

Planning Committee

3 April 2023

Agenda Item 4

Contact Officer: Artemis Christophi

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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


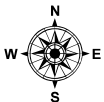
ITEM A

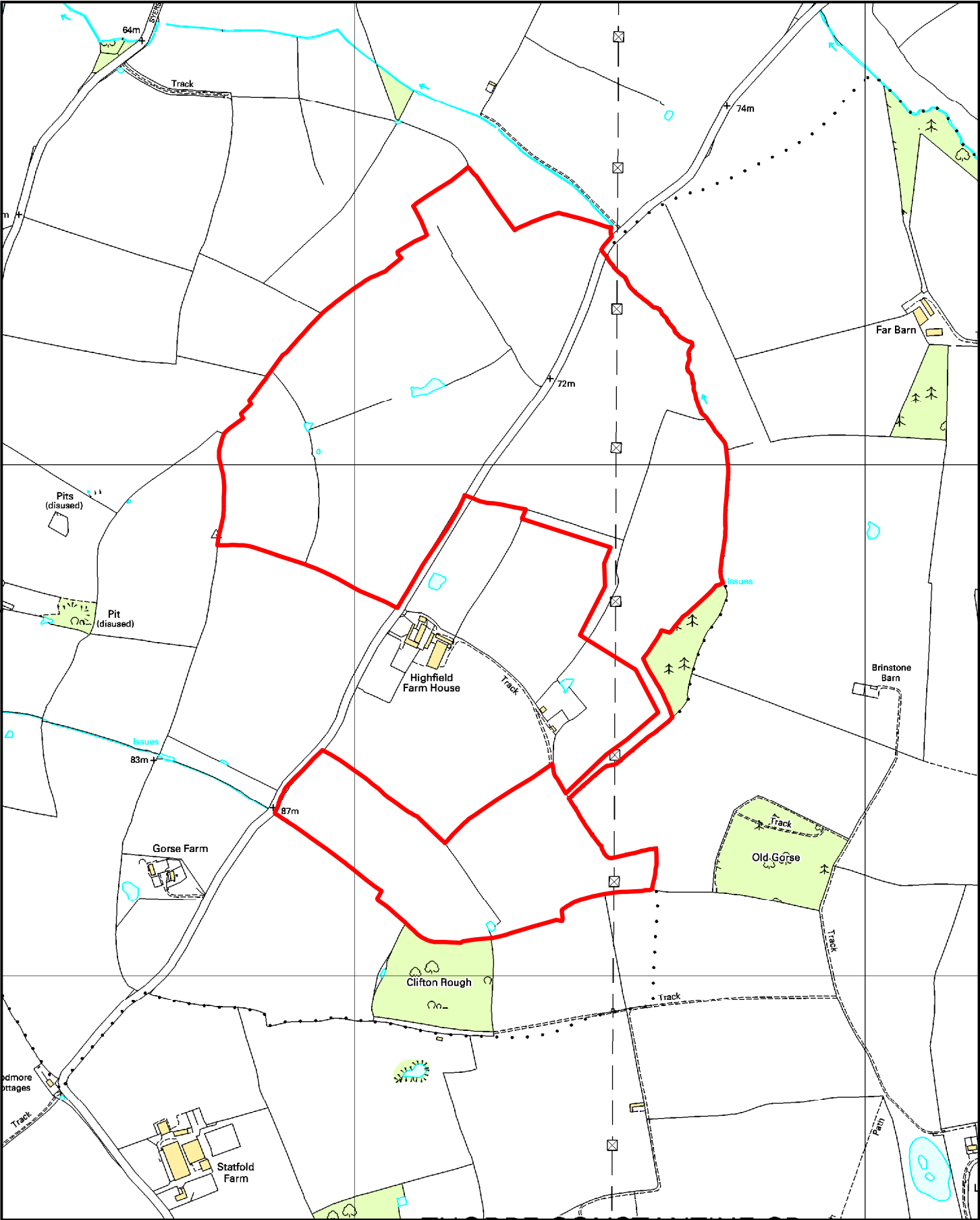
APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

3 April 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
22/00110/FULM	Land At Highfields Farm Clifton Lane Tamworth	Clifton Campville
22/01709/COU	28 -30 Chapel Lane Lichfield	Lichfield
22/01377/FUL	Littleton House Pipe Lane Pipe Ridware Rugeley	Mavesyn Ridware
22/01427/COU	Hadley Gate Farm Hadley Gate Lane Hadley Gate Rugeley	Mavesyn Ridware

<div><p>Lichfield district council www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p></div>	<div><h1>LOCATION PLAN</h1><p>22/00110/FULM Land At Highfields Farm Clifton Lane Tamworth</p></div>	Scale: 1:10,000	Dated: April 2023	
		Drawn By:		
		Drawing No:		
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22/00110/FULM

Installation of a solar farm comprising ground-mounted Solar Photovoltaic panels (PV) with a generating capacity of up to 49.9MW together with all associated works, equipment and necessary infrastructure

Land At Highfields Farm, Clifton Lane, Tamworth, Staffordshire

FOR Mr Sean Murphy

Registered **17/01/2022**

Parish: Clifton Campville

Note: This application is being reported to the Planning Committee due to the objection of a number of residents in the surrounding area and the consideration of two or more senior planning officers.

RECOMMENDATION: Approve - subject to the following conditions

CONDITIONS AND REASONS

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 Core Policy 1, Core Policy 2, Core Policy 3, Core Policy 5, Core Policy 7, Core Policy 13, Core Policy 14, Policy BE1, Policy NR1, Policy NR3, Policy NR4, Policy NR5, Policy NR6, Policy NR8, Policy NR9, Policy SC1, Policy SC2, Policy ST1, Policy ST2, or the Lichfield Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the Biodiversity and Development Supplementary Planning Document, the Historic Environment Supplementary Planning Document, the Rural Development Supplementary Planning Document, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

3. This is a Temporary Planning Permission and shall expire within 40 years of the date hereof or within six months of either of the following events whichever is the sooner, (all of which termination dates and / or events shall be called the "Expiry date" for the purposes of this Planning Permission

- i. the cessation of electricity generation by the solar PV facility; or
- ii. any cessation of construction works for a period of 3 months or longer, prior to the solar PV facility coming into operational use,

The solar PV panels, frames, foundations, inverter modules, substations, towers and all associated structures and apparatus and buildings (including but not limited to for any underground apparatus installations and cables) and fencing approved shall be dismantled and removed from the site in accordance with the schemes approved by this Permission and the Site shall be restored to exclusive Agricultural Use.

The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production.

The site shall subsequently be restored in accordance with a scheme and timescale, the details of which shall be first submitted to and approved in writing by the Local Planning Authority no later than three months following the Expiry Date. (Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site)

Reason: To ensure the satisfactory restoration of the site, in accordance with the requirements of Core Policy 3, Core Policy 13, Core Policy 14, Policy BE1, Policy NR1, Policy NR3, Policy NR4, Policy NR5, Policy NR8 and Policy NR9, of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

4. Before the development hereby approved is commenced, including any site clearance works, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall include details relating to:
 - i. construction access
 - ii. hours of construction
 - iii. vehicular routing plan
 - iv. delivery times
 - v. the location of the contractors' compounds, cabins, material storage areas and contractors parking
 - vi. a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash facilities.
 - vii. provision for the management of surface water and foul water during the construction period
 - viii. details on how and waste and/or pollution will be managed

All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: In the interests of highway safety, to ensure the adequate protection of residential amenity and to prevent or prevent the exacerbation of a flood and to prevent any pollution from entering the watercourses in accordance with the requirements of Core Policy 3, Core Policy 13, Policy BE1, Policy NR9 and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced written confirmation from the Local Highway Authority shall be provided to the Local Planning Authority that a statement has been provided detailing that an inspection of the road within the vehicular routing plans, including a video survey, has been provided to and approved by the County Highway Authority. The extent of the road to be inspected to be first agreed by the applicant with the Local Highway Authority.

Reason: In the interests of highway safety and to comply with the requirements of Policy IP1 and Policy ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

6. A) Before the development hereby approved is commenced (including demolition), a written scheme of archaeological investigation ('the Scheme') shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.

B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition 6A.

C) The development shall not be brought into use until the site investigation and post excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 6A and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure the protection of any potential important archaeological features and to comply with the requirements of Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework.

7. The Written Scheme of Investigation (WSI) identified in condition 6 shall consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced within 3 months of the evaluation stage and following detailed discussions with the Local Planning Authorities archaeological advisor.
8. Reason: To ensure the protection of any potential important archaeological features and to comply with the requirements of Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework.
9. Before the development hereby approved is commenced either a European Protected Species mitigation license for Great Crested Newt License or a Certificate from the Naturespace Great Crested Newt District License Scheme ("A license") have been obtained and Great Crested Newt Development Plan incorporating the relevant provisions from the License have been submitted to and approved in writing by the Local Planning Authority.

The Great Crested Newt Management Plan shall be provided in full in accordance with the approved details requirements of the license.

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

10. Before the development hereby approved is commenced full details of the means of drainage and proposed surfacing, to a minimum distance of at least 15m to the rear of the boundary of the highway, shall be submitted to and approved in writing by the Local Planning Authority.

Development shall thereafter be undertaken in accordance with the approved details prior to the commencement of further development within the site and shall thereafter be retained as such for the life of development.

Reason: For the avoidance of doubt and to ensure the development is served by suitable accesses in the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

11. Before the development hereby approved is commenced full details of internal parking provision, turning and servicing areas and the layout of any internal access roads for construction and operation of the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be provided in full accordance with the approved details, and unless required only for the construction phase of the Development shall be provided in full prior to the first electricity generation from the Site and thereafter retained for the lifetime of the development.

Reason: For the avoidance of doubt and to ensure the development is served by sufficient parking and internal servicing and turning areas, in the interests of highway safety in

accordance with the requirements of Core Policy 3, Policy BE1, Policy ST1 and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

12. No development, beyond the construction of accesses, shall commence until the visibility splays and improvements shown on Drawing Nos. JNY10858-01, JNY10858-03 and JNY10858-05 have been provided in full. The visibility splays shall thereafter be kept free from all obstructions over 600mm from the level of the respective carriageway for the lifetime of the development.

Reason: In the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, and Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

13. The development hereby approved shall be carried out in complete accordance with the details provided within the Construction Traffic Management Plan (JNY10858-01 Revision B unless otherwise required by other conditions within this permission.

Reason: In the interests of highway safety in accordance with the requirements of Core Policy 3, Policy BE1, Policy ST1 and Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework.

14. No development shall commence above slab or ground level until full details including the proposed materials and finish including colour of the solar panels, frames, inverters, substations, DNO substation, equipment and enclosures, including boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The Development shall be provided in accordance with the approved details and retained as such for the lifetime of the proposed development.

Reason: In order to ensure the satisfactory appearance of the buildings within the development in accordance with the requirements of Core Policy 3, Core Policy 14, Policy BE1 and Policy NR5 of the Local Plan Strategy and the National Planning Policy Framework.

15. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working for species protection detailed within section 5.1 of the Ecological Impact Assessment.

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

16. The landscape and habitat areas shall be monitored and maintained in complete accordance with the details specified in section 5.2 of the Ecological Impact Assessment.

Reason: In order to safeguard the ecological interests of the site and protect and enhance the biodiversity 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.

17. The development hereby approved shall be carried out in complete accordance with the Landscape Management Plan (Document ref: JSL 3331_570 v1 dated 31st October 2022) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure good quality landscaping, to preserve the character of the surrounding area and enhance the biodiversity of the site in accordance with the requirements of Core Policy 13, Policy NR3, Policy NR4 and Policy NR5 of the Lichfield Local Plan Strategy,

the Biodiversity and Development Supplementary Planning Document, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.

18. No external lighting shall be provided within the application site, without the prior written permission, on application, of the Local Planning Authority.

Reason: In order to preserve the character of the area and to avoid disturbance to the local bat populations in accordance with the requirements of Policies NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, the Rural Development Supplementary Planning Document and the National Planning Policy Framework.

19. The development hereby approved shall be undertaken in complete accordance with the requirement of the Flood Risk Assessment & Drainage Strategy (Document Reference HLEF72990 dated 10th February 2021) and managed as such for the lifetime of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem in accordance with the requirements of Core Policy 3, Policy BE1 and Policy NR9 of the Local Plan Strategy, the Lichfield District Council Infrastructure Delivery Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
2. The proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to road.adoptions@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
3. The applicant's attention is drawn to the comments of the Staffordshire County Council Rights of Way Officer in their response regarding the public rights of way within and adjacent the site, the applicant is reminded that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The applicant is advised to contact the County Council for matters in relation to the Rights of Way.
4. The applicant's attention is drawn to the comments of the Rambler's Association and advised to contact the association should they have any queries in this regard.
5. The applicant's attention is drawn to the comments of Police Architectural Liaison Officer as detailed within their correspondence dated 11th February 2022. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. The applicants attention is drawn to the comments of Cadent in their response dated 8th January 2023 and which highlights that development will not be permitted within the easement without written permission and that permanent access to the easement is required in accordance with a deed of grant. They further note restrictions in relation to utilities and traffic carrying roads crossing the HP gas pipeline easement are subject to the Cadent plant

protection restrictions and amendments may be required. Finally Cadent advise an assessment as to any potential interference with the cathodic protection systems on the HP gas pipeline and a study to prove no adverse effects on the cathodic protection system will also be required. The applicant is advised to liaise with Cadent on such matters at the earliest opportunity.

7. The applicants attention is drawn to the comments of the Staffordshire County Council historic Environment Team in their responses dated 22nd February 2022 and 6th December 2022 in relation to archaeological investigation and they are advised to contact the department directly should they have further queries.
8. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 and it is thus an offence, with certain exceptions to: Intentionally kill, injure or take any wild bird. Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

Awareness is needed of bird nesting season, (March-September inclusive). Any clearance, demolition, or building work scheduled that could disturb near-by trees, hedgerow, or vegetation should occur outside of bird nesting season. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds are found, all work that may cause impact or disturbance must cease until the young have naturally fledged.
9. The developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice from a suitably qualified ecologist as to how to proceed.
10. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant 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.
11. 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.

APPROVED PLANS

Location Plan	Boundary Plan	JPW1425-007	C
Site Plan	Proposed Site Layout Plan	1094-THORPE-001	B
Topo	Topographical Survey Sheets 1 – 8 inclusive	UAQ3239_A	
Proposed Plans / Elevations	Typical DNO Building And POC Mast Planning Details	JPW1425-14	A

Proposed Plans / Elevations	Typical DNO Substation Planning Details	JPW1425-16	
Proposed Plans / Elevations	Typical Inverter Planning Details	JPW1425-015	
Proposed Plans / Elevations	Typical Fence and Gate Planning Details	JPW1425-013	
Proposed Plans / Elevations	Typical Panel Planning Details	JPW1425-011	
Proposed Plans / Elevations	Typical Access Road Planning Details	JPW1425-012	
Transport Statement	Construction Traffic Management Plan	JNY10858-01	B
Swept Path	16.5m Articulated Vehicle Swept Path Analysis	JNY10858-07	
Visibility Splays	Visibility Splays	JNY10858-01, JNY10858-03 and JNY10858-05	
Tree Survey	Tree survey and Constraints Plan	JSL3331, Sheets 1 - 5	A
Eco Survey	Ecological Impact Assessment	Thorpe Estate Solar Park Ecological Impact Assessment 1	V1
Eco Survey	Preliminary Ecological Assessment	Highfields Farm Solar Park Preliminary Ecological Assessment	V1
Biodiversity Metric	Biodiversity Metric 3		
Landscape	Landscape Masterplan	JSL3331_101	Rev D
Landscape	Landscape Management Plan	JSL 3331_570	V 1.0
LVIA	Landscape Visual Impact Assessment	JSL3331	V 2.0
other	Photomontage Technical Methodology		V 1.0
FRA	Flood Risk Assessment	HLEF72990	
Other	Applicant's Response	2 ND December 2022	

OTHER DOCUMENTS CONSIDERED

Agricultural Land Classification	SES/EE/TE/1#1	
Built Heritage Statement	JAC26363	V 3.0
Thorpe Estate Solar Farm, Archaeological Desk-Based Assessment	JAC26363	V1.0
The Thorpe Estate Solar Park, Design and Access Statement		
Proposed Solar Park On Land At The Thorpe Estate, Clifton Lane, Tamworth		
Planning And Sustainability Statement		
Glint and Glare		

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 4: Delivering our Infrastructure
Core Policy 5: Sustainable Transport
Core Policy 7: Employment & Economic Development
Core Policy 10: Healthy and Safe Lifestyles
Core Policy 11: Participation in Sport & Physical Activity
Core Policy 13: Our Natural Resources
Core Policy 14: Our Built & Historic Environment
Policy BE1: High Quality Development
Policy IP1: Supporting & Providing our Infrastructure
Policy NR1: Countryside Management
Policy NR3: Biodiversity, Protected Species & their Habitats
Policy NR4: Trees, Woodland & Hedgerows
Policy NR5: Natural & Historic Landscapes
Policy NR6: Linked Habitats and Multi-functional Greenspaces
Policy NR8: River Mease Special Area of Conservation
Policy NR9: Water Quality
Policy Rural 1: Rural Areas
Policy SC1: Sustainability Standards for Development
Policy SC2: Renewable Energy
Policy ST1: Sustainable Travel
Policy ST2: Parking Provision
RURAL 1 – Rural Areas
RURAL 2 – Other Rural Settlements

Local Plan Allocations

Policy BE2: Heritage Assets

Supplementary Planning Document

Biodiversity and Development Supplementary Planning Document
Historic Environment Supplementary Planning Document
Rural Development Supplementary Planning Document
Sustainable Design Supplementary Planning Document
Trees, Landscaping and Development Supplementary Planning Document

Other relevant

The Environment Act (2021)
Climate Change Act (2008)
2020 Energy Security Strategy
Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014)
UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)
UK Solar PV Strategy Part 2 (2014)
Update of Landscape Character Assessment, Lichfield District Council, 2019
Lichfield District Council Infrastructure Delivery Plan
Baseline Report Climate Change Adaptation & Mitigation Staffordshire County Council (dated 20th November 2020)

EMERGING POLICY

Local Plan Review: Preferred Options (2018-2040)

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. Relevant policies in the emerging Local Plan include: -

Strategic policy SP1: The Spatial Strategy
 Strategic policy SP2: Sustainable Transport
 Strategic policy SP3: Sustainable Travel
 Strategic policy SP5: Infrastructure Delivery
 Strategic policy SP6: Infrastructure and services that support healthy communities
 Strategic policy SP7: Participation in sport and physical activity
 Strategic policy SP8: Blue infrastructure, watercourses and flood risk
 Strategic policy SP9: Water quality
 Strategic policy SP10: Sustainable development
 Strategic policy SP11: Protecting greenbelt land
 Strategic policy SP13: Employment and economic growth
 Strategic policy SP15: Natural resources
 Strategic policy SP16: Natural and historic landscapes
 Strategic policy SP17: Built and historic environment
 Local policy INF1: Supporting and providing Infrastructure
 Local policy LP1: Parking provision
 Local policy NR1: Countryside management
 Local policy NR2: Habitats and biodiversity
 Local policy NR3: Trees, woodland and hedgerows
 Local policy NR4: Linked habitats, connectivity and green infrastructure
 Local policy NR7: River Mease Special Area of Conservation
 Local policy SD1: Sustainable design and master planning
 Local policy SD2: Renewable and low carbon energy

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

RELEVANT PLANNING HISTORY

Reference	Description	Decision	Decision Date
97/00883/FUL	Erection of farm shop	Refuse	28/10/1997
98/00728/LBC	Creation of two windows on southern elevation	Approve	26/10/1998

CONSULTATIONS

Clifton Campville Parish Council : The Parish Council stated they endorse the comments of residents who have responded to the consultation. Object - 9th March 2022

Environment Agency - No comments to make on this application. No objection - 24th January 2022

Western Power Distribution - No comments received

National Grid (Gas) - No comments received

British Horse Society - Note presence of Public Rights of Way and Bridleways adjacent and through the site. The BHS request information issued to development workers on the sensitivity of horses and appropriate signage giving priority to users of the network of paths and bridleways in addition to the existence of rights of way / needs of equestrian users. Note traffic implications during construction period and request for traffic calming measures. No objection - 12th April 2022

Campaign To Protect Rural England - No comment received / comments on behalf of submitted by the Ramblers Association.

Historic England - Final comments: No further comment on additional information, refer to previous detailed advice provided. Concerns with scheme - 8th December 2022

Initial comments: In their initial response Historic England noted they had grave concerns of the principle of a solar farm in the location, considering the landscape to be highly sensitive. They considered that the proposals would introduce an industrial element to the landscape resulting in harm to this and harm to the significance of the surrounding designated heritage assets and the natural and rural character of the unchanged 18th century landscape area. They note the area to be included in the LDC Update of Landscape Character Assessment report (2019).

The response further details the heritage assets considered to be affected and highlights their opinion of this as a highly sensitive area. They note that views from the top of the Seckington Motte and Bailey which are an integral aspect of the significance of the asset should be considered and are likely to further affect the Motte and Bailey. They raise particular concern regarding the impact of the project on the Grade II Listed Highfields Farmhouse which they consider the proposal will fundamentally change the historic rural setting to an industrial one. The responses consider that the 40 year period of development is considerable and approval would set a precedent for development of the site. They request the LPA consider the bar high in weighing the impact of the proposed development against public benefit and the avoidance of harm by the potential to locate the solar farm in a less sensitive location. Concerns with scheme - 9th February 2022

Natural England - Final: Response confirms that Natural England have considered the potential impacts upon the River Mease and agree with the conclusions that the development won't have an impact. Further standing advice is offered. No objection – 17th February 2022

Subsequent - Not able to provide detailed advice, request that the LPA consider there are significant risks to statutory nature conservation sites or protected landscapes they set out specific areas on which advice is required. Further standing advice is offered. No objection 4th January 2023

Initial: Not able to provide detailed advice, request that the LPA consider there are significant risks to statutory nature conservation sites or protected landscapes they set out specific areas on which advice is required. Further standing advice is offered
No objection - 28th February 2022

Western Power Distribution - No comments received

Cadent Gas Limited - Final: Cadent remove their objection to the scheme noting that solar cells are not shown within the easement. They offer further advice to the scheme in respect of access restrictions and construction routing and reports and assessment that will be required. They advise these are sufficiently addressed via an informative note. No objection – 8th January 2023

Initial: Cadent note in their response a 457mm High Pressure gas pipeline runs through the proposed solar farm and that solar cells are shown over the pipeline, they note that no structures or development is permitted inside the easement. The response identifies that the objection may be removed should Cadent be satisfied that there are no encroachments into the easement and that there would be no interference with Cadent's cathodic protection system which protects the pipeline or impeding access to the pipeline for maintenance. Object - 24th January 2022

Highways England - Final: No comment No objection - 5th December 2022

Initial: No comment No objection - 20th January 2022

Central Networks - No comments received

Open Space Society - No comments received directly – comments from Ramblers Association indicate these are on behalf of both organisations.

DEFRA - No comments received

Warwickshire County Council - No comment

Area Footpath Secretary (Ramblers Association) - Final: No further comments other than those previously submitted. Object 16th December 2012

Initial: The Ramblers Society offered objection on behalf of their organisation and the Open Space Society to the proposed development. Noting the proximity of bridleways and public footpaths which may be affected by the development. They note that screening should be 3m from the rights of way to prevent overgrowth/ undergrowth ingressing. Consider that the development represents the industrialisation of the countryside and is out of keeping with the area. They note that during construction the rights of way should remain open and usable by the public and advise that planning permission does not give the right to interfere with a right of way - refer to Defra circular 1/09
Object - 31st January 2022

North Warwickshire Borough Council – No comments received

Severn Trent Water - Planning Only - Severn Trent offer no objection and make no requirement for conditions due to the anticipated minimal impact on the public sewerage system. I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
No objection - 28th January 2022

South Staffs Water – No comments received

Architectural Liaison Officer - The Police Architectural Liaison Officer requested the installation of substantial estate fencing and monitored CCTV within the site to deter / prevent cable theft which they noted to be an issue in the County. No objection - 11th February 2022

Staffordshire County Council (Highways) - Final: Request further information to satisfy conditions, agreed that the information could be secured by condition. No objection 22nd December 2022

Initial: The Local Highway Authority in review of the application note the content of the Transport Statement / CTMP and consider this acceptable subject to the provision of an additional track run to demonstrate HGV's attending the site are able to safely navigate Clifton Lane. They further noted that no provision was made for internal parking, servicing or turning, acknowledging the site was capable of accommodating such they note that the further submission of a plan to delineate these requirements and demonstrate the access and egress of the site by vehicles in a forward gear would be required prior to determinations. They request further conditions in respect of the accesses and associated improvements and the provision of a road condition survey.
No objection – 14th February 2022

Historic Environment Officer (Archaeology) - Final: Confirm their previous comments remain valid and defer to Historic England and Conservation colleagues regarding the potential impact of the proposals on the historic built environment and landscape.

Initial comments: The County Archaeologist notes in their response the Architectural Desk-Based Assessment (ADBA) and Built Heritage Statement (BHS) submitted in support of the application and notes the ADBA to be comprehensive. They generally support the conclusion that there is low potential for previously unknown archaeological features to be encountered within the site. However, they note that previous aerial photography of the area has identified evidence of historic (ridge and furrow) ploughing which has potential to mask earlier archaeological sites. They also identify potential prehistoric activity associated with the smaller watercourses to the north and northwestern boundaries of the site. The response echoes the concerns of Historic England in respect of the impact of the proposed development upon the rural character and the high quality landscape.

In the event that a recommendation for approval is made, given the archaeological potential of the site the officer requests further archaeological evaluation and potentially mitigation and note the requirements for such. No objection - 22nd February 2022

Staffordshire County Council (Flood Risk Officer) - Final comments: Upon review of the scheme Flood Risk Officer requests that a compliance condition to ensure adherence to submitted FRA and other flood risk measures be included. No objection – 23rd January 2022

Previous comments: The flood risk officer requested previously sought information be submitted as per initial comments. Object – 19th December 2022

Initial comments: Object - 1st February 2022

Staffordshire County Council (Planning) – No comments to make on the application.
No objection - 5th December 2022

SCC Rights of Way Officer SCC – The Rights of Way Officer notes that the rights of way are correctly identified on the site plan and noted that these should be labelled. They also note the presence of a request under section 53 of the Wildlife and Countryside Act 1981 in the vicinity and advise the applicant to contact the legal department in respect of the legal team in this respect. They further offer advice in relation to informal rights of way in the vicinity that the applicant may identify that the applicant is advised to investigate. No objection – 5th December 2022

Initial : Note the accuracy of the statement in relation to existence of Public Rights of Way and advise that any works to the surfacing of these will require discussion and agreement with the County Council rights of way Team. Request that planting of trees and shrubs is not within 3m of the RoW unless the landowner / management company co are made aware that the maintenance of such is their responsibility. No objection - 21st January 2022

Staffordshire Wildlife Trust – No comments received

Conservation and Urban Design Team - LDC Final: Following amendments to the layout of solar panels and reduction in those directly opposite Highfields Farmhouse resulting in the pushing back of the panels from the direct line of the property the Conservation Officer notes in their assessment that though the panels still have an impact on the setting of the listed building that the location of the panels neither preserves nor enhances the setting of the Listed Building. They state they accept that the impact has been reduced by the amendments and the impact is considered to cause less than substantial harm to the setting of the listed building. They state there are no heritage related public benefits derived from the scheme but that the public benefits of green energy generation and the potential of the landscape to be re-instated at the end of the life span of the development. They conclude that harm arises from the scheme that requires consideration in the planning balance.
21st March 2013

Initial: The Conservation Officer summarised the scheme and reiterated the comments of Historic England. They raised further concerns in relation to Highfields Farmhouse noting that there would be significant impact upon the setting of the Grade II Listed Building. They highlighted that the layout of panels surrounding the farmhouse would detract from the character and cause significant harm to the setting and noted areas A and C were of particular concern.

They further note the impact of long views of the development proposed upon other listed buildings and heritage assets in Staffordshire, South Derbyshire and North Warwickshire.

They conclude that though there are clear environmental benefits to the scheme the protection of the significance of heritage assets should be of paramount importance as defined within the NPPF and that in this instance the application cannot be supported on grounds of impact upon the historic environment. Object - 27th June 2022

Ecology Team - LDC - Subsequent Comments: Following review of the submitted Technical Note the Ecology Manager notes they are satisfied and agree the claim that the application is unlikely to have an adverse effect on the integrity of the River Mease SAC. The justification of this is, the scheme has been designed to avoid changes to the water quality for both surface and sub-surface water ' subject

to appropriate construction methods, given that usual best practice methods during solar farm construction are not necessarily classed as a polluting activity. They believe that the nutrient output following development will be considerably less than the current base line as the agricultural use changes to habitat creation and grazed species rich grassland pastures and meadow. Based upon this they retract the request made previously for the completion of the Nutrient Neutrality Calculator, and progression of Habitat Regulations Assessment (HRA) to Appropriate Assessment (AA).

They reiterate the need for a GCN EPS licence or Naturespace Partnership District License Certificate prior to commencement. They note additional information relating to mitigation and minimisation of impact upon brown hare including access to habitat is sufficient.

They note the revised layout of the solar park has been submitted which reduces the coverage of solar panels and the planting of 120m of native species-rich hedgerow will subdivide a field in the south-western part of the site. This additional hedgerow increases the hedgerow biodiversity units in the operational development to 42.92 with a percentage net gain of 10.21% which is considered sufficient to satisfy previous concerns over the loss of hedgerow. No objection 24th January 2023 & 7th February 2023

Subsequent Comments: The Ecology Manager note in their comments that the Biodiversity Metric shows a shortfall in hedgerow units of 0.17%. They note they are satisfied with the methodology and the information provided within the submitted Ecological Impact Assessment species surveys.

They request that the applicant complete the River Mease Calculator and demonstrate the development can achieve nutrient neutrality in order to pass HRA. Further advice on the required licenses and options for GCN is offered. Additional information in respect of brown hare and mitigation to address the impact the development will have on this species is requested.

They request the methods of working detailed within the assessment are made a condition of any future planning approval, and advise the applicant further consider the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. Object - (1st August 2022)

Initial comments: The Ecology manager notes that they have insufficient information to assess the impact of the project on biodiversity and have insufficient information to enable the LPA to make a determination. They request a Biodiversity Net Gain Assessment for the site to demonstrate measurable net gains to biodiversity and no net loss to biodiversity. Additionally impacts to the River Mease Special Area of Conservation have not been fully determined.

They note the Preliminary Ecological Appraisal identifies that great crested newts, breeding birds, overwintering birds and bats amongst other species are likely to be present and request further surveys and supporting ecological data be provided. Advice in respect of the surveys is provided as are the options for the applicant to enter into a GCN District Licensing Scheme with Naturespace.

They offer advice regarding the River Mease SAC in relation to the information required to be submitted by the applicant to the LPA to enable them to complete an assessment under the Habitat Regulations (in advance of a planning decision). Object - (4th March 2022)

Economic Development - The Economic Development Officer identified the potential of the project to provide energy however noted that this may be to the detriment of current agricultural uses of the land and local businesses. They invited response the business which currently utilises the fields and their opinion the potential impact. They concluded that if the proposed use would not impact upon the agricultural and associated local employment and businesses operations there were no objections on economic development grounds. No objection - 29th April 2022

Environmental Health Team – LDC - No further comments.

No objection - 16th December 2022

No objection to the proposals in principle.

No objection - 8th February 2022

Spatial Policy and Delivery Team – LDC - The Spatial Policy Team note the requirements of LPA's in determining applications and the situations where the Presumption in favour of sustainable development is disapplied due to the location of the development, in this case the River Mease SAC. They note the national policy requirement for support from LPA's to support low carbon transition and renewable energy and infrastructure, further noting the guidance of the NPPG at ID 5-013-20150327 that solar farm should be focussed on non-agricultural and previously developed land. The need to consider the visual impact and potential to mitigate landscape and visual impact of development. They note the local policy requirements and considerations for the application within the LPS and offer no objections in principle to the development advising that the proposal should be assessed in details for the impacts in accordance with approved policies, and the impact upon the River Mease SAC. They finally conclude that the scheme would make a valuable contribution to the amount of renewable energy generated within the District. No objection - 2nd February 2022

Tree Officer - LDC : Final: Reiterated and reproduced previous comments below. Confirmed the landscape masterplan and landscape maintenance plan submitted are acceptable. No objections - 21st December 2022

Initial: Confirm that the proposals appear to have minimal impact on retained trees and hedgerows and note potential benefits in changes to the agricultural regime. No objections - 3rd March 2022

Waste Management – LDC - There are no comments in relation to the Joint Waste Service.

No objection - 5th December 2022

No comments relating to the Joint Waste Service

No objection - 20th January 2022

LETTERS OF REPRESENTATION

2 rounds of consultation were undertaken. 15 letters of representation were received in the initial consultation and 7 in the second round of consultation. The comments made are summarised as follows:

- Inaccuracies in the Landscape management plan
- Loss of rural amenity space for recreation including walking, horse riding, shooting
- Loss of agricultural land
- Potential for damage to field drains to occur as a result of construction works
- Queries as the absence of a Full Ecological Survey requested at pre-app stage.
- Concerns that the Heritage Statement submitted is out of date using previous iterations of the design
- Inaccuracies regarding the size of the site
- Impact upon the listed buildings and conservation areas in the surrounding environment
- The cumulative impact of this scheme and the Haunton scheme on the Grade I Listed Building – St Andrew's Church at Clifton Campville and the setting have not been considered within the built heritage statement
- Harm to the setting of the Grade I Listed Building
- The views from the Church Spire will take in the two schemes
- Highfields Farmhouse will be 'cut off' from the Church, severing the link between the asset and its setting.
- Views from the Triangulation point on Clifton Campville 33 bridleway to the Church will be lost
- The impact of the two schemes cumulatively on the Grade I Church of St Andrew's and its setting has not been properly assessed or justified
- The proposals will conflict with Natural England's 'Statement of Environmental Opportunity 3 and 4'
- Impact on local wildlife and species

- Impact upon the local landscape, hedges, verges
- Impact on biodiversity
- Footpaths, bridleways and different road users, such as cyclists, farm vehicles cars and construction traffic should also be considered
- Landscape and visual concerns regarding the impact of the development and visibility from local public rights of way
- Viewpoint inaccuracies within the LVIA
- Inadequate screening leading to visibility impacts
- Impact upon nearby dwellings
- Concerns regarding Glint and Glare assessment, impact on road and public right of way users as well as aircraft
- Concerns regarding the siting of panels in relation to gas pipelines
- Potential danger to road and right of way user during the construction phases, recommend a Construction Management Plan is secured
- Inadequate consultation and communication from the applicant
- Views from Highfields Farmhouse to the fields west of Clifton Lane
- Value of countryside to mental and physical health
- Comments in relation to the methods of pesticide application and prevention of flood from current farmer which conflict with the comments of the ecology officer

OTHER BACKGROUND DOCUMENTS

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

1094-Thorpe-001, Rev. B, JNY10858-07 -Articulated Vehicle Swept Path Analysis, JSL3331 - Landscape Visual Impact Assessment, Version 2,

OBSERVATIONS

Site and Location

The application site relates to an irregular formed site comprised of a number of fields currently in agricultural use extending to just over 70 hectares. The fields comprising the site lie to the northwest and southeast of Clifton Lane, the site is wholly within the Parish of Clifton Campville though the majority of the eastern boundary of the site lies at the Parish boundary with the Parish of Thorpe Constantine.

The site is rural in character and the topography is undulating. To the northwest of Clifton Lane elements of the site are flat and level with Clifton Lane before the site rises in a westerly direction. To the eastern side of the site the land is flatter, though there are some undulations. The land surrounding the site rises to the north where the village of Clifton Campville is located, there is 1.46km between the boundary of the site and the settlement boundary for Clifton Campville at the nearest point.

The application site surrounds the Grade II Listed Highfields Farmhouse which is noted to be an early 19th century red brick farmhouse.

Measured at the shortest distances between the boundary of the site and the nearest conservation area the site lies 1.2km to the southeast of the Haunton Conservation Area, 1.3km to the southwest of the Clifton Campville Conservation area and 3.2km northeast of the Wigginton conservation area within Lichfield District.

Measured at the shortest distance between the closest boundary of the site and the listed building the site lies 1.54km south of the Church of St Andrew at Clifton Campville which is a Grade I listed building. The All Saints Church at Lullington has a Grade II* listing and is located 3.54km to the north of the site. All Saints Church at Seckington, lies 1.62km to the southeast of the site is a Grade II* listed building. The Seckington Motte and Bailey is a scheduled ancient monument and lies 1.45 to the southeast, both assets at Seckington are within the area of North Warwickshire Borough Council.

The majority of the application site lies within the catchment of the River Mease Special Area of Conservation. The special area of conservation is designated for the species which use the Mease as their habitat and which are sensitive to nutrient changes in the Mease and catchment area.

The site boundary is illustrated by the redline shown in the image below (image not to scale).



Background

Preapplication advice was sought in 2019 in relation to a solar farm scheme in this location. Since the response of the pre-application the scale and area of the proposals has been reduced.

Proposals

This application seeks permission for the installation of a solar farm comprising ground-mounted Solar Photovoltaic panels (PV) with a generating capacity of up to 49.9MW together with all associated works, equipment and necessary infrastructure.

The proposed development would be located within fields that are currently within agricultural use with a site area extending to 71.92 hectares, of which approximately 47.6 hectares will be covered with dark blue or black solar panels. The proposed development is described to be of a temporary nature and fully reversible. The estimated operational period of the development is estimated to be 40 years, after which the site can be returned to agricultural use.

Solar Panels

The panels would be ground mounted on frame tables in arrays of either 24 or 48 panels per array and angled at 10 – 25 degrees dependent upon the specific topography in the location of each frame. The frames would be on posts embedded into the ground to a depth of circa 1.5m and with a minimum clearance from ground level of 0.8m at the closest point to the ground, rising to around 3m from the ground to allow for the angle required. There would be intervening spaces between arrays of 2m – 6m with all panels being orientated to the south and fixed in position, so as not to ‘track’ the sun. The panels proposed are opaque and designed to absorb not reflect the sun’s rays.

It is proposed that beneath the panels the ground is planted with a grazing pasture that will be managed from June through to November by grazing 2 – 4 sheep per hectare.

Infrastructure

In addition to the erection of solar panels the proposed development includes the introduction of access points and internal access tracks across the site, underground cabling, inverters, a substation and grid connection.

Underground cabling would be necessary to connect the solar panels the inverter stations and the inverter stations to the substation and point of connection to the grid. Inverter stations are noted to be proposed throughout the site area and are described as having a footprint of 7m by 2.5m totalling 17.5m square and reaching a maximum height of 3m. The purpose of the inverters is to convert the energy generated by the panels into Alternating Current to feed into the primary substation and into the local grid.

The site proposes 4no primary substations and a further DNO substation to provide connection existing District Network Operator (DNO) infrastructure, specifically in this case the Western Power Distribution network. The primary substations across the site have The proposed substation is therefore located within the northeast of the site adjacent an existing pylon. This would facilitate the ‘point of connection’ to the existing electricity infrastructure within the application site and enable the solar farm to connect into the 132kV line that crosses the site. The substation structure and transmission masts to facilitate this are required. The substation proposed sits on a concrete pad over a gravel base and measures 5.87m in width and 3.8m in depth, having a footprint of 17.61m square. The building will have a maximum height of 3.7m.

In addition to the above features the proposals include the installation of underground cabling between the solar panels and inverters to the substations. Permeable stone tract enabling access to the infrastructure within the site.

Landscaping and Boundary Treatment

Security fencing will be introduced within the field boundaries that will prevent both intentional and unintentional access to the site. The proposed fencing has is constructed of timber posts with a maximum height of 3m between which there will be high-tensile wire mesh to a height of 2.54m. Fencing bridges that allow for the existing hedgerows to pass beneath and through the fencing and provision of small mammal gates at appropriate points that enable local wildlife populations to pass through the fencing. To the accesses the fencing will include gates, the posts of which have a maximum height of 3m. Across the site 3m high pole-mounted CCTV cameras will be installed for security purposes.



(image not to scale)

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Landscape, Character and Appearance of the Surrounding Area
3. Historic Environment & Archaeology
4. Sustainability
5. Residential Amenity
6. Access, Parking and Highway Safety
7. Ecology
8. River Mease Special Area of Conservation
9. Flood Risk and Drainage
10. Impact on Trees
11. Other Issues
12. 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 Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2. The emerging Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30 2021 with submission to the Secretary of State expected in autumn 2021. 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. Sustainability is placed at the heart of plan and decision making within the NPPF identifying that there are three key elements, economic, social and environmental. Specified within the environmental objective to protect and enhance our natural, built and historic environment are included:
 - 'making effective use of land
 - 'improving biodiversity'
 - 'Using natural resources prudently'
 - 'Minimising waste and pollution'
 - 'Mitigating and adapting to climate change, including moving to a low carbon economy'
- 1.4. Paragraph 152 notes that the planning system should support the transition to a low carbon future in a changing climate, it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure.
- 1.5. Paragraph 158 states that when determining applications for renewable and low carbon development LPAs should:
 - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
 - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas*
- 1.6. The provision within the NPPF lies within a national and international drive to move toward renewable energies. These are set out as follow and establish the general strategic direction of travel. However, the relevant Local Plan Policies are set out in the report. In order to ensure that renewable energy fully contributes towards the EU climate ambition and target plan the European Union Renewable Energy Directive (2018/2001/EU) entered into force and moved a legal framework to 2030 setting a binding minimum target of 32% provision for the EU.
- 1.7. Nationally the UK passed laws to end its contribution to global warming in June 2019, UK Government Net Zero 2050, to support the required reduction of emissions by 80% the Energy white pare 'Powering out net zero futures (DBEIS 2020a) was published, this set a pathway to achieving net zero of greater reliance on solar amongst other energies. The Net Zero 2050 – A Roadmap for the Global Energy Sector (International Energy Agency (IEA), 2021) called for the scaling up of solar and wind provision in the 2020's to 630 gigawatts (GW) of solar production.
- 1.8. Future Energy Scenarios (FES) was produced by National Grid in 2021 and outlines credible pathways for energy in the coming decades, having regard for both demand for electricity that

arises from the shift away from high carbon fuels to hit reduced emissions targets and the anticipated increase in electric vehicles ahead of the ban on petrol and diesel vehicles in 2040. Annual demand is anticipated to double between 2020 and 2050.

- 1.9. The Environment Act received Royal ascent in November 2021 and is likely to be brought into force later in 2023. The act addresses areas of governance that have been changed as a result of Brexit and provides measures to address the significant environmental challenges faced. Of relevance to the consideration of this application are stricter controls on water and resources, air quality, nature and biodiversity.

- 1.10. The 2020 Energy Security Strategy set out to substantially increase the delivery of UK based energy including solar a major acceleration of ‘homegrown’ power and attempting to achieve 95% of electricity production through low carbon methods. The UK Solar PV Strategy Part 1 ‘Roadmap to a Brighter Future’ (2013) set out four principles for the strategy for solar PV. These are:

Support for solar PV should allow cost-effective projects to proceed and to make a cost effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers;

Support for solar PV should deliver genuine carbon reductions that help meet the UK’s target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood;

Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them; and

Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.

- 1.11. At a high level within the Local Plan Strategy Core Policy 3 requires that development contributes to the creation and maintenance of sustainable communities, mitigates and adapts to the adverse impacts of climate change, reduces carbon emissions, enables opportunities for renewable energy and helps to minimise any environmental impacts by addressing a number of key issues. Of relevance to the principle of the proposed development are:

- *protect and enhance the character and distinctiveness of Lichfield District and its settlements;*
- *use our natural resources prudently and conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible;*
- *maximise opportunities to protect and enhance biodiversity, geodiversity and green infrastructure and utilise opportunities to facilitate urban cooling; and*
- *facilitate energy conservation through energy efficiency measures as a priority and the utilisation of renewable energy resources wherever possible, in line with the energy hierarchy*

- 1.12. The Local Plan Strategy sets out in Policy SC2 that provision should be made for renewable energy generation within the District to maximise both environmental and economic benefits whilst minimising local adverse impacts. It seeks to meet 10% of demand through renewable sources (including solar) by 2020. It further sets out the process for assessing opportunities for such developments as being:

- the degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development;
 - the impact on local amenity, including residential amenity;
 - the impact of the proposal on sites of biodiversity value, ancient woodland and veteran trees;
 - the impact on the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes; and
 - the proximity to, and impact on, transport infrastructure and the local highway network
- 1.13. Lichfield District Council declared a Climate Change Emergency in December 2019 and made a commitment to achieving net zero carbon emissions within the District by 2050. The 2020 Baseline Report Climate Change Adaptation & Mitigation Staffordshire County estimated that Lichfield had a total of 11.9 MW Low or Zero Carbon (LZC) electricity capacity installed as at the end of 2018 with a total generating capacity of 16,061 MWh. Of these installations photovoltaics, were estimated to account for around 57.5% of LZC electricity generation.
- 1.14. The Rural Development SPD sets out that the policies seek to develop and maintain more sustainable communities and sets out it is important for the District Council to recognised the current economic drivers affecting the rural areas including farm diversification. The proposed development will diversify the existing farming uses, in the maintenance of some grazing and the introduction of the panels.
- 1.15. The proposed development is designed to generate 49.9kWh of electricity per annum. This is noted to be sufficient provision to provide an annual power supply to 14,000 homes or 14,000 electric cars. This provision would contribute to both local and national climate change targets and net zero commitments for reducing emissions and increasing the proportion of energy derived from renewable sources, in this instance, solar energy.
- 1.16. There is broad support within the development plan, under a number of policies, for the development of renewable energy production. Policy SC2 supports delivery of renewable energy, Policy NR1 seeks to assist in delivering diverse and sustainable farming enterprises and provide for the sensitive use of renewable energy resource in conjunction with Core Policy 3 and Policies SC1 and SC2, though it is noted that the provisions of Policy SC1 relate predominantly to sustainability standards for buildings and the incorporation of low carbon or zero carbon energy where these are 'fit for purpose' for specific developments, and therefore relates to the integration of such technology into other forms of development rather than the development of schemes solely for the generation of green energy.
- 1.17. Paragraph 182 that the presumption does not apply to development which may adversely affect a habitat site, unless assessment under the habitat regulations demonstrates that the habitat site will not be adversely effected by the development. Policy NR8, River Mease Special Area of Conservation sets down that development will only be permitted when it is demonstrated that it will not be likely to lead either directly or indirectly to adverse effects on the integrity of the River Mease Special Area of Conservation. Section 8 of this report focusses upon the impact of the proposed development.
- 1.18. The foregoing assessment of the national and local policies which are both specific to renewable energy and those which discuss the requirements for development of renewable energy schemes demonstrate the policy support for renewable energy generation. The principle for the development is therefore considered to be acceptable. The following sections of this report consider the impact of the development in relation to the specific criteria under which the proposed development must be considered.

2. Design and Impact upon the Landscape, Character and Appearance of the Surrounding Area

- 2.1. The National Planning Policy Framework places importance on well-designed places noting in section 12 that decisions should ensure that development is of a high quality that functions well over the lifetime of it advises that development are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development that reflects both government guidance and local design policies and supplementary planning documents should be accorded significant weight in consideration.
- 2.2. Section 15 sets out in relation to conserving and enhancing the natural environment that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality within the development plan. It also requires that decisions should recognise the intrinsic character and beauty of the countryside including economic benefits, the benefits of best and most versatile agricultural land and
- 2.3. Policy BE1: High Quality Development states that development proposals should ensure that a high quality sustainable built environment can be achieved. Development will only be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon both the significance of the historic environment, such as archaeological sites, and the built vernacular. New development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 2.4. Policy NR5 of the Local Plan Strategy states that development will be permitted where it does not impact upon the archaeological and historically important landscapes in the District. It states the character and significance of the natural and historic landscape will be safeguarded through decisions which protect, conserve and enhance sites of international, national, regional and local importance. Policy SC2 notes that one of the criteria to be applied in assessing the acceptability of renewable energy development proposals is the degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape to accommodate the proposed development.
- 2.5. The Rural Development SPD identifies that small scale development related to alternative sources of energy creation will be encouraged provided it does not have a detrimental impact on neighbouring amenity, landscape and other Local Plan Strategy policies.
- 2.6. The Lichfield District Council Update of Landscape Character Assessment (2019) Report identifies the site as lying within a 'Lowland Village Farmland' area. Stating that the overall character of this landscape is strongly related to the planned enclosure of open fields by Parliamentary Act. In assessing the strengths of character for the area it notes that the natural dimensions are weak, and notes that the historic character of the rural agricultural landscape is moderately strong and characterised by discrete villages and outlying farms that define the character of the landscape. Within the vision statement it recommends that the conservation of field boundaries, and identification of opportunities to restore primary hedgelines and enhance tree cover should be sought alongside opportunities to strengthen biodiversity within the landscape.

Assessment

- 2.7. The application site does not lie within any statutorily recognised or protected landscape sites such as Areas of Outstanding Natural Beauty, National Parks or World Heritage Sites. The Lowland Village Farmland are defined within the updated Character Assessment as a landscape area of moderate character, condition and sensitivity. The development will lead to the introduction of industrial features to the rural landscape, to mitigate the visual impact the application proposed to conserve and enhance the existing hedgerows, both within and bordering the site and to plant new hedgerows both to offer additional screening and to provide enhancements to biodiversity.

- 2.8. In consideration of the application the case officers engaged Crestwood Environmental Ltd who are registered with the Landscape Institute to review the submission. The initial report provided to the Council highlighted a number of points for which additional information was required, specifically the inclusion of additional photomontages and viewpoints of the potential visibility of the site from the wider surrounding area. The information requested was supplied by the applicant and a further review commissioned by the Council, the second review confirmed broad agreement with the information supplied and requested further additional information on the likely sequential impact of the proposed development and the recently permitted scheme at Haunton (20/01245/FULM). This was provided by the applicant and another review commissioned by Crestwood Environmental in February 2023.
- 2.9. The assessment of Crestwood Environmental Services note that there will be varying degrees of impact upon the landscape, and that the level of impact will vary depending upon the point from which the development is viewed. The reports acknowledge that as the landscaping proposed develops overtime the visual impact from some viewpoints will be reduced. The review further notes that if this development was constructed, further development of this nature, i.e. in addition to this scheme and excluding other consented schemes, would be likely to breach the threshold where the defining characteristics of the landscape character could be altered. This assessment is considered to demonstrate, in accordance with the requirement of policy SC2 that the landscape has the capacity to accommodate this proposal but that further development of this nature would not be acceptable in landscape visual impact terms.
- 2.10. The review documents also note that the proposed development whilst in situ would be a defining element of each field parcel, but that the scheme preserves the underlying character of the landscape which will not be permanently or fundamentally altered. The report agrees the assessment of the moderate impact that should therefore be weighed in the planning balance.
- 2.11. From the Public Right of Way network (PRoW) the proposed development will result in harm to the visual amenity afforded to users of the network both as it passes through the site and from certain views from the network that are further away. There is also noted to be harm to the visual amenity of residents of Highfields Cottage and Highfields Farmhouse. The review of the LVIA sets out that there will be moderate-adverse impacts, from most viewpoints this is noted to decline over time to result in lesser impacts. It is noted that the effect on visual amenity from Highfields Cottage is assessed differently by the LVIA and the Crestwood Environmental review of the LVIA which notes the impact to be moderate adverse. This level of impact on the visual amenity is limited in terms of the population affected and as such it is not considered to present a robust reason for the refusal of the application.
- 2.12. The proposed development will have an impact upon the character and appearance of the surrounding area. The comments received from the local Church and residents in respect of the impact on the character of the area and the landscape have been considered throughout the application process. The LVIA includes the visibility from a number of points and includes these views and the landscape setting of the proposed development. However, given the specific features and characteristics of the surrounding area alongside the temporary and reversible nature of the scheme, these features are not subject to permanent change as would be the case with other forms of development. The changes will retain the hedgerows and field layout that are noted of importance within the updated Landscape Character Assessment. Landscaping enhancements are proposed and the Environmental Consultants engaged note that the landscaping over time will reduce the visual impact of the development. Recommendations for the landscaping proposals to be made a condition of approval of the application have been included in this report.
- 2.13. The comments of members of the public in terms of dark skies and lighting have been included in consideration of the application. The applicant states that PiR lighting will be used for the security fencing and a restrictive condition preventing additional lighting without prior

permission is included in this recommendation to safeguard the character of the area and the local bat populations.

- 2.14. Policy SC2 of the Local Plan Strategy requires that renewable energy developments are assessed, amongst other criteria on the '*degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development*'. The impact of the proposed development though altering the character of the surrounding area is of a moderate nature and therefore not of a major level which would cause permanent and unacceptable harm to the landscape. The landscape review has considered the scheme and requested further information regarding the cumulative impact of this and the Haunton solar farm development. In the response the review concludes that the development if permitted would not breach the characteristics of the landscape so as to alter the defining characteristics of the landscape. It is considered necessary and reasonable to include conditions that secure the limited period of time for the development, the full restoration of the site and compliance with the recommended landscaping proposals and the ongoing management and maintenance of such. Subject to the inclusion of these conditions the proposed development is considered acceptable in this regard.

3. Historic Environment & Archaeology

- 3.1. Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. It further states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area as a result of development.
- 3.2. Section 66 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority have special regard for the preservation of the building or its setting. Significant weight should be given to any harm found to arise to a listed building or its setting as a result of development.
- 3.3. The National Planning Policy Framework sets out in section that LPA's should require the applicant to describe the significance of heritage assets affected including the contribution of their setting. In determining applications, it advises that account should be taken of the positive contribution that heritage assets can make to sustainable communities including economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.
- 3.4. The Framework further advises at paragraph 199 that great weight should be given to the conservation of the heritage asset irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance. Paragraph 200 states 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. In paragraph 202 that where a development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.5. Paragraph 205 of the NPPF sets out that LPA's should require developers to record and advance understanding of the significance of any heritage assets and to make this information publicly accessible.
- 3.6. Core Policy 14 of the Lichfield Local Plan Strategy seeks to preserve the historic environment in the district and recognises the economic role of the historic environment in contributing to sustainable communities. It requires that development proposals that conserve and enhance a heritage asset will be supported where clear and convincing justification has been provided through an assessment of the significance of the asset.

- 3.7. Policy BE2 of the Local Plan Allocations sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.

Assessment

- 3.8. The application is accompanied by a heritage assessment which identifies the presence of listed buildings, conservation areas and a scheduled ancient monument within 2km of the site boundaries. There are no designated heritage assets within the site and therefore the development would not result in any changes to the structure or built fabric of heritage assets. Following initial desk based identification of the surrounding assets walkover surveys of the site and surrounding publicly accessible areas were undertaken to establish the likely visual impact of the proposed solar farm on the historic environment. Within the 2km radius of the site the Heritage Assessment identified that the impact of the development upon heritage assets is that which would occur to the setting of those heritage assets. Of the identified assets the Heritage Assessment considered that the proposed development site forms part of the setting of 5 of the identified listed buildings and the Clifton Campville Conservation Area.
- 3.9. The application site surrounds Highfields Farmhouse which is a Grade II Listed Georgian farmhouse. Following comments of and discussion with the Council's Conservation Team during the course of the application the layout of the proposed panels has been revised surrounding the farmhouse. The views from the northwest (front) elevation of the farmhouse, and views to the front of the farmhouse looking southeast from the bridleway were considered to be those which were of greatest detriment to the setting of the farmhouse. The panels within fields A and C have therefore been reduced cumulatively by circa 4.9 hectares to reduce the impact on the setting of this grade II listed building.
- 3.10. Between the farmhouse and the nearest proposed field of panels, to the east, to the southwest side of the farmhouse there is approximately 12m between the farmhouse and the nearest field of panels, the facing elevation of the farmhouse is noted to be a blank to the ground and first floors with 1no window serving a living room at second floor level. Therefore, only limited intervisibility from the second floor of the panels in this direction will be observed.
- 3.11. The comments of members of the public, including the residents of Highfields Farmhouse have been considered during the application process. The impact upon the setting of Listed Buildings and the Motte and Bailey has also been considered. It is noted that the comments of the public consider that the cumulative impact of the proposed development and the Haunton solar farm are omitted from the Heritage Assessment. The LVIA information supplied identifies a less than significant cumulative visual and sequential cumulative visual impacts from the development are experienced from limited viewpoints. These are noted to be from the public rights of way to the north and northeast of the site and not immediately adjacent any of the heritage assets within the setting of which the proposed development lies.
- 3.12. Following revisions to the scheme within fields A and C the LDC Conservation Officer notes that less than substantial harm to the setting of Highfields Farmhouse will occur as a result of the development proposed. The Conservation Officer does not consider within their comments that any substantial harm to or loss of heritage assets will arise as a result of the development. Of the heritage assets affected by the proposals the setting of Highfields Farmhouse is considered to be the asset most affected by the development. The degree of impact on other Heritage Assets is therefore lower than that on Highfields House and can also be considered less than substantial.
- 3.13. In accordance with the requirements of paragraph 202 where less than substantial harm to the setting of a heritage asset occurs as a result of a development proposal the NPPF advises that this harm should be weighed against the public benefits of the proposal.
- 3.14. Historic England raise concerns in relation to the scheme, its impact upon the historic environment including listed buildings, conservation areas and the scheduled monument at

Seckington which is a Motte and Bailey. Following initial concerns from Historic England the site of the Motte and Bailey has been visited and though the surrounding fields are accessible, the mound that forms the Motte and Bailey is fenced and publicly inaccessible, therefore views from the top and ensuing impact upon the setting are not considered to be frequent or to a degree which may outweigh other considerations. In addition, further landscape visual information has been provided which demonstrated that visibility from the surrounding fields is limited.

- 3.15. The County Council Historic Environment Team note that records of ridge and furrow farming have previously been identified via aerial photography and that despite low archaeological potential in some areas of the site, watercourses have the potential to offer further evidence of historic activity. They broadly agree the findings of the submitted Archaeological Desk Based Assessment but request conditions for further field work and investigation of the site and the submission of a Written Scheme of Investigation prior to the commencement of development. It is considered reasonable and necessary to include these recommended conditions.
- 3.16. The proposed development has been assessed to result in less than substantial harm to the setting of nearby listed buildings and conservation areas. As such the harm must be weighed against public benefits of the solar farm. The public benefits from the scheme are considered to be derived from the generation of renewable energy, sufficient to power 14,000 homes annually and the associated impact through the reduction in emissions that is derived from increased solar energy. The temporary and fully reversible nature of the scheme must also be considered in considering the impact upon the surrounding assets. On balance the public benefits are considered in this instance to outweigh the harm to the heritage assets.

4. Sustainability

- 4.1. The NPPF places great emphasis upon sustainable development and set out the different considerations for planning decisions which contribute towards sustainability.
- 4.2. Policy SC2 of the Local Plan requires provision to be made for renewable energy generation within the District in a manner which maximises environmental and economic benefits whilst minimising adverse local impacts. It sets out the following criteria for the assessment of proposed renewable energy developments:
- the degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development;
 - the impact on local amenity, including residential amenity;
 - the impact of the proposal on sites of biodiversity value, ancient woodland and veteran trees;
 - the impact on the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes;
 - the proximity to, and impact on, transport infrastructure and the local highway network
- 4.3. The impacts for consideration are assessed in the relevant section of this report and the development is considered acceptable in these terms as noted within those detailed sections. The proposed development is otherwise considered acceptable in this regard.

5. Residential Amenity

- 5.1. Paragraph 130 of the National Planning Policy Framework requires that planning decisions ensure that developments create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. It progresses at paragraph 185 to require decisions ensure new development is appropriate to its location having regard for the likely effects, specifically they should minimise the adverse effects of noise and limit the impact of light pollution on local amenity and dark landscapes.
- 5.2. Core Policy 3 of the Lichfield Local Plan Strategy states that development should “protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure and services”. Policy BE1 of the Local Plan Strategy requires that development have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The Sustainable Design SPD offers further guidance on the standards to be implemented to assess the impact of a proposed development upon light at nearby dwellings.

Assessment

- 5.3. The Glint and Glare Study submitted in support of the application sets out that the modelling undertaken demonstrates that solar reflections are geometrically possible towards six out of seven dwellings that were assessed. Further review of the site characteristics demonstrated that the possible reflections are significantly screened and that no impacts are predicted and no further mitigation is required.
- 5.4. The application site is predominantly within a rural area, however there are a small number of residential dwellings adjacent and close to the site. The development at the nearest point from Highfields Farmhouse is 128m to the south of the side of the dwelling. For Highfields cottage panels will be located at the closest point 134m to the south. Once operational the effects of the proposed development are not of a concern to residential amenity, the supporting information indicating that no excessive levels of noise or fumes are likely to arise from the proposals.
- 5.5. During the construction phase there is potential for there to be disturbance to residents of nearby dwellings. As such it is considered to request that the construction activities are subject to a Construction Environment Management Plan setting out how adverse effects on residents will be managed to ensure no disturbance occurs. The issues in relation to outlook and visual impact are addressed in other sections of the report.
- 5.6. The proposed development may therefore result in some negative impacts on residential amenity during the construction phase. This is not considered to present a robust reason for the refusal of the application in this instance. Subject to condition the proposed development accords with the relevant development plan policies in this respect.

6. Access, Parking and Highway Safety

- 6.1. The National Planning Policy Framework requires in paragraph 110b that in the consideration of development proposals it should be ensured that safe and suitable access to the site can be achieved for all users, and where this is unachievable development can be refused.
- 6.2. Policy ST1 requires that traffic generating development will only be permitted where it is compatible with the transport infrastructure within the area and takes account of the number and nature of additional traffic movements, transport infrastructure and access and egress to the public highway and highway safety.

Assessment

- 6.3. Once operational the development is stated within the supporting information not to result in a significant increase in traffic movements to the site. The intensification of transport movement is understood therefore to be during the construction and decommissioning phases of the development. It is considered appropriate to impose conditions relating to these phases to ensure traffic movements during these times are properly managed and the impact on the highway network will not be severe.
- 6.4. The application is supported by a Construction Traffic Management Plan (CTMP) which provides detail on the levels of traffic that will be generated through the construction phases and proposes construction vehicle access and access route and measures for the management of the traffic and transport effects arising from the construction phase of the development.
- 6.5. The Glint and Glare Study submitted in support of the application sets out that the modelling undertaken demonstrates that solar reflections are not geometrically possible towards the assessed section of roads and that therefore in the absence of predicted impacts no further mitigation is required.
- 6.6. The comments received from members of the public in relation to highway safety and the construction and operation of the development are considered to be addressed in part through confirmation within the Glint and Glare Study that the road users will not be affected by glint and glare due to the geometry of the panels and the panels and the roads. Furthermore the Local Highway Authority have considered the proposed scheme and information contained within the supporting documents and offer no objections.
- 6.7. The submission has been considered by the Local Highway Authority who confirm in their response the requirement for conditions in relation to the accesses, internal infrastructure for parking, accesses, servicing and turning and the compliance with plans detailing visibility splays. The impact upon the highways is therefore addressed through the consideration of the scheme by the Local Highway Authority who, subject to conditions, find it complies with policies ST1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework and therefore acceptable.
- 6.8. The development subject to the recommended conditions is considered to accord with the development plan in this respect.

7. Ecology

- 7.1. The National Planning Policy Framework describes how planning decisions should contribute and enhance the natural and local environment in a variety of ways, of relevance to this development proposal is the requirement that development should minimise impacts on and provide net gains for biodiversity. Expanding upon this requirement, it sets out principles which should be applied in the determination of planning applications at paragraph 180 that planning permission should be refused in significant harm to biodiversity as a result of development can not be avoided, mitigate or compensated for.
- 7.2. Core Policy 13 supports the enhancement of biodiversity and the safeguarding, restoration and creation of habitats. within the District Policy NR3 of the Local Plan Strategy, which relates to biodiversity and protected species in the decision-making process clearly states that development will only be permitted where it incorporated beneficial biodiversity conservation features and delivers a net gain for biodiversity. It further states that development proposals that have direct or indirect impacts upon protected or priority species within the District will not be permitted. Further guidance is provided for applicants on how biodiversity can be built into developments within the Biodiversity and Development Supplementary Planning Document. The District requires an uplift of 20% of the value of habitats lost as a result of development.

Assessment

- 7.3. The application is supported by a Preliminary Ecological Appraisal and an Ecological Impact Assessment. The comments from members of the public in relation to this are acknowledged and members of the public are assured that the correct information has been received by the Council, however due to the presence of some protected species the Council is not able to make these public.
- 7.4. The Council's Ecologist in consideration of these are satisfied with the methodology and information within the submitted Ecological Impact Assessment species surveys, mitigation proposed to minimise the impact of the development on Brown Hare and provide habitat and access are considered sufficient. The team request a condition to secure adherence by the applicant to all methods of working within the Ecological Impact Assessment.
- 7.5. The application is supported by a biodiversity metric which demonstrates the development is able to achieve above the required net gain to diversity of 20% through onsite habitat improvement. Further hedgerows enhancements of er 10% are also proposed to be delivered.
- 7.6. Subject to conditions the proposed development is considered to be acceptable in regard to ecology and protected species.
8. River Mease Special Area of Conservation
 - 8.1. Section 15 of the National Planning Policy Framework advises that the same protection should be given to Special Areas of Conservation when decision making that is given to habitats sites. It expands upon this in paragraph 182 stating that unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site the presumption in favour of sustainable development does not apply.
 - 8.2. The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impact of the development any Special Areas of Conservation. Local Plan Policy NR8 sets out that development will only be permitted where it is demonstrated that it will not lead to an adverse impact on the integrity the River Mease Special Area of Conservation. The River Mease SAC qualifying species are affected by changes to the nutrient quality of the water,
 - 8.3. In consideration of this development and based upon the information available a HRA has been undertaken. It considers the information supplied by the applicant that the construction phases of a development of this nature will be controlled through a Construction Environment Management Plan which will incorporate standard best practice to prevent pollution and that, once operational, the site will not result in pollution or runoff. The HRA concluded that the development is unlikely to adversely affect the integrity of the River Mease SAC. Natural England confirm in their response they agree the conclusions of the HRA.
 - 8.4. A condition is included to secure the submission of a Construction Environment Management Plan prior to the commencement of development and subject to inclusion of, and compliance with this condition, the proposed development is acceptable in this regard.
9. Flood Risk and Drainage
 - 9.1. The National Planning Policy Framework sets out that the planning system should take account of flood risk and new development should manage flood risk from all sources. All development should be directed away from areas of risk at flooding and no development should increase the risk of flooding Paragraph 167 requires that new development does not increase flood risk in other locations. Paragraph 178 requires that planning decisions ensure that development sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability. Annex 3 to the NPPF 'Flood risk vulnerability

classification' includes solar farms to be an essential infrastructure. are noted within the NPPF to be an appropriate form of development in areas prone to flood risk.

- 9.2. Local Plan Strategy Core Policy 3 requires new development to be directed away from known areas of flood risk. Development is required to give priority to utilising ground infiltration drainage techniques and include sustainable drainage techniques and other sustainable techniques for managing surface water run-off. Water quality policy

Assessment

- 9.3. The application site is shown to be wholly within flood zone 1 and therefore not to be at risk of fluvial flooding. The application is supported by a Flood Risk Assessment which details the potential effects of run off from the panels and states that the applicant will implement an onsite management strategy for regular inspection of the development to check for rivulet generation and should such occur identify appropriate maintenance. The FRA further notes that runoff from the panels will be clean and therefore poses low environmental risks. The areas of hardstanding to be introduced are minimal, less than 56m square, and the FRA states that the surface water runoff from the buildings and hardstanding will be conveyed to gravel trenches installed around the perimeter of the proposed inverter stations and the proposed substation.
- 9.4. The Lead Local Flood Authority have been consulted on the application, having considered the proposals and reviewed additional information in relation to the proposed development they request that a condition securing compliance with the Flood Risk Assessment and Surface Water Drainage Strategy is included as part of any recommendation for approval.

10. Impact on Trees

- 10.1. The importance of trees within the development and the contribution made by trees to the quality of the environment is recognised in paragraph 131 of the National Planning Policy Framework which requires that policies and decisions seek to incorporate trees into development and take measures to ensure the longevity of newly planted trees.
- 10.2. Policy NR4 of the Local Plan Strategy recognises the District's trees, woodland and hedgerows as important visual and ecological assets in our countryside. It notes that to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland and hedgerows are of significance. Accordingly, it states that trees and woodland will be protected from damage and retained. It requires that potential conflict between trees and development should be designed out at the planning stage.
- 10.3. The application site includes and is bordered by trees, woodland and hedgerows forming external and internal site boundaries. The development proposed retains and enhances the existing hedgerows, trees and woodland copse's that are located within and at the peripheries of the site. The supporting information recognises the importance of these landscape features and the way in which they serve to lessen the visual impact of the development upon the surrounding landscape.
- 10.4. The proposals do not include the removal of any trees and incorporate the existing woodland and hedgerow into the proposed layout of the site. In addition landscaping to the field boundaries that serves to improve the existing hedgerows and the enhance habitats across the site is proposed as part of the wider landscaping scheme.
- 10.5. The Principal Arboriculture Officer has reviewed the proposed development and landscaping and offers no objection to the application. The proposed development is therefore considered to accord with the development plan policies in this respect.

11. Other Issues

Other comments and objections received

- 11.1. Queries are raised regarding the viewpoints within the LVIA and some questions regarding the placement of panels within the photographic images. Additional information on the technical methodology for the images has been supplied and reviewed and confirmed to be acceptable by the consultant acting for the Council. The
- 11.2. Concerns are raised that the development conflicts with some guidance of Natural England. Natural England have been consulted on the application and offer comments only in relation to the River Mease SAC (discussed above) and further standing advice.
- 11.3. Following initial objection of the siting of panels, the scheme has been redesigned through the planning process to address the concerns of Cadent in respect of the high pressure gas pipeline that crosses the southern area of the site. The objection of Cadent has been removed. Cadent advised in their final response that an informative note was appropriate to draw the responsibility of the applicant to their responsibilities and the requirements of Cadent in respect of works and structures that may affect the pipeline. This is considered an appropriate addition.

Environmental Impact Assessment

- 11.4. The Town and Country Planning (Environmental Impact Assessment) Regulations (2017) require that where the development proposed in a planning application is listed in Schedule 2 of the regulations and exceeds the criteria thresholds within the Schedule screening should be undertaken as part of the application process. It was determined that an Environmental Impact Assessment was not required in this instance.

Glint and Glare

- 11.5. The Glint and Glare Study submitted in support of the application sets out that significant effects on high-level aviation are not predicted. For 2 out of 3 assessed fields the report concludes that reflection on approach to the runway (Catton Airfield and Grangewood Airfield) will be outside a pilot's primary horizontal field of view for the last 2 miles on approach which is confirmed to be in accordance with the associated guidance and industry best practice.
- 11.6. For the approach to Twycross Airfield the reflections are assessed to be likely at worst as having a 'low potential for temporary after-image' and this is noted as being acceptable in accordance with guidance and industry best practice.

Agricultural land

- 11.7. The NPPF requires that LPA's recognise soils as a natural capital asset that provides important services to ecosystems and consider the economic and other benefits of BMV, seeking to use areas of poorer quality land as a preference.
- 11.8. Government guidance advises that where development is for an area of greater than 20ha of land falling within ALC grades 1 – 3a, and therefore classified to be best and most versatile land Natural England. advise that proposals should avoid the development, and subsequent loss of best and most versatile agricultural land. Core Policy 13 of the Local Plan sets out that natural resources will be managed in a sustainable way to ensure protection and longevity. It is noted that the proposed development will allow for the development of what is understood to be previously undeveloped land formerly in agricultural use.

- 11.9. The application is supported by an Agricultural Land Classification report which reviews a wider area of the site and surroundings comprising a total area of 158.5ha of the site and surrounding land. The study finds the agricultural land within the survey area to comprise grade 3b agricultural land. As noted within government guidance 3b is not considered to be best and most versatile land.
- 11.10. The application sets out that for circa 6 months of the year the grassland beneath the proposed panels will be pastoral land maintained by between 260 and 540 grazing sheep. Essentially this will enable the site to retain a partially agricultural use for the site. Furthermore the development by virtue of it's temporary and reversible nature will not result in a loss of agricultural land in the long term as it would be with certain other types of development that are permanent and irreversible. The site will be capable of being used for agricultural purposes following re-instatement and continued grazing during the operational phase of the development will facilitate some degree of continued agricultural use.
- 11.11. The application site does not fall within the land classification of best and most versatile land, the proposed use will retain some agricultural uses in limited months of the year. The application is considered acceptable in this regard.

12. Human Rights

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

Conclusion

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

The development proposed will undoubtedly have a visual impact of varying degrees upon the surrounding landscape this is assessed within the LVIA which has been updated to provide additional information during the consideration of the application. The review undertaken of the LVIA by environmental consultants on behalf of the planning department confirms that the landscaping proposed will lessen the visual impact as the landscaping matures. The conclusions of the LVIA review confirm that the proposed development is unlikely to result in an unacceptable level of harm to either the surrounding landscape or visual amenity. Furthermore the LVIA review indicates that the development proposed will not result in a loss of character to the surrounding area that will change the characteristics to an unacceptable degree.

The impact of the development upon the heritage assets within the setting of which the development lies has been considered and assessed by the Council's Conservation Team who conclude, following amendments to the scheme, that the impact is 'less than substantial' and it therefore falls to be determined if the public benefits of the scheme outweigh the impact upon heritage assets.

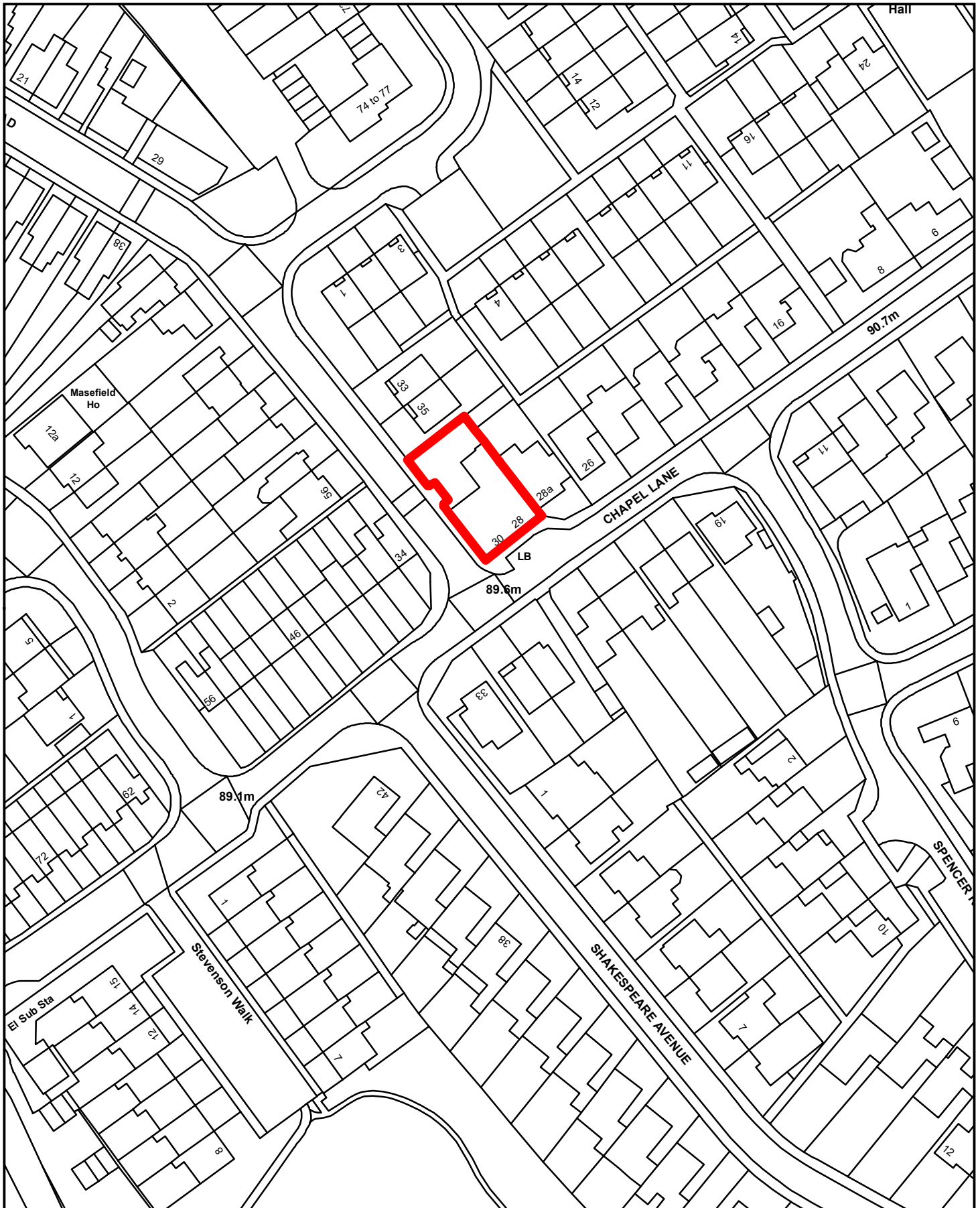
In terms of biodiversity and protected and priority species the development is confirmed by the Council's Ecology Team, subject to conditions, unlikely to result in harm to the species and to deliver, through enhancements, the required net gain to biodiversity. Further in the environmental dimension the scheme has been demonstrated, subject to best practice construction methods, not to result in harm to the River Mease Special Area of Conservation. The land to be used will be fully restored

following the cessation of generation and therefore will not result in a permanent loss of agricultural land, an element of agricultural use on site will remain through pastoral grazing.

In terms of economic benefits these are to be derived through the construction and operation phases via employment and the generation of income. The supporting information sets out that the scheme will generate sufficient clean energy to power 14,000 homes or electric cars annually, which contributes to national and local targets in respect of climate change, clean energy and the reduction of emissions, the benefits of the scheme in this respect extend beyond the area of the site.

The impact of the development on the historic environment has been considered in the application process and the localised impact of the development on the heritage assets is acknowledged. Notwithstanding the harm arising the benefits of the scheme in the delivery of clean energy and the reduction of emissions are considered to outweigh the harm to the surrounding heritage assets.

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



22/01709/COU

Change of use of 28-30 Chapel Lane to a 7-person HMO with internal alterations (Class Sui Generis); provision of bin stores and bicycle parking; and retention of existing shop (Class E).

28 Chapel Lane, Lichfield, Staffordshire

FOR Mr Manraj Dulai

Registered **16/12/2022**

Parish: Lichfield City

Note: This planning application is being reported to the Planning Committee as it has been called in by Councillor Spruce, elected member for St Johns ward, on the following grounds:

- Highways - there are already parking issues on the junction and the addition of more occupants in the property will worsen the problem.
- Residential Amenity

RECOMMENDATION: Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:

CONDITIONS & REASONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

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

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP5, CP6, CP13, ST1, ST2 H1, NR3, BE1, Whit 4 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Lichfield City Neighbourhood Plan and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation as a HMO.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

4. Prior to the first use as a HMO, 1 No. bat and 1 No. bird box shall be installed within the site. The bat and bird boxes shall thereafter be retained as such for the life of the development.

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

5. The cycle parking facilities shall be provided within the site prior to the first occupation of the development as a HMO in accordance with the approved plans. The cycle storage facilities shall be retained at all times for its designated purpose.

Reason: To ensure sufficient cycle parking provision within the site and in the interests of sustainable travel in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

6. The bin storage facilities shall be provided within the site prior to the first occupation of the development as a HMO in accordance with the approved plans. The bin storage facilities shall be retained at all times for their designated purpose.

Reason: In the interests of the amenities of the locality in general in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

7. The existing parking space within the rear of the application along with access off Ivanhoe Road site shall be retained for the lifetime of the development.

Reason: In the interests of highway safety in accordance with the requirements of Policies CP5, BE1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured 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.
5. The applicant is advised that developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. As this is an HMO for 6 or more people if additional refuse capacity is required the landlord will need to apply for this through the additional bin process which can be found on the website, alternatively they can use a private contractor for any extra capacity. 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 day and return them as soon as possible after emptying.

6. The applicant is advised that with respect to condition 3, Severn Trent Water do not permit a surface water discharge into the public combined sewer, and recommend the applicant seeks alternative arrangements. It should also be noted that Severn Trent would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates. This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.
-

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 6: Housing Delivery

Policy BE1 - High Quality Development

Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

Policy H1: A Balanced Housing Market

Policy H2: Provision of affordable homes

Local Plan Allocations

No relevant policies.

Supplementary Planning Documents

Sustainable Design SPD

Lichfield City Neighbourhood Plan (2018)

No relevant policies.

Other Documents

Technical housing standards- nationally described space standard

Cannock Chase SAC Partnership/ Natural England Guidance to mitigate January 2023

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. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy

Strategic Policy SP3: Sustainable travel

Strategic Policy 12: Housing Provision

Local Policy H1: Balanced Housing Market

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

RELEVANT PLANNING HISTORY

04/00826/FUL - Proposed first floor extension and installation of a roller shutter to existing shop and erection of a 4 bed dwelling to side- Refused. 17.11.2004

05/00142/FUL - Proposed first floor extension and erection of a 4 bedroom dwelling to side with amenity space and additional parking- Approved subject to conditions 06.04.2005

08/00890/FUL- New dwelling (revision to previously approved scheme under 05/00142/FUL)- Approved subject to conditions 10.10.2008.

CONSULTATIONS

Lichfield City Council - No objections in principle but parking could be an issue as only 1 space provided (16.01.2023/ 10.02.2023)

Police Architectural Liaison Officer - No objection, however, the Local Neighbourhood Sergeant has raised concern over the likelihood that an increase in parked vehicles in this location will cause a safety issue for people using the adjacent junction. (19.01.2023)

Severn Trent Water - No objections, subject to the inclusion of conditions and informatives. (13.01.2023)

Staffordshire County Council (Highways) - Final- No objection, subject to the inclusion of a condition relating to cycle parking. (10.02.2023)

Initial- Revised plan showing cycle parking should be submitted. (18.01.2023)

LDC Environmental Health Team- No objections raised. (01.02.2023)

LDC Waste Management- No objection, subject to the inclusion of informatives. (06.01.2023)

LETTERS OF REPRESENTATION

33 letters of representation have been received in respect of this application, 2 were in support and 31 contained objections to the proposals. The comments made are summarised as follows:

Objects:

- Parking concerns relating to corner of Chapel Lane and Ivanhoe - this scheme will exacerbate that
- Change of use from residential to HMO is not in keeping with area.
- Increased traffic will be dangerous for school children.
- Increased need for on-road parking
- Loss of family home
- Anti-social behaviour
- Road is already a 'rat-run' for traffic avoiding Birmingham Road and Upper St John Street.
- Houses have lots of cars on this street
- Visibility on corner is not good
- Children are not observant, so it is dangerous.
- Cars use these roads to park on and then walk into the town centre.
- HMOs should be providing off-road parking
- Over-intensification of building.
- Not enough room for emergency vehicles
- Traffic survey should be carried out
- Safeguarding evaluation should be carried out

- Shop will be turned into bedroom

Supports:

- Shop is not closing
- Already a 6-bed property
- Parking at rear can accommodate 3-4 cars
- Shop car park is usually empty
- School children are not allowed to congregate
- Shop deliveries are twice a week for 20 mins
- Renovation of building to provide homes can only be a good thing for community
- Needs to be more accommodation like this so people can afford to live in Lichfield.

Following receipt of revised information, neighbours were re-notified. 6no. representations were received which reiterated the objections as set out above.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

A1859 P001 Chapel Ln Post Office Location Plan dated as received 15 December 2022
 A1859 P003 Chapel Ln Post Office Existing Basement Plan dated as received 15 December 2022
 A1859 P005 Chapel Ln Post Office Existing First Floor Plan dated as received 15 December 2022
 A1859 P006 Chapel Ln Post Office Existing Second Floor Plan dated as received 15 December 2022
 A1859 P007 Chapel Ln Post Office Existing North Elevation dated as received 15 December 2022
 A1859 P008 Chapel Ln Post Office Existing East Elevation dated as received 15 December 2022
 A1859 P009 Chapel Ln Post Office Existing South Elevation dated as received 15 December 2022
 A1859 P011 Chapel Ln Post Office Proposed Basement Floor Plan dated as received 15 December 2022
 A1859 P013 Chapel Ln Post Office Proposed First Floor Plan dated as received 15 December 2022
 A1859 P014 Chapel Ln Post Office Proposed Second Floor Plan dated as received 15 December 2022
 A1859 P015 Chapel Ln Post Office Proposed North Elevation dated as received 15 December 2022
 A1859 P016 Chapel Ln Post Office Proposed East Elevation dated as received 15 December 2022
 A1859 P017 Chapel Ln Post Office Proposed South Elevation dated as received 15 December 2022
 A1859 P004-A Chapel Ln Post Office Existing Ground Floor Plan dated as received 01 February 2023
 A1859 P010-A Chapel Ln Post Office Proposed Site Plan dated as received 01 February 2023
 A1859 P012-A Chapel Ln Post Office Proposed Ground Floor Plan dated as received 01 February 2023
 A1859 P018 Chapel Ln Post Office Proposed Cycle/ Bin Store dated as received 01 February 2023
 A1859 P002-A Chapel Ln Post Office Existing Site Plan dated as received 01 February 2023

OBSERVATIONS

Site and Location

The application site relates to an existing convenience shop and post office with adjoining 6-bedroom dwelling located on the north side of Chapel Lane at its junction with Ivanhoe Road in Lichfield. The application property is a two storey rendered building with amenity area to the rear. The rear amenity space is enclosed by a 2m high brick wall with a gated vehicle and pedestrian access off Ivanhoe Road.

The use class of the shop is Class E, whilst the residential element of the building is a C3 dwelling house.

The surrounding area is residential in character. An Ariel photograph of the site is shown below, with the red line broadly indicating the application site.



Proposals

This application seeks permission for the change of use of the existing dwelling to a 7-person House in Multiple Occupation (Sui Generis) along with the provision of bin stores and bicycle parking. Internal alterations to the existing dwelling are proposed to facilitate the change of use which include the reconfiguring of the existing layout to provide a ground floor enlarged kitchen, dining/ living area and bedroom, and at first floor 6 bedrooms (1 with en suite) and 2 No. bathrooms are proposed.

There are no changes proposed to the external elevations or the loft area of the building. A cycle storage shelter for 7 bikes and a bin storage shed are proposed within the rear garden area to support the proposals.

The existing shop (Class E) would be retained with no alterations proposed in this respect. The overall site plan, including the ground floor layout and the proposed first floor layout are shown below:



Background

For planning purposes, the existing property, with the exception of the ground floor shop area, is considered as a C3 dwelling house as defined under the Town and Country Planning (Use Classes) Order 1987 (as amended). Also within Class C is Class C4 which are Houses in Multiple Occupation.

Class C4 is defined as: ‘Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.’ There is no use class for 7 individuals sharing a property in a manner as set out under Class C4, as such, the proposal is a Sui Generis Use, which is a category for any uses which do not fit within the other classes. Whilst Planning Permission is not required to change from a C3 to a small HMO for up to 6 people C4. However, consent is required to change from a C3 to a HMO for 7 people hence the current Application.

Determining Issues

1. Policy & Principle of Development
2. Design & Impact upon the Character of the Area
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Cannock Chase Special Area of Conservation
7. Other Matters
8. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 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 Lichfield Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 1.2 Core Policy 1 of the Lichfield District Local Plan Strategy (LDLPS) states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Proposals will promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, natural resources, utilities and infrastructure and areas at risk of flooding, whilst also mitigating and adapting to climate change and reducing the need to travel.
- 1.3 Core Policy 3 of the LDLPS states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 1.4 Core Policy 6 sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District will seek to provide 50% of housing on previously developed land. Housing development will be focused upon the 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

The District’s Settlement Hierarchy, set out at table 4.1, categorises Lichfield as the Strategic Centre and approximately 38% of housing (including Strategic Development Allocations) will be delivered in the city.

- 1.5 Policy H1 sets out that there is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 1.6 Policy Lichfield 4 of the LDPS outlines that 38% of the District's housing growth to 2029 will take place in and around Lichfield City, with around 46% of this being located within the urban areas.

Assessment

- 1.7 The proposals contribute to housing range provision and delivery in proximity to the urban area of Lichfield. The application site is already within residential use within a sustainable location, in close proximity to services and amenities in the city centre as well as being within walking distance of both the bus and train stations. Within the Settlement Hierarchy, Lichfield is categorised as a Strategic Centre, with a large proportion of housing growth to be delivered within it. The proposals are therefore considered to be in a suitable and sustainable location for housing and therefore align with policies CP1, CP3, CP6 and Policy Lichfield 4. The delivery of housing in this location is acceptable, as a matter of principle, subject to the material considerations detailed below.

2. Design & Impact upon the Character of the Area

- 2.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people.
- 2.2 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.

Assessment

- 2.3 It is noted that objections have been raised on the grounds of the proposed change from residential to a HMO is not in keeping with area. The area surrounding the application site is residential in character, containing a variety of dwelling size and style. The proposed alterations, which would continue to provide residential accommodation are considered to be in keeping with the surrounding character of the locality. The only external changes proposed are bike and bin stores which would be located within the rear amenity area and well screened from the surrounding street scene of Ivanhoe Road. The development proposal is in accordance with the design requirements of the Development Plan and NPPF in this regard.

3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's requirements for space about dwellings within Appendix A.

Assessment

- 3.2 It is noted that the impact on residential amenity was raised during the consultation process. The main issues to be addressed in terms of residential amenity are firstly the impact on neighbouring occupiers, including the amenities of the existing dwellings which surround the site, and secondly the amenities of the future occupiers of the proposals.

- 3.3 Turning first to the amenities of future occupiers. The plans indicate that the existing rear amenity space would be retained as part of the proposals which includes a patio and grassed area extending to approximately 138m². This external amenity area, which can be accessed via the communal areas of the property are considered to be acceptable. The proposed internal layout of the building are acceptable and the minimum space standards set out within the Technical Housing Standards (Nationally described space standard) would be met. Although the space standards do not specifically refer to HMO accommodation, they provide a good rule of thumb for minimum bedroom sizes. All proposed rooms benefit from appropriate space and windows.
- 3.4 In terms of impacts on neighbouring occupiers, the existing built form of this development is not changing with this proposal. There are no extensions proposed to the building or new window openings. In conclusion, this application would not cause unacceptable adverse impact to the amenity of neighbouring occupiers in terms of overlooking, overshadowing or overbearing impact.
- 3.5 With regard to noise and disturbance, the current dwelling provides 6-bedroom spaces. Therefore, despite 7 bedrooms being provided as part of the proposals and uplifting the potential number of occupants by 1no. (a 6 bedroom HMO would not require planning permission) it is not considered that this will lead to an over-intensification of the site compared with existing conditions. The proposals would not significantly intensify potential for noise or disturbance over and above the existing situation. In addition, it is noted that Environmental Health, nor the Police Architectural Liaison Officer raise any objections to this proposal.
- 3.6 In residential amenity terms, the scheme is compliant with the requirements of the Development Plan and the NPPF.

4. Access and Highway Safety

- 4.1 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 4.2 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.
- 4.3 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 a property with 5 or more bedrooms is 3 spaces.

Assessment

- 4.4 The County Highways department were consulted on this application and raise no objections on highway grounds. In terms of parking, the existing property benefits from on street parking and a space within the rear amenity area behind the existing gates which front onto Ivanhoe Road. The existing parking provision does not meet with the car parking standards set out in the Sustainable Design SPD. No changes to the existing parking situation are proposed. Objections have been raised by local residents and the Ward Councillor to this development on highway grounds and the issue of parking was specifically referred to by the City Council. Notwithstanding the objections raised, there is no evidence that a 7 person HMO, as opposed to the current 6 bedroom family dwelling or permitted 6 bedroom HMO, at this location would

exacerbate or cause severe impacts on the road network. A condition is recommended to ensure the existing parking space is retained.

- 4.5 The applicant has provided details of cycle storage to promote the use of sustainable methods of transport and the site is located within walking distance of local amenities such as shops, public transport and shops.
- 4.6 It is acknowledged that highway safety and parking concerns have been presented by the City Council and local residents. These highway related concerns are noted and have been considered by Officers, along with the specialist advice provided by the County Highway Authority.
- 4.7 Following the receipt of the final comments set out within professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highways safety grounds or parking provision with no technical evidence to the contrary. The development proposal is therefore considered by Officers to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF in this regard.

5. Ecology

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

Assessment

- 5.2 In line with Policy NR3 of the adopted Local Plan, a condition is recommended to ensure that a bat and a bird box are installed within the site. These measures would provide a sufficient biodiversity net gain. As such it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

6. Cannock Chase Special Area of Conservation

- 6.1 This site is within the 0-15km section of the Cannock Chase Special Area of Conservation. Lichfield District Council has a duty as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs.) to ensure that planning application decisions comply with the Habitat Regulations and do not result in adverse effects on the integrity of the Cannock Chase SAC which has internationally protected status under the Regulations for its unique heathland habitat.
- 6.2 The Council must ensure that decisions made on planning applications within a 15km zone will not have a negative impact on Cannock Chase SAC, in line with Policy NR7 of the Local Plan Strategy. If there are any likely significant effects, the Council is either unable to grant planning permission due to the restrictions of the Habitat Regulations, or it must ensure there are appropriate mitigation measures in place.
- 6.3 The NPPG advises that if the Local Planning Authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site, then, subject to compliance with other statutory requirements, it can grant permission.

Assessment

- 6.4 The application site hereby under consideration lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out

that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. Recent guidance (January 2023) produced by the Cannock Chase SAC Partnership and Natural England confirms that If the HMO is within the 15km payment zone each separate unit within the building should be treated as a separate dwelling when determining the level of developer contribution required.

6.5 In accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution.

6.6 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, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

7. Other Matters

7.1 A number of objections were received from the neighbour notification process and highlighted within the Call in from Councillor Spruce. The parking and highways issues have been addressed in section 4 of this report. Whilst a number of responses related to the loss or alterations to the shop, there are no plans within the application which seek to change the existing retail premises.

7.2 The loss of a family dwelling is noted, however the proposed use of the dwelling as a HMO would continue to provide residential accommodation. The intensification of the use has been considered in the above report, notably with respect to the residential amenity of future occupiers. This is considered appropriate. A safeguarding evaluation which was referred to within objections raised is not a planning matter.

7.4 Therefore, while the objections have been noted, none are considered to have raised an issue that would warrant the refusal of the application.

7.5 Severn Trent Water have requested a drainage condition, which forms part of the recommendation.

8. Human Rights


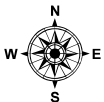
8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life,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

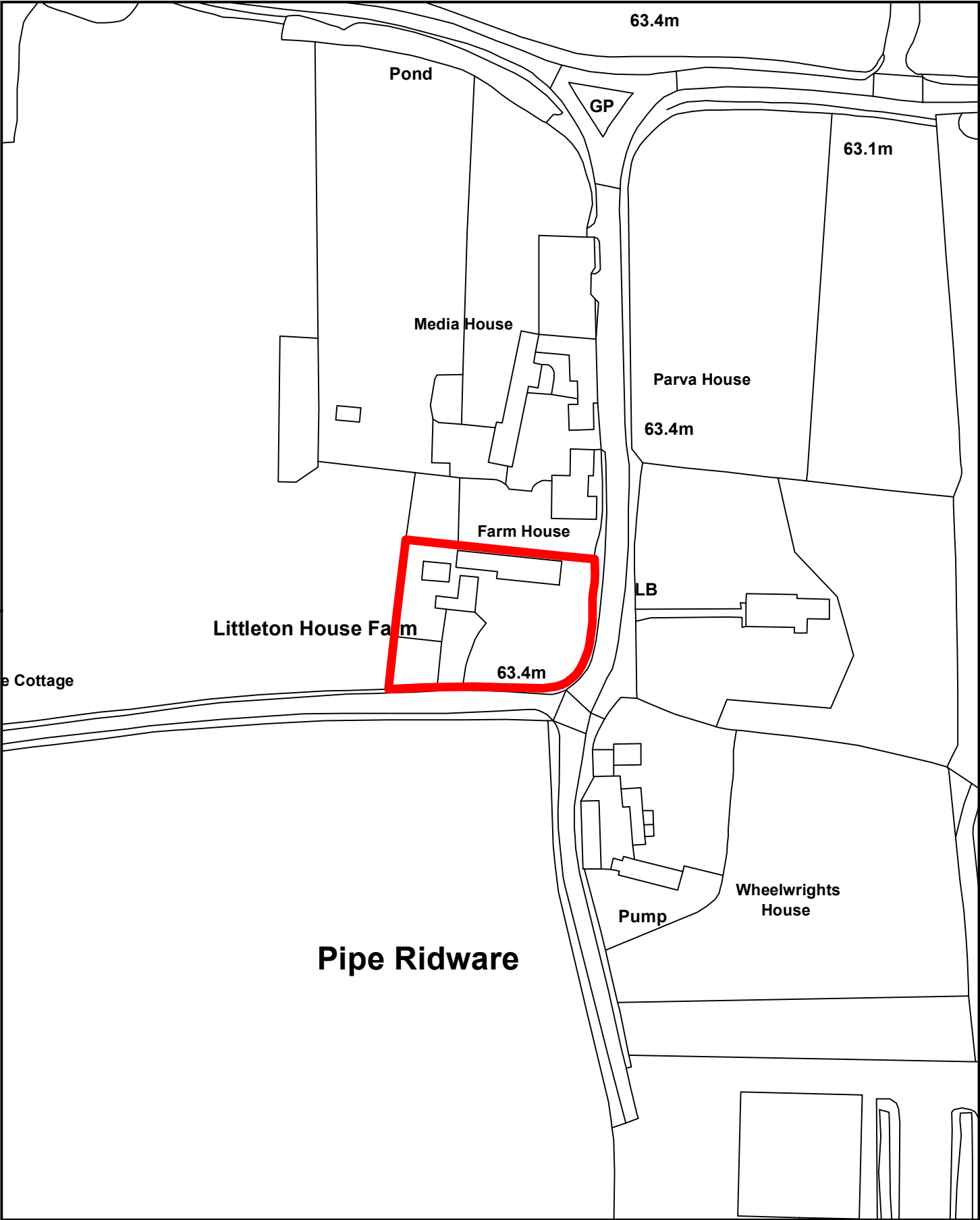
Conclusion

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

The principle of the development, a conversion of a 6 bedroom family dwelling to provide a 7 person house in multiple occupation, in a sustainable location, would be in accordance with the NPPF and Local Plan Strategy. Whilst concerns were raised by neighbouring residents in relation to the location of this HMO, in location and highway safety terms, it is considered that these issues can only be given limited weight and are clearly outweighed by the support offered to conversion of buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources. It is noted that the property could be used as a 6 bedroom HMO without planning Permission. The scheme would add to the choice of housing in a sustainable location. In terms of highway safety, as set out in the above report it is not considered that the scheme would result in a severe detrimental impact on the network.

Consequently, it is recommended that this application be approved, subject to conditions, and a S106 Obligation as set out above.

<div><p>Lichfield district council www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p></div>	LOCATION PLAN	Scale: 1:1,250	Dated: April 2023		
	22/01377/FUL	Drawn By:			
	Littleton House	Drawing No:			
	Pipe Lane Pipe Ridware	© Crown Copyright Database Rights 2015 Lichfield District Council Licence No: 100017765			
Rugeley					



22/01377/FUL

Demolition of single storey part of existing dwelling and storage building and conversion, extension and alteration of domestic outbuilding to form 1no. dwelling and associated works
Littleton House , Pipe Lane, Pipe Ridware, Rugeley
FOR Mr & Mrs R. & W. Sanders

Registered **22/09/2022**

Parish: Mavesyn Ridware

Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by County Highways:

- The proposed development would be for a substantial new residential property which would be in an unsustainable location;
- It is likely that the majority of journeys by the future occupiers of the proposed dwelling to access services and facilities would be made by private vehicles;
- The proposed development fails to provide safe all-weather, all-season pedestrian routes to local facilities/services schools, and public transport facilities and as a consequence would increase the likelihood of pedestrian/vehicle conflict resulting in increased highway danger.

RECOMMENDATION: Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:

CONDITIONS & REASONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

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

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP5, CP6, CP13, ST1, ST2 H1, NR3, BE1, Whit 4 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD and the National Planning Policy Framework.

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

3. Before any works are commenced full details of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

4. Before the development hereby approved is first occupied, a landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use.

Reason: To ensure the satisfactory appearance of the development within the site in accordance with the requirements of Policies CP3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

5. Before the development hereby approved is first occupied, full details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall thereafter be provided in full before the dwelling is first occupied and retained as such for the life of the development.

Reason: To ensure the satisfactory appearance of the development within the site in accordance with the requirements of Policies CP3, NR4 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

7. Before the development hereby approved is first occupied, the access, parking and turning areas shall be provided in full in accordance with Site Plan 'Proposed' and shall thereafter be retained for the lifetime of the development.

Reason: To ensure sufficient parking provision within the site and in the interests of Highway safety in accordance with the requirements of Policies CP5, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

8. Before the development hereby approved is first occupied, the visibility splays and the gates at the entrance to the site off School Lane shall be provided in full in accordance with Site Plan 'Proposed' and shall thereafter be retained for the lifetime of the development.

Reason: In the interests of Highway safety in accordance with the requirements of Policies CP5, BE1 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. Before the new dwelling hereby approved is first occupied, a secure weatherproof cycle storage facility for that dwelling shall be provided in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To promote sustainable transport and to ensure sufficient parking provision within the site in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

10. Within one month of completion of the development hereby approved, 1 No. bat and 1 No. bird box shall be installed within the site, as recommended in the Preliminary Bat Roost Assessment and Bird Survey dated 20th September 2022. The bat and bird boxes shall thereafter be retained as such for the life of the development.

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

11. The development hereby approved shall be carried out in strict accordance with the working methods detailed within 'Method of working' pages 29-31 of Preliminary Bat Roost Assessment and Bird Survey' prepared by S. Christopher Smith and dated 20th September 2022.

Reason: To ensure the development causes no ecological harm and prevent the proliferation of built form, in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, and the National Planning Policy Framework.

12. The development hereby approved shall not destroy the sparrows nest, as outlined within 'Birds' pages 23-24 of Preliminary Bat Roost Assessment and Bird Survey' prepared by S. Christopher Smith and dated 20th September 2022

Reason: To ensure the development causes no ecological harm and to enhance biodiversity, in accordance with Policies CP3, CP13, NR3 and BE1 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, and the National Planning Policy Framework.

13. Notwithstanding the provisions of Classes A, B, C and D of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the new dwelling hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwelling, unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the appearance of the development and the impact on the wider rural landscape in accordance with the requirements of Policies CP3, BE1 and NR1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

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

5. The applicant is advised that developments of individual dwellings must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling bag. 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.
 6. 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. The applicants are further advised that works are to occur outside of nesting bird season (1st March - 30th August), unless a check for nesting birds has been completed immediately prior and none are found. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

CP2 – Presumption in Favour of Sustainable Development
CP3 – Delivering Sustainable Development
CP5 – Sustainable Transport
CP6 – Housing Delivery
CP14 – Our Built and Historic Environment
H1 – A Balanced Housing Market
NR7 – Cannock Chase Special Area of Conservation
BE1 – High Quality Development
Policy ST1 - Sustainable Transport
Policy ST2 - Parking Provision
Policy Rural 2 – Other Rural Settlements

Local Plan Allocations

BE2

Supplementary Planning Documents

Sustainable Design SPD
Historic Environment SPD

Neighbourhood Plan

No adopted Neighbourhood Plan

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. Relevant policies in the emerging Local Plan include: -

Strategic Policy 1: The spatial strategy
Strategic Policy 10: Sustainable development
Strategic Policy 12: Housing provision

Local Policy H1: Balanced housing market
Local Policy NR2: Habitats and biodiversity
Strategic Policy SP17: Built and historic environment
Local Policy NR5: Cannock Chase Special Area of Conservation

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the determination of this application.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Severn Trent Water - No objections raised and confirmation provided that a drainage condition is not required. (13.10.2022)

Staffordshire County Council (Highways) - Recommends the application should be refused as the proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport to access the site as required by national and local planning policies. (21.10.2022/ 17.11.2022)

LDC Conservation and Urban Design Team – Final - No objections- Further information provided in relation to the solar panels acceptable. (14.03.2023).

Initial- No objections, further information required on the solar panels. (19.10.2022)

Waste Management - No objection, subject to the inclusion of informatives relating to refuse requirements. (04.10.2022)

LDC Ecology Team - No objections. 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/priority species are unlikely to be impacted upon with precautionary measures set out in the report. It can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species. Adherence by the applicant to all methods of working detailed within the assessment must be made a condition of any future planning approval, including all recommendations. (26.10.2022)

LETTERS OF REPRESENTATION

No letters of representation have been received in respect of this application.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location plan dated as received 21 September 2022
Existing site plan dated as received 21 September 2022
01 Existing Ground Floor Plan dated as received 21 September 2022
02 Existing First Floor Plan dated as received 21 September 2022
03 Existing Elevations dated as received 21 September 2022
04 Existing Elevations dated as received 21 September 2022
39.1905A Proposed Ground Floor Plan dated as received 01 February 2023
39.1006 A Proposed Roof and First Floor Plan dated as received 01 February 2023
39.1907 A Proposed Elevations dated as received 01 February 2023
Conversion Plan dated as received 03 March 2023
Preliminary Bat Roost Assessment and Bird Survey dated as received 21 September 2022

OBSERVATIONS

Site and Location

The application site relates to land and built form which currently associated with and existing dwelling house known as Littleton House. The building dates from the 19th Century and was formerly a public house known as the Littleton Arms. The existing dwelling sits within a large domestic curtilage and has a large, detached garage to its immediate southwest, and a further domestic storage building to the west. The property is served by an existing vehicular access off School Lane located midway along its southern site boundary. The access is gated, with the gates located 3 metres rear of the carriageway. To the north of the site is a two-storey farmhouse, with residential conversions of former agricultural buildings. To the west of the site a series of works associated with the construction of HS2 are currently taking place.

Pipe Lane encloses the southern boundary of the site beyond which lie open fields. To the southeast of the site on the opposite side of Pipe Lane lies the Grade II Listed Wheelwright Cottage and attached workshop. Between the Listed Building and the application site there is single storey garage and stable block which do not form part of the list description for Wheelwright Cottage and attached workshop. To the east of the site, also on the opposite side of Pipe Lane, lies the former Church of St. James and its associated churchyard which have been identified by the Local Authority as a non-designated heritage assets.

The application site lies within the zone of influence for Cannock Chase SAC but is not within the Green Belt. An Ariel photograph of the site is shown below, with the red line broadly indicating the application site.



Proposals

This application seeks permission for the conversion, extension and alteration of domestic outbuilding to form 1no. single storey dwelling and associated works. As part of the proposals, the existing site would be subdivided to form two separate planning units.

The proposed accommodation will comprise of an open plan lounge / kitchen / dining room, lobby, utility and 2 No. bedrooms both served by en suite bathrooms. The resultant dwelling will have a gross internal floor area of 134 square metres. The existing domestic curtilage of Littleton House will be subdivided to provide the new dwelling with its own area of private amenity space to the west and

southwest of the dwelling. To facilitate the proposed development, it is proposed to demolish part of the existing single storey section of the existing dwelling house, along with an adjacent storage building which collectively occupy a floor area of 104 square metres. The application also proposes the remodelling of the existing dining room / conservatory at Littleton House to provide a new breakfast room. The proposed dwelling would take the form of traditional outbuildings, and solar panels would be fitted to the South facing roof slopes.

Vehicular access to the site is to be taken via the existing access serving Littleton House off Pipe Lane. The existing access will therefore serve the new dwelling and the existing property, with a new parking area to be created in front of Littleton House to serve the occupants of that property, and a separate parking area created to serve the new dwelling. Each parking area provides 4 No. spaces and a turning area. The application also proposes alterations either side of the existing access to improve visibility on egress and to relocate the existing gates further within the site to enhance highway safety at the access to the site.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Cannock Chase Special Area of Conservation
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.
- 1.2 The spatial strategy for the District, set out in Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. Policies CP6 and Rural 1 of the Local Plan Strategy both support the conversion of existing buildings to residential use.
- 1.3 The Rural Development Supplementary Planning Document (SPD) provides further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Core Policy 3 of the Local Plan Strategy states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 1.4 Policy H1 sets out that there is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties to increase local housing choice and contribute to the development of mixed and sustainable communities.

Assessment

- 1.5 The proposals mainly include the re use of an existing large outbuilding, which would be extended to provide a new dwelling house. In addition to these elements of the proposal, it is noted that a single storey element of the main property would be demolished along with an additional outbuilding. Whilst it is noted that the proposed dwelling house would not be delivered solely through the conversion of an existing building, when taking into consideration the existing built form to be demolished and the rationalisation of buildings on the site, this scheme is considered to be acceptable. The development would reuse existing built form to create a new 2 bedroom dwelling house. The existing domestic curtilage of the host dwelling Littleton House would be subdivided, with no changes to the outer boundaries of the existing site to avoid further encroachment into the countryside.
- 1.6 Given the that the proposals principally re use and re purpose existing buildings within the site, it is considered that the development, would comply with the requirements of Policies CP3, H1 and CP6 of the development plan in terms of the principle of development.
2. Design and Impact upon the Character and Appearance of the Surrounding Area
 - 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 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. Additionally, the Rural Development SPD in appendix 3.2 states, *“The character of a rural building is derived from its original function and every effort should be made to retain the original simplicity of scale and form and to alter the building as little as possible”*.

Assessment

- 2.5 The Conservation and Urban Design team were consulted as part of the planning process and have provided confirmation that when taking into consideration the intervening built form and separation distances, it can be concluded that the scheme results in no impacts or harm to the setting or significance of any heritage assets, including the listed buildings at Wheelwrights Cottage. Furthermore no objections were raised to the proposals, aside from querying further details in relation to the proposed solar panels as these would be visible from School Lane. Further details have been provided by the applicant, which have been reviewed by the

Conservation Officer who has concluded that they are not inappropriate in this instance nor would they be out of context.

- 2.6 It is noted that the proposed changes to the exterior of the existing buildings would not be detrimental to the rural setting of the site, and the new dwelling would remain and subservient in appearance to the main dwelling Littleton House. The materials will be important in ensuring the conversion fits comfortably with its surroundings. These details along with those of the surrounding hard and soft landscaping can be secured by appropriately worded conditions prior to works being carried out. These conditions form part of the recommendation.
- 2.7 Subject to details on the materials and soft and hard landscaping, the proposals would therefore be in keeping with the requirements of the Rural Development SPD and in accordance with Policy BE1 overall. The development proposal is therefore in accordance with the requirements of the Development Plan and NPPF in this regard.

3. Residential Amenity

- 3.1 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 that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 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 neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters.

Assessment

- 3.3 As the buildings are largely already present there would be no amenity impact on Littleton House or the neighbouring properties in terms of loss of light or overbearing impacts. Also, there would be no loss of privacy given the placement of the proposed windows. The building would be single storey in height, and any further extensions or alterations can be controlled through the removal of permitted development rights via an appropriately worded condition. The necessary amenity garden space for a 2-bed property of 45 sq m would be accommodated within the site, although details of the hard and soft landscaping scheme could be a condition of any forthcoming permission. Subject to the implementation of conditions, it is considered that the proposal would meet the requirements of Policies BE1, CP3 and the Sustainable Design SPD and would be acceptable.
- 3.4 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

4. Access and Highway Safety

- 4.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated.
- 4.2 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.

- 4.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street car parking standards are defined within Appendix D of the Sustainable Design SPD, with 1 parking space being required for a 2 No. bed dwelling house.

Assessment

- 4.4 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location and related matters (set out in full above). However, such matters should be weighed against other considerations that weigh in favour of the application.
- 4.5 The first consideration is that both national and local policy supports the reuse and adaptation of rural buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find roads that have pavements and, or, streetlights. To insist that conversions of rural buildings should only be allowed in circumstances where they are served by roads with pavements and streetlights would, in effect, negate the policy.
- 4.6 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of one dwelling, which the Highway Authority notes will be largely served by private car. Furthermore, the proposals also include enhancements to the access, which include the provision of wider visibility splays and gates set further back into the site. These enhancements can be secured by condition to be incorporated prior to the first occupation of the new dwelling. As such the risk to highway safety, over and above that which currently exists would be marginal and could not be considered to be severe.
- 4.7 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the reuse of natural resources, often referred to as environmental capital, and includes not only the materials that a building is constructed from but also the energy expended in manufacturing and transporting those materials. As such the proposal is wholly consistent with the overarching environmental objective of 'using natural resources prudently' and 'minimising waste and pollution' as identified in paragraph 8 of the NPPF which sets out what 'achieving sustainable development means'. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy as they give rise to the sustainability benefit from the reuse of environmental capital.
- 4.8 When assessed in the planning balance it is considered that the harm to highway safety and to the purpose of achieving sustainable development by virtue of the proposed dwelling's location is outweighed by the policy support for the reuse of rural buildings, and the environmental benefits arising from the reuse of the environmental capital invested in the existing building.
- 4.9 The site layout plan indicates parking for 2no. vehicles, which meets with the Council's parking standards set out in the Sustainable Design SPD. Cycle parking has not been shown, however it is noted that there is ample room within the site to accommodate appropriate storage. A condition is recommended to require that this would be provided.
- 4.10 The objection from the Highway Authority is noted, however this is considered to be outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate the off road parking required for both the original and the new dwelling and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy.

5. Ecology

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

Assessment

- 5.2 A Bat and Bird Survey was submitted in support of the application. The Council's Ecology Officer has reviewed the submissions and advised that the proposed works would be unlikely to negatively impact upon protected or priority species or habitats. The requirement for the works to be undertaken in accordance with the methods set out in the Bat and Bird Survey were highlighted and can be secured via a suitably worded condition. Also, the requirement to secure a net gain as suggested within the submitted Ecology survey though the inclusion of bat and bird boxes was accepted. It is considered that these aspects could be conditioned as part of any forthcoming planning permission, and that with these measures in place the scheme would comply with policy NR3.

6. Cannock Chase Special Area of Conservation

- 6.1 This site is within the 0-15km section of the Cannock Chase Special Area of Conservation. Lichfield District Council has a duty as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs.) to ensure that planning application decisions comply with the Habitat Regulations and do not result in adverse effects on the integrity of the Cannock Chase SAC which has internationally protected status under the Regulations for its unique heathland habitat.
- 6.2 The Council must ensure that decisions made on planning applications within a 15km zone will not have a negative impact on Cannock Chase SAC, in line with Policy NR7 of the Local Plan Strategy. If there are any likely significant effects, the Council is either unable to grant planning permission due to the restrictions of the Habitat Regulations, or it must ensure there are appropriate mitigation measures in place.

Assessment

- 6.3 In accordance with Regulation 63 of the habitat Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution for the net increase of one dwelling on the site.
- 6.4 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, subject to the applicant completing a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

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.


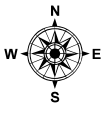
Conclusion

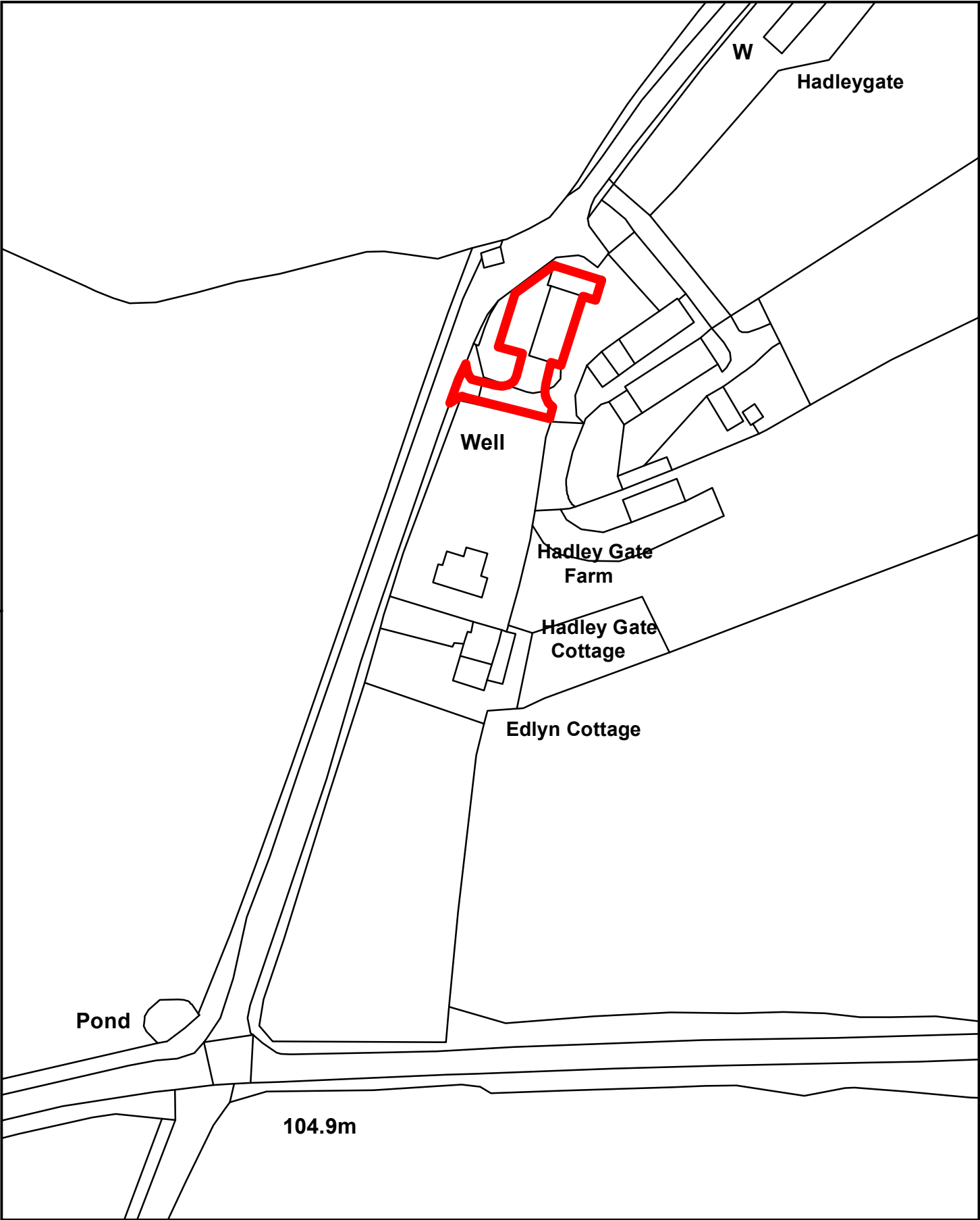
The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

The principle of the development, a conversion of a building to provide a new dwelling within a rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority related to the location of the new dwelling in sustainability terms and highway safety, it is considered that these should be given limited weight and are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources. In terms of highway safety, as set out in the above report it is not considered that the scheme would result in a severe detrimental impact on the network.

Other matters related to Cannock Chase SAC, ecology, materials and residential amenity meet the appropriate policy tests and are considered acceptable subject to the attached conditions.

Consequently, it is recommended that this application be approved, subject to conditions and the prior completion of a s106 Obligation, as set out above.

<div> www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</div>	LOCATION PLAN 22/01427/COU Hadley Gate Farm Hadley Gate Lane Hadley Gate Rugeley	Scale: 1:1,000	Dated: April 2023	
		Drawn By:		
		Drawing No:		
			© Crown Copyright Database Rights 2015 Lichfield District Council Licence No: 100017765	



22/01427/COU

Change of use from agricultural building to a dwelling house and associated works. (resubmission of 19/01137/COU)

**Hadley Gate Farm, Hadley Gate Lane, Hadley Gate, Rugeley
FOR Mr M Hill**

Registered **19/10/2022**

Parish: Mavesyn Ridware

Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by Staffordshire County Council Highways.

The Highways Authority recommends refusal for the following reasons:

- The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable residents to reasonably choose sustainable modes of transport from the site as required by national and local planning policies. The scheme is contrary to paragraphs 110-112 of the NPPF, Policy CP5 of the Local Plan Strategy and to the interests of highway safety.

RECOMMENDATION: Approve, subject to the prior completion of an S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:

CONDITIONS & REASONS

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 CP1, CP3, CP6, CP13, CP14, NR3, NR7, ST1, ST2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees Landscaping and Development SPD and the National Planning Policy Framework.

3. Prior to any works taking place above dampproof course level, full details of all exterior materials to be used in the hereby approved replacement dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and thereafter retained as such for the life of the development.

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

4. The access, parking and turning areas shown on the proposed site plan shall be provided prior to the first occupation of the dwelling hereby approved and retained as such thereafter for the lifetime of the development.

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

5. All planting, seeding or turfing shown on the approved plans shall be carried out in the first planting and seeding season following the first occupation of the development 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 and BE1 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

6. The construction of the development shall be undertaken in complete accordance with the methods of working set out in section 4.3 of the Bat Report dated 17th October 2022.

Reason: To avoid harm to a protected species in accordance with Policy NR3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

7. Prior to the first occupation of the dwelling hereby approved, the new bat roosting features and bird nesting boxes as set out in section 4.3.2 and 4.4 of the Bat Report dated 17th October 2022 shall be installed and maintained for the lifetime of the development.

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

8. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then unless otherwise agreed in writing by the Local Planning Authority development shall cease until the applicant has submitted a written scheme prepared by a suitably qualified practitioner to identify record and remediate that contamination and this scheme has been approved in writing by the Local Planning Authority. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals. The approved remediation scheme shall be completed on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. Within one month of completion of the approved remediation scheme a validation report shall be submitted to the Local Planning Authority. The development shall not be occupied until the validation scheme has been received by the Local Planning Authority.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. Notwithstanding the provisions of Classes A, B, D and E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the dwelling hereby permitted shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwelling, unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the appearance of the development and the impact on the wider rural landscape in accordance with the requirements of Policies BE1 and NR1 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured 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. 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.lichfeldddc.gov.uk/cilprocess.
5. The Coal Authority advises the developer that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place. It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and

any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

6. 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 in addition to those known to be present (identified in the submitted surveys) all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
7. The applicant is advised that this consent may require approval under Section 7 of the Staffordshire Act 1983 and/ or a Section 38 agreement of the Highways Act 1980. The developer is advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
8. The applicant is advised that Public Footpath No. 17 Colton Parish which is in the vicinity of the site should not be obstructed or extinguished as a result of this development either during or after construction.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Policy BE1 - High Quality Development

Policy CP2 - Presumption in Favour of Sustainable

Policy CP3 - Delivering Sustainable Development

Policy CP6 - Housing Delivery

Policy CP14 - Our Built & Historic Environment

Policy ST2 - Parking Provision

Policy NR3 - Biodiversity, Protected Species & their Habitats

Policy NR4 - Trees, Woodland and Hedgerow

Policy NR7 - CC SAC

Policy RURAL2 - Other Rural Settlements

Policy CP1 - The Spatial Strategy

Policy CP13 - Our Natural Resources

Policy ST1 - Sustainable Transport

Policy H1 - A Balanced Housing Market

Policy NR5 - Natural & Historic Landscapes

Local Plan Allocations

N/A

Supplementary Planning Document

Sustainable Design SPD

Trees Landscaping and Development SPD

Rural Development SPD

Biodiversity and Development SPD

Neighbourhood Plan

No adopted Neighbourhood Plan

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. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy
Strategic policy 2 (SP2): Sustainable transport
Strategic policy 3 (SP3): Sustainable travel
Strategic Policy SP10: Sustainable Development
Strategic policy 12 (SP12): Housing provision
Local Policy SD1: Sustainable Design and Master Planning
Policy LT1: Parking Provision
Local Policy NR2: Habitats and Biodiversity
Local Policy NR3: Trees, Woodland, and Hedgerows
Local policy NR5: Cannock Chase Special Area of Conservation

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

RELEVANT PLANNING HISTORY

16/00753/PND - Prior notification for the change of use of an agricultural building to a dwelling house- Prior Notification not required. 01.09.2016.

19/01137/COU - Conversion of traditional agricultural building into a residential dwelling- Approved subject to conditions. 21.10.2019

CONSULTATIONS

Mavesyn Ridware Parish Council - No response received.

Severn Trent Water - No response received.

HS2 Safeguarding Consultation - No response received.

The Coal Authority - No objections. Due to there being no ground works proposed as part of the development, it is confirmed that the submission of a Coal Mining Risk Assessment (CMRA) is not required in this case - (26.10.2022)

Staffordshire County Council (Rights of Way Officer) - Public Footpath No. 17 Colton Parish runs north west of the proposed development site. From the submitted documentation, it does not appear that the footpath will be directly impacted by the proposals. Informative advised to remind the applicant of their responsibilities. (21.10.2022)

Staffordshire County Council (Highways) - Recommend Refusal. The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport from the site as required by national and local planning policies. The reasons for the recommendation relate to paragraphs 110-112 of the NPPF, Policy CP5 of the Local Plan Strategy and in the interests of highway safety. - (10.11.2022)

LDC Ecology Team - The Ecology Team is satisfied with the methodology and the information provided within the submitted Bat and Bird Surveys and agrees with the conclusions in that evidence shows two species of bat utilise the building, and nesting birds in the past including swallows. Strict adherence to

the submitted methods of working detailed within the assessment must be made a condition of any future planning approval. (22.11.2022)

LDC Environmental Health Team - Confirmed they have no comments to make on the application. (10.11.2022)

LETTERS OF REPRESENTATION

No letters of representation have been received in respect of this application.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

1913/05 A Site Plan dated as received 30 September 2022

1913/06 A Location Plan dated as received 30 September 2022

1913/04 Proposed Plans and Elevations dated as received 30 September 2022

1913/01 Existing Plans and Elevations dated as received 30 September 2022

1913/02 Existing Site Plan dated as received 17th March 2023

Bat Report dated 17th October 2022 dated as received 18 October 2022

OBSERVATIONS

Site and Location

The application site is located off Blithbury Road in Hadley Gate, Rugeley, and is to be accessed off an existing agricultural track off Hadley Gate Lane. The application site is located within a rural area and contains the single storey agricultural building which is the subject of this current planning application. The building is comprised of a traditional red brick and plain clay tiled roof along with a concrete block work extension with steel roof to the north. The application building is contained within a wider farm holding with a number of other surrounding agricultural buildings.

A small number of residential dwellings currently exist to the south along Hadley Gate Lane, but these, along with Hadley Gate Farm House, are to be lost to HS2 Phase 2A (West Midlands to Crewe). The submissions indicate that this application seeks to provide a replacement dwelling for occupiers of Hadley Gate Farm House.

The application site lies within the zone of influence for Cannock Chase SAC but is not within the Green Belt and is not within, or in close proximity to a Conservation Area or designated heritage assets. Public Footpath No. 17 Colton Parish runs north west of the proposed development site.

An Ariel photograph of the site is shown below, with the red line broadly indicating the application site.



Background

This application is for the resubmission of approved application 19/01137/COU for conversion of traditional agricultural building into a residential dwelling. It was considered under this application that the existing building is suitable for conversion and would not create any unacceptable adverse impacts, whilst providing a long-term viable future for the building. The consent has since lapsed.

Proposals

This application seeks permission for the change of use from agricultural building to a dwelling house.

The proposals would not increase the size of the existing outbuilding, and would incorporate replacement windows and doors and roof lights to the eastern elevation of the brick built building, and the replacement of roof and the external rendering of the existing block work structure to the north.

Internally, 2 No. bedrooms would be provided along with a kitchen and open plan dining and living area.

The submitted Planning Statement explains that this new dwelling is required to replace Hadley Gate Farmhouse, which is to be demolished as part of works relating to HS2 (Phase 2a). The application is also supported by a structural report which concludes that the building is generally in a stable condition.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Ecology and Nature Conservation
6. Cannock Chase SAC
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.
- 1.2 Paragraph 80 of the NPPF states that the development of isolated homes should be avoided in the countryside unless a number of circumstances apply. This includes development that would re-use redundant or disused buildings.
- 1.3 The spatial strategy for the District, set out in Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. Policies CP6 and Rural 1 of the Local Plan Strategy both support the conversion of existing buildings to residential use.
- 1.4 The Rural Development Supplementary Planning Document (SPD) provides further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism,

residential and recreational uses. Such buildings can include agricultural buildings, as well as buildings which have been in other uses, such as industrial uses. It states in paragraph 1.2 of Appendix B that buildings which require major or complete reconstruction, alteration or extension to allow their reuse would not normally be acceptable, as this is effectively the creation of a new building in the countryside. Residential use is generally only appropriate for buildings which are structurally sound; are capable of conversion without substantial alteration or extension; and where any domestic curtilage can be accommodated without creating a visual intrusion into the surrounding countryside. Furthermore, buildings in more sustainable locations, with easy access to local services and public transport are more suitable for residential conversion than those in more remote locations. The creation of live/work units can however result in a more sustainable form of development.

Assessment

- 1.5 The application building is located close to a cluster of agricultural buildings and barn conversions. Given this context, and having regard to case law, the application building cannot be considered as 'isolated'. As such the exception permitted by paragraph 80 is of limited relevance in this case. Notwithstanding Para 80 in the NPPF, this does not prevent a development plan policy being relevant on this matter.
- 1.6 The application is supported by a structural statement which evidences that the building is in generally good condition. The proposed works to convert the building, which require minimal works or interventions and no extensions are considered appropriate to facilitate its re use as a dwelling house. Accordingly, the proposal would comprise an appropriate re-use of a rural building. The principle of the development has previously been agreed with the permission for application 19/01137/COU being granted. In principle, the proposals are considered to be in accordance with Local Plan Strategy Policies CP1, CP6 and Rural 1, as well as the Rural Development SPD which sets specific criteria for barn conversions and the NPPF and would be acceptable.
2. Design and Impact upon the Character and Appearance of the Surrounding Area
 - 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 Local Plan Strategy Policy BE1 advises that *"new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views"*. Additionally, the Rural Development SPD in appendix 3.2 states, *"The character of a rural building is derived from its original function and every effort should be*

made to retain the original simplicity of scale and form and to alter the building as little as possible”.

Assessment

- 2.5 The proposals will retain the traditional character and form of the building, however it is acknowledged that the materials (outlined on the plans) will be important in ensuring the conversion fits comfortably with its rural surroundings. Whilst there are no objections to the palette of materials proposed, details of the finishes will be required and can be subject to a suitably worded condition. These details along with those of the surrounding hard and soft landscaping can be secured by appropriately worded conditions prior to works being carried out.
- 2.6 The proposals would therefore be in keeping with the requirements of the Rural Development SPD and in accordance with Policy BE1 overall. The development proposal is therefore in accordance with the requirements of the Development Plan and NPPF in this regard.

3. Residential Amenity

- 3.1 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 that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 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 neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters.

Assessment

- 3.3 The building is a significant distance from any existing neighbouring properties and as such there would be no amenity impact on the neighbouring properties in terms of loss of light, privacy or overbearing impacts. The windows in the proposed conversion either overlook the garden area or a storage barn to the eastern elevation.
- 3.4 The requirement of 45 sq m amenity garden space for a 2-bedroom property would be accommodated within the site. It is therefore, considered that the proposal would meet the requirements of Policies BE1, CP3 and the Sustainable Design SPD and would provide an acceptable level of amenity for future occupiers.
- 3.5 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

4. Access and Highway Safety

- 4.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 112 requires applications for development to

give priority to pedestrian and cycle movements and ensure there is with minimal conflict with vehicles.

- 4.2 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.
- 4.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street car parking standards are defined within Appendix D of the Sustainable Design SPD.

Assessment

- 4.4 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location and related matters (set out in full above). However, such matters should be weighed against other considerations that weigh in favour of the application.
- 4.5 The first consideration is that both national and local policy supports the reuse and adaptation of rural buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find roads that have pavements and, or streetlights. To insist that conversions of rural buildings should only be allowed in circumstances where they are served by roads with pavements and streetlights would, in effect, negate the policy.
- 4.6 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of one dwelling, which the Highway Authority notes will be largely served by private car. Furthermore, this principle of a dwelling on this site has been agreed with planning application 19/01137/COU. As such the risk to highway safety, over and above that which currently exists would be marginal and could not be considered to be severe.
- 4.7 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the reuse of natural resources, often referred to as environmental capital, and includes not only the materials that a building is constructed from but also the energy expended in manufacturing and transporting those materials. As such the proposal is wholly consistent with the overarching environmental objective of 'using natural resources prudently' and 'minimising waste and pollution' as identified in paragraph 8 of the NPPF which sets out what 'achieving sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy as they give rise to the sustainability benefit from the reuse of environmental capital.
- 4.8 When assessed in the planning balance it is considered that the harm to highway safety and to the purpose of achieving sustainable development by virtue of the proposed dwelling's location is outweighed by the policy support for the reuse of rural buildings, and the environmental benefits arising from the reuse of the environmental capital invested in the existing building.
- 4.9 The objection from the Highway Authority is noted, however this is considered to be outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate the parking required for a 2-bed dwelling and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy.

5. Ecology and Nature Conservation

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

Assessment

- 5.2 The Council’s Ecology Officer was consulted as part of the planning process. The Ecology Officer advised that the proposed works would be unlikely to negatively impact upon protected or priority species or habitats. The requirement for the works to be undertaken in accordance with the methods set out in the Bat Survey which was undertaken in October 2022 were highlighted. The necessary methods of working are outlined in the summary and recommendations of the report. These aspects are conditioned as part of this recommendation, and with these measures in place the scheme would comply with policy NR3.
- 5.3 In terms of biodiversity net gain, the bat report also sets out new bat roosting and bird nesting features, which the Councils Ecologist has welcomed. These measures include tree mounted bat boxes and a bat loft within the roof of the building once conversion has taken place.

6. Cannock Chase SAC

- 6.1 The application site lies within the zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.

Assessment

- 6.2 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 Council’s Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council’s Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution.
- 6.3 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, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

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 development, a conversion of a building to provide a new dwelling within the rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority related to the location of the new dwelling in sustainability terms and highway safety, it is considered that these are of limited weight and are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources. In terms of highway safety, as set out in the above report it is not considered that the scheme would result in a severe detrimental impact on the network.

Other matters related to ecology and materials meet the appropriate policy tests and are considered acceptable subject to the attached conditions.

It is therefore recommended that this application be approved, subject to conditions as set out above and to the prior completion of an S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC