 6 months of the date of this permission all openings in the first floor rear elevation shall be replaced with new windows in accordance with the details on the approved drawing 05B.

Reason: In the interest of protecting the residential amenity of the occupiers of the neighbouring residential properties in accordance with policy BE1 of the Lichfield Local Plan Strategy and paragraph 130(f) of the National Planning Policy Framework.

6. Within 3 months of the date of this permission details of the white cladding shall be submitted to and approved in writing. Within 3 months of the date of the approval of the white cladding the external materials shall be replaced with white UPVC cladding in accordance with the approved details and as shown on the approved drawings 05B and 06B.

Reason: In the interest of protecting the character of the area in accordance with policy BE1 of the Lichfield Local Plan Strategy and the design policies of the National Planning Policy Framework.

7. Notwithstanding the provisions of Class A (enlargement, improvement or other alteration of a dwellinghouse) and Class B (additions etc to the roof of a dwellinghouse) of Part 1 of Schedule 2 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 shall not be enlarged or extended without prior written permission, on application, to the Local Planning Authority.

Reason: In the interest of protecting the Green Belt from inappropriate development in accordance with paragraphs 147 and 149 of the National Planning Policy Framework.

8. Within 6 months of the date of this permission or prior to the commencement of any new development hereby approved (whichever is sooner), the height of the existing chimney shall be raised and completed in accordance with the details shown on the approved plans.

Reason: In the interest of protecting the residential amenity of the occupiers of the neighbouring residential properties in accordance with policy BE1 of the Lichfield Local Plan Strategy and paragraph 130(f) of 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. If applicable, 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.
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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
Policy BE1: High Quality Development
Policy NR2: Development in the Green Belt
Policy NR3: Biodiversity, Protected Species & their habitats
Policy NR7: Cannock Chase Special Area of Conservation

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design SPD
Biodiversity & Development SPD

Emerging 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. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies.

RELEVANT PLANNING HISTORY

L870268 - Kitchen and garage extension conversion of roof area to bedrooms and bathroom.
Approved with conditions 29.06.1987

14/00494/FUL - First floor and two storey front and rear extensions to form garden room, store room, bathroom and bedrooms and new dormer to rear. Approved with conditions 07.07.2014.

It should be noted that condition 3 of the above permission removed permitted development rights for enlargement or extension to the dwelling. However, given that the development has not been implemented in accordance with the approved plans, this condition has not been engaged.

CONSULTATIONS

Curborough, Elmhurst, Farwell and Chorley Parish Council - Object to the original plans received for the scheme. Concerns raised included:

- The application does not fit in with the character of the area.
- The glass doors to the rear are intrusive on neighbouring properties.
- The flat roof will be used as a balcony.
- The application would set a precedent for retrospective applications.
- The rear floor extension is too large and out of character for the area.

- The property should be returned to its original state as the works have caused significant problems and distress to the neighbours. (16.06.2022)

LDC Ecology Team - No ecology survey would be required. The applicant should be made aware of lighting position and the affect it has on bats. (24.08.2022)

LDC Environmental Health Team- No objection. (01.07.2022)

LETTERS OF REPRESENTATION

Five letters of representation have been received with 1No supporting the scheme and 4No objecting (3 of which from the household at Northfield and 1No from Cllr Strachan) to the scheme. One was initially received with a further four following an amended consultation. The comments are summarised as follows:

Reasons for Objection

- Chimney height and the affect smoke has on the neighbouring property.
- The development harms the neighbours' residential amenity, contravenes their human rights, (resulting in) overlooking, noise and visual amenity.
- The application is retrospective.
- The development harms wildlife, including protected species and associated habitats.
- The development is not sustainable.
- Overall design and the use of cladding impacting the character of the local area.
- External lighting.
- Flat roof extension and the possibility of it being used as a balcony.
- The application sets a precedent for retention applications.
- Ongoing confusion relating to the purpose of the planning application, misrepresentation of the build on the plans, inaccuracies and omissions on the plan and the application form.
- Years of cumulative planning breaches.
- Letters sent to neighbours which were not received.
- Concerns regarding time period for compliance with the approved scheme.
- Due to the topography and lack of insulation the applicants can be heard when they are speaking at their normal level.
- The property is not in keeping with stylistic context of the lane or village.
- The recent alterations overwhelm the integrity of the original building, dwarf, unbalance and appear much larger than the original house. When the development was first investigated the Council referred to the +30% volume rule. The original property is completely overwhelmed with a volume exceeding the 30% allowed in the Green Belt. The volume increase is distributed in such a way that totally undermines the integrity of the development and has resulted in a number of unauthorised extensions and a further extension. The size increase does not consider pre-existing extensions (large garage, conservatory and upper floor and roof extension). Extensions in the West Midlands Green Belt should not exceed 30% of the volume and 50% of the ground floor area of the original dwelling.
- The new materials, colours and textures are inappropriate with red tile cladding being replaced with uPVC composite cladding.
- Given the steep angle of the new roof, the heightening of the new roof and distances between the original chimneys and both roofs the objector questions if the 3-2-10 rule is contravened.
- The chimneys are much lower than the objectors' roof and are causing problems with smoke entering bedrooms.
- The development contravenes sustainability policy in that it uses oil and log burners for heating and so increases carbon emissions
- The property does not meet local needs in that there is already an imbalance of housing of this type: not affordable but larger houses occupied by couples of an older demographic.
- Potentially there could be more people living there and therefore more cars travelling to and from this rural location.

- Ground stability and drainage issues.
- Insurance and health and safety issues.
- Should the Council be minded to pass the application the objectors' minimum request is that
 1. Appropriate windows are reinstated at the back of the property
 2. The grey cladding is replaced with a more appropriate facing material such as white render or clay tile.
 3. The issue of the artificial light and the chimneys are addressed
 4. Appropriate measures are taken and bat and bird boxes are installed and maintained.
 5. The development is fully investigated from a building regulation perspective.
 6. Permitted development rights are removed,
 7. Steadfast conditions and time constraints are attached to approved works.
- The roof of the single storey extension would be used as a balcony.
- The current built form makes extensive use of uPVC cladding, which is currently dark grey in colour. Note that the late revisions to the plans change the colour of the cladding to white, but that it is still uPVC.
- uPVC cladding is chemically unstable, in the event of a fire then such cladding is prone to fall away from the building to which it is attached and there is also an issue with toxic fumes. In this respect it is note that the cladding is situated 1m of the boundary with the neighbouring properties.
- Concerns over external illumination.
- Reference made to conditions on planning permission Ref 14/00494/FUL.
- Reference to permitted development rights.
- Suggests conditions in respect to replacement of existing windows and materials within 6 months flat roof not used as a balcony revocation of permitted development rights

(Note: One of the letters of objection is accompanied by various photographs. These are available for viewing on the Council's Public Access website.)

Comments of Support:

- Occupiers of Beechmount have no objections to the proposed retrospective planning permission in principal and the works going ahead.
- Content with the proposed 'juliette' balconies and the assurance (of the applicant) that the extension roof will only ever be a roof. There is potential for the new proposed ground floor extension roof to be accessed via French doors and bi-fold doors by future occupants and the use changed to a sun terrace/ balcony. To protect their level of privacy we (the occupiers of Beechmount) currently enjoyed, ask that a planning condition be added to prevent this change of use in the future.
- There is no precedence in the area for changing a flat roof to a balcony.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location Plan	01 Beard - Location and Block Plan	
Existing Elevations / Plans	02 Beard - Existing Ground and First Floor Plans	Version: A
Existing Elevations / Plans	03 Beard - Existing Elevations	
Proposed Elevations / Plans	04 Beard - Proposed Ground and First Floor Plans	Version: A
Proposed Elevations / Plans	05 Beard - Proposed Front and Rear Elevations	Version: B
Proposed Elevations / Plans	06 Beard - Proposed West and East Elevations	Version: B

OBSERVATIONS

Site and Location

The application relates to what was once a dormer bungalow, called Fairfield, finished in white render and brick with three small, pitched roof dormers to front and a larger flat roofed dormer to rear, located to the north side of Ford Lane in the village of Chorley.

An application for a first floor and two storey front and rear extensions to form garden room, storeroom, bathroom and bedrooms and new dormer to rear was granted planning permission under reference 14/00494/FUL. However, the development was not developed in accordance with the approved plans and the planning permission has now expired.

The building, as it currently stands on site (albeit unlawfully), comprises a two storey dwelling clad in a wood grained effect, grey uPVC cladding with horizontal boarding with a large flat roofed dormer merging into a gable roof to rear incorporating four patio doors. A number of external lights have been attached to the extended building.

The properties along Ford Lane are built on a hillside such that the height of the ground increases as one travels from the south-east to the north-west towards the centre of the village. As viewed from Ford Lane the property to the right had side, known as Beech Mount, is on lower ground to the application site. The property on the left hand side, known as Northfield, is built on a higher ground level.

The property is situated towards the southern part of the village and although there are dwellings on either side there are open fields to the front and rear. The village of Chorley is comprised in the main by C20th dwellings constructed from a wide range of designs, heights and palette of materials. The original dormer bungalow on the application site was finished in an off-white render under a brown tile roof, the adjoining property at Beech Mount is a white rendered house with mock Tudor gables under a rosemary tile roof and the property beyond that, known as High Meadow, is predominantly a lighter coloured brick with a mock Tudor façade on the gable and brown uPVC windows.

The property abutting the application site to the north east, known as Northfield, is part white rendered part brick dormer bungalow with brown uPVC windows under a rosemary tile roof. In the wider village there is much use of white render including the dominant detached dwelling at the cross roads at Shute Hill as well as pebbledash and towards the northern part of the village 'airey' houses constructed of horizontal concrete blocks and the use of cream render/ paint.

The application property benefits from a large rear garden and a large front garden/driveway with parking for 3No vehicles. The property also has 1No parking space in the garage.

The site is within the 0-8km area of the Zone of Influence for Cannock Chase Special Area of Conservation and within the West Midlands Green Belt.

Proposals

This application seeks permission for the retention of the first floor side extension and the dormers to front and rear. In the retained dormer, the existing patio doors would be replaced with windows. In addition, the existing grey cladding would be replaced with white cladding. The proposal also includes the erection of a single storey rear extension.

The rear single storey extension would project out from the rear façade by 4.60m and have an overall width of 10.90m. 1No roof lantern would be installed along with 1No set of double doors, 1No set of sliding folding doors, 1No door and 1No window. The flat roof height would be 2.86m high. The extension would be covered in render to match the existing building.

As stated above, the first floor element would be clad in white wood effect UPVC cladding. The dormer to the front would be retained with a flat roof height of 5.78m. It has an overall length of 10.38m and projects out from the front facing roof by 1.97m. The dormer to the rear would be retained (apart from changes to the fenestration details) and projects out from the rear roof by 3.20m and has an overall length of 10.70m. It merges into a first-floor extension element. The ridge height of 7.05m and an eaves height of 5.51m would be retained.

Determining Issues

1. Policy & Principle of Development and the Green Belt
2. Design and Impacts on the Character of the Area
3. Residential Amenity
4. Biodiversity and the Cannock Chase SAC
5. Other Issues
6. Human Rights
7. Conclusion

1. Policy & Principle of Development and the Green Belt

- 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.
- 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 Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies.
- 1.3 The site is located in the West Midlands Green Belt. Policy NR2 of the Local Plan Strategy (2015) seeks to retain the character and openness of the Green Belt. The construction of new buildings is regarded as inappropriate, unless it is for one of the exceptions listed in the NPPF. Paragraph 147 of the NPPF states 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, paragraph 149 of the NPPF states the 'LPA should regard the construction of new buildings as inappropriate in the Green Belt' adding 'exceptions to this are'; before going on to identify various types of development including, 'the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original dwelling'.
- 1.4 There is no set guidance as to what represents "disproportionate" additions and no policy definition, therefore consideration of factors relating to footprint, volume, parameters and its visual relationship are necessary. However, based on the results of appeal decisions extensions, taken individually or in cumulatively with other extensions that represent 50% of the floor area or 30% volume are normally considered to be at the upper limit of what is considered proportionate.
- 1.5 The ground floor area of the property, including the conservatory and utility room (to be demolished) is 135m². The proposed ground floor area, including the proposed extensions (which would also replace the existing conservatory and utility room) would total 165m² which works out as a 21 % increase in floor space. The volume of the original dwelling was approximately 565m³. This under the current proposal would increase to approximately 700m³ which would equate to a 24% increase in volume.
- 1.6 In respect of the above, it is considered that the proposals do not constitute a disproportionate addition, and therefore is not inappropriate within the Green Belt and accords with Policy NR2 of the Lichfield District Local Plan and the provisions of the Green Belt policies within the NPPF.

2.0 Design and Impacts on the Character of the Area

2.1 The NPPF, paragraph 126 attaches great importance to design of the built environment and sets out that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve’ and ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. Paragraph 130 goes on to state: -

‘Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2.2 The above policy 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”. In addition, 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”.

2.3 The building in its original form had three small, pitched roof traditional dormer windows to the front of the property, with one larger dormer to the rear and was finished in brickwork and render, with a conservatory to the rear.

2.4 The scheme consented under planning permission 14/00494/FUL permitted a first floor and two storey front and rear extensions and new dormer to rear. The height of the roof was 6.1m on the northern part of the building where the two storey extension was sited and 7.58m on the southern side of the garden due to the split site levels. The plans make it clear that extensions and alterations were to be built from ‘roof tiling, facing brick work and rendered walls and white uPVC windows and doors to match existing’.

2.5 The current proposal (as amended) before Planning Committee has the same height as the building as it currently stands on site, which is 7.0m at the northern end and 7.5m at the southern end. However, it incorporates ‘white coloured uPVC cladding to 1st floor (instead of the current grey cladding) and normal windows have replaced the patio style doors with ‘juliette’ balconies.

2.6 It is noted that neighbour objections were made regarding the mass, scale and design of the proposed development, both upon receipt of the initial plans and subsequent amended designs. A main concern was the grey cladding used on the first floor extension. From a design

perspective, although there is a change to the appearance and general massing, it is noted that the building as is, and as requested to remain, is 0.9m above that which was approved under planning permission 14/00494/FUL. Furthermore, at a height of only 7.0-7.5m the building falls well within the size ranges found both within the immediate area and the wider village which contains many dormer style bungalows and traditional two storey dwellings and is therefore considered acceptable in its immediate context.

- 2.7 Having regard to the use of white uPVC cladding it is noted that the use of white render is widespread throughout the village. White, uPVC cladding, provided that it is textured to look like wood, profiled in the manner of horizontal boarding and finished in matt white would be difficult to distinguish from painted wood from the street and public realm. Subject to a condition to ensure that details of the white cladding are submitted for approval before they are used, it is considered that the materials would be sympathetic to the local character and the surrounding built environment setting in accordance with paragraph 130 of the NPPF.
- 2.8 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 village of Chorley in accordance with Policies BE1 and CP14 of the Lichfield Local Plan Strategy and the above design policies within the NPPF.

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: -

'All development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated [amongst other things] where it can be clearly and convincingly demonstrated that it will have a positive impact on:

Amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance;

- 3.3 Furthermore, 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 in respect to guidance on space about dwellings 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.

- 3.4 The potential for the proposal to impact on the private amenity enjoyed by the occupiers of Northfield and Beech Mount has been given full consideration. Neighbour objections received in respect to the original proposal outlined four main areas of concern, namely: -

- (i) that the roof of the ground floor rear extension would be used as a balcony;
- (ii) that the large bi-fold doors to the rear on the first floor level would result in unacceptable levels of overlooking.
- (iii) light pollution
- (iv) fumes from the chimney

However, it is considered that a condition could be added to any permission granted to restrict the use of the roof of the single storey extension as a balcony. Furthermore, the plans have been amended to alter the patios style doors at first floor level to windows of more usual style

proportions. The latter would reduce the amount of overlooking to that which is normally experienced by the occupiers of dwellings which are located adjacent to one another.

- 3.5 Turning to the impacts of overlooking into principal windows of neighbouring properties to the front and rear it is noted that the Sustainable Design SPD requires at least 21m between dwellings where primary principal habitable windows face each other. However, it should be noted that there are no properties to the rear of Fairfield and the property to the front is over 70m away. The proposal therefore would satisfy the 21m separation guidance set out the Sustainable Design SPD.
- 3.6 Objections have been received in respect to light pollution from the external lighting that has been erected on the soffits of the first floor extension. This lighting was not included as part of the original application and therefore did not form part of the application proposal. The applicant was offered the chance to either remove the external lighting from the property to resolve the issue or to seek to regularise the situation, with or without modification, by submitting a lighting scheme showing the specification and location of each of the lights including details of the intensity of the beams and the light spill. However, the applicant has declined to submit such details. As such it is considered that the external lighting does not form part of this application and it is recommended that any permission granted should be subject to a condition that no external lighting shall be brought into use until a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Should the application be approved, the applicant could be subject to enforcement action should they bring the external lighting erected into use.
- 3.7 A number of neighbour comments that were received also made reference to the chimney height being too low in relation to the new roof height and the impact of fumes. Advice was sought from the Central Building Control team, who recommend that the chimney height should be raised. The applicant has submitted amended plans that would increase the chimney height by 300mm. It should be noted that all works would need to be signed off by a building control inspector at a later date.
- 3.8 It is therefore considered that, subject to the attached recommended conditions, 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. Biodiversity

- 4.1 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.
- 4.2 Taking into account that the objections relate to the impact of lights on bats, that the external lighting does not form part of the development to be considered and the comments of the Council's Ecologist, it is considered that the proposals would not 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.
- 4.3 External lighting can be seen around the soffits of the building. Lichfield District Councils ecology team were consulted on the application. Their comments concluded that there is a potential for lighting to impact foraging and commuting bats. They draw the attention of the applicant that it is advised that there should be no direct illumination of the hedgerows or trees along the boundary of the site. Any lighting proposed around the site should be low wattage down lights and at a low level, and ideally be on PIR sensors. No up-lighting should

be used. LED directional lighting can also minimise light spill. This would ensure that the roosting and commuting resources that the bats are likely to be using are maintained.

- 4.4 However, as stated earlier the lighting was not included as part of the original application and therefore did not form part of the application proposal. The applicant was offered the chance to either remove the external lighting from the property to resolve the issue or to seek to regularise the situation, with or without modification, by submitting a lighting scheme showing the specification and location of each of the lights including details of the intensity of the beams and the light spill. However, the applicant has declined to submit such details. As such it is considered that the external lighting does not form part of this application and it is recommended that any permission granted should be subject to a condition that no external lighting shall be brought into use until a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority.
- 4.5 Therefore, subject to conditions restricting lighting and for the erection of a bird box it is considered that the proposal would be in accordance with Policy NR3 of the Local Plan Strategy and the National Planning Policy Framework.

Cannock Chase SAC

- 4.6 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).
- 4.7 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.
- 4.8 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.
- 4.9 The proposal is therefore considered acceptable with regard to the ecological considerations of the development plan.

5.0 Other Issues

- 5.1 Other issues raised by Objectors, but not addressed in other section of this report include the following. Objectors have stated that 'PVC cladding is chemically unstable, in the event of a fire then such cladding is prone to fall away from the building to which it is attached and there is also an issue with toxic fumes'. Officers would advise that the combustible properties of a building material is a matter for building control and not the planning system to control.
- 5.2 Objectors have advised that 'the side elevation is not subservient, it is taller than the original house' and that 'This contravenes Green Belt policy'. Officers advise that the test in Green Belt as set out in the NPPF is that extensions should not lead to disproportionate additions' not that they should be subservient.
- 5.3 Objectors state 'that they could see Green Belt where they can now only see a plastic wall'. Officers would respond that the loss of a private view is not a material planning consideration.
- 5.4 Objectors have stated that 'the development contravenes sustainability policy in that it uses oil and log burners for heating and so increases carbon emissions' and that 'Presumably, there

will also be an increase in the use of water and electricity and would potentially increase waste water'. Officers would respond that there is no planning policy that would dictate the means by which a house is heated. It is noted that this is a householder type of application and therefore any use of resources or the production of waste would only be marginally greater than the original property and certainly insufficient to warrant refusal.

- 5.5 Objectors have stated 'the property does not meet local needs in that there is already an imbalance of housing of this type: not affordable but larger houses occupied by couples of an older demographic. Officers would comment that planning policy allows for extensions to dwelling houses and that many forms of extension are permitted under the provisions of the Permitted Development Order. As such little weight or no weight should be attached to any potential conflicts with the provision of affordable housing.
- 5.6 Objectors have stated that 'Potentially there could be more people living there and therefore more cars travelling to and from this rural location'. Officers would respond that this is not uncommon to find that households expand and seek to extend their dwellings. Any impacts arising from such scenarios are marginal and insufficient to warrant refusal.
- 5.7 Objectors have put forward several conditions that they would like to see attached to any permission granted to ensure that changes are made in reasonable time scales. These suggested conditions have been considered in the light of consultee comments and policy requirements in the formulation of recommended schedule of conditions.

6. Human Rights

- 6.1 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 it is considered that the grant of planning permission is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

7. Conclusion

- 7.1 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, subject to conditions, as recommended, it is considered that the development would not cause harm to the Green Belt, character and appearance of the area, the amenity of neighbouring properties, or biodiversity.
- 7.2 Consequently, it is recommended that this application be approved, subject to conditions included in this report.