

Planning Committee

31 July 2023

Agenda Item 4

Contact Officer: Artemis Christophi

Telephone: 01543 308010

Report of Planning Management & Transformation Consultant

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT**

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council.

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

31 July 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
23/00216/COU	Rosewood House 19 Rosemary Hill Road Little Aston	Shenstone
23/00519/FUL	Orgreave Farm Orgreave Hall Lane Orgreave Alrewas	Alrewas

ITEM B

LICHFIELD DISTRICT COUNCIL APPLICATIONS, APPLICATIONS ON COUNCIL OWNED LAND AND ANY ITEMS SUBMITTED BY MEMBERS OR OFFICERS OF THE COUNCIL

CONTENTS

Case No.	Site Address	Parish/Town Council
23/00649/FUL	Multi Storey Car Park Birmingham Road Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

23/00216/COU
Rosewood House
19 Rosemary Hill Road
Little Aston

Scale: 1:1,000

Dated: July 2023

Drawn By:

Drawing No:



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Address:	Rosewood House, 19, Rosemary Hill Road, Little Aston, Sutton Coldfield.		
Application number:	23/00216/COU	Case officer:	Gillian Pinna-Morrell
Ward:	Little Aston and	Date received:	17/03/2023
Parish:	Stonnall		
Proposal: Change of Use from C3 Dwellinghouse to C2 Residential Institution.			
Reason for being on agenda:	Referred to Planning Committee by Councillor Powell		
Recommendation:			
The application is approved subject to recommended conditions.			
Applicant: Rajan Gill		Agent: Mr Waitt	

1. Executive summary

- 1.1 The site is located on Rosemary Hill Road, within Little Aston Conservation Area and seeks to change the use of the dwelling to a residential institution.
- 1.2 The application has been referred to Planning Committee by Councillor Powell on the grounds that the application seeks a change of use from residential to a HMP and there are many objections from local residents.
- 1.3 The site is located within the settlement boundary of Little Aston and is considered a sustainable location.
- 1.4 No external alterations are proposed to the dwelling and no additional area of hard surfacing is required nor will any of the existing trees be affected. The proposal will preserve the character and appearance of this part of the Little Aston Conservation Area.
- 1.5 The proposal will not detrimentally affect the level of amenity currently afforded to the occupants of neighbouring property.
- 1.6 The highway authority has no objection to the proposal.
- 1.7 There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as set out within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site relates to a detached two storey dwelling located on Rosemary Hill Road, Little Aston. A brick wall and established planting form the boundary with the highway from which vehicular access is taken.

- 2.2 The property is located within the Little Aston Conservation Area and the boundary of the Little Aston Neighbourhood Plan.

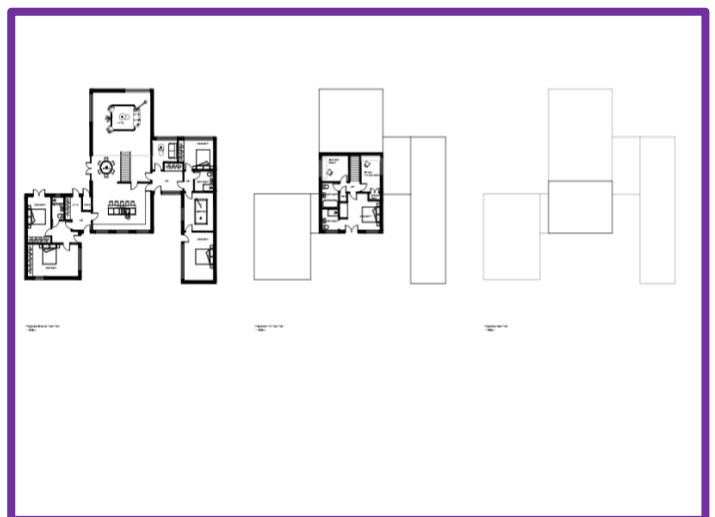


3. Planning history

- 3.1 No recent or relevant planning history.

4. Proposals

- 4.1 Planning permission is sought to change the use of the dwelling (Use Class C3) to a residential institution (Use Class C2), for the care of three children under the age of eighteen years old.



5. Policy framework

5.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

5.2 Local Plan Strategy

Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development

Core Policy 14: Our Built and Historic Environment
Policy ST1: Sustainable Travel
Policy ST2: Parking Provision
Policy H1: A Balanced Housing Market
Policy NR3: Biodiversity, Protected Species, and their Habitats
Policy NR4: Trees, Woodland, and Hedgerows
Policy BE1: High Quality Development
Policy Rural 2: Other Rural Settlements

5.3 Local Plan Allocations Document

Policy BE2: Heritage Assets

5.4 Supplementary Planning Document

Little Aston Conservation Area Appraisal
Sustainable Development
Biodiversity and Design
Trees, Landscaping, and Development

5.5 Other

Little Aston Neighbourhood Plan adopted 19th April 2016.

5.6 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 SP10: Sustainable Development
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

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.

6. Supporting documents

6.1 The following plans and supporting documents form part of this recommendation:

Location Plan: 000.001 P1: received 17th March 2023
Proposed Site Plan: 110.000 P1: received 17th March 2023
Proposed Floor Plans: 120.000 P1: received 17th March 2023
Proposed Elevations: 130.000 P1: received 17th March 2023
Design and Access Statement: received 17th March 2023
Planning Statement: received 15th June 2023

7. Consultation responses

- 7.1 **Shenstone Parish Council**- No response received.
- 7.2 **Environmental Health Team-LDC**- No objection in principle but request further information regarding the care needs of the occupants and how this might impact upon neighbouring amenity.
- 7.3 **Staffordshire County Council (Highways)**- No objection subject to a recommended condition.
- 7.4 **Spatial Policy and Delivery Team**- No objection.
- 7.5 **Conservation and Urban Design Team**- No objection.
- 7.6 **Waste Management**- Advise it is a legal requirement that commercial waste is securely contained in suitable and sufficient containers and transferred to a suitable licenced person for transport and disposal.
- 7.7 **Housing Manager-LDC**- Supports the application in principle but requests further information on how the facility will function and operate.
- 7.8 **Architectural Liaison Officer**- No objection.

8. Neighbour responses

- 8.1 8 letters of representation have been received in respect of this application. The comments made are summarised as follows:
- The proposal would place the owner in breach of restrictive covenants on the property.
 - The proposal is not compatible to a property located in a Conservation Area.
 - The provision of two full-time staff is insufficient if the site is to be operational 24 hours a day, 7 days a week.
 - The application is severely lacking in detail, and this prevents any appropriate assessment of the proposal.
 - No information is provided to demonstrate the suitability of the site for the access of larger vehicles, or how residents and staff will be transported. No swept path has been provided to demonstrate that the site can safely accommodate larger vehicle movements.
 - Concern that the development can be provided to the required institutional and safety standard due to the interior and exterior dilapidated state of the property.
 - Loss of a family home, the intensification of people using the site and garden will cause additional disturbance to neighbours.
 - The development is significantly out of character with the residential area.
 - There is no needs assessment provided or clarity on the type of residents that the institution is catering for and what security would need to be in place at the site.
 - A residential institution would intensify the number of vehicles parked on the frontage which would add to a loss of spacious quality and detract from the character and appearance of the Conservation Area.

9. Assessment

- 9.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Whether the proposal would preserve or enhance the character or appearance of the Little Aston Conservation Area
- Residential amenity
- Access and parking
- Ecology and trees
- Other issues
- Human rights

10. Policy & principle of development

- 10.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Little Aston Neighbourhood Plan was also made in April 2016 and as such, also carries full material weight.
- 10.2 The National Planning Policy Framework (Framework), 2021, sets out the Government's planning policies for England and how they should be applied. The Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective, and an environmental objective, which are interdependent and should be pursued in mutually supportive ways.
- 10.3 The site is located within the settlement boundary for Little Aston as defined in the Local Plan Allocations Document and is therefore considered a sustainable location in accordance with Core Policies CP2 and CP3 of the Local Plan Strategy. Policy H1 of the Local Plan Strategy seeks to promote the delivery of supported housing and given the sustainable location of the site the principle of the proposal is acceptable subject to the consideration of all other material factors.

11. Whether the proposal would preserve or enhance the character or appearance of the Little Aston Conservation Area

- 11.1 Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 11.2 Core Policy 14 of the Lichfield Local Plan Strategy sets out that designated heritage assets and their setting will be conserved and enhanced and given the highest level of protection. Policy BE2 of the Local Plan Strategy advises that development proposals which conserve and enhance the historic environment will be supported where the development will not result in harm to the significant of the heritage asset (including non-designated heritage assets) or its setting. This reflects government advice embodied in paragraph 199 of the Framework which states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the assets' conservation.
- 11.3 Little Aston Conservation Area Character Appraisal advises the predominant spatial character of Little Aston is individual, detached buildings set in large, green plots. The landscape setting is one of the predominate characteristics of the area.

- 11.4 Rosemary Hill Road is reflective of this character, with dwellings set back from the highway and screened from public vantage points by established trees and hedgerow planting.
- 11.5 The proposal seeks to use the existing property for a residential institution, to be occupied by three children and two full-time carers. No external alterations are proposed to the building, there will be internal changes to the layout to provide bedroom and living accommodation on the ground floor with an office and contact room occupying the first floor along with a further bedroom.
- 11.6 The property currently benefits from a wide driveway with a generous area of parking and turning facilities to the site frontage. No change is proposed to this arrangement and no additional area of hard surfacing is proposed.
- 11.7 Given that no external alterations are proposed to the building, its footprint, or the existing area of hard surfacing, the proposal will serve to preserve the character and appearance of this part of the Little Aston Conservation Area, and in this regard accords with Core Policy 14 and Policy BE2 of the Local Plan Strategy.

12. Residential amenity

- 12.1 Policy BE1 of the Local Plan Strategy advises 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, and other disturbance. This policy is supplemented by the Council's adopted Sustainable Design Supplementary Planning Guidance (SPD) which seeks to prevent the loss of amenity to occupiers of neighbouring dwellings.
- 12.2 Limited information was initially submitted as part of the proposal on how the facility will function, and this concern was raised by several representations received. The applicant has submitted further information in this regard.
- 12.3 It is advised that children will be taken from a detailed placement matching process from the learning disability social care team and will be provided with 1to1 care and support 24 hours a day, from a qualified team that includes a registered manager and deputy manager. There will be three senior residential support workers and six residential support workers who work a shift pattern. Children will be supported to attend health appointments, education provision and health activities by staff. There will be a maximum of three children in the home at any given time and these will be medium to long term placements spanning from six months to several years. The children will each have their own bedroom and share the rest of the home as a family. An example rota and training matrix has also been provided.
- 12.4 There will be no more than three children at the property at any one-time. In terms of potential noise and disturbance to neighbouring dwellings, this level of activity reflects that of the use of the site as a family residence. The proposal would not detrimentally affect the level of amenity currently afforded to the occupants of neighbouring houses and would accord with Policy EB1 of the Local Plan Strategy along with government advice embodied in paragraph 130(e) of the Framework, which seeks to create places with a high standard of amenity for existing and future users.

13. Access and parking

- 13.1 Paragraph 111 of the Framework advises that development should only be refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

- 13.2 The site is served by an existing access onto Rosemary Hill Road, which has good visibility and there is sufficient space in front of the boundary gate to allow vehicles to safely leave the highway. No change is proposed to this arrangement.
- 13.3 The highway authority state that the proposed change in use of the property would require a change to the number of parking spaces. It is advised that a total of four parking spaces is required, which includes parking for staff, visitors, and service/emergency vehicles. Adequate parking and turning currently exist within the site to satisfy this requirement. Although cycle parking is shown on the proposed plans these should be secure and covered, a condition is required in this regard.

14. Impact on ecology and trees

- 14.1 Policy NR3 of the Local Plan Strategy seeks to conserve and enhance biodiversity and require development proposals to deliver and incorporate beneficial biodiversity. Policy NR4 advises that to retain local distinctiveness, trees will be protected from damage and be retained.
- 14.2 The proposal does not seek to carry out any works to existing trees within or along the boundaries of the site. Given the sites location within the Conservation Area the applicant would be required to notify the local planning authority of any future proposal to carry out work.
- 14.3 The requirement for the development to provide biodiversity net gain can be met through the provision of a bar or bird box which can be secured by condition.

15. Other issues

- 15.1 Matters raised by representations received relating to covenants, needs assessments and the physical state of the property to meet any legislative requirements are not planning considerations that can be take into account in assessing the land use merits of the proposal.

16. Human rights

- 16.1 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.

17. Conclusion

- 17.1 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.
- 17.2 The property is in a sustainable location within the development boundary of Little Aston and will deliver supported housing. The proposal will preserve the character and appearance of the Conservation Area and will not cause detriment to the level of amenity currently afforded to the occupants of neighbouring property. A satisfactory vehicular access is provided and adequate parking and turning facilities exist within the site. There is no loss of trees and biodiversity net gain can be secured though condition.

- 17.3 There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

18. Recommendation : Approve, subject to the following conditions:

CONDITIONS

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of policies CP2, CP3, CP14, BE1, BE2, H1, NR3, NR4, ST1, ST2.

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

3. Secure and weatherproof cycle parking facilities shall be provided within the site prior to the occupation of the development hereby permitted in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained in perpetuity.

Reason: To encourage sustainable modes of travel in accordance with Policy ST1 of the Lichfield Local Plan Strategy and National Planning Policy Framework.

4. Prior to the occupation of the development hereby permitted 2 no. Bird Boxes shall be installed within the application site and shall thereafter be retained as such.

Reason: In the interests of local ecology and wildlife in accordance with Core Policy 13, Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Design SPD and National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local 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 19 April 2016 and commenced charging from the 13 June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. To clarify the position of your proposal, please complete the CIL additional questions form, which is available for download from the council's website at [CIL process for developers \(lichfielddc.gov.uk\)](http://lichfielddc.gov.uk)

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

23/00519/FUL
Orgreave Farm
Orgreave Hall Lane
Orgreave Alrewas

Scale: 1:2,000

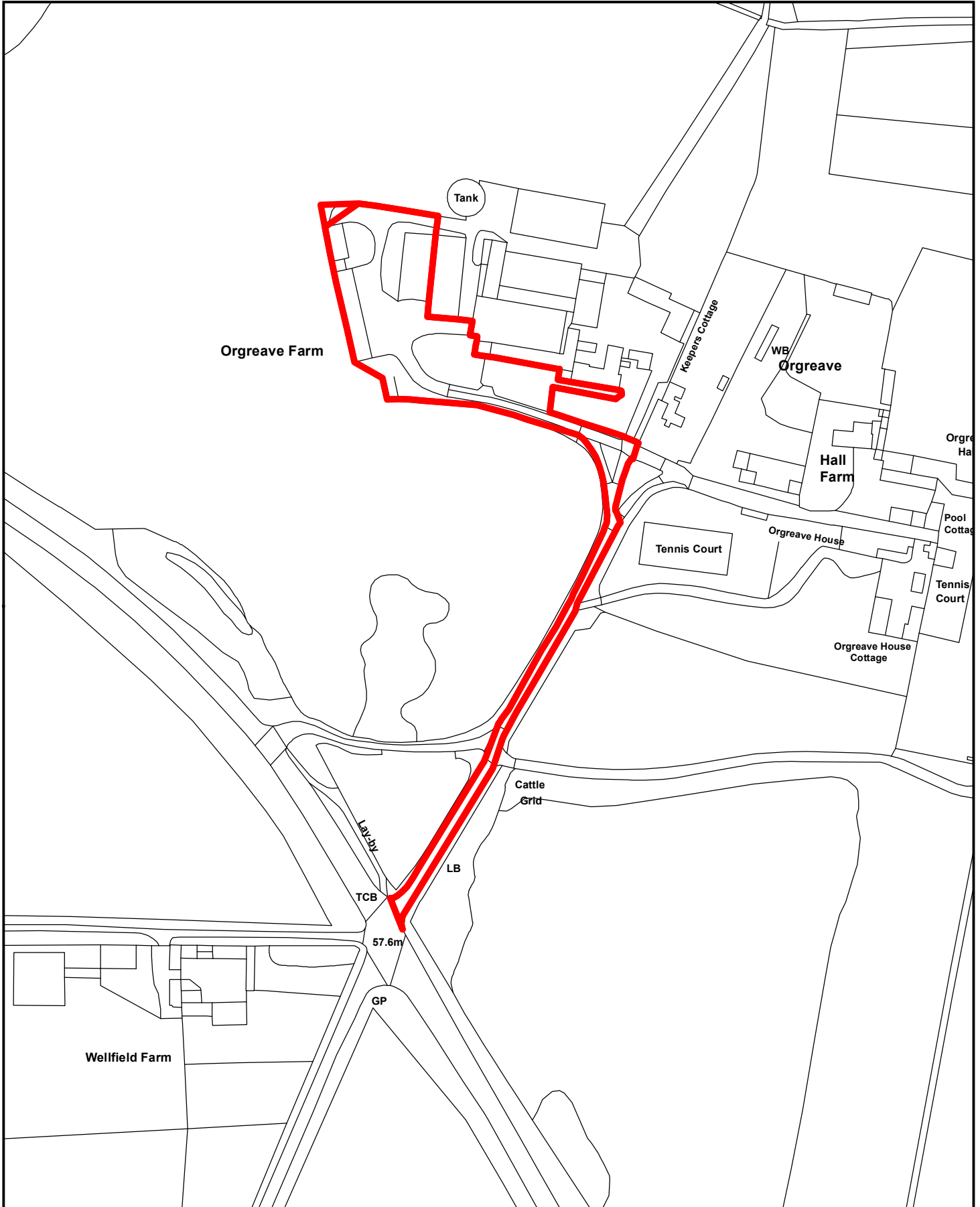
Dated: July 2023

Drawn By:

Drawing No:



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Address:	Orgreave Farm , Orgreave Hall Lane, Orgreave, Alrewas, Staffordshire DE13 7DG		
Application number:	23/00519/FUL	Case officer:	Karen Bentley
Ward:	Alrewas and Fradley	Date received:	12.05.2023
Parish:	Alrewas		
Proposal: Retrospective application for the retention of a temporary two storey modular office building, associated parking and lighting (2 years)			
Reason for being on agenda:	This application is being reported to the Planning Committee due to the objections raised by Alrewas Parish Council and the consideration of two or more senior planning officers.		
Recommendation: Approve, subject to Conditions.			
Applicant: Mr J D Leavesley		Agent: Mrs Naomi Light	

1. Executive summary

- 1.1 Consent is sought for the retention of a two-storey modular office building for a temporary period of two years. There are no other buildings within the farm complex which are suitable or available to provide office accommodation. The office accommodation is required to support the immediate ongoing operations of the applicant, who owns Orgreave Farm and substantial land around the site. The previously used office space has become unavailable in recent months. The applicant is responsible for the arable farming of surrounding land.
- 1.2 Objections have been received from Alrewas Parish Council and local residents on a variety of points, including the visual and transportation impacts of the development.
- 1.3 Notwithstanding the objections raised, the proposals are considered reasonable for a temporary period and no technical concerns have been raised which cannot be addressed via suitably worded conditions. Furthermore, the scheme does not result in harm to any heritage assets, residential amenity or the Cannock Chase Special Area of Conservation. The site is not within the West Midlands Green Belt.

Summary

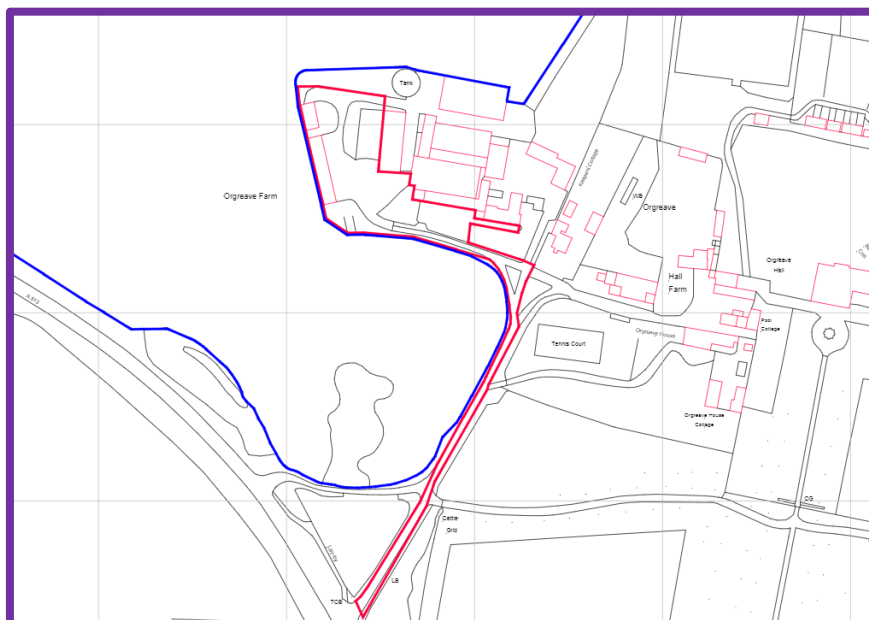
Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as set out within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site relates to an existing farm complex located within the small hamlet of Orgreave to the West of Alrewas. The site comprises a number of agricultural buildings of varying size and age and a farmhouse which is accessed off the A513 to the South. Also, within Orgreave are Hall Farm, several residential dwellings and Orgreave Hall. Orgreave Hall and attached stables, which are Grade II listed are located 270m to the West of the siting of the modular office building.

- 2.2 The two-storey modular office building has been installed on the western side of the Orgreave farm complex and is sited where agricultural buildings have recently been demolished.
- 2.3 The surroundings of the site are rural in character, and the River Trent is located to the North. The site is within flood zone 1. The site is also located within the 15km Zone of influence for the Cannock Chase Special Area of Conservation. Public footpaths Alrewas 32 and 35 run along the access to the farm site, and Alrewas 36 dissects the wider farm site. An extract from the Location Plan is shown below, with the red line indicating the application site.



3. Planning history

- 3.1 21/01327/ABN- Agricultural Determination: Replacement agricultural Machinery store- Prior Notification not required (12.08.2021).

4. Proposals

- 4.1 This application seeks consent for a temporary period of two years to retain a two-storey modular office building. The building has a height of 5.35m and a footprint of 14.6m by 12.1m. The building has a dark grey exterior, with external staircases and has been installed on the Western side of the existing farm site. The building has been located in the place of agricultural buildings which have recently been demolished. These buildings provided an appropriate base for the modular building to sit upon. Immediately to the south of the building, an informal car park for a maximum of 12 cars has been provided, again sited over the concrete base of a building which has recently been demolished.
- 4.2 Connections to electricity and foul/ surface water infrastructure have been provided, and in terms of lighting 3 No. LED down facing sensor lights have been attached to the building and three bollards with illumination are located at the entrance to the site. Full details and specification have been provided as part of the submissions.
- 4.3 The application is supported by a Planning and sustainability statement which confirms that the site office is required to accommodate employees working within the agricultural and

estates team of the applicant. The applicants, the Leavesley Group have a large portfolio which includes property and agriculture. The group own a large amount of land in this locality and Orgreave Farm is used for arable operations. The farm is in a central location to the land holdings and was previously a working dairy farm. The previous location of the office for company operations was on a site within the District which has now been sold and is no longer available for the applicant to use. The applicants have referred within their statement to a recent pre application enquiry for the future redevelopment of Orgreave Farm to consolidate their operations and create a new head office in this location to accommodate the estates and farms teams along with accounts and property. A formal application is understood to be forthcoming.



5. Policy framework

5.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

5.2 Local Plan Strategy

Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 5: Sustainable Transport
Core Policy 7: Employment & Economic Development
Core Policy 13: Our Natural Resources
Core Policy 14: Our Built & Historic Environment
Policy BE1: High Quality Development
Policy NR1: Countryside Management
Policy NR3: Biodiversity, Protected Species & their Habitats
Policy NR4: Trees, Woodland & Hedgerows
Policy NR5: Natural & Historic Landscapes
Policy NR7: Cannock Chase Special Area of Conservation
Policy Rural 1: Rural Areas
Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

5.3 Local Plan Allocations Document

No relevant policies

5.4 Supplementary Planning Documents

Sustainable Design SPD

Biodiversity and Development SPD

Rural Development SPD

5.5 Alrewas Neighbourhood Plan

Policy CF1- Protection of Community Facilities

Policy TT1- Traffic

Policy ED1- Sustainable Business Growth

5.6 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 Policies

Strategic Policy 1 (SP1): The Spatial Strategy

Strategic Policy 2 (SP2): Sustainable Transport

Strategic Policy 3 (SP3): Sustainable travel

Strategic policy 10 (SP10): Sustainable development

Strategic policy 13 (SP13): Employment and economic growth

Strategic policy 16 (SP16): Natural and historic landscapes

Strategic policy 17 (SP17): Built and historic environment

Local Policies

Local policy LT1: Parking provision

Local policy INF1: Supporting and providing infrastructure

Local policy SD1: Sustainable design and master planning

Local policy SD2: Renewable and low carbon energy

Local Policy NR1: Countryside Management

Local Policy NR2: Habitats and Biodiversity

Local Policy NR3: Trees, Woodlands and Hedgerows

Local policy NR5: Cannock Chase Special Area of Conservation

Area Specific Policies

Local policy A2: Alrewas economy

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.

6. Supporting documents

6.1 The following plans and supporting documents form part of this recommendation:

- IPD-22-581-100 Rev A Location Plan dated as received 12 May 2023
- IPD-22-581-159 Rev B Proposed Elevations dated as received 12 May 2023
- IPD-22-581-152 Rev D Site Layout dated as received 12 May 2023
- IPD-22-581-155 Rev D Drainage details dated as received 12 May 2023
- Ground Floor Layout Rev C dated as received 12 May 2023
- First Floor Layout Rev C dated as received 12 May 2023
- Lighthouse Bollard Details dated as received 12 May 2023
- LED/Floodlight Details dated as received 12 May 2023

7. Consultation responses

7.1 **Alrewas Parish Council-** Object to the proposals on the following grounds:

- This industrial development is out of keeping with the rural nature of the area around Alrewas Farms
- The height of the proposed structure will have a significant impact on local dwellings
- The proposed 24-hour lighting and the impact on neighbouring properties
- The increase in traffic volumes, especially from heavy lorries and other industrial vehicles
- The danger to other road users of heavy lorries slowing down on the A513 when turning into the site
- The damage to verges due to large vehicles which is already occurring and will only get worse if this application is made
- Works appears to be underway without permission
- The existing strong objections from neighbours are fully supported by the Parish Council
- The cumulative effect of this proposed development and the new Orgreave quarry on the residents of the area. (16 June 2023)

7.2 **SCC (Public Rights of Way)-** No objections. The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way adjacent to the application site and a public right of way running along the access track to the site. (15 May 2023)

7.3 **LDC Spatial Policy Team-** In summary, the proposed development is in general conformity with national and local policy and as such there are no policy objections. (07 June 2023)

7.4 **LDC Ecology Team-** Having reviewed this application, the submitted documents, and consulted the Staffordshire Ecological Record, the Ecology Team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. Measures in relation to lighting were recommended. (13 June 2023)

7.5 **LDC Environmental Health Team-** Confirmed no objections to the scheme and no conditions recommended. (07 June 2023)

7.6 **LDC Joint Waste Team-** Confirmed there are no comments in relation to waste. (15 May 2023)

8. Neighbour and Ward Councillor responses

8.1 3 letters of representation have been received in respect of this application from neighbouring occupiers/ local residents. The comments and objections raised are summarised as follows:

- The development is retrospective as the building is on site, with work on going for months
- There are neighbouring residential properties in close proximity to the site
- The proposal is for commercial activity, the purpose of the application is ambiguous.
- The site has not been used for some time for agricultural purposes
- The proposals are not compatible with the area through the introduction of a commercial enterprise into the rural locality
- Potential noise and disturbance to neighbours
- Highway safety and traffic generation
- No jobs would be created
- Light pollution
- Visual impacts associated with a two-storey building
- 24-hour lighting would be unacceptable.

8.2 A response was received from Cllr Mike Wilcox, Ward Councillor for Alrewas and Fradley. Cllr Wilcox would like the opportunity to represent the views of residents who live in this rural hamlet as well as the Parish Council in opposing this application.

8.3 A response was received from Cllr Derick Cross, Ward Councillor for Alrewas and Fradley. Cllr Cross fully supports the application.

9. Assessment

9.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Design and impact upon the character and appearance of the surrounding area
- Residential amenity
- Access and highway safety
- Ecology & Cannock Chase SAC
- Human rights

10. Policy & principle of development

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

10.2 In terms of National Planning Policy guidance, paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development. For decision taking this means approving development which accords with an up-to-date development plan without delay.

10.3 Paragraph 84 of the framework confirms that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings. Furthermore, decisions should also enable the development and diversification of agricultural and other land based rural businesses.

10.4 Paragraph 85 of the NPPF highlights that planning decisions should recognize that sites to meet local business and community needs in rural areas may have to be found beyond existing

settlements, and in locations not well served by public transport. Para 85 also confirms that it is important to ensure development is sensitive to its surroundings.

- 10.5 Turning to the Lichfield Local Plan Strategy. Core Policy 1 of the Local Plan Strategy confirms that development proposals will be expected to make efficient use of land and prioritise previously developed land. Core Policy 3 sets criteria to ensure new development is sustainable, and Core Policy 7 confirms that proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies.
- 10.6 Policy Rural 1: Rural Areas of the Local Plan Strategy confirms that rural employment and diversification will be supported where it accords with Core Policy 7.
- 10.7 The Rural Development SPD provides greater detail on how the Council will determine development in rural areas. The SPD confirms that Lichfield District's large rural hinterland has a diverse economic profile, ranging from agriculture to the service sector and tourism, including heritage tourism. Agriculture delivers real growth to the rural areas, and it is important for the District Council to recognise the current economic drivers affecting the rural areas including farm diversification, conversion of rural buildings and home working. A fundamental objective of the Local Plan is to promote economic prosperity.
- 10.8 Policy ED1 of the Alrewas Neighbourhood Plan provides support for sustainable growth and expansion of business and enterprise through conversion, extension and well-designed new buildings.

Assessment

- 10.9 This application seeks a temporary consent for a period of 2 years to retain a modular office block within the application site. The submissions confirm that the development is required as a temporary interim measure for office staff employed by the applicant as they seek to rationalise their farming and estate operations and prepare Orgreave Farm to become a 'hub' for their operations. The changes required to develop such a hub will require planning permission and as such will be subject to a separate application which will be assessed on its own merits at that point. The permanent retention of this building, given its appearance would not be supported, the design and appearance impacts are discussed in further detail under section 11 of this report.
- 10.10 Notwithstanding the appearance of the proposal, in location terms, the site is appropriately located to serve the arable operations of the applicant and it is noted that the building has been located in the place of agricultural buildings of a similar scale which have recently been demolished as part of a consent issued under permitted development for replacement agricultural buildings. The Modular Office building would therefore need to be removed to implement the development permitted under the General Permitted Development Order. A condition to ensure the building is removed forms part of this recommendation.
- 10.11 In principle, the development is considered acceptable for a temporary period to allow the applicants to establish the future for Orgreave Farm and their business operations, with sufficient time to ensure that appropriate consents are established for the permanent buildings on the site. The development is suitably linked to the agricultural requirements and land holdings of the applicants existing and viable rural business. The key considerations associated with the allocation and material impacts of the scheme are addressed in further detail in the report below.

11. Design and impact on the character and appearance of the surrounding area

- 11.1 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”. As set out above, para 85 of the NPPF requires rural development to be sensitive to its surroundings.
- 11.2 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”. The Policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.
- 11.3 Core Policy 14 of the Local Plan Strategy, along with section 16 of the NPPF include policies relating to the conservation and protection of heritage assets.
- 11.4 Policy ED1 of the Alrewas Neighbourhood Plan requires new development to respect the local character of the area, including the scale and massing of new buildings.

Assessment

- 11.5 Objections have been received on the basis of the industrial utilitarian appearance of the modular building through the Parish Council and response from local residents.
- 11.6 It is noted that Orgreave Hall and attached stables, which are Grade II listed are in the vicinity of the application site. When taking into consideration the separation distances and the intervening built form, it is considered that the temporary retention of the office building would have no impact on the setting or significance of the listed buildings.
- 11.7 It is acknowledged that the free-standing modular office building is of no design merit and is not reflective of a structure that would be expected in this rural location, it is therefore considered that the permanent retention of this development would not be acceptable in design and appearance terms. However, the harm to the character and appearance of the locality would be restricted to the temporary period of two years, this approach would ensure that the visual harm is limited to the short term and would allow the applicant to continue their operations. Given the temporary nature of the proposals, the impact on the character and appearance is considered to be acceptable.

12. Residential amenity

- 12.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive daylight and sunlight.

Assessment

- 12.2 The modular office building is of a scale and siting which does not result in an unacceptable impact on the amenity of neighbouring occupiers through loss of light or overbearing impact. The building provides additional office accommodation in connection with the established agricultural use of the site, and is not of a nature or scale which would lead to significant potential for harmful levels of noise or disturbance. Concerns have arisen from local residents through the consultation process in relation to the use of unacceptable lighting in this rural location. The proposals include details of the specific external lighting, including the specification and location of the illumination installed. The details have been assessed by the Councils Environmental Health Officer and the Ecology Officer and are considered appropriate. It's not considered that the external lighting is obtrusive in this location and would be relative to a farm complex setting.
- 12.3 In terms of residential amenity impacts, the scheme is considered to be acceptable.

13. Access and highway safety

- 13.1 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns, through a number of measures, including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 13.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage.
- 13.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 13.4 Policy CF1 of the Alrewas Neighbourhood Plan requires existing public rights of way to be protected, and Policy TT1 'Traffic' confirms that development proposals will not be supported if the cumulative traffic generation and parking impacts result in a severe impact, unless that impact can be mitigated appropriately by developer contributions.

Assessment

- 13.5 Concerns have been raised by the Parish Council and local residents, regarding the possible increase in traffic volumes from the development, especially from heavy lorries and other industrial vehicles, the danger to other road users of heavy lorries slowing down on the A513 when turning into the site and the damage to verges due to large vehicles mounting the kerbs.
- 13.6 Whilst the concerns are noted, it should be emphasised that the site is an existing farm which can operate without restrictions on traffic flows or size of vehicle entering and exiting the site. No changes are proposed to the access, and it is not considered that this scheme would result in a significant increase in the vehicular movements of large lorries. The scheme would not result in a severe detrimental impact on the local road network and it is noted that there is adequate space within the site to ensure that there is sufficient parking provision. Appropriate

space for cycle parking is located within the modular building, this approach to cycle storage is considered appropriate given the temporary nature of the scheme.

- 13.7 The three public rights of way in the vicinity of the site, two of which share the access drive with the development would remain unaffected by the proposals. An informative to remind the applicant of their responsibilities in relation to the existing public right of way network is recommended.
- 13.8 In respect of the above, the development proposal is considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

14. Ecology & Cannock Chase SAC

- 14.1 To comply with the guidance contained within Paragraphs 9, 174 and 179 of the NPPF and the Council's biodiversity duty, as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 14.2 Core Policy 13 and policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate. Policies within the Local Plan Strategy are supplemented by the Biodiversity and Development Supplementary Planning Document.
- 14.3 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.

Assessment

- 14.4 The Councils Ecology Team are satisfied that the development has not detrimentally impacted upon any protected species. The Local Planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. The external lighting which has been installed as part of the proposals has been reviewed and is considered to be acceptable. It is noted that any additional lighting installed within the site may affect protected species, in particular the flight path of bats, as such a condition is recommended to control any further lighting being installed at the site within the timeframe of the consent.
- 14.5 Taking into consideration the temporary nature of the consent, it is not considered reasonable or necessary to require an enhancement to biodiversity in this case.
- 14.6 The application site 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 satisfactorily avoidance and/or mitigation measures have been secured. This proposal does not include the creation of new dwellings. As such in line with the Habitat Regulations Assessment which has been carried out, no mitigation is required in this case as the proposals do not impact on the integrity of the Cannock Chase SAC.

- 14.7 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.

15. Human rights

- 15.1 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.

16. Conclusion

- 16.1 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.
- 16.2 The proposal seeks consent to retain a two storey modular building for a temporary period of two years. In principle, the scheme is considered to be acceptable and would support the existing business operations which relate heavily to the agricultural use of the land. Whilst the design and appearance of the building could not be supported on a permanent basis, the proposed time period allows sufficient time for the applicant to submit a permanent scheme for the site.
- 16.3 The residential, highways and ecological impacts have been assessed and are considered to be acceptable.
- 16.4 In conclusion, the scheme is considered acceptable when assessed against relevant planning policies, subject to conditions as referenced in the above report and set out below in full.

17. Recommendation : Approve, subject to the following conditions:

CONDITIONS

1. The temporary modular office building hereby approved shall be removed from the site within 2 years and 2 months from the date of this permission.

Reason: The building has been approved for a temporary period only, when that use ceases the removal of the building will allow the original rural character and appearance of the site to be restored in accordance with Policies CP3 and BE1 of the Lichfield Local Plan and guidance contained in the National Planning Policy Framework.

2. The development authorised by this permission shall be retained in 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, CP5, CP7, CP13, BE1, ST1, ST2, NR1, NR3, NR7 and Rural:1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Rural Development SPD, the Alrewas Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. The use of the temporary modular office building hereby approved shall remain ancillary to the wider use of the site for agricultural purposes.

Reason: To protect the rural character and appearance of the site and the amenities of local residents in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Rural Development SPD and guidance contained in the National Planning Policy Framework.

4. There shall be no external lighting installed within the application site whatsoever other than the lighting indicated on the approved plans without the prior written consent, on application, of the Local Planning Authority.

Reason: The site lies in open countryside where uncontrolled artificial lighting would be prejudicial to the rural character of the landscape and the residential amenities of neighbouring occupiers in accordance with Policies CP3, CP13 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local 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 19 April 2016 and commenced charging from the 13 June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. To clarify the position of your proposal,

please complete the CIL additional questions form, which is available for download from from the council's website at [CIL process for developers \(lichfielddc.gov.uk\)](http://lichfielddc.gov.uk)

5. The applicant is advised that Public Footpath No's 32, 35, and 36 which are in the vicinity of the site should not be obstructed or extinguished as a result of this development either during or after construction.

ITEM B

LICHFIELD DISTRICT COUNCIL APPLICATIONS, APPLICATIONS ON COUNCIL OWNED LAND AND ANY ITEMS SUBMITTED BY MEMBERS OR OFFICERS OF THE COUNCIL

31 July 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
23/00649/FUL	Multi Storey Car Park Birmingham Road Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

23/00649/FUL
Multi Storey Car Park
Birmingham Road
Lichfield

Scale: 1:1,000

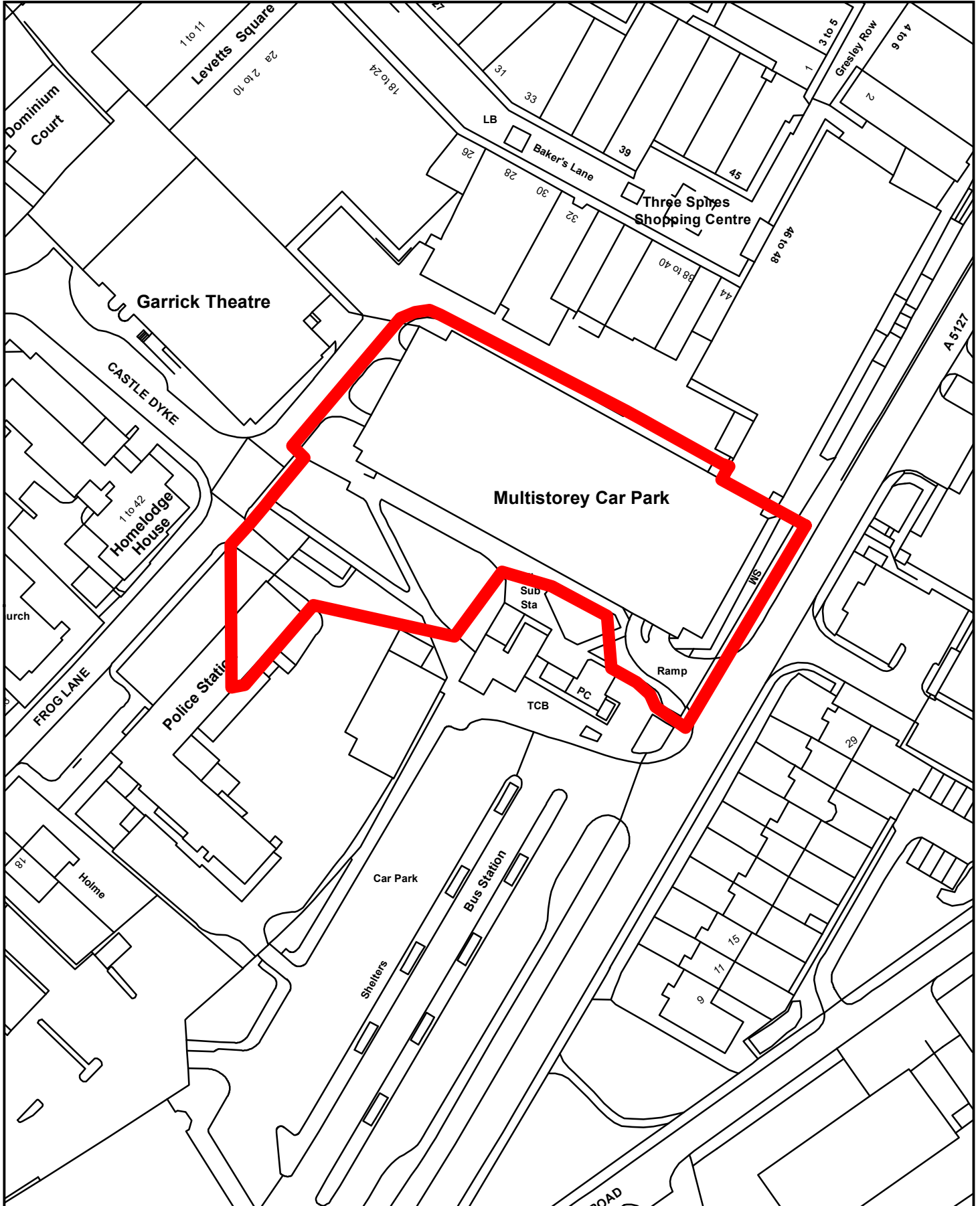
Dated: July 2023

Drawn By:

Drawing No:



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Address:	Multi Storey Car Park Birmingham Road Lichfield Staffordshire WS13 6HU		
Application number:	23/00649/FUL	Case officer:	Jedd Goodwin-Roberts
Ward:	Stowe	Date received:	17/01/2022
Parish:			
Proposal: Application for the demolition of existing multi-storey car park and temporary erection of 15 food/retail units and associated works including hard and soft landscaping for up to three years.			
Reason for being on agenda:	This application is brought forward to planning committee as the local authority claims an interest in the site		
Recommendation: Approve, subject to Conditions.			
Applicant: Mr John Smith		Agent: Mr Simon Toplass	

1. Executive summary

- 1.1 The development proposed is for the demolition of the former 'Debenhams' Multi storey car park and for the redevelopment of the site for a temporary use to include 15 commercial retail/food units in low scale timber 'hut' style buildings arranged around an area of soft landscaping and outdoor seating. The proposed development is part of the council-led wider regeneration of the emerging Birmingham Road section of Lichfield City Centre.
- 1.2 The site is currently occupied by a Multi Storey Car Park in a poor state of repair located on the western side of Birmingham Road, accessed via Frog Lane and is an irregular shape.
- 1.3 The primary consideration is how the proposed development, and its intervening use sits with the councils' wider aspirations for the redevelopment of Lichfield City Centre and how the proposed temporary use fits in with the wider development objectives. The application site sits within the Lichfield City Conservation Area. The proposed development, at a high level, is considered to result in a visual enhancement of this area of Lichfield City Centre, and thus accords with the policy objectives outlined within the Lichfield City Conservation Area Management Plan. The proposed development and its intended use are not considered to result in undue harm on neighbouring amenities, and parking provision within Lichfield City Centre. The proposed development is considered to create a positive economic impact on the wider Lichfield City area.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations with the reasons as outlined on the cover sheet to this report.

Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site relates to an irregularly formed site comprising predominantly of a four storey 1960s style brutalist flat roof style multistorey car park located on the northern side of Birmingham Road and the southern side of Frog Lane in the Stowe ward of Lichfield. The application site is accessed via Frog Lane and Birmingham Road.
- 2.2 The surrounding area is mixed in character and predominantly comprises of Town Centre uses. The application site is located within the Lichfield City Conservation Area.
- 2.3 Immediately to the north of the site is the Garrick Theatre. The nearest listed building are Wade Street Church 140 metres to the southwest of the site. The Guildhall to the northwest is some 92 metres to the north separated by the Garrick Theatre, 23-33 Levetts Fields is 67 to the northeast and the council offices is 120 metres to the Southwest.

3. Planning History N/A

4. Proposals

- 4.1 Planning permission is sought for the demolition of the existing multi-storey car park and the erection of 15 temporary food/retail units on the site. The current multi-storey car park is currently in a state of disrepair and there are a number of structural defects with the existing structure.
- 4.2 The applicant is seeking a temporary planning consent for up to three years for the use of the site in this manner. The long-term aspirations of the site form part of the wider regeneration of Lichfield City Centre. The development is proposed to run 7 days a week including bank holidays: between 11am and 8pm, to attract customers for lunch and early evening meals.
- 4.3 The development would include 15 temporary retail units in log cabin style buildings arranged around the perimeter of the site. Within the site would be two seating areas with a series of tables and benches affixed to the ground.
- 4.4 The plans seek to retain the existing trees on the site and adjacent to the site. Some of the trees may require pruning to facilitate demolition of the site. There would be two new rows of trees planted which would have a total of 11 trees of mixed species. Soft planting is proposed around the seating areas.
- 4.5 The proposal includes permeable hard landscaping which would include grey coloured paving slabs laid out in a brick fashion.
- 4.6 The proposed plans also include a flexible space which would include a grass lawn.
- 4.7 The existing wall to the north of the site would remain.



5. Background

5.1 N/A

6. Policy Framework

6.1 National Planning Policy Framework 2021

- Achieving sustainable development
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting sustainable development
- Making effective use of land
- Achieving well-designed places
- Conserving and enhancing the historic environment

6.2 Local Plan Strategy

Core Policies

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 5: Sustainable Transport

Core Policy 7: Employment and Economic Development

Core Policy 8: Our Centres

Core Policy 9: Tourism

Core Policy 14: Our Built and Historic environment

Development Management Policies

Policy ST1 – Sustainable Travel

Policy E1 – Retail Assessments

Policy NR4 – Trees, Woodlands and Hedgerows

Policy NR5 – Natural and Historic Landscapes

Policy BE1 – High Quality Development

Place Policies

Policy Lichfield 1 – Lichfield Environment

Policy Lichfield 2 – Lichfield Services and Facilities

Policy Lichfield 3 – Lichfield Economy

6.3 **Local Plan Allocations Document 2008-2029**

Policy E2 – Service Access to our centres

Policy BE2 – Heritage Assets

Policy Lichfield 3 – Lichfield Economy

Policy LC2 – Lichfield City Mixed use Allocations

L26 – Land at Birmingham Road

EMERGING POLICY

6.4 **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 SP10: Sustainable development

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 NR7: River Mease Special Area of Conservation

Local policy SD1: Sustainable design and master planning

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.

7. **Supporting Documents**

7.1 The following plans and supporting documents form part of this recommendation

- AL(0)11 – Proposed Site Plan-Landscaping Details received 27/06/2023
- AL(0)06 – Proposed Site Plan Revision C Received 27/06/2023

- AL(0)12 – Proposed Sectional Elevations Received 27/06/2023
- AL(0)07 – Proposed Elevations and Details Revision C Received 27/06/2023
- AL(0)01 – Topographical Survey Received 12/06/2023
- AL(0)08 – Topographical Survey Received 12/06/2023
- AL(0)12 – Site Compound Received 12/06/2023
- AL(0)10 – Location and Block Plan Revision A Received 12/06/2023
- Tree Constraints & Opportunities Assessment. Wharton Consultants Prepared 31/08/2022 Received 12/06/2023
- Demolition Method Statement Prepared by Townsend & Renaudon Prepared June 2023 Received 12/06/2023
- Planning, Heritage and Design and Access Statement Prepared by Townsend & Renaudon Prepared April 2023 Received 12/06/2023

8. Consultation Responses

- 8.1 **Spatial policy and Delivery:** The site is located within the urban area of Lichfield and within Lichfield Town Centre Boundary as identified on the Inset 2 of the Local Plan Policies Maps. The site is located within the designated Neighbourhood Plan Area of Lichfield City. The site also falls within a Conservation Area.

National Planning Policy Framework With regards to national guidance, the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development, and this is echoed in Core Policy 2 of the Local Plan Strategy. Furthermore, the NPPF advises local authorities to approve development proposals that accord with the development plan without delay.

Paragraph 8 details the three overarching objectives of sustainable development in the planning system (economic, environmental and social), with the social objective being: ‘ to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Lichfield District Local Plan Strategy

The Lichfield Local Plan Strategy was adopted 17th February 2015 and the Local Plan Allocations Document was adopted on 16th July 2019 and they provide up to date policies for the area.

Core Policy 3: Delivering Sustainable Development lists a number of key issues that future development proposals should address in order to achieve sustainable development. The policy includes the following key issues which are of relevance to this application:

- Protect and enhance the character and distinctiveness of Lichfield District and its settlements;
- Protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure, services and facilities
- Reduce the overall need to travel, whilst optimizing choice of sustainable modes of travel, particularly walk, cycling and public transport. And;
- Use our natural resources prudently and conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible

Policy BE1: High Quality Development outlines that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can:

- The significance of the historic environment, such as archaeological sites, sites of historic landscape value, listed buildings, conservation areas, locally listed buildings and skylines containing important historic, built and natural features (in conjunction with Policy NR5);
- The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views;
- Policy BE1 also outlines that new development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail.

Core Policy 14: Our Built and Historic Environment: CP14 outlines that new development must make a positive contribution to the historic environments local distinctiveness. The proposed development is located within the Lichfield City Conservation Area. It is acknowledged that a Design & Access and Heritage Statement has been submitted as part of the application submission. I will leave it to colleagues within the Conservation Team to make further comment.

Policy Lichfield 1: Lichfield Environment makes it clear that any development will be of the highest quality and, whether modern or traditional, will be designed to complement and enhance the character of its surroundings. The requirement for high quality sustainable built environment is also supported through Development Management Policy BE1: High Quality Development.

The site lies with Lichfield Town Centre Boundary as identified on the Inset 2 of the Local Plan Policies Maps. Therefore Core Policy 8 and Policy Lichfield 3 are both relevant. Core Policy 8: Our Centre states that development proposals for retail, leisure, office and cultural facilities will be focused within the commercial centres of Lichfield City. Policy Lichfield 3: Lichfield Economy states that Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified in the City Centre whilst retaining the special architectural and historical character of the City.

Core Policy 5: Sustainable Transport states that the district council will continue to work with partners to improve accessibility, by enhancing sustainable transport opportunities and encouraging development that reduces the need to travel and changes to travel behavior through a balance of transport measures. Further Policy ST1: Sustainable Travel, provides support for measures and specific schemes to improve services and facilities for non-car based travel including the promotion of Lichfield City's role as a public transport interchange

The Local Plan Allocations document allocates the application site via policy LC2: Lichfield City Mixed-use Allocations, for mix use of retail and residential (L26 Friarsgate Birmingham Road). A number of key development considerations are identified against the site. Whilst not all are not relevant to the temporary proposals a number could be considered;

- Consideration of how mixture of uses can be incorporated into the development and the City Centre and adjacent development sites
- Design should consider setting of Lichfield Cathedral including historic views or skylines.
- Design of scheme should consider the operational needs of the Garrick Theatre, including maintaining heavy vehicle access.

Neighbourhood Plan

The Lichfield City Neighbourhood Plan was made on 15 January 2018. Of relevance to this application is Policy 5 which states that to ensure that the economic geography of Lichfield City

Centre is enhanced through strong connectivity, proposals to improve pedestrian linkages between any new retail and cultural uses at Friarsgate (Birmingham Road site) and the rest of the City Centre will be supported.

Conclusion

In summary the proposed development accords with national and local policy.

- 8.2 **Environmental Health:** Thank you for consulting me in regards the above application. I have concerns in regards potential impacts from odours from the proposed food preparation activities.

Depending upon the types and volumes of food prepared, the low discharge points and proximity to housing (around 50 metres) would indicate a high level of odour abatement is required, which may have a bearing upon the viability of the scheme.

I advise that an assessment of these impacts is submitted, either following the guidance provided in the DEFRA publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems document or by means of a site-specific air quality assessment, which would consider local factors that influence odour dispersal such as predominant wind direction in more detail.

I also recommend the following condition:

Before the development is commenced a Construction Environmental Management Plan shall be submitted and approved to the LPA. The plan shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The construction phase shall thereafter be undertaken in accordance with the approved details.

Informative:

The assessment of dust impacts arising from demolition and construction activities should be undertaken following a risk-based approach, as outlined in the IAQM document 'Guidance on the assessment of dust from demolition and construction', or other similar approach. The assessment and proposed mitigation should be submitted and agreed in writing with the LPA.

- 8.3 **Conservation and Urban Design** - The site is located within the Lichfield City Conservation Area and is within the setting of numerous listed buildings, most notably the Grade II listed houses at the junction of Birmingham Road and Levetts Fields.

It is proposed to demolish the existing mid to late C20 car park, which is of concrete and is Brutalist in style. The car park does not make a positive contribution architecturally to the conservation area, and there are no objections to the principle of demolishing this building. As the site is within the conservation area, care will need to be taken with how the site is treated following on from the removal of the structure.

It is proposed to use the space cleared as public realm with associated planting, landscaping and the positioning of food and retail units on the site for a temporary period. There will need to be clarification provided as to how long this temporary permission is being sought for. In paragraph 204 of the NPPF it states:

"Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred."

If this is to be a temporary permission and an intermediate step to the future re-development of this part of the conservation area, then there will need to be information provided as to how this will develop. Currently the multi storey car park is considered a negative structure within the conservation area and its demolition can be supported, however future re-development of

an area of public realm may not be looked at as favourably when considering the harm to the character of the conservation area.

The removal of the car park will also open up views from the public realm to the service yard area to the rear of properties along Bakers Lane. These are typical 1960s modern shop units with provision for bins and fire escapes etc. that are screened by the car park from Frog Lane and Birmingham Road. More information on how this is to be treated and screened will be required.

The proposed use of the site for temporary food and beverage units would in principle be acceptable, however there are conservation concerns with regards to the design of the structures that are proposed for the site. These are small timber structures akin to the kind of temporary buildings placed at seasonal markets. Whilst these would be acceptable for a short period of time for example at a Christmas market, they do not fit the character of the area on a longer-term basis. It would be preferred to see alternative designs that fit more with the urban character of the city centre to be considered. This will need to be done prior to the determination of the application.

There are potential archaeological matters that will need to be assessed by SCC Archaeology, and they should be consulted at an early stage of the process.

- 8.4 **Historic England Archaeology:** Thank you for consulting with Staffordshire County Council's Historic Environment Team with regards to the above application. I have reviewed the proposals against the information held by the Staffordshire Historic Environment Record (HER) and associated datasets, and whilst there is clear archaeological potential and interest in the application site, given the developmental history of the application site and the nature of the proposals, we do not wish to raise any archaeological issues with the application and an archaeological condition would not be appropriate at this time. However, we will take this opportunity to highlight the archaeological potential of the wider site to LDC, and we would welcome discussions regarding the likely archaeological impacts of the future development of the site in due course.

The proposals also have the potential to impact on the the Lichfield City Centre Conservation Area and nearby listed buildings, we are happy to defer to your Conservation Officer colleagues on these matters.

- 8.5 **Arboriculture Officer:** The arboricultural detail supporting the application has been carried out to detail the trees adjacent to the multi storey car park and the adjacent landholdings. Trees T1-T21 and G1 are in proximity to the car park and may be affected by the works. It is noted that both the landscaping drawing and the demolition method statement make mention of pruning and protecting the trees. This will need to be formalised within an arboricultural method statement to BS5837-2012 which defines the extent and specification of pruning and defines the type and location of protective measures to the same standard for the duration of the demolition and construction periods.

The landscaping drawing proposes trees within containers. It is appreciated that these are proposed due to the temporary nature of the food/retail unit area and that it gives the ability to relocate these trees once a permanent use is found for the site. In order to ensure that the trees are sustained through their establishment and subsequent growing seasons, it will be necessary to confirm a watering/maintenance schedule for the trees.

- 8.6 **Staffordshire Police:** No objections to the proposed application but makes recommendation that the existing Town Centre CCTV is amended to take these proposals into account.

- 8.7 **Cadent Gas:** No Objection subject to the following informative: *Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in*

private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

9. Neighbour Responses

11 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Lichfield has a large number of food and drink outlets, there is no need for additional outlets
- Increased competition with existing businesses within the area, could result in the closure of these businesses
- Loss of parking facilities near by the Garrick Theatre which may affect numbers of people visiting in the future
- Lack of parking in the centre of Lichfield would result in harm to the existing business and vitality of businesses, drawing customers out of Lichfield to out of town locations
- Potential impacts on tourism
- Loss of Blue badges spaces in the town centre
- Trees should be removed to open the site up

Lichfield Civic Society

- The effect of the loss of so many parking spaces seem to be underestimated
- Will deplete number of blue badge spaces, relocating them to Wade Street is not a practical option
- Potential impacts on the existing provision of food outlets within the City drawing trade away from the established restaurants

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Design and impact upon the landscape, character and appearance of the conservation area
- Residential amenity
- Access and highway safety
- Impact on trees
- Ecology
- Flood Risk and Drainage
- Other issues
- Human rights

11. Policy & Principle of Development

11.1 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.

11.2 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.

11.3 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:

“Building a strong, competitive economy’

‘Ensuring the vitality of town centres’

‘promoting sustainable transport

‘Making effective use of the land’

‘Achieving well design places’

‘Conserving and enhancing the historic environment

11.4 The site is allocated as site L26: Land at Birmingham Road within the Lichfield District Local Plan Allocations and is allocated through Policy LC2. Policy LC2 identifies the site for mixed use development within the plan period.

11.5 L26 states that the site comprises of a large area within the City Centre which includes a bus station, 1960s office building and a multi storey car park. Adjacent to the site are a number of listed buildings including the District Council offices and Wade Street Church.

Key development considerations for the site include:

- Design and scale of development to be considered in the context of the sites location within the conservation area and proximity to heritage assets
- Mixture of uses should be provided including residential and retail given the sites location within the City Centre
- Consideration of how mixture of uses can be incorporated into the development and the City Centre and adjacent development sites
- Design should consider the setting of Lichfield Cathedral including historic views or skylines
- Design of the scheme should consider the operational needs of the Garrick Theatre, including and maintaining heavy vehicle access

11.6 Loss of Car Park: With regards to the principle of the development, the site allocation identifies the whole site and considers the loss of the multi-storey car park as acceptable given the sites allocation which would see the loss of the car park. During the course of the application and as a result of the public consultation the loss of the car park was identified as a key objection with the public responses.

11.7 The loss of the car park has been considered by the council in the allocation of this site to come forward for redevelopment. The site has been allocated as a mixed-use development and the sites future uses would be a mixed use retail and residential development within the City Centre. With this, the public multi-story car park would not be provided with the future development.

11.8 Currently, the multi storey car park includes approximately 381 car parking spaces. However, within the immediate vicinity there are a number of alternative spaces for public car parking, albeit at lower provision than the multi-story. There are 56 car parking spaces within the bus station. Adjacent to the site at the former police station, a new surface level car park has been

created which includes approximately 60 car parking spaces. An additional car park is provided within the town centre which provides an additional 60 spaces. It is considered that combining the provision of the existing parking in the surrounding area and given the site allocation which would result in the loss of the multi-storey car park, the proposed principle of the loss of the multi-storey car park is considered acceptable in principle.

- 11.9 With regards to the proposed use of the application site, the proposal is considered acceptable. The wider use of the site would be a mixed use capable of delivering 93 net dwellings including retail and commercial uses.
- 11.10 Section 7 of the NPPF is earmarked for ensuring the vitality of town centres. Para 86 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Amongst other things planning policies and decisions should seek to retain and enhance existing markets, and where appropriate create new ones.
- 11.11 Policy 3 of the Lichfield District Local Plan Strategy 2015 states that Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified within the City Centre.
- 11.12 The proposed development would align with the NPPF to ensure the vitality of town centres and Policy 3 of the Lichfield Local Plan Strategy. The proposed site is earmarked for a wider regeneration and redevelopment which would include residential and mixed-use retail/leisure and commercial uses. The proposed interim use of the site would include a landscaped site to include public seating and 15 'pop up' style food outlet retail units housed in lodge style timber structures. The proposed development would introduce a cultural and leisure opportunity for the city for a temporary period over 3 years prior to the wider regeneration of this part of Lichfield City Centre. The proposed use is considered to result in greater footfall into the city centre and would improve the range of leisure and business facilities within the city centre which would also help provide additional services and facilities to further support Lichfield's tourism sector. Given this, it is considered that this temporary use of the site would meet the aspirations of Local Plan policy 3 and the wider aims of the NPPF.

12. Design and Impact upon the Landscape, Character and Appearance of the Conservation Area

- 12.1 The National Planning Policy Framework places great importance on well-designed places noting in section 12 that decisions should ensure that development is of a high quality that functions well over its lifetime. Development should be 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.
- 12.2 Section 15 of the NPPF 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 and the benefits of best and most versatile agricultural land.
- 12.3 Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. 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.

- 12.4 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.
- 12.5 The National Planning Policy Framework sets out in section that LPAs 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.
- 12.6 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.
- 12.7 Paragraph 205 of the NPPF sets out that LPAs should require developers to record and advance understanding of the significance of any heritage assets and to make this information publicly accessible.
- 12.8 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.
- 12.9 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.
- 12.10 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.
- 12.11 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.
- 12.12 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.

- 12.13 The Lichfield Conservation Area Appraisal identifies the application site falling within Character 13: Birmingham Road Conservation Area. It states that there are currently proposals for a major mixed use development scheme within this character area that will bring in a new injection of retail and leisure uses along with residential and commercial uses and new public spaces. Within the appraisal it outlines that within this area there are three statutory listed buildings and a number of buildings whilst no listed or locally listed contribute positively to the surrounding area. However, figure 16.37 of the appraisal identifies a map of townscape quality. This map identifies the Multi-Storey car park as a negative building within the conservation area. The appraisal identifies the removal of the car park as a key opportunity for the area.
- 12.14 The proposal includes the demolition of the existing mid to late 20th century multistorey carpark which is constructed from concrete and is of a brutalist style. The Lichfield City Conservation Area Appraisal outlines that this structure does not make a positive contribution to the wider conservation area. The car park is of an incongruous design which fails to positively integrate within the conservation area. The proposed loss of the multi-storey car park is therefore considered to not be harmful to its setting. In this regard, it is considered that this element would not result to substantial harm to the significance of the designated heritage asset i.e., the site's location within the Lichfield City Conservation Area outlined in paragraph 202 of the NPPF and this element of the proposal would therefore accord with Section 72 of the Listed Buildings and Conservation Areas Act 1990.

Assessment

- 12.15 Concerns have been raised by the council's conservation officer that the demolition of the car park will open views up from the public realm to the service area to the rear of properties along Bakers Lane. The character to the rear of these properties is predominantly 1960s style shop units with provisions of bins and fire escapes. The council's conservation officer has stated that the existing structure does screen views towards this area. Whilst this is noted, the Conservation Area Appraisal for Lichfield City does outline that the carpark fails to positively contribute to the conservation area and its removal would be supported in this regard. Paragraph 202 of the NPPF states that where a development would 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 use. Whilst this is acknowledged, in line with the NPPF the car park is not a structure that positively contributes to the conservation area, and the proposed temporary use of the site as an area providing leisure retail facilities would overcome these issues and would secure an optimum temporary use which would help facilitate the wider regeneration of Lichfield City conservation area.
- 12.16 Concerns have also been raised with regards to the proposed structures. The proposed structures are timber framed structures which are akin to seasonal markets such as Christmas markets. The conservation team have stated it would be a preference to see an alternative design which fits in with the urban character of the area. Whilst this is noted, Lichfield Local Plan Policy BE1 states that high quality developments that ensure a high-quality sustainable environment can be achieved. Developments will be permitted where it can be clearly demonstrated that it will have a positive impact on the significance of the historic environment and the built vernacular. New developments should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 12.17 The proposed development is considered to meet the policy objectives of BE1. The proposed development would include 15 log style cabins constructed from timber. It is considered that this would be a sustainable approach as a building material as the development can be recycled into another use at the end of the life of the development with a minimal environmental impact.

- 12.18 The proposed development would include an element of public realm set around a large lawned area to the west of the development and an area of soft landscaping including newly planted trees and integration of the existing trees on the edge of the site and the surrounding sites. The proposed design of the structures would be simple log style cabins with an overall reduced height and scale. This design is considered to integrate well within the temporary use of the site and would retain a verdant character with the use of soft natural construction materials as opposed to concrete, brick and metal style structures often found with 'pop up' style forms of developments on temporary use sites. The design, materials and scale of the proposed buildings are also considered to carefully respect the character of the surrounding area as these buildings would offer a more verdant character that would not compete with the neighbouring buildings in terms of its overall design.
- 12.19 For these reasons, it is considered that the development would have a neutral impact on the setting of the conservation area would accord with Lichfield Local Plan Policies BE1 as it would achieve a high-quality form of development that would not compete with the adjacent sites and would introduce a verdant style of low intensity development within the site for its proposed temporary use for the next three years. The proposed temporary use of the site would also accord with The NPPF and the Listed Buildings and Conservation Areas Act 1990 by reason of the proposed development and the proposed demolition of the car park by means of doing no harm to the setting of the wider conservation area.

13. Residential Amenity

- 13.1 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.
- 13.2 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

- 13.3 The proposed development is not considered to result in undue harm on the outlook and daylight/sunlight received by neighbouring properties. The proposed development would be significantly reduced in scale and height in comparison to the existing multi-storey car park
- 13.4 The proposed demolition of the proposed multi storey car park in principle is not considered to result in any undue harm on neighbouring amenity. During the demolition phase of the proposal there is the potential for there to be disturbance to residents of nearby dwellings. The proposed construction phase of the development is also considered to have potential for disturbances to nearby dwellings. During the course of the application, the councils Environmental Health team were consulted. It has been recommended that prior to the commencement of the development, a Construction Environment Management Plan is sought which sets out how details of noise, vibration and dust associated with the demolition and construction phases are to be controlled and minimised to ensure that no disturbance occurs during these phases of the development.
- 13.5 The proposed development may therefore result in some negative impacts on residential amenity during demolition and construction phases. This is not considered to present a robust

reason for refusal of the application in this instance. A condition shall be imposed to ensure that prior to the commencement of the development, a Construction Environmental Management Plan shall be submitted and approved to the LPA. The plan shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. It is considered that this part of the development would have an acceptable impact on neighbouring amenity by reason of securing a suitably worded condition.

- 13.6 The council's environmental health department did raise concerns with regards to potential odour emissions caused by the food retail outlets. However, the council's environmental health department have agreed a suitably worded condition to ensure that prior to commencement of development above slab level, that full details of a proposed odour abatement system should be provided in the cooking extraction and filtration system for each of the food retail units. It is considered that the use of adequate odour abatement systems for each of the commercial units would be adequate to ensure that the development would not cause any nuisance to neighbouring properties by reason of odour emissions.
- 13.7 The proposed use of the site as a food retail hub is not considered to result in undue harm on neighbouring amenity by reason of noise of patrons. The proposed site would have operational hours between 11am and 8pm Monday-Sunday. These hours of operation are considered acceptable and would not result in significant levels of noise and disturbances which could affect neighbouring residential amenity.
- 13.8 As such, the proposed development is in compliance with Policy BE1 and Core Policy 3 of the Lichfield Local Plan 2015.

14. Access and highway safety

- 14.1 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.
- 14.2 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

- 14.3 Once operational, the proposed development is considered to have an acceptable impact on access and highways safety. The proposed development is not considered to have significant amounts of traffic movements into the site and there is considered to be a reduction in the intensification of transport movements into the site. It is considered necessary to impose conditions relating to delivery and servicing of the site for its intended use.

15. Impact on Trees

- 15.1 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.
- 15.2 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.

- 15.3 The application site falls within the Lichfield City Conservation Area and as such all trees are protected. Submitted with the application, an arboriculture report has been submitted detailing the trees adjacent to the multistorey car park and the adjacent landholdings.
- 15.4 The proposal results in no loss of the trees within the immediate vicinity. Within the report Trees T1-21 and G1 are in close proximity to the car park and are noted on all drawings that these trees will need to be pruned and protected. The council's arboriculture officer has raised no objections to this but has recommended that an arboriculture method statement in accordance with British Standard BS5837-2012 would need to be submitted which would define the extent and specification of the pruning and location of protective measures to the same standard for the duration of the demolition and construction periods. This shall be conditioned.
- 15.5 The landscaping drawing proposes trees within containers. These are proposed due to the temporary nature of the food/retail unit area and that it gives the ability to relocate these trees once a permanent use is found for the site. In order to ensure that the trees are sustained through their establishment and subsequent growing seasons, it will be necessary to confirm a watering/maintenance schedule for the trees. This shall be conditioned upon approval of planning permission.

16. Ecology

- 16.1 The National Planning Policy Framework describes how planning decisions should contribute to 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, stating at paragraph 180 that planning permission should be refused if it is not possible to avoid, mitigate or compensate for significant harm to biodiversity resulting from the development proposal.
- 16.2 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 incorporates 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 policies require an uplift of 20% of the value of habitats lost as a result of development.

Assessment

- 16.3 During the course of the application, the council's Ecologist reviewed the application and raised no objections with the methodology and the information provided within the Preliminary Ecological Appraisal and agrees with the conclusions in that it can be considered unlikely the proposed works would negatively impact upon a European Protected Species.
- 16.4 With this, the Local Planning Authority is able to demonstrate compliance with regulation 9(3) of the Habitat Regs 1994 (as amended 2017). No further ecological survey efforts are required. Conditions are recommended to ensure that the applicant adheres to the methods of working detailed within the assessment.
- 16.5 Whilst Local Plan policy NR3 requires a net gain to biodiversity to be incorporated to all new developments, it is considered that due to the nature and location of the proposed development it is recommended that this net gain could be achieved via the implementation of the landscaping details as submitted with the application.

- 16.6 To help further protect the environment and ecology, a Habitat Management Plan HMP and a Construction Environment Management Plan CEMP would also be required as a pre commencement condition. This would be conditioned upon approval.
- 16.7 Subject to conditions the proposed development is considered to be acceptable in regard to ecology and protected species.

17. Flood Risk and Drainage

- 17.1 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 and with the NPPF solar farms are noted to be an appropriate form of development in areas prone to flood risk.
- 17.2 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

- 17.3 The application site is located within flood zone 1 and is therefore not at risk of fluvial flooding. The proposed development includes a large area of grass which will contribute to the sustainable urban drainage of the site. The proposed development also includes an area of hard landscaping. No details of sustainable urban drainage systems have been submitted with this application. However, a suitably imposed condition to ensure drainage of surface run off within the site is proposed.

18. Conclusion

- 18.1 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.
- 18.2 The impact of the development upon the heritage assets within the setting of which the development lies is considered to have a 'less than substantial' and it therefore falls to be determined if the public benefits of the scheme outweigh the impact upon heritage assets.
- 18.3 The proposed development is considered to present social, economic and environmental benefits. Including increased footfall to Lichfield City Centre and creates an employment space for pop up style businesses.
- 18.4 The proposed development would result in the loss of the Multi-Story Carpark. However it has been demonstrated that through various surveys and counts the multi-storey car park is not fully utilised to its full capacity. Additional parking provision has been provided within the immediate area and as such, it is considered the City centre can accommodate the loss of the parking at this site and there would still be satisfactory provision for the city.
- 18.5 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.

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

19. RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of 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. The herein approved meanwhile use shall be removed from the site in its entirety on the expiration of a period of three years from the date of this permission and the land restored to the satisfaction of the Local Planning Authority agreed in writing by the Local Planning Authority.

Reason: To ensure that this is a temporary planning permission and 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.

4. Prior to occupation of the development a visitor management plan shall be submitted to and approved in writing by the Local Planning Authority detailing how visitor numbers are to be managed to the seating area of the site.

Reason: To avoid over intensification of the site and in the interests of neighbouring residential amenity.

5. No amplified, recorded or live music shall be played or relayed within the grounds of the application site at any time.

Reason: To safeguard the interests of occupiers of nearby residential properties.

6. Prior to occupation of the development, a site management plan shall be submitted to and approved in writing by the Local Planning Authority detailing how the site will be managed on a day-to-day basis and how the site is intended to be run.

Reason: To ensure a satisfactory form of development and in the interests of neighbouring amenity.

7. No demolition and construction works shall take place until full details of the proposed temporary hoarding/boundary treatment have been submitted to, and approved in writing by the Local Planning Authority

Reason: To ensure a satisfactory form of development and in the interests of neighbouring amenity.

8. The proposed use of the site shall cease, and any removable equipment shall be removed from open spaces covered by this permission between the hours of 20:00 and 11am each day.

Reason: To safeguard the amenities of occupiers nearby.

9. Full details of a waste management plan shall be submitted to and approved in writing by the Local Planning Authority detailing how waste will be stored within the site and detailing collection methods, vehicular access and contractor details.

Reason: To ensure a satisfactory form of development.

10. Prior to occupation, a watering/maintenance schedule for all newly planted trees within the development will need to be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that the trees are sustained through their establishment and subsequent growing seasons and in accordance with Local Plan Policy NR4.

11. All ground hard surfaces shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable surface or porous surface within the site. It should be retained as such during the meanwhile use.

Reason: In the interests of delivering development which does not result in unacceptable levels of run-off outside of the site.

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

12. Prior to the commencement of development above slab level, full details of the proposed odour abatement system to be provided in the cooking extraction and filtration system for each of the food retail units shall be submitted to and approved in writing by the Local Planning Authority and the approved system shall be installed prior to the use hereby permitted is commenced and thereafter maintained at all times and maintained in accordance with the manufacture guidelines. This system should fully comply with the Defra Provisions provided within the DEFRA publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems Document.

Reason: In the interest of neighbouring amenity.

13. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted and approved by the Local Planning Authority. The plan shall include details of the demolition of the car park and construction of the herein approved meanwhile use to demonstrate how noise, vibration and dust associated with the demolition and construction phases are to be controlled and minimised. The details submitted shall also demolition and construction phases thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of neighbouring amenity.

14. Prior to commencement of development. The applicant will need to submit an Arboricultural Method Statement to BS5847-2012 standards which details the extent and specification of

pruning and defines the type and location of protective measures to the same standard during the demolition and construction phases of development.

Reason: To protect the trees and in the interests of the visual amenities of the wider Conservation Area.

15. Prior to commencement of development a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority detailing the following:
- i. Descriptions and mapping of exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation.
 - ii. Details of species composition and abundance (%within seed mix etc) where planting is to occur and associated habitat plan
 - iii. Management prescriptions to achieve proposed habitats and condition including ongoing maintenance.

Reason: in the interests of ecological protection and enhancement in accordance with Policy NR4

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.asp>
3. The assessment of dust impacts arising from demolition and construction activities should be undertaken following a risk-based approach, as outlined in the IAQM document 'Guidance on the assessment of dust from demolition and construction', or other similar approach. The assessment and proposed mitigation should be submitted and agreed in writing with the LPA.
4. The applicant's attention is drawn to the comments of Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
5. 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.

6. 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.

7. 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.
8. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th of 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.
9. The applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application.
10. *Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.*