

SUPPLEMENTARY REPORT

**PLANNING COMMITTEE (31 July 2023)**

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

**Page 7**      **23/00216/COU – Change of use from C3 dwelling house to C2 residential institution  
Rosewood House, 19 Rosemary Hill Road, Little Aston, Sutton Coldfield**

**Additional / Further Observations**

In the interests of providing certainty to the future use of the premises, Officers have agreed an update to the description of the development and additional conditions with the applicant following the publication of the agenda.

Members are advised that the description has been updated to:

**‘Change of use from C3 dwelling house to C2 residential institution for the care of a maximum of 3 children under the age of 18.’**

**Additional Conditions**

In addition to the above alteration to the description of the development, given the specified nature of the proposals, in the interests of providing certainty to ensure the premises will be used for a residential child care home and for no other purpose including any other use which falls within the C2 use class, the following additional conditions form part of the recommendation. This will enable the Council to regulate and control and further changes of use to the property. These conditions are considered to meet with the relevant tests.

**Condition 5**

The premises shall be used for a residential child care home and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order without modification).

Reason: For the avoidance of doubt and in accordance with the applicant’s stated intentions, in order to meet the requirements of policies CP3 and BE1 of the Lichfield Local Planning Strategy and the National Planning Policy Framework.

**Condition 6**

The number of children cared for and resident on the premises shall not exceed 3 at any one time.

Reason: For the avoidance of doubt and in accordance with the applicant’s stated intentions, in order to meet the requirements of policies CP3 and BE1 of the Lichfield Local Planning Strategy and the National Planning Policy Framework.

**Conclusion.**

Subject to the above additional conditions and alteration to the description of development, the Officer recommendation remains as set out in the main report.

**23/00519/FUL – Retrospective application for the retention of a temporary two storey modular office building, associated parking and lighting (2 years)  
Orgreave Farm , Orgreave Hall Lane, Orgreave, Alrewas**

**Amended Condition**

With regards to Condition 3, which relates to the use of the office building within the temporary 2 year period, the following alternative wording is recommended in order to provide clarity and impose appropriate restriction:

**Condition 3**

The use of the temporary modular office building hereby approved shall provide office accommodation only to be used by persons employed by the applicant.

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.

**Conclusion.**

Subject to the above amended condition, the Officer recommendation remains as set out in the main report.

**23/00649/FUL – 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.  
Multi Storey Car Park, Birmingham Road, Lichfield, Staffordshire**

**Additional Consultation responses**

**Lichfield City Council-** The City Council have commented that as the multi storey car park structure is nearing the end of its useful life they have no objections to the proposal, however, as this will result in the loss of 10 Blue Badge parking spaces, they feel that 10 parking spaces in Wade Street should be converted to Blue Badge in order to replace these. They also suggest that removing the wall between Frog Lane car park and the trees by the Birmingham Road car park would give a more open feel to the area.

Officers advise that the building is at the of its useful life and therefore the car parking space would inevitably be lost due to senescence of the building structure. Furthermore the loss of Blue Badge parking spaces through the demolition of the multi storey car park is acknowledged, however additional capacity is intended to be created in other Council car parks, including Bird Street. It is also recognised that there are disabled spaces available at District Council House and the Lichfield Bus Station Car Park. The Car Park at District Council House is available to the public on evenings and weekends. A Grampian condition is recommended to ensure replacement accessible parking is provided prior to the closure of the multi storey car park.

**Staffordshire County Highway Authority-** Following publication of the agenda, the County Highway Authority have responded to the consultation sent to them on 12.06.2023. Whilst the response sets out that they were notified of the application informally on 26.07.2023, this is not the case. Notwithstanding this, the County Highway Authority recommend refusal on the basis of insufficient information being provided. Officers have reviewed the response and in relation to the 8 points set out, respond as follows:

**Point 1- No details of car parking usage (accumulation) and capacity have been provided.**

During the course of the application a capacity study was provided to the planning officer dealing with the application. A night time parking study was carried out between the 8th July 2023 and 23rd July 2023 between 6 and 8pm. It has been identified that 492 spare spaces are unused within the City Centre. There are additional parking sites within the City Centre including The Friary, Lombard Street, Bird Street, Red court, Greenhill, the University and the Bus station.

**Point 2- No details of how the development proposals seek to encourage walking and cycling have been provided.**

The application seeks consent for the demolition of the existing multi storey car park and the temporary erection of 15 food/retail units and associated works including hard and soft landscaping for up to three years. This is a 'meanwhile' use to allow the wider regeneration of the area. The site is within a sustainable City Centre location with good links to surrounding footpath networks adjacent to the bus and train stations as such the options for travel other than by private car are self evident. Conditions to ensure pedestrian linkages through the site are appropriate and cycle storage is provided within the site form part of the conditions which have been refreshed and are set out in full later in this report.

**Point 3- No details of lighting have been provided to ensure that routes through the site are adequately lit, especially during the winter months.**

External lighting is subject to a pre commencement condition to ensure that the site is appropriately lit. Subject to this condition the proposal is considered acceptable in respect to the provision of external lighting.

**Point 4- No details of how the significant level differences between the application site and Birmingham Road are going to be dealt with have been provided. There is a level difference of approximately 2m-3m and with the proposed demolition of the ramp access, this would lead to highway safety concerns of pedestrians using the adjacent footway. No details of boundary treatments have been provided to keep highway users safe.**

These are technical details which can adequately controlled through the use of an appropriately worded condition. Such an approach would allow all technical consultees including the highway Authority to ensure that acknowledged interests are addressed. Therefore an appropriately worded condition is recommended to ensure that the Birmingham Road boundary is dealt with. It should also be highlighted that a separate Building Regulations approval will be required to ensure existing structures remain safe.

**Point 5- No details have been provided regarding how the site will be serviced (including by delivery vehicles) once the food retail units are operational.**

Servicing and deliveries to the site, once operational in its 'meanwhile use' are subject to a condition.

**Point 6- No details have been provided of how safe access for all users to Frog Lane Car Park is to be maintained during the demolition phase, especially as the compound is proposed to be located to the south of the car park entrance.**

A pre commencement condition requiring a detailed demolition plan, which will address a number of requirements is recommended. This will ensure that the safe and free flow of Frog Lane and surrounding car parks is maintained.

**Point 7- The application red line boundary and proposed development plans do not cover the same area. The application red line boundary is shown on Drawing AL(0)10 A Location & Block Plan; however, the proposed site plans only show details of development on land currently occupied by the Multi Storey Car Park.**

The application red line boundary as shown on Drawing AL(0)10 A Location & Block Plan covers a wider area of land than the proposed development would occupy. This is no different to most applications in which the development occupies a proportion of the wider site (for example the extension to a dwelling house compared to the red line which will include the whole property including its garden). The proposed new development would take place within the parameters of the existing multi storey car park and would not extend beyond the red line boundary of the application site. For the purposes of this application, this is appropriate and the new temporary 'meanwhile' use areas are clearly defined. Where the proposal may have impacts outside of the red line, for example the provision of accessible spaces within other car parks, this can be dealt with through a Grampian style condition. Such a condition would meet the tests for conditions as set out in the NPPF.

**Point 8- The submitted Demolition Method Statement (DMS) is sub-standard with limited detail provided as to how the demolition of the multi storey car park will be undertaken without having an adverse impact on highway safety.**

This point is acknowledged and a pre commencement condition to secure a more detailed demolition method statement is recommended. This approach is considered reasonable and has been agreed with the applicant. The condition sets a number of issues which must be addressed. The condition also ensures that the approved details are adhered to at all stages of the demolition/development taking place. The discharge of the condition would allow for the input of the highway authority at the appropriate stage.

### **Amended Conditions**

For clarity and to address working changes to the conditions necessitated in part due to the late submission of the Highway Authority and their associated reasons since publication of the report, the list of conditions (originally set out in section 19 of the Committee Report) has been refreshed and is set out in full below. Note no changes are proposed the plans and supporting documents (set out in section 7), these remain as set out in the Committee Report.

### **Grampian Condition: Accessible Parking Provision**

The development hereby permitted shall not commence until a scheme of disabled parking provision to accommodate the loss of 10 No. disabled spaces has been submitted to and agreed in writing by the Local Planning Authority. The scheme of additional disabled parking provision shall be provided prior to the demolition works taking place.

Reason: In the interests of providing appropriate accessible parking to serve the City Centre to conform to policies CP5 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the National Planning Policy Framework and the requirements of the Equalities Act.

### **Condition 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.

## **Condition 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, Policy BE2 of the Local Plan Allocations, 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.

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

## **Condition 3**

On the expiration of a period of three years from the date of this permission the temporary use hereby approved shall cease and the land restored and all structures and chattels associated with that use shall be removed from the site.

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.

## **Condition 4**

No demolition or construction works shall take place until full details of the proposed temporary hoarding/boundary treatments for the demolition and subsequent temporary use phases of the development have been submitted to, and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in the interests of neighbouring amenity with Core Policy 3 and BE1 of the Lichfield Local plan Strategy and the National Planning Policy Framework.

## **Condition 5**

No demolition or construction works shall take place until a Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition Management Plan shall be adhered to throughout the demolition period. The plan shall provide for:

- Details of the access(es);
- Details of an internal circulation system for vehicles, including turning facilities;
- Details/location of the site compound;
- Details of appropriate measures to control emission of dust and dirt during demolition, including wheel washing facilities;
- Details of a road sweeper on the highway network and the frequency of the sweeping of the highway;
- The parking of vehicles of site operatives and visitors;

- Details of the duration period for demolition and the number of HGV movements on a daily basis to the site.
- Restriction of times for the demolition activities and deliveries of materials to and from the site;
- Details of how noise, vibration and dust associated with the demolition and construction phases are to be controlled and minimised

Reason: In the interests of neighbouring amenity and protection of the wider environment in accordance with Core Policy 3 and BE1 of the Lichfield Local plan Strategy and the National Planning Policy Framework.

#### **Condition 6**

No demolition or construction works shall take place until an Arboricultural Method Statement written to British Standard BS5847-2012 detailing the extent and specification of pruning and defining the type and location of any necessary tree protection measures during the demolition and construction phases of development has been submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and protective fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

Reason: To protect the trees and in the interests of the visual amenities of the wider Conservation Area in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy, policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

#### **Condition 7**

No demolition or construction works shall take place until details of biodiversity enhancement to include specific planting and seed mixes and management prescriptions to achieve proposed habitat improvements. The development shall be undertaken in accordance with the approved details, with any planting provided during the first planting season following demolition of the multi storey car park.

Reason: In the interests of ecological protection and enhancement in accordance with Policy NR4 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

#### **Condition 8**

No demolition or construction works shall take place until details indicating the finish, including level details and boundary treatments to the Birmingham Road boundary to the site and pedestrian linkages through the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and to ensure a satisfactory form of development in accordance with the requirements of Core Policy 3, Core Policy 5 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**CONDITIONS to be complied with PRIOR to first use of the temporary food/ retail units hereby approved:**

#### **Condition 9**

Prior to the first use of the temporary food/ retail units hereby approved 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 open/ seating areas of the site. The site shall be

operated in accordance with the approved visitor management plan and retained for the life of the development.

Reason: To avoid over intensification of the site and in the interests of neighbouring residential amenity in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**Condition 10**

Prior to the first use of the temporary food/ retail units hereby approved, a scheme for any amplified, recorded or live music to include amplification levels shall be submitted to and agreed in writing by the Local Planning Authority. Amplified recorded or live music shall only be played or relayed within the grounds of the application site in accordance with the approved details.

Reason: To safeguard the interests of occupiers of nearby residential properties in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**Condition 11**

Prior to the first use of the temporary food/ retail units hereby approved, a waste management strategy detailing how waste will be stored within the site including collection methods/ times and associated vehicular access details shall be submitted to and approved in writing by the Local Planning Authority. The site shall be operated in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**Condition 12**

Prior to the first use of the temporary food/ retail units hereby approved, a watering/maintenance schedule for all newly planted trees within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved details for the lifetime of the development.

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

**Condition 13**

Prior to the first use of the temporary food/ retail units hereby approved, 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. The approved systems shall be installed prior to the first use of each unit to which it relates and thereafter maintained in accordance with the manufacture guidelines for the lifetime of the development. This system shall 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 in accordance with the requirements of Core Policy 3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**Condition 14**

Prior to the first use of the temporary food/ retail units hereby approved, details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority provided.

The cycle storage facilities shall be provided and thereafter retained for the life of the development.

Reason: As recommended by the Highway Authority in the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

**All other CONDITIONS:**

**Condition 15**

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. The hard surfaces shall 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 in accordance with Core Policy 3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**Condition 16**

All planting, seeding or turfing shown on the approved plans/ approved details of landscaping shall be carried out in the first planting and seeding season following the demolition of the multi- storey car park, and any trees or plants which within a period of 3 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

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

**Condition 17**

The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce protect local residents and local character in accordance with Core Policy 2 and 3 and Policies SC1, BE1 and BE2 of the Lichfield Local Plan Strategy , Sustainable Development SPD, Historic Environment SPD and the National Planning Policy Framework.

**Conclusion.**

Subject to the above amended conditions, the Officer recommendation remains as set out in the main report.



**Additional / Further Observations**

There have been minor amendments to the original report for clarity including to the recommendations and an additional recommendation at 2.4 has been added. These are reflected in the published redacted report and the recommendations are set out below for ease of reference.

- 2.1 Members to note that the applicant has submitted an appeal for non-determination, so the application will be determined by the Planning Inspectorate.
- 2.2 Members to review the Officer report presented to Planning Committee on 3rd July 2023 (Appendix A); the 13 points raised by Cllr Salter at that meeting (Appendix B); and the Officer response to those comments (Appendix C)
- 2.3 Members to consider the application again and advise how they would have determined the application had an appeal for non-determination not been submitted. This outcome will be shared with the Planning Inspectorate to inform the appeal process, subject to the Appeal being validated by the Planning Inspectorate.
- 2.4 Subject to the Appeal not being validated by the Planning Inspectorate and the council recovers jurisdiction of the application, Members to delegate to officers the powers to issue the decision notice in line with the decision of planning committee.

**Conclusion.**

The Officer recommendation remains as set out in the published redacted report.

LIST OF SPEAKERS

**PLANNING COMMITTEE MEETING**

31 July 2023

**23/00216/COU**

Paul Harris (*Cerda Planning*)

On behalf of Objectors

**23/00519/FUL**

Cllr Michael Wilcox

Ward Member

Cllr Derrick Cross

Ward Member

Naomi Light

Applicant

**23/00649/FUL**

Adam Lund

Objector

**ITEM 6**

**22/01533/FUH**

Andrew Bews

Objector

Cllr David Salter

Ward Member

Dr James Spooner

On behalf of Applicant