

# Planning Committee

4 September 2023

## Agenda Item 4

Contact Officer: Artemis Christophi

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### Report of Chief Executive

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

#### FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

## **AGENDA ITEM NO. 4**

### **ITEM A**

#### **APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT**

**4 September 2023**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
22/00992/COUM	Former Library The Friary Lichfield	Lichfield
23/00573/COU	Agricultural Building Off London Road Canwell	Hints and Canwell
23/00326/COU	Little Pipe House Little Pipe Lane Lichfield	Farewell and Chorley

# LOCATION PLAN

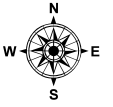
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Former Library  
The Friary  
Lichfield

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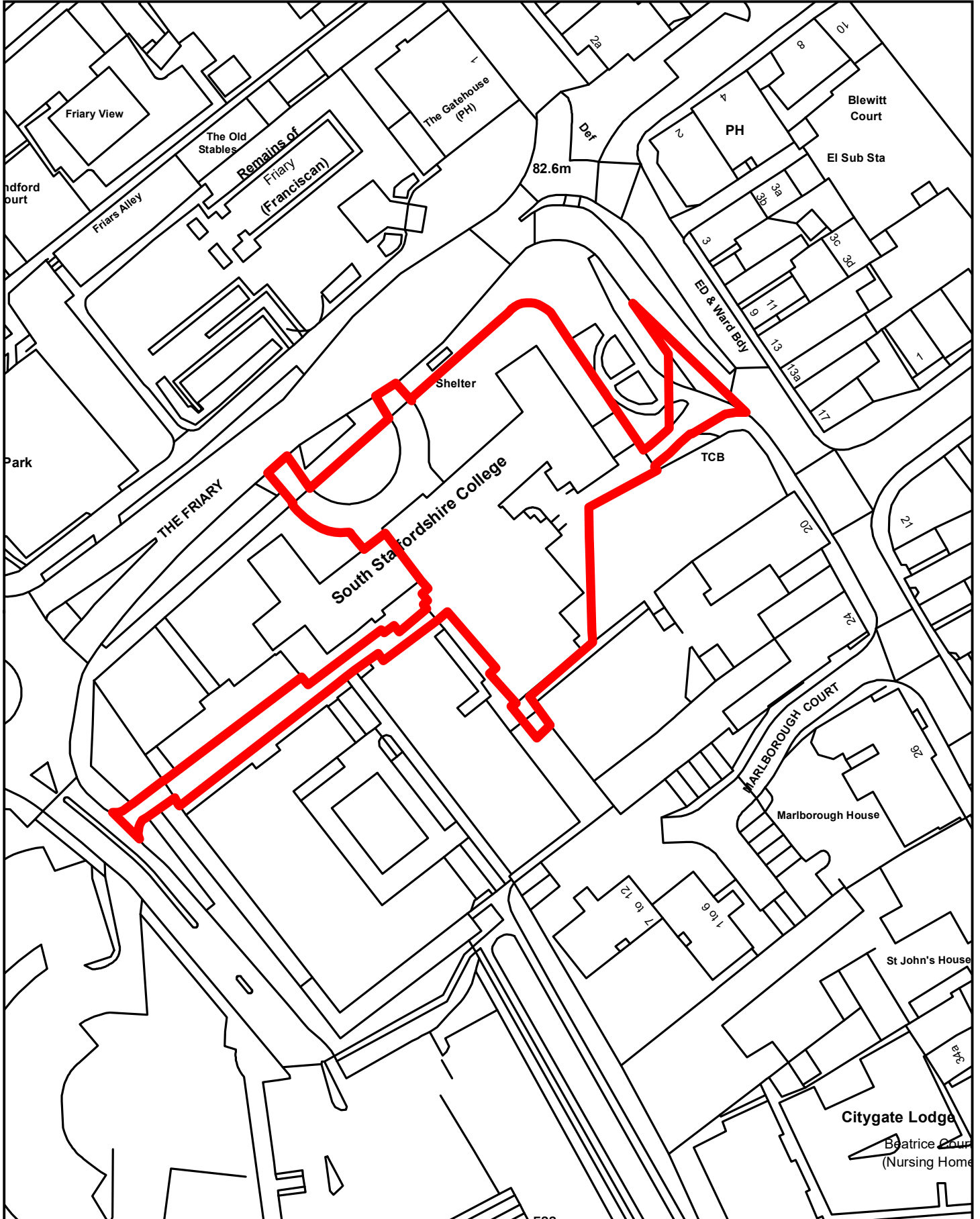
Dated: August 2023

Drawn By:

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<b>Address:</b>	Former Library, The Friary, Lichfield, Staffordshire, WS13 6QG		
<b>Application number:</b>	22/00992/COUM	<b>Case officer:</b>	Clare Saint
<b>Ward:</b>	Leomansley	<b>Date received:</b>	03.08.2022
<b>Parish:</b>	Lichfield City		
<b>Proposal:</b> Conversion of former Library building to residential apartments (21 units) together with associated demolition, alterations, ancillary structures, external site works and landscaping			
<b>Reason for being on agenda:</b>	This planning application is being reported to the Planning Committee due to there being more than 2 planning obligations necessary to make the development acceptable in planning terms.		
<b>Recommendation: Approve, subject to the completion of a S106 TCPA 1990 agreement to secure education, healthcare and Cannock Chase SAC mitigation payments and conditions.</b>			
<b>Applicant: GR8Space (Library) Limited</b>		<b>Agent: Mr M Mence (FB Architecture Ltd)</b>	

## 1. Executive Summary

- 1.1 In principle, the redevelopment of the existing, vacant, Grade II listed former library building for residential purposes is supported in terms of housing policies and would ensure that the building is put to a viable use which will secure its future.
- 1.2 The quality of residential accommodation being provided is high, and supported by sufficient parking and landscaping to ensure that the development integrates into its surroundings. The proposed housing mix would be in line with the requirements set out in the Local Plan, and Vacant Building Credit, which was introduced to incentivise the development of brownfield sites is applicable in this case, demonstrating that no affordable housing is required.
- 1.3 The impacts on the listed building and the Lichfield City Conservation Area are considered to be acceptable and necessary commuted sums for healthcare, education and Cannock Chase SAC can be collected via a s106 agreement.
- 1.4 The proposed development and its intended use are not considered to result in undue harm on neighbouring amenities, and overall is in compliance 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 Grade II Listed former school building which was constructed in the 1920's for the Lichfield Friary Grammar School. The school was built on the site of a 13<sup>th</sup> century friary, part of which is a scheduled ancient monument (located outside of the application site). The building later became Lichfield College and Library. The site is located within the Lichfield City Conservation Area.
- 2.2 The application building is an attractive two storey building which occupies a prominent site in the centre of Lichfield, on the junction of the Friary and St John Street. These streets are identified as 'primary movement routes' within the Lichfield City Neighbourhood Plan. The

application building is adjoined to the Bishops Lodging House, which is the oldest part of the overall building. The Bishops Lodging House (which does not form part of this application) has been converted into apartments in recent years.

- 2.3 The site is surrounded by mixed town centre uses, which include residential in the adjoining Bishops Lodgings and Chapter House to the South of the site, offices, services and retail in buildings to the North East along St John Street and the Brewhouse Public House to the North.
- 2.4 The application building was originally constructed in the 1920's, with later additions to the rear added in the 1960s and 1990's. It is the later additions which are proposed for demolition as part of these proposals. An extract from the submitted location plan is shown below, with the red line broadly indicating the application site.



### 3. Planning history

#### 3.1 The Application Building & Site

**98/01105/LBC**- Erection of a directional sign to front elevation of the building- Approved subject to conditions (07.06.1999).

#### 3.2 The adjacent Bishops Lodgings/ Chapter House Development

**15/01320/LBC**- Works to listed building to enable the conversion and refurbishment of Bishop's Lodging to provide 7 residential apartments (amended layouts to the approved under 14/00737/LBC)- Approved subject to conditions (07.04.2016).

**14/00736/FULM**- Demolition of single storey facilities building and other ancillary structures, creation of new building containing 38 'later living' apartments (Class C3) and ancillary communal facilities, conversion and refurbishment of Bishop's Lodging to provide an additional 7 units (Class C3), means of access, landscaping, car parking, earthworks for drainage infrastructure and other ancillary works- Approved subject to conditions (23.03.2015).

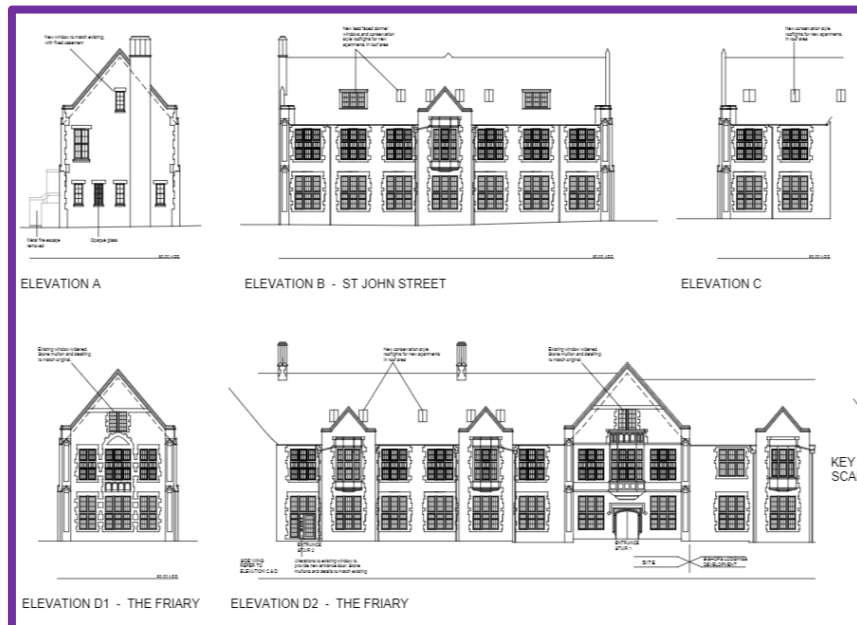
**14/00737/LBC**- Works to listed building to enable the conversion and refurbishment of Bishop's Lodging to provide 7 apartments (Class C3)- Approved subject to conditions (23.03.2015).

- 3.3 An application for Listed Building Consent (ref **22/00993/LBC**) has been submitted to address the works to the Listed Building which arise from these proposals.

## 4. Proposals

- 4.1 This application seeks consent for the conversion of the former Library building to residential apartments (21 units) together with associated demolition, alterations, ancillary structures, external site works and landscaping.
- 4.2 The proposal largely comprises internal modifications and the demolition of later extensions to the rear of the building to provide 2 No.1 Bed and 19 No. two bed apartments. The scheme includes a revised car parking strategy, bin and cycle storage. 11 No. car parking spaces would be provided to the frontage of the building, utilising the existing gated access off The Friary to the frontage of the building. The existing gates would be retained as part of the proposals. The existing access to the rear of the building taken off St Johns Street would be used to provide access to the rear of the building where an additional 13 No. parking spaces would be provided. Cycle storage would be provided within a small building to the rear of the site which would be retained as part of the proposals. Refuse storage is to be located within the ground floor of the building, and collections would be via the adjacent Chapter House development access road which also serves the bin stores for that development.
- 4.3 The application is supported by an Air Quality Assessment, Noise Assessment, Ecological surveys, Arboricultural surveys, Heritage assessments, Vacant Building Credit assessment and drainage information.





## 5. Background

- 5.1 The application building was most recently used as a library operated by Staffordshire County Council. The County Council confirmed at the time that the building was too large for its purpose and was becoming too expensive to manage. The decision to sell the building in 2017 was taken in order to secure its long term future and avoid the risk of the building falling into disrepair. The library was moved to St Marys in Market Square in the centre of Lichfield City in 2018.

## 6. Policy framework

### 6.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 6.2 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 4: Delivering our Infrastructure  
Core Policy 5: Sustainable Transport  
Core Policy 6: Housing Delivery  
Core Policy 13: Our Natural Resources  
Core Policy 14: Our Built and Historic Environment  
Policy ST1: Sustainable Travel  
Policy ST2: Parking Provision  
Policy H1: A Balanced Housing Market  
Policy H2: Provision of affordable homes  
Policy NR3: Biodiversity, Protected Species and their Habitats  
Policy NR4: Trees, Woodlands and Hedgerows  
Policy NR7: Cannock Chase Special Area of Conservation  
Policy BE1: High Quality Development

### 6.3 Local Plan Allocations Document

Policy BE2: Heritage Assets

### 6.4 Supplementary Planning Document

Sustainable Design SPD  
Historic Environment SPD

Trees, Landscaping and Development SPD  
Biodiversity and Development SPD  
Developer Contributions SPD

- 6.5 **Lichfield City Neighbourhood Plan (2018)**  
Policy 3 Primary Movement Routes  
Policy 11 City Centre Redevelopment Sites

6.6 **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 4 (SP4): Transport safeguarding  
Strategic Policy 5 (SP5): Infrastructure delivery  
Strategic Policy 6 (SP6): Infrastructure delivery that support healthy communities  
Strategic Policy 7 (SP7): Participation in sport and physical activity  
Strategic Policy 8 (SP8): Blue infrastructure, watercourses and flood risk  
Strategic Policy 10 (SP10): Sustainable development  
Strategic Policy 12 (SP12): Housing provision  
Strategic Policy 14 (SP14): Centres  
Strategic Policy 15 (SP15): Natural resources  
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 H1: Achieving a balanced housing market and optimising housing density  
Local Policy H2: Affordable housing  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodlands and Hedgerows  
Local Policy NR5: Cannock Chase Special Area of Conservation  
Local Policy LC2: Lichfield city environment  
Local Policy LC3: Lichfield services and facilities

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:

- 1527-LOC 1A Location Plan dated as received 03 August 2022



- 1527-11 Rev B Proposed Site Layout with visibility splays dated as received 27 September 2022
- 1527-12 Proposed Demolition Plan dated as received 03 August 2022
- P19-592-SK801 Rev P1 Proposed site access works dated as received 27 September 2022
- 9208-2 Topographical Survey dated as received 03 August 2022
- 1527-14A Proposed Ground Floor and Lower Ground Floor dated as received 28 June 2023
- 1527-15A Proposed Ground Floor and First Floor dated as received 16 November 2022
- 1527-16A Proposed floor 1A and second Floor dated as received 16 November 2022
- 1527-17 Rev A Proposed Elevations Sheet 1 dated as received 28 June 2023
- 1527-18A Proposed Elevations Sheet 2 dated as received 16 November 2022
- 1527-W-01 Window/ Secondary Glazing Strategy dated as received 31 July 2023
- SK100 P1 Drainage Strategy dated as received 18 August 2022
- Bat Survey V1 prepared by Stewart Rampling dated as received 03 August 2022
- Ecological Impact Assessment V1.3 prepared by Stewart Rampling dated as received 11 November 2022
- Air Quality Assessment MAN.722.AQ.001.R.001 dated as received 03 August 2022
- Noise Impact Assessment V1 Ref M5255 dated as received 03 August 2022
- Demolition Plan dated as received 03 August 2022
- Transport Statement P19-592 V2 dated as received 23 September 2022

## 8. Consultation responses

- 8.1 **Lichfield City Council**- No objections to apartments but would struggle to support more retirement apartments. (28.08.2022).
- 8.2 **Lichfield Civic Society**- Updated- Further to earlier comments, the Civic Society have the following concerns with regards to the documents and drawings:
- The windows and walling proportions facing the Friary should be maintained
  - The rooflights are out of character
  - The attic conversion is out of character with the listed building
  - The open areas to the front with The Friary and St John Street should be maintained. Car parking eroding the public space should not be supported.
  - The use of the former service area as a new access is dangerous, visibility is limited
  - Tree planting may interfere with visibility/ sight lines at the access
  - The access gates would be hazardous to highway safety
  - There is a lack of outdoor space in favour of parking
  - The proposal will be prestigious and gated, and does not provide 3 bedroom dwellings which policy H1 also requires.

Raising the habitable height of the Listed Building will significantly alter its character. This extra storey leads to the perceived need for parking spaces to suit 21 proposed dwellings; the perceived parking requirement leads to the consequent loss of green areas.

This development risks it becoming yet another for retired person – if not by deliberate marketing, very likely because of its location, security and prestigious nature. The centre of the City is becoming one dedicated to the elderly and this is fast destroying the character of Lichfield City.

We therefore suggest – if change of use is granted – it should be for a smaller number of units. The extra habitable storey would not then be needed. A reduction in the number of dwellings would require fewer parking spaces.

Initial- In principle, the Civic Society object to the proposed change of use. The building should be retained for use by Lichfield citizens. (30.08.2022)

- 8.3 **Historic England**- No advice offered. (26.08.2022)
- 8.4 **Severn Trent Water- Updated**- No objections to the submitted strategy and no condition will be required. (09.09.2022)
- Initial- No objections subject to a drainage condition for the disposal of foul and surface waters. (16.08.2022)
- 8.5 **Cadent**- No objections, an informative to highlight responsibilities in terms of gas infrastructure is recommended. (15.08.2022)
- 8.6 **Police Liaison Officer**- No objections raised, anti crime advice provided. (17.08.2022)
- 8.7 **Staffordshire and Stoke on Trent Integrated Care Board**- No objections subject to financial mitigation of £13,650 to be secured by S106 agreement. The sum (£13,650) requested has been tailored to the level of development sought and would be pooled to support the future adaptation/refurbishment/expansion of premises within the Lichfield Primary Care Network as appropriate. (28.09.2022)
- 8.8 **SCC Education**- The proposals would result in an education contribution of £317,644.72 (index linked from the date of this response) being required from the developer to mitigate the impact on education from the development. In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 19 dwellings would require 6 primary school places, 4 secondary places and 1 Post 16 place. These are based on a pupil product ratio (PPR) 0.045 per dwelling per year group at primary and secondary and 0.03 per dwelling for Post 16. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. There are projected to be an insufficient number of school places in the local area to mitigate the impact of this development at both primary and secondary phases of education. No requirements arise from the 1 bed apartments. (28.09.2022)
- 8.9 **SCC Archaeology**- No objections in principle and the contents of the heritage assessment are agreed. A condition to secure appropriate archaeological investigation and reporting is recommended. (30.08.2022)
- 8.10 **SCC Minerals and Waste Planning**- No objections. (20.10.2022)
- 8.11 **SCC Highways**- Case discussed at fortnightly highways surgery on 5<sup>th</sup> October 2022. Issues of refuse collection, access and visibility have been raised through public consultation and are noted. Amended plans have improved visibility and the scheme is acceptable now in highways terms. (05.10.2022)
- 8.12 **SCC Flood Risk Officer**- No objections to the submitted drainage strategy. (02.09.2022)
- 8.13 **LDC Policy Team**- No objections, subject to compliance with the habitat regulations in respect to Cannock Chase SAC. (15.08.2022)
- 8.14 **LDC Tree Officer- Final**- further discussions have taken place, subject to a revised arboricultural method statement and associated construction detail there are no objections. (18.11.2022)
- Initial- No objection in principle, a full arboricultural method statement will be required. (30.08.2022)
- 8.15 **LDC Conservation Officer- Final**- revised plans received, which are acceptable on conservation grounds. Conditions recommended. (01.12.2022)

Updated- The plans have been revised and the no of rooflights reduced on the front roofslope from 8 to 5, however there remain concerns regarding the proposed roofscapes facing the Friary and St Johns Street. (11.11.2022)

Initial- Concerns raised regarding the works to the proposed roof of the building, which is very visible and prominent. The conversion of the building is accepted, however objections are raised to the roof lights, the use of render where later additions to the original building are removed, and the design of a new dormer to the rear of the building. The proposals would lead to less than substantial harm to the building. (05.09.2022)

- 8.16 **LDC Ecology Manager- Final**- The Ecology Team welcomes the applicant's intention to deliver net gains of 0.04BU as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Nature Recovery Network Mapping. As such the development scheme is viewed as likely to provide a 22.66% net-gain to Biodiversity Value with the DEFRA metric, and 26.66% with the Lichfield model. This complies with both Policy NR3 and the requirements of the Biodiversity and Development SPD. (06.04.2023)

Updated- Further information relating to net gain is required (26.09.2022/ 27.10.2022/ 15.12.2022)

Initial- full details of biodiversity metric are required to assess the net gain impacts and requirements. The surveys submitted in relation to protected species are acceptable and the methods of working should be subject to a condition. (01.09.2022)

- 8.17 **LDC Environmental Health**- No objections subject to conditions to secure a Construction Management Plan, the timings of works and a scheme for noise protection. (09 August 2022/ 27 .09.2022)

- 8.18 **LDC Economic Development Officer- Updated**- Further information has been provided which clarifies the marketing and confirms that the library has been relocated as such there is no loss of community facility. (26.08.2022)

Initial- Requested further information relating to market demand before comments from an Economic Development Perspective can be provided. (12.08.2022)

- 8.19 **LDC Housing Officer**- No objections raised in principle, however affordable housing will be required. Details of provision or viability evidence is required. Any contribution would be in the form of a commuted sum given the nature of the proposal. (01.09.2022)

- 8.20 **LDC Joint Waste Team**- Advice provided relating to bin requirements. For every 6 apartments a bin store would be necessary, which should be in a reasonable distance from the property it serves and 10m from nearest kerb point. (12.08.2022)

## 9. Neighbour responses

- 9.1 3 responses were received from neighbouring occupiers/ local residents and Friary Management, the residents' property management company which administrates Bishops Lodge. Objections and concerns can be summarised as:

- Location of bin stores, with particular concern to the proximity to Bishops Lodge
- Concerns regarding security associated with the car park/ landscaping and area of demolition
- The car parking (10 spaces near the entrance) will be an eye sore
- The location of the cycle store is not appropriate
- Party wall and fire risk requirements need to be met

- Maintenance of boundaries
- Highway safety at the access points
- An extension of no architectural merit is being retained
- Presence of a historic fireplace should be maintained
- Disruption during works
- The proposed parking of 10 cars to the frontage of the building is unacceptable in heritage terms

## 10. Assessment

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

- Policy & principle of development
- Affordable Housing
- Design and impact upon heritage assets and the character and appearance of the surrounding area
- Residential amenity
- Access and highway safety
- Impact on trees
- Ecology
- CIL/Planning obligations
- Other Matters
- 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. In this location, the Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

11.2 The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight.

11.3 The Five-Year Housing Land Supply 2022 for Lichfield shows that in August 2021 the District Council could demonstrate a 9 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies are considered up to date.

11.4 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.

11.5 Core Policy 1 of the Lichfield District Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, and that development proposals will be expected to make efficient use of land and prioritise the use of previously

developed land. Core Policy 3 states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.

- 11.6 Core Policy 6 sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District Council will seek to provide 50% of housing on previously developed land. Housing development will be focused upon key urban and rural settlements of which Lichfield City is one. Policy Lichfield 4 outlines that 38% of the District's housing growth to 2029 will take place in and around Lichfield City, with around 46% of this being located within the urban areas.
- 11.7 Policy H1 sets out that there is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 11.8 Policy CP4 of the Local Plan Strategy confirms that the District Council will seek to protect, and where appropriate improve services and facilities that provide a key function in the operation of existing communities. Development proposals leading to the loss of a key facility from a settlement, will not be supported unless a replacement facility of improved quality, accessibility and size is provided for the community in a sustainable location.

### **Assessment**

- 11.9 The development would provide 21 No. dwellings on previously developed land within the sustainable settlement of Lichfield. The 'principle' of redevelopment of the site, which comprises a vacant building to provide residential properties would comply with Local Plan Strategy Policies CP1, CP3, CP6 and the housing mix, where the dwellings to be provided would be predominantly 1 or 2 bedroom properties would be in compliance with Policy H1. Therefore, the principle of the development is considered to be acceptable. Other material considerations are assessed in detail below.

## **12. Affordable Housing**

- 12.1 Core Policy 6 of the Local Plan Strategy confirms that new residential development is expected to assist in meeting identified housing needs, including the provision of affordable homes. Policy H2 expands upon this requirement with a specific focus on the provision of affordable homes. Policy H2 confirms that the overall delivery of affordable homes in the District will be related to the ability to deliver in market conditions that prevail at the time. The District Council will vary this percentage in line with a model of dynamic viability. The levels are reviewed annually and are informed by market land values, house prices and the index of building costs. The policy confirms that the threshold upon which affordable housing will be sought in Lichfield City will be set at 15 or more dwellings, or sites of more than 0.5ha in size. Affordable housing should be provided on site, however in exceptional circumstances contributions will be sought in lieu.
- 12.2 The affordable housing requirements are set out in percentage form within the Councils Authority Monitoring Report (AMR) which is published each year. The authority monitoring report (AMR) is a position statement setting out our monitoring strategy in relation to the local plan. The most up to date figure is provided in the AMR 2022, which sets a requirement of 35% of new development to be affordable. This is a reduction from 40% which was set out in the AMR 2021.
- 12.3 The NPPF at paragraph 60 confirms that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are

addressed and that land with permission is developed without unnecessary delay. Para 64 goes on to state 'to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'.

- 12.4 The applicant has put forward a Vacant Building Credit case which falls to form part of the assessment of this application as required by Paragraph 64 of the NPPF.
- 12.5 Further advice is provided in the National Planning Practice Guidance in relation to the implementation of the Vacant Building Credit. The advice sets out that National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 12.6 In terms of a building being brought back into use, the NPPG advises that the vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:
- the condition of the property
  - the period of non-use
  - whether there is an intervening use; and
  - any evidence regarding the owner's intention
- 12.7 Each case is a matter for the local planning authority to judge. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.

### **Assessment**

- 12.8 It is noted that in line with the latest AMR 2022 figures, 35% of the development (7 dwellings) should be provided as affordable housing. The Council's Housing Team have confirmed that an off-site contribution would be sought in lieu of the requirement, given that a registered provider is unlikely to take on residential units within this development.
- 12.9 As set out above, the applicant has provided a Vacant Building Credit case, which has been assessed by Officers. In line with Government guidance, the property has been maintained by the County Council since the previous use as a library ended in 2017. The building has been maintained to a good standard by the County, who in line with their public responsibilities has secured the site and prevented neglect which may detrimentally affect the surrounding area. The building has been heated and all utilities remain connected. There has been no intervening use, and it is clear from the library relocation programme that the building was not abandoned but was vacated as part of a project of rationalisation of accommodation where staff and operations were redeployed to more suitable premises with lower running costs. The building has not been in continuous use for a six month period within the last three years, which is a benchmark used by many planning authorities. Whilst the term 'vacant' is not defined within the National Planning Policy Framework, 36 months of continuing non-use is considered to be compelling evidence of vacancy. Officers therefore consider that the tests relating to the application of vacant building credit to this site are met.
- 12.10 In terms of the application of vacant building credit the development would utilise the floorspace of the existing building. The NPPG makes no differentiation between a separate

building being demolished/re-used or part of a building being demolished/re-used, both effectively contribute towards the calculation as long as the buildings all exist at the time the application is made. It is a calculation of the *gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme* compared to the gross area of the consented scheme after development. In line with the NPPG guidance, the affordable housing contribution should be reduced by an amount equivalent to the floor space of the existing building. In this case, the reduction can be applied against the floor space of the existing building, the total gross floorspace of the existing buildings is 2598sqm, and the gross floorspace for the proposed residential development is 2167sqm such that 100% credit is available and no affordable housing is required.

### **13. Design and impact on heritage assets and the character and appearance of the surrounding area**

13.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Achieve appropriate densities
- Respond to local character and history, and reflect local surroundings and materials
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and appropriate landscaping.
- Opportunities should be taken to incorporate trees

13.2 In section 16 of the NPPF, policies are set out in relation to the conservation and enhancement of the historic environment. In particular paragraph 197 deals with the determination of applications relating to historic assets, and states that Local Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that heritage assets can make and the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

- 13.5 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and its surroundings. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 13.6 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE1: High Quality Environment states that all development should ensure that a high quality sustainable built environment can be achieved.
- 13.7 Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.
- 13.8 Policy 11 of the Lichfield City Neighbourhood Plan sets out that redevelopment schemes will be supported within the city centre which deliver high quality design that demonstrates full regard for the historic environment of the City Centre, and demonstrate that any main town centre and residential uses proposed will positively contribute to the viability and vitality of the city centre.

### **Assessment**

- 13.9 This scheme relates to a listed building set on a prominent site within the Lichfield City Conservation Area. Turning first to the impacts on the significance and setting of the listed building. The application is supported by a Heritage Statement which concludes that the scheme results in direct alterations through the removal of later extensions to the rear which result in harm at the lower end of less than substantial harm. Notwithstanding this, the special interest and historic integrity of the building is retained through the proposals, and the overall setting of adjacent listed buildings is unharmed. The Council's Conservation Officer concurs with the view in respect of the harm being less than substantial. In line with the requirements of the NPPF, this harm must therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the land.
- 13.10 In terms of the impact on the character and appearance of the Conservation Area, the overall building when viewed from public amenity would largely be retained in its current form. During the course of the application the number of proposed roof lights to facilitate the proposals have been reduced in line with requests made by the Conservation Officer and details of new elements such as secondary glazing have been provided. The main impacts would arise from the alterations to the landscaping at the frontage of the building to accommodate car parking. No alterations are proposed to the access off the Friary and the existing boundary wall, hedging and gates would be retained. Alterations are proposed to the layout of the access of St John Street to upgrade the existing access, however these are considered minor in nature and would not affect the adjacent historic wall or the main building. The Conservation Officer has raised no objections to the alterations and concurs with the view within the submitted heritage statement that the scheme would preserve and enhance (particularly through the removal of modern additions to the building and appropriate landscaping), rather than harm the character and appearance of the Conservation Area.
- 13.11 In terms of the heritage assets, there are benefits arising from the scheme in both heritage and public terms, through the re use of an existing building securing its future viable use, the provision of additional homes and economic benefits arising from the conversion works through employment of skilled workers and in turn the local economy of the District.
- 13.12 Overall, the less than substantial harm to the fabric of the listed building that would arise as a result of the conversion to residential, would be clearly outweighed by the building of a long term viable use that would protect the fabric of the building going forward, the social benefits



of the provision of additional homes in a highly sustainable location and the economic benefits such that, on balance the proposal is acceptable from a heritage perspective, in accordance with the aforementioned policies.

## **14. Residential amenity**

- 14.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 14.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for external amenity space based upon the number of bedrooms in a dwelling.

### **Assessment**

- 14.3 The application site is located in a city centre location and surrounded by neighbouring properties, including properties converted recently in the Bishops Lodgings element of the adjoining building and Chapter House to the rear. Through the consultation process neighbouring occupiers and local residents have raised objections on the grounds of disruption during construction. The main issues to be addressed in terms of residential amenity are firstly the impact on neighbouring occupiers, including the amenities of the new dwellings to the rear and side of the site, and secondly the amenities of the future occupiers of the proposals which include 21 residential apartments.
- 14.4 The scheme has been assessed in relation to the separation distances and spatial requirements set out in the Sustainable Design SPD. Given the presence of the existing building, as no extensions are proposed the development would not result in unacceptable loss of light or overbearing impacts to neighbouring occupiers.
- 14.5 In terms of overlooking impacts, the separation guidelines as identified within the Sustainable Design SPD are met. The scheme largely utilises existing window openings in the building and would not result in unacceptable overlooking issues.
- 14.6 In respect of the amenities of future occupiers, the proposed layouts of the apartments are acceptable and the minimum space standards set out within the Technical Housing Standards (Nationally described space standard) would be met. All proposed rooms benefit from appropriate space and windows and the submissions have been accompanied by a noise report which sets a requirement for secondary glazing to be provided. Details have since been provided by the applicant and it is noted that the Council's Environmental Health Officer and Conservation Officer have raised no objections in this regard. The Sustainable Design SPD sets a minimum space for shared amenity areas serving flats/ apartments of 10 sq m per apartment. In this case, there is limited external amenity area provided, owing to the limitations of the site. External areas comprise of car parking and formal landscaping. Notwithstanding this, it is noted that the site is located in a central area of Lichfield within walking distance of parks and outdoor space. On balance, this shortfall of shared amenity space is not considered to be sufficient to sustain a refusal reason.
- 14.7 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

## 15. Access and highway safety

- 15.1 Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 15.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety and capacity are factors which should be given consideration.
- 15.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 1 and 2 bed should have one space per dwelling.
- 15.4 Policy 3 of the Lichfield City Neighbourhood Plan 'Primary Movement Routes' sets out that developments adjacent to these routes must make developer contributions towards the enhancement of these routes particularly at points of conflict as must not have a severe adverse impact on the primary movement routes, in particular by creating additional significant traffic movements which may have a detrimental impact on the safety or flow of pedestrians.

### Assessment

- 15.5 The proposed on-site parking provision would be in compliance with the requirements set out in the Sustainable Design SPD and the County Highway Authority have raised no objections to the scheme on the basis of the reuse of the existing accesses off the Friary and St John Street. Weatherproof cycle storage would be provided in a small, retained building to the rear of the site and adequate measures are provided for refuse storage and collection. Refuse would be stored within a specific element of the existing building, and collected via the adjacent Chapter House development.
- 15.6 It is acknowledged that highway safety and parking concerns have been presented by the City Council and local residents. These highway related concerns are noted and have been considered by Officers, along with the specialist advice provided by the County Highway Authority.
- 15.7 Following the receipt of the final comments set out within professional County Highways advice it would be unreasonable to suggest that the scheme of development would be unacceptable on highways safety grounds or parking provision with no technical evidence to the contrary. The development proposal is therefore considered by Officers to be acceptable on highway grounds. Whilst the site is located on a primary movement route as set out in the Lichfield City Neighbourhood Plan, there is no evidence to suggest that the scheme would result in an adverse impact on the safety of other road users or pedestrians, as such it would be unreasonable to seek upgrades or enhancements to the route. The development would be in accordance with the requirements of the Development Plan and NPPF regarding highway safety and access implications.

## 16. Impact on trees

- 16.1 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that

removal is necessary and appropriate mitigation can be achieved. Policy NR4 is supported by the Council's Tree's, Landscaping and Development SPD.

#### **Assessment**

- 16.2 There are no trees within the site protected by means of a Tree Preservation Order, however as the site is located within a Conservation Area all trees are automatically protected from being cut down or having work done to them in order to preserve the special character of the area. The proposals do not result in the loss of any trees, and the Tree Officer is satisfied, subject to the provision of an arboricultural method statement and associated construction detail that the works can be carried out without detrimentally affecting the trees on and around the site. Subject to a condition to secure these details the submissions would comply with relevant local and national planning policies.

### **17. Ecology**

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

#### **Assessment**

- 17.2 The Council's Ecology Manager was consulted as part of the planning process and updated reports were provided by the applicant to confirm that no protected species would be affected by the proposals. The methods of working set out in the submitted report should be conditioned. In terms of biodiversity net gain, the applicant has confirmed that this will be delivered on site through various methods. The Ecology Manager was satisfied with this approach and a condition is recommended requiring a biodiversity enhancement plan to be submitted, approved and implemented.
- 17.3 As such, subject to the aforementioned conditions, it is considered that the proposals will accord with Policy NR3 and in Ecology terms, is acceptable.

### **18. Cannock Chase Special Area of Conservation**

- 18.1 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.
- 18.2 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.
- 18.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

## Assessment

- 18.4 It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. In this case, as the proposal involves a net increase of 21 dwellings being provided an Appropriate Assessment has been undertaken and it can be concluded that the development in itself or in combination with other development it will have an adverse effect upon the integrity of the Cannock Chase SAC.
- 18.5 A bespoke form of mitigation is therefore required, or the applicant can choose to contribute towards the Cannock Chase Partnership Detailed Implementation Plan at the current rate of £329.83 per dwelling to mitigate the impacts of the development. The applicant has agreed to provide financial mitigation which will be included in the S106 agreement.
- 18.6 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 19. CIL/Planning obligations

- 19.1 Should Members be minded to grant permission, a Section 106 agreement would be required with regards to a range of required planning obligations to make the proposals acceptable. The applicant has agreed to the following provisions.
- 19.2 Firstly, as recommended by the School Organisation Team at Staffordshire County Council should planning permission be granted an education contribution of £317,644.72 (index linked from September 2022) should be sought from the developer to mitigate the impact on education from the development. It has been noted by the School Organisation Team that the scheme would be acceptable from an education perspective subject to a S106 agreement which meets this requirement. The requirement is in line with the objectives of policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD which seek to ensure that appropriate infrastructure needs arising from a development are delivered.
- 19.3 The Integrated Care Board (formerly known as the Clinical Commissioning Group) have requested the sum of £13,650 towards the improving local facilities within the Lichfield primary care network to provide appropriate health facilities to serve the residents of the development. This request is in compliance with policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD.
- 19.4 This development is likely to have an impact upon Cannock Chase SAC (CC SAC). As set out in section 18 above, protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. From 1st April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the Cannock Chase SAC. In this case, the development falls within the Zone of Influence and as such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £329.83 per dwelling in mitigation. The Council's latest Infrastructure Funding Statement confirms that where a development is non CIL-liable or exempt from CIL, planning obligations are secured to mitigate for the harm of the development on the Cannock Chase SAC through a S106 agreement. As this development would not be liable for CIL payments, the financial contribution of £6,926.43 (£329.83 x 21 apartments) will be secured through the S106 legal agreement. It is noted that without an agreement secured to ensure appropriate Cannock Chase SAC mitigation, the proposals would be unacceptable, on such grounds.
- 19.5 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications

determined after this date. Whilst this application falls within the higher charging area as identified on the CIL Charging Schedule no CIL payments are sought for apartments. As this scheme would comprise 100% apartments no CIL payments would be required.

## **20. Other Matters**

- 20.1 In terms of the objections raised, the general design of the scheme, including the proposed car parking to the frontage and removal of the buildings have been addressed in the above report. The proposed cycle storage is considered appropriate in this case and it is noted that it would be weatherproof in line with the requirements set out in the Sustainable Design SPD. Similarly County Highways have raised no objections on the grounds of highway safety.
- 20.2 The proposed bin storage and refuse strategy are considered to be appropriate and party wall/ fire risk requirements/ boundary maintenance are dealt with under separate legislation to planning. In achieving the requirements of such legislation, should further changes be required to the proposals then further planning consents may be necessary.
- 20.3 Reference was made within the comments received regarding the existence of a historic fireplace within the building. There is one fireplace feature in the current building. This feature is being retained in the building, and relocated into the new entrance area adjacent to where it is currently located as shown on the ground floor plan. The relocation of the fireplace has been discussed with the Conservation Officer both on site and in subsequent correspondence. The relocation of the fireplace was supported by the Conservation Officer, who accepted this proposal, noting that the fireplace is a feature which came from another building originally so has already been moved several times in the past.
- 20.4 Lastly, the concerns regarding disruption during works are noted, and the presence of surrounding residential dwellings has been considered in the assessment of these proposals. A condition requiring a comprehensive construction management plan is recommended to ensure any disruption is kept to a reasonable minimum.

## **21. Human rights**

- 21.1 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.

## **22. Conclusion**

- 22.1 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.
- 22.2 The proposed conversion of the existing vacant listed building to provide 21 dwellings is considered to present a sustainable and appropriate form of development within this location. The principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Lichfield. The heritage impacts of the proposal have been thoroughly considered by the councils Conservation Officer and are considered to be appropriate. The benefits of bringing the building back into a viable long-term use have been

given the appropriate weight in the planning balance. No provision of affordable housing is considered acceptable in accordance with the Vacant Building Credit scheme.

- 22.3 The highway impacts of the proposal have been fully addressed and the County Highways Authority raise no technical objections to the scheme. The development would provide an acceptable level of amenity for both existing neighbouring occupiers and future residents with appropriate access to local facilities and sustainable transport modes.
- 22.4 Relevant points arisen through the consultations carried out have been addressed through the submission of amended plans and updated supporting information and consequently this planning application is recommended for planning approval, subject to a S106 agreement and relevant planning conditions as set out above.

## **23. Recommendation**

- (1) **Approve subject to the owners/applicants first entering into a S106 agreement to secure the following:**
- i. Education Contribution of £317,644.72 (Index Linked to September 2022);**
  - ii. Healthcare Contribution of £13, 650 (Index linked to September 2022)**
  - iii. Cannock Chase SAC- financial contributions towards mitigation of additional visitors to Cannock Chase SAC of £6,926.43 for 21 dwellings**
- (2) **If the S106 legal agreement is not signed/completed by 4<sup>th</sup> December 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

### **CONDITIONS:**

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP5, CP6, CP13, CP14, BE1, NR3, NR4, NR7, ST1 and ST2 of the Lichfield Local Plan Strategy, BE2 of the Local Plan Allocations, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Lichfield City Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced other than demolitions, clearance and works below slab level, a scheme for protecting the dwellings from noise from the surrounding road network shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall be the subject of a validation report, which shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first occupied. The approved measures shall thereafter be maintained for the life of the development.

Reason: In the interests of minimising the impact of construction activity on the surrounding environment and neighbouring occupiers, in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

4. Before the development hereby approved is commenced, notwithstanding the submitted details, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include details relating to construction access, hours of construction, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust, noise, vibration and mud from construction activities. The development shall only be undertaken in strict accordance with the approved details of the CEMP for the duration of the construction programme.

Reason: In the interests of highway safety and to minimise the impact of construction activity on the surrounding environment and neighbouring occupiers, in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, a Biodiversity Enhancement and Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The HMP shall detail in full the future habitat creation works (and sustained good management thereof) to a value of no less than 0.04 Biodiversity Units. The development shall be carried out and managed in accordance with the approved details contained within the HMP.

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

6. Before the development hereby approved is commenced other than demolitions, clearance and works below slab level, details of all external materials to be used ensuring the product name and manufacturer details (including details of coursing of brickwork, rendering finish and roof) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Allocations Document, the Sustainable Design SPD, the Historical Environment SPD and the National Planning Policy Framework.

7. No demolition works hereby approved shall be commenced other than clearance and works below slab level, until the applicant has secured the stability and safety of those parts of the building, which are to remain, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the surrounding area and safeguarding the listed building in accordance with the requirements of Policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document and the National Planning Policy Framework.

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

The archaeological site work shall thereafter be implemented in full in accordance with the approved written scheme of archaeological investigation.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation in accordance with Policies CP14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations and the National Planning Policy Framework.

9. Before the development hereby approved is commenced, an arboricultural method statement to BS5837-2012, including tree protection shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved method statement.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.

### **CONDITIONS to be complied with PRIOR to the first occupation of the development hereby approved:**

10. Before the first occupation of the development hereby granted permission the access, parking and turning areas shown on the approved plan shall be provided in a bound material and thereafter shall be made available at all times for their designated purposes.

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

11. Before the first occupation of the development hereby granted permission the visibility splays shown on the approved drawings shall be provided and retained and maintained as such thereafter with nothing exceeding 600mm in height above the adjoining carriageway to be placed or allowed to remain forward of the splays.

Reason: In the interests of highway safety in accordance with the requirements of policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

Reason: 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.

13. Before the first occupation of the development hereby approved, the target species biodiversity enhancement measures as set out in paragraphs 9.5 and 9.6 of the submitted Ecological Impact Assessment V1, prepared by Stewart Rampling and dated as received 03 August 2022 shall be provided. Thereafter, the target species biodiversity enhancement measures shall be retained and maintained for the lifetime of the development.



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

14. Before the first occupation of any of the residential units hereby granted permission the cycle storage facilities shown on the approved plan 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 to be complied with:**

15. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed within the submitted Bat Survey V1, prepared by Stewart Rampling dated as received 03 August 2022 and the Ecological Impact Assessment V1.3 prepared by Stewart Rampling and dated as received 11 November 2022.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

16. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

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

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

Reason: In the interests of minimising the impact of construction activity on the surrounding environment and neighbouring occupiers, in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018)
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local

Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. An 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 as part of the discharge of condition 4.
5. The applicant is advised that within the HMP required under condition 5 the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition. Information submitted within the HMP should expand upon the information provided within the submitted Biodiversity Metric 3.1 and as depicted in drawing 5 Habitat replacement and creation plan and must detail:
  - Details of both species composition and abundance (% within seed mix etc) where planting is to occur including post development habitat maps and plans.
  - Detailed design working methods (management prescriptions) to achieve habitats and management conditions, including ex and location of proposed works for a period of no less than 30 years
  - Assurances of achievability
  - A timetable of delivery for all habitats
  - A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.
6. 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](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Lichfield  
district council

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# LOCATION PLAN

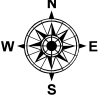
23/00573/COU  
Agricultural Building Off  
London Road  
Canwell

Scale: 1:1,000

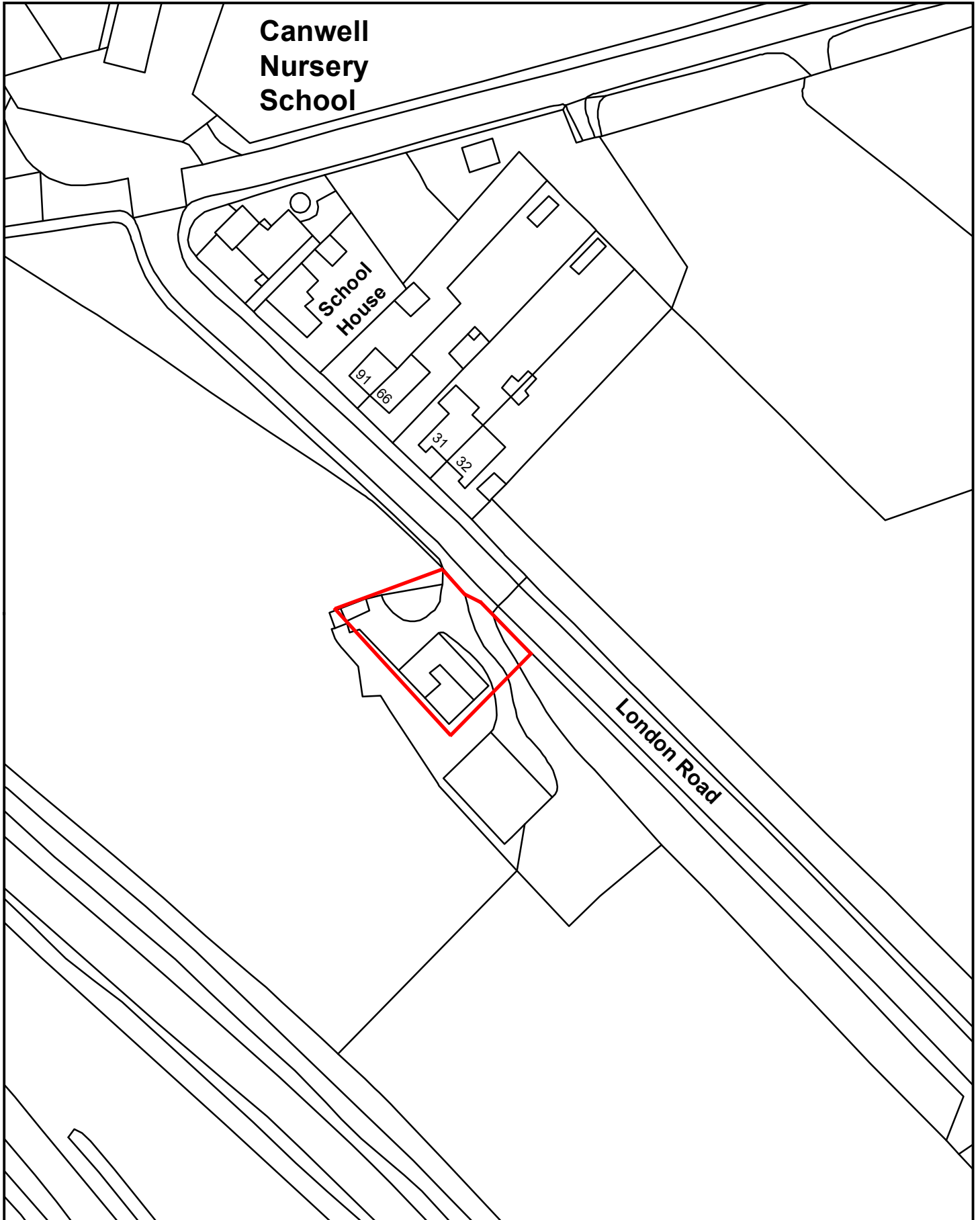
Dated: August 2023

Drawn By:

Drawing No:



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<b>Address:</b>	Agricultural Building Off, London Road, Canwell, Sutton Coldfield		
<b>Application number:</b>	23/00573/COU	<b>Case officer:</b>	Clare Saint
<b>Ward:</b>	Bourne Vale	<b>Date received:</b>	29.05.2023
<b>Parish:</b>	Hints and Canwell		
<b>Proposal:</b> Change of use of barn from agricultural to residential use with erection of a pitched roof on existing flat roof and rooflights.			
<b>Reason for being on agenda:</b>	<p><b>This planning application is being reported to the Planning Committee due to a planning objection raised by Staffordshire County Highway Authority.</b></p> <p><b>The objection can be summarised as:</b>  The proposed development does not constitute sustainable development in that it is entirely reliant on the private car and does not enable future residents to reasonably choose sustainable modes of transport to access the site as required by national and local planning policies. The proposed development would exacerbate the risk of conflict between vehicles and pedestrians and cyclists due to the lack crossing facilities on an A class road subject to the national speed limit leading to an increase in the likelihood of danger to highway users particularly those considered vulnerable.</p>		
<b>Recommendation: Approve, subject to conditions.</b>			
<b>Applicant: Mr Ian Felton</b>		<b>Agent: Ms Sharn Kaur, Cerda</b>	

## 1. Executive summary

- 1.1 The application seeks permission for the conversion of an existing traditional brick and tile agricultural building into 1 No. four bed dwelling with associated amenity space, parking and access. The proposals include the installation of a pitched roof over an existing flat roof section of the building. The site is located within a rural area and within the West Midlands Green Belt.
- 1.2 Objections have been received from the County Highways Authority pertaining to the development being in an unsustainable location solely reliant on motor vehicles and highway safety.
- 1.3 It is considered that the scheme is acceptable in principle, the alterations proposed to the building are modest and in compliance with the relevant design and green belt policies. Sufficient space to facilitate existing off road parking standards along with the storage of waste bins as per the requirements of waste management, is provided. Further, there is sufficient external private amenity space to accommodate a 4-bedroom dwelling.
- 1.4 No harmful impacts on protected species would be anticipated by the development proposal and tree protection measures agreed by the Councils Tree Officer can be secured by an appropriately worded condition.
- 1.5 Having had regard to all relevant local and national policies and guidance, it is concluded that the proposed development is acceptable in principle at this location and would not have a significant impact on acknowledged interests. Notwithstanding the objections raised by the County Highway Authority, the concerns raised in relation to the location of the proposal are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources. This is further demonstrated by a previous consent under prior notification (permitted development allowances) to convert the building into a residential property.

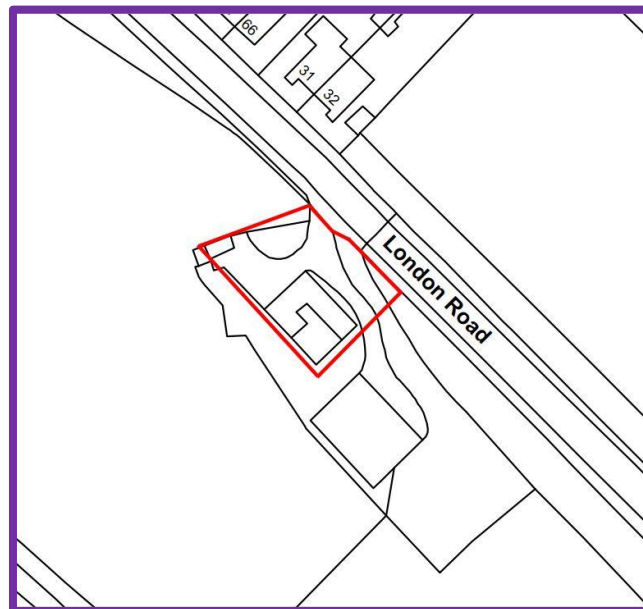
### Summary

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 is located on the south-west side of London Road off Slade Road, Canwell, Sutton Coldfield. The site under consideration comprises of an existing single storey 'L' shaped agricultural building within grounds between London Road and the A38. The building is traditional in appearance with brick elevations and a tiled pitched roof over. The building has a flat roofed section as indicated on the application plans. Access into the site is provided south-west from the London Road cul-de-sac. To the immediate South of the site is an open sided dutch barn and open fields.
- 2.2 London Road, in the vicinity of the application site, is an unclassified road. On the North Eastern side of the cul de sac are residential properties and a childrens nursery. There is an unlit footway path on the south-western side of the carriageway.
- 2.3 The application site falls within Green Belt designation. The site is located outside of any conservation areas and there are no listed buildings in the vicinity of the site. The application site is located in Flood Zone 1 where it is regarded as having a low probability of flooding. The site does not fall within a designated neighbourhood plan area, an extract from the location plan is shown below.



## 3. Planning history

- 3.1 **23/00390/FUH**- Proposed roof extension to existing flat roof and installation of 2 dormer windows- Withdrawn (14.06.2023)
- 3.2 **22/00098/PND**- Prior Notification : Change of use from agricultural building to 1no dwelling house (class C3)- Prior Notification Approved (14.03.2022)

3.3 **22/01305/PND**- Prior Notification: Change of use of agricultural buildings to form 2no. new dwellings- Prior Notification Refused (25.10.2022)

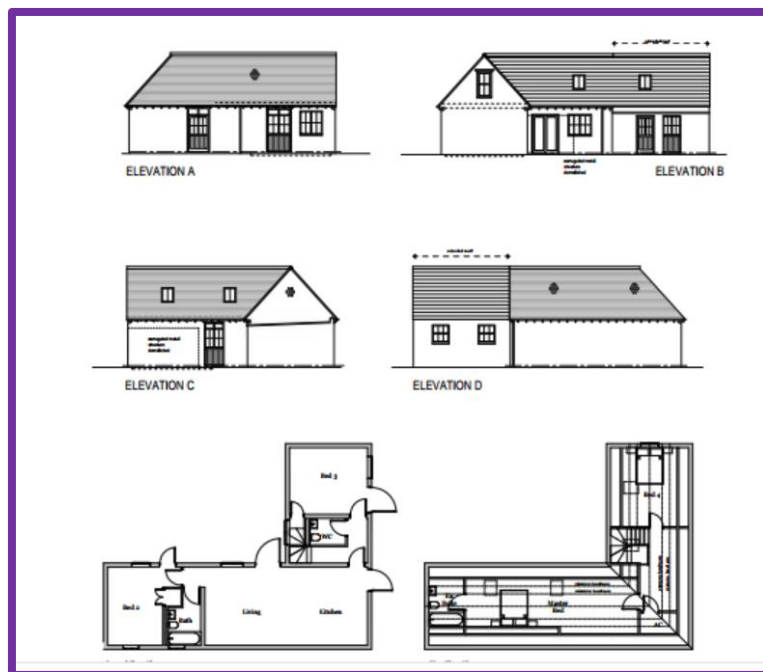
3.4 **20/01234/PND**-Prior Notification: Change of use of agricultural building to form 2no dwelling houses- Prior Notification Refused (05.11.2020)

#### 4. Proposals

4.1 This application seeks permission for the change of use of an existing agricultural building to residential use with alterations including the installation of a pitched roof over an existing flat roof.

4.2 The footprint of the building would remain as existing, however a pitched roof is proposed over an existing single storey flat roof section of the building. Internally, an open plan living and kitchen area is proposed along with two bedrooms and a bathroom at ground floor, with an additional two bedrooms proposed within the roofspace.

4.3 The site provides for garden areas to serve the new dwelling and 2 No. off road parking spaces. There is also a small brick built shed within the site which would be retained.



#### 5. Background

5.1 Approval has been granted recently under a prior notification application (planning ref 23/00390/FUH to convert the existing dwelling house into a 2 No. bed dwelling house. No external alterations to the building were granted under this permission, which is due to the limitations of prior notification legislation.

#### 6. Policy framework

##### 6.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

##### 6.2 Local Plan Strategy

Policy CP2: Presumption in Favour of Sustainable  
Policy CP3: Delivering Sustainable Development  
Policy CP5: Sustainable Transport  
Policy CP7: Employment and Economic Development  
Policy ST2: Parking Provision  
Policy CP6: Housing Delivery  
Policy NR3: Biodiversity, Protected Species & their habitats  
Policy H1: A Balanced Housing Market  
Policy BE1: High Quality Development

### 6.3 **Supplementary Planning Document**

Sustainable Design SPD  
Historic Environment SPD

### 6.4 **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 SP2: Sustainable Transport  
Strategic Policy SP3: Sustainable Travel  
Strategic Policy SP10: Sustainable Development  
Strategic Policy SP11: Protecting green belt land  
Strategic Policy SP12: Housing provision  
Local Policy NR1: Countryside management  
Local Policy NR2: Habitats and Biodiversity

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.

### 6.5 **Neighbourhood Plan**

There are no neighbourhood plans relevant to this application site.

## 7. **Supporting documents**

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

- Drawing number 1A Location Plan dated as received 01.01.2023
- Bat Survey dated as received 29.05.2023
- 1416/02 Location Plan dated as received 29.05.2023
- 1416/01 Rev F Proposed elevations and block plan dated as received 14.08.2023
- AEL-18785 Version A Arboricultural Impact Assessment dated as received 30.06.2023
- AEL-18785-TPP Tree Protection Plan dated as received 30.06.2023

## 8. **Consultation responses**

8.1 **Hints and Canwell Parish Council** - No objections were raised. – (01.07.2023)

8.2 **Staffordshire County Council (Highways)** – Objections raised on sustainability grounds and highway safety – (14.07.2023)

8.3 **LDC Conservation and Urban Design Team** – Final- No objections subject to the inclusion of conditions (03.08.2023)

Amended- Plans have been revised, however the inclusion of a dormer window is not supported. A number of discrepancies need to be addressed. (12.07.2023)

Initial- In principle the conversion of the building is acceptable, however considerable modifications are required to the proposals so as not to lose the agricultural character of the building (20.06.2023)

8.4 **LDC Tree Officer- Final**- No objections subject to the inclusion of conditions relating to tree protection (01.08.2023)

Initial- Further arboricultural details needed (05.06.2023)

8.5 **LDC Environmental Health Team**- No objections subject to the inclusion of a condition relating to land contamination. (28.06.2023)

8.6 **LDC Waste Management** – No objections raised. (07.06.2023)

8.7 **LDC Ecology Team**- No objections subject to the inclusion of conditions and informatives – (26.06.2023)

## 9. Neighbour responses

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

## 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 Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Impact on Trees
- Ecology
- 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 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.

### **Green Belt**

- 11.3 The site lies within the West Midlands Green Belt. The decision-making process when considering proposals for development in the Green Belt is in the 3 stages as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt;
  - b) If the development is appropriate, the application must be determined on its own merits;
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies. The development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 11.4 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction and the extension or alteration of a building as long as it does not result in disproportionate additions over and above the size of the original building. The principles in the NPPF are reiterated in Policy NR2 of the Local Plan Strategy.

### **Settlement Hierarchy**

- 11.5 Paragraph 80 of the NPPF states that the developed of isolated homes should be avoided in the countryside unless a number of circumstances apply. This includes development that would re-use redundant or disused buildings.
- 11.6 The spatial strategy for the District, set out in Core Policy (CP) 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. CP6 and Policy Rural 1 both support the conversion of existing buildings to residential use.
- 11.7 The Rural Development Supplementary Planning Document (SPD) provides further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Such buildings can include agricultural buildings, as well as buildings which have been in other uses, such as industrial uses. It states in paragraph 1.2 of Appendix B that buildings which require major or complete reconstruction, alteration or extension to allow their reuse would not normally be acceptable, as this is effectively the creation of a new building in the countryside. Residential use is generally only appropriate for buildings which are structurally sound; are capable of conversion without substantial alteration or extension; and where any domestic curtilage can be accommodated without creating a visual intrusion into the surrounding countryside. Furthermore, buildings in more sustainable locations, with easy access to local services and public transport are more suitable for residential conversion than those in more remote locations. The creation of live/work units can however result in a more sustainable form of development.

## Assessment

- 11.8 The application building is located close to a cluster of residential properties and a childrens day nursery. Given this context, and having regard to case law, the application building cannot be considered as 'isolated'. As such the exception permitted by paragraph 80 is of limited relevance in this case. Notwithstanding Para 80 in the NPPF, this does not prevent a development plan policy being relevant on this matter.
- 11.9 The existing building is in good condition and has recently been subject to a prior notification application where it was confirmed that a conversion to residential use did not require planning permission. Whilst it is noted that the proposals include an extension to the roof over an existing flat roof section of the building, this addition is considered to be modest and not disproportionate to the original building. Accordingly, the proposal would comprise an appropriate re-use of a rural building and appropriate development within the Green Belt in accordance with paragraph 150 of the NPPF. The principle of the development would also be in accordance with Local Plan Strategy Policies NR2, CP1, CP6 and Rural 1, as well as the Rural Development SPD which sets specific criteria for barn conversions and the NPPF and would be acceptable. This is subject to the compliance with other material considerations and compliance with the policies within the Local Plan.

## 12. Design and impact on the character and appearance of the surrounding area

- 12.1 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".
- 12.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 12.3 The National Planning Practice Guidance has recently been amended to state that, "the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented". In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 12.4 The National Model Design Code advises that, "*In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings*". The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 12.5 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".

### **Assessment**

- 12.6 The previous scheme which was approved under prior approval Class Q of the GDPO (ref 22/00098/PND) was a conversion of existing built form to residential use and therefore acceptable. The proposed works seek to extend this consent by introducing a pitched roof which constitutes a small extension to the existing building and rationalise the area around the building to provide a suitable parking and garden area. During the course of the application originally proposed dormer windows to the roof space have been omitted from the scheme to ensure the original agrarian character of the barn is retained. The design of the proposal would be in keeping with its rural surroundings and final details of materials will be conditioned to ensure a high quality finish is achieved.
- 12.7 Subject to details on the materials and soft and hard landscaping, the proposals would therefore be in keeping with the requirements of the Rural Development SPD and in accordance with Policy BE1 overall. The development proposal is therefore in accordance with the requirements of the Development Plan and NPPF in this regard.

## **13. Residential amenity**

- 13.1 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.
- 13.2 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD also sets requirements in terms of the size of private amenity space necessary to serve new dwelling houses. For 3 or 4 bed 65 square metres of garden space should be provided. All gardens should have a minimum length of 10 metres.

### **Assessment**

- 13.3 The proposed layout complies with the requirements of the Supplementary Planning Document and it is considered that the proposals would not cause undue harm to the existing residential amenity of neighbouring occupiers. A reasonable provision of amenity space is provided to serve the future occupiers and the dwellings, which is an improvement on the previous scheme consented under prior approval. Overall, the scheme of development is considered acceptable on the grounds of amenity and its provision. The proposed layout of the scheme will ensure an appropriate standard of living accommodation for future residents and therefore, the development will comply with the requirements of the Development Plan and NPPF in this regard.

## 14. Access and highway safety

- 14.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 112 requires applications for development to give priority to pedestrian and cycle movements and ensure there is with minimal conflict with vehicles.
- 14.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 14.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street, car parking standards are defined within Appendix D of the Sustainable Design SPD.

### Assessment

- 14.4 The application site would be able to accommodate the parking required for the proposal, the County Highway Authority have agreed with this, and therefore the development would be in accordance with Policy ST2 of the Local Plan Strategy in relation to off road parking provision. In relation to cycle storage, it is noted that a brick built shed would be retained as part of the proposals which would provide sufficient room for storage of garden equipment and cycles.
- 14.5 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location and related matters. Whilst the objections are noted, such matters should be weighed against other considerations that weigh in favour of the application.
- 14.6 The first consideration is that both national and local policy supports the reuse and adaptation of rural and historic buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find locations which have amenities such as convenience shops close by to dwellings.
- 14.7 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of one dwelling, which the Highway Authority notes will be largely served by private cars. Taking into consideration the proposed use it is considered that the scheme would not result in a severe impact on the local road network. The scheme utilises an existing access, as such the impact on highway safety would not be detrimental.
- 14.8 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the re-use of natural resources, often referred to as environmental capital, and includes not only the existing materials that a building is constructed from, but also the energy expended in manufacturing and transporting those materials. As such, the proposal is wholly consistent with the overarching environmental objective of 'using natural resources prudently' and 'minimising waste and pollution', as identified in paragraph 8 of the NPPF, which sets out what 'achieving sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy, as they give rise to the sustainability benefit from the re-use of environmental capital.

- 14.9 On balance, it is considered that any considered harm to highway safety by virtue of proposed developments unsustainable location, is outweighed by the policy support for the re-use of rural buildings, and the environmental benefits arising from the re-use of the environmental capital invested in the existing building.
- 14.10 The objection from the Highway Authority is noted, however this is outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate adopted parking standards and therefore, in accordance with the objectives of policies set out in the Local Plan Strategy.

## 15. Impact on trees

- 15.1 Policy NR4 of the LDLPS iterates that the District's trees, woodland and hedgerows are important visual and ecological assets. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.

### Assessment

- 15.2 The Arboricultural Team have been consulted and raised no objections on the condition that the service routes/connections should be outside of the root protection areas as defined within the arboricultural impact assessment and protection plan. It is therefore considered that the proposal is compliant with Policy NR4 of the Local Plan Strategy.

## 16. Ecology

- 16.1 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.

### Assessment

- 16.2 The Council's Ecology Officer was consulted as part of the planning process. It has been formally advised that the team are satisfied with the methodology and the information provided within the submitted Bat Survey for the buildings. The team concurs with the conclusions of the survey in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon bats.
- 16.3 A planning condition forms part of the recommendation to ensure that bat boxes are installed as recommended within the submitted bat survey to ensure that a biodiversity net gain is provided on site. It is considered that with these measures in place the scheme would comply with policy NR3.

## 17. Human rights

- 17.1 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.

## **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 principle of the development, a conversion of a building to provide a new dwelling within the rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority relating to the location of the new dwelling, related to sustainability and highway safety, it is considered that, in this instance, these are of limited weight and are clearly outweighed by the support offered to the conversion and re-use of rural buildings, as set out in national and local planning policy.
- 18.3 Other matters related to ecology, tree protection and materials meet the appropriate policy tests and are considered acceptable subject to the attached conditions.
- 18.4 Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

## **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 Policies CP2, CP3, CP5, CP7, ST2, CP6, NR2, NR3, H1 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Rural Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, details of all external materials (including roof and fenestration materials) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

4. Before the development hereby approved is commenced, full details of the height and materials, of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details before the development is first occupied.

Reason: To ensure the use of material appropriate to a rural setting in accordance with Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees Landscaping and Development SPD, and the National Planning Policy Framework.

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

5. Before the development hereby approved is first occupied, 1 No. brick bat box shall be installed within the main building and 1 No. bat box affixed to a retained tree as indicated on page 18 and within the appendices of the submitted bat survey dated as received 29 May 2023. The bat boxes and shall thereafter be retained as such for the life of the development.

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

**All other CONDITIONS to be complied with:**

7. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.

Reason: To ensure that all contaminated land issues on the site have been adequately addressed to protect the water environment and to safeguard future 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.

8. The development shall be undertaken in strict accordance with the method of working and service routes and connections set out in the approved Arboricultural Impact Assessment BS5837:2012 undertaken by Apex Environmental Ltd dated June 2023. All tree protection measures as indicated on the approved tree protection plan shall be in place prior to works commencing on site and shall be retained for the duration of the construction period.

Reason: In order to safeguard the arboriculture of the site, in accordance with the requirements of Policy NR4 of the Local Plan Strategy, the Trees Landscaping and Development SPD, and the National Planning Policy Framework.

10. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby approved shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of preserving the openness of the West Midlands Green Belt and to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and National Planning Policy Framework.

## NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. Developments of individual houses must include unobtrusive areas suitable to accommodating at least 4 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying.
6. The applicant is advised that Severn Trent Water are no longer consulted on extensions to buildings. Extensions to buildings are dealt with by Building Regulations, and if a Severn Trent asset is affected by the works, then it is the responsibility of the applicant to contact STW:

If the site is domestic, please contact: the Buildover team within Networks Solutions team at STW to discuss the proposals. The email address for the Buildover team is: [building.over@severntrent.co.uk](mailto:building.over@severntrent.co.uk)

If the site is commercial, please contact: the Asset Protection team at STW to discuss the proposals. The email address for the Asset Protection team is: [Asset.Protection@severntrent.co.uk](mailto:Asset.Protection@severntrent.co.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

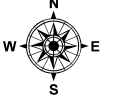
23/00326/COU  
Little Pipe House  
Little Pipe Lane  
Lichfield

Scale: 1:1,843

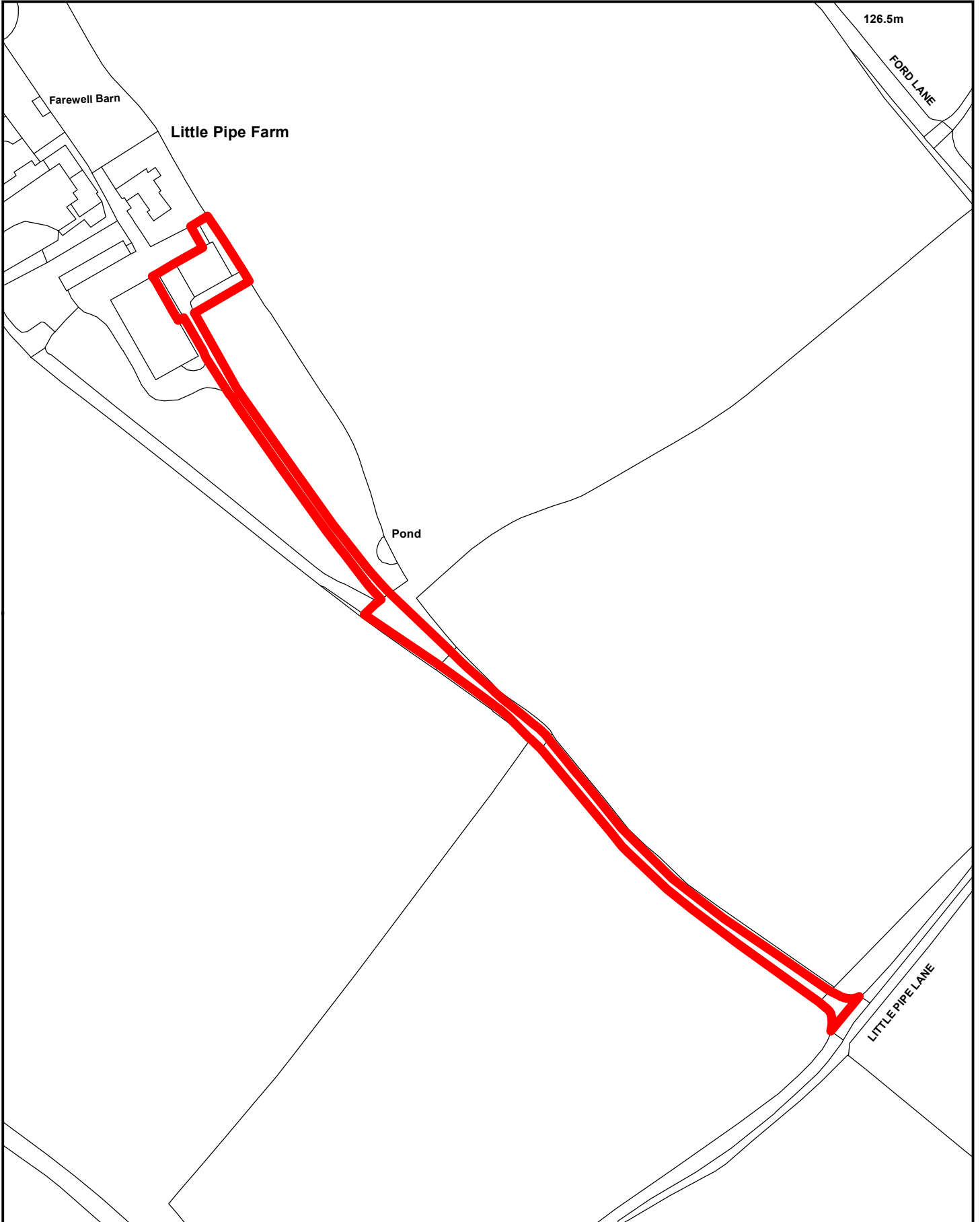
Dated: August 2023

Drawn By:

Drawing No:



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<b>Address:</b>	Little Pipe House , Little Pipe Lane, Lichfield, Staffordshire, WS13 8BS		
<b>Application number:</b>	23/00326/COU	<b>Case officer:</b>	Kerry Challoner
<b>Ward:</b>	Longdon	<b>Date received:</b>	22.03.2023
<b>Parish:</b>	Farewell and Chorley		
<b>Proposal:</b> Change of use from barn to dwelling			
<b>Reason for being on agenda:</b>	<p><b>This planning application is being reported to the Planning Committee due to an objection raised by Staffordshire County Highway Authority.</b></p> <p><b>The objection can be summarised as:</b></p> <p>The application fails to demonstrate that sustainable transport can be achieved and would result in a detriment to highway safety, as there are no public footpaths connecting the site to amenities.</p>		
<b>Recommendation:</b> Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and appropriate conditions.			
<b>Applicant:</b> Mr M Proctor		<b>Agent:</b> Ms Louise Hinsley, CT Planning	

## 1. Executive summary

- 1.1 The principle of the development, the conversion of an existing building to provide a new dwelling within the rural area, would be in accordance with policies contained within the Local Plan Strategy and the National Planning Policy Framework and is therefore deemed acceptable.
- 1.2 There have been no letters of representation from members of the public received in respect of this application.
- 1.3 There is no design related or ecology objections to the proposed change of use to allow the building to become an independent dwelling. Appropriate mitigation for the impacts on Cannock Chase SAC will be secured through a legal agreement which forms part of the recommendation. External materials will be controlled through the use of an appropriately worded condition.
- 1.4 Whilst objections have been raised by the Highways Authority relating to the location of the new dwelling, in sustainability terms, and regard to associated highway safety - with no footways connecting the site to local amenities; it is considered that these are of limited weight. National and local policy outline support, to the conversion and re-use of rural buildings and, the role such proposals play in the careful use of natural resources.
- 1.5 In this regard, the benefits are outweighed by the harm highlighted by the Highways Authority, in this instance. In terms of highway safety, it is not considered that the scheme would result in a severe detrimental impact on the network. Notwithstanding the County Highways position, the scheme is considered to be acceptable.

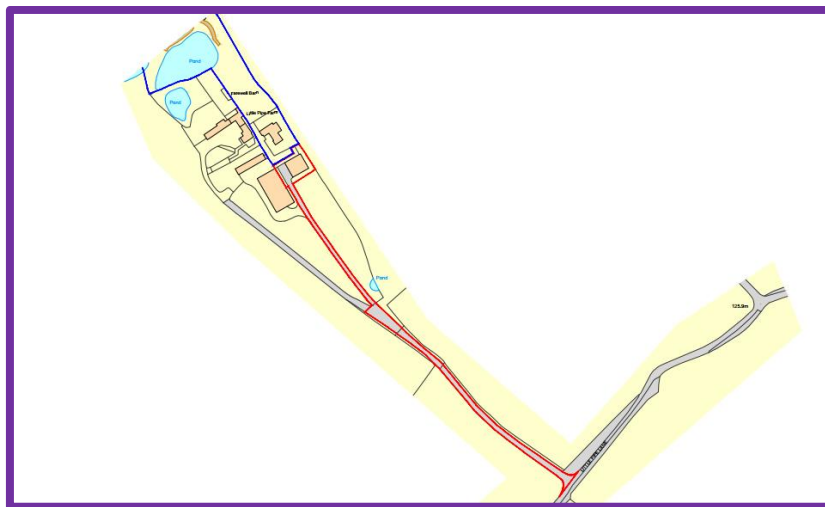
### Summary

**Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendation and conditions 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 building located immediately to the South of Little Pipe House in a rural area in the outskirts of Lichfield. In addition to Little Pipe House, there are a range of traditional brick and tile buildings which have been converted to residential use. Agricultural fields surround the application site.
- 2.2 The existing building is used for general storage by the owners of Little Pipe House. The building is a steel framed structure, with corrugated cladding to the elevations and roof.
- 2.3 The application site is located within the West Midlands Green Belt and within the Cannock Chase SAC Zone of Influence. The site is also within 2km of the Cannock Chase Area of Outstanding Natural Beauty. There are no designated or non-designated heritage assets within the vicinity of the site. An extract from the Location Plan is shown below, with the red line indicating the application site.



## 3. Planning history

- 3.1 There is no planning history relating to the application building.

## 4. Proposals

- 4.1 This proposal seeks consent to change the use of the existing building to a dwelling house.
- 4.2 The proposals would not increase the size or height of the building, and internally would provide two integral garage spaces and three bedrooms, a bathroom and utility/ boot room on the ground floor, with a further master bedroom, open plan kitchen/ dining/ living area, study and pantry on the first floor. Internally, a floor space of 425 sq m would be provided.
- 4.3 Externally, the building would be re clad in timber and an area of amenity space would be provided to the North, East and West of the building. The external amenity space would be 70sqm in area. Existing boundary shrubs and conifers would be retained as part of the proposals.
- 4.4 Vehicular access to the site is to be taken along the existing access along Little Pipe Lane. A driveway and external parking area to the frontage of the dwelling are included within the proposals.
- 4.5 The application is supported by a Design and Access Statement, Planning Statement, Preliminary Ecology Survey and a Structural Survey.



## 5. Policy framework

### 5.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 5.2 Local Plan Strategy

Policy CP2: Presumption in Favour of Sustainable  
Policy CP3: Delivering Sustainable Development  
Policy CP5: Sustainable Transport  
Policy CP6: Housing Delivery  
Policy CP13: Our Natural Resources  
Policy NR2: Development in the Green Belt  
Policy NR3: Biodiversity, Protected Species & their habitats  
Policy NR7: CC SAC  
Policy H1: A Balanced Housing Market  
Policy BE1: High Quality Development

### 5.3 Supplementary Planning Document

Sustainable Design SPD  
Biodiversity and Development SPD  
Rural Development SPD

### 5.4 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.

## 5.5 Neighbourhood Plans

There are no neighbourhood plans relevant to this application site.

## 6. Supporting documents

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

- P01 Rev B Location Plan dated as received 10 August 2023
- P010 Rev C Existing and Proposed Block Plan dated as received 10 August 2023
- P200 Proposed Plans and Elevations dated as received 25 April 2023
- Preliminary Bat Roost Assessment and Bird Survey dated as received 25 April 2025

## 7. Consultation responses

7.1 **Curborough, Elmhurst, Farewell and Chorley Parish Council**- No response received.

7.2 **Staffordshire County Council (Highways)**- Recommend Refusal as it fails to demonstrate that sustainable travel can be achieved. (16.05.2023)

7.3 **LDC Ecology Manager**- Final- No objections (23.07.2023)

Initial- No objections, the information contained within the preliminary ecology surveys is acceptable. (13.06.2023)

7.4 **LDC Tree Officer**- Final- No objections. The previous request for tree protection information is no longer required given the additional information supplied. (10.07.2023)

Initial- No objection in principle. A scheme of tree protection should be subject to a pre commencement condition. (16.05.2023)

7.5 **LDC Waste Management** - Developments of individual houses must include unobtrusive areas suitable to accommodating at least 4 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying. (10.05.2023)

7.6 **LDC Environmental Health**- No objections subject to a condition to secure a scheme of contamination mitigation should any contamination be found during works. (01.06.2023)

## 8. Neighbour responses

8.1 There have been no letters of representation received from neighbouring occupiers or local residents in respect of this 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
- Impact on Trees
- 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.

10.2 The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight.

### Housing Policies

10.3 Paragraph 80 of the NPPF states that the developed of isolated homes should be avoided in the countryside unless a number of circumstances apply. This includes development that would re-use redundant or disused buildings.

10.4 The spatial strategy for the district, set out in Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Policies CP1 and CP6 state that smaller villages will accommodate new housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. Policies CP6 and Rural 1 of the Local Plan Strategy both support the conversion of existing buildings to residential use.

10.5 The Rural Development Supplementary Planning Document (SPD) supports Core Policy 3 of the Local Plan Strategy providing further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Such buildings can include agricultural buildings, as well as buildings which have been in other uses. It states in paragraph 1.2 of Appendix B that buildings which require major or complete reconstruction, alteration or extension to allow their reuse would not normally be acceptable, as this is effectively the creation of a new building in the countryside. Residential use is generally only appropriate for buildings which are structurally sound; are capable of conversion without substantial alteration or extension; and where any domestic curtilage can be accommodated

without creating a visual intrusion into the surrounding countryside. Furthermore, buildings in more sustainable locations, with easy access to local services and public transport are more suitable for residential conversion than those in more remote locations. The creation of live/work units can however result in a more sustainable form of development.

### **Green Belt**

- 10.6 The site lies within the West Midlands Green Belt. The decision-making process when considering proposals for development in the Green Belt is in the 3 stages as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
  - b) If the development is appropriate, the application must be determined on its own merits.
  - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies. The development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 10.7 Paragraph 149 of the NPPF states that LPAs should regard the construction of new buildings as inappropriate in the Green Belt. Paragraph 150 states that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The principles in the NPPF are reiterated in Policy NR2 of the Local Plan Strategy.

### **Assessment**

- 10.8 The proposals entail the re use of an existing outbuilding, with no extensions or external alterations proposed. The building appeared in good condition at the time of the Officer's site visit and is considered to be of permanent and substantial construction. Accordingly, the proposal would comprise an appropriate re-use of a rural building and appropriate development within the Green Belt in accordance with paragraph 150 of the NPPF. No changes to the outer boundaries of the existing site are proposed which would avoid further encroachment into the countryside.
- 10.9 The application building is located adjacent to an existing former farmhouse and within a cluster of existing residential properties which have been developed through the conversion of former agricultural buildings. Given this context, and having regard to case law, the application buildings cannot be considered as 'isolated'. As such the exception permitted by paragraph 80 is of limited relevance in this case. Notwithstanding Para 80 in the NPPF, this does not prevent a development plan policy being relevant on this matter.
- 10.10 The application is supported by a structural statement which evidences that the building is in generally good condition and currently in use for storage purposes. The proposed works to convert the building, which require minimal works or interventions and no extensions are necessary to facilitate its re-use as a dwelling house. Accordingly, the proposals would comprise the appropriate re-use of a rural building. In principle, the proposals are deemed to be in accordance with Local Plan Strategy Policies CP1, CP6 and Rural 1, as well as the Rural Development SPD which sets specific criteria for barn conversions and the NPPF and would be acceptable.

## **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".

- 11.2 The National Planning Practice Guidance has recently been amended to state that, “the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”. In addition the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 11.3 The National Model Design Code advises that, “In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”. The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 11.4 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 11.5 The site is within 2km of the Cannock Chase Area of Outstanding Natural Beauty (AONB). Policies CP13 and NR5 confirm that the AONB should be protected and that development will be permitted where it does not negatively impact upon the geological, archaeological and historically important landscapes in the Lichfield District. 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. This Policy must be read in conjunction with Policy BE1: High Quality Development.

### **Assessment**

- 11.6 The proposed change of use does not require any extensions to the existing building and the external materials used can be subject to a condition to ensure that appropriate high quality materials are used. As such there will be a neutral impact on the character and appearance of the area. The scheme would cause no unacceptable harm to the Cannock Chase AONB given the presence of the existing building and the distance it is located from the designated area. Consequently, the proposal is considered acceptable in terms of design and impact on the surrounding environs of the site, including the Cannock Chase AONB.

## **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.
- 12.2 Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the 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**

- 12.3 As the building is already present there would be no amenity impact on the neighbouring properties in terms of loss of light or overbearing impacts. Also, there would be no loss of privacy



given the placement of the proposed windows. There are no principle windows serving proposed habitable rooms in the elevation facing Little Pipe House. A condition to secure obscure glazing in the first floor kitchen (secondary window), bathroom and pantry is recommended to ensure the privacy of the occupiers of Little Pipe House is maintained. It is clear that the amenity garden space for a 4-bed property would be accommodated within the site. Subject to the implementation of conditions, it is considered that the proposal would meet the requirements of Policies BE1, CP3 and the Sustainable Design SPD and would be acceptable.

- 12.4 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

### **13. Access and highway safety**

- 13.1 Paragraph 110 of the NPPF states that applications for development should ensure that there are appropriate opportunities to promote sustainable transport modes, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network can be cost effectively mitigated. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 112 requires applications for development to give priority to pedestrian and cycle movements and ensure there is with minimal conflict with vehicles.
- 13.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 13.3 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off-street, car parking standards are defined within Appendix D of the Sustainable Design SPD.

#### **Assessment**

- 13.4 The application site would be able to accommodate the parking required for a 4-bed dwelling and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy. Parking and access serving surrounding dwellings are unaffected by the proposals.
- 13.5 The objection from Staffordshire County Highways is noted in relation to the scheme, as the Highway Authority recommends refusal of the scheme due to the unsustainable location of the application site. Whilst the objections are noted, such matters should be weighed against other considerations that weigh in favour of the application.
- 13.6 The first consideration is that both national and local policy supports the reuse and adaptation of rural buildings. These, by definition, are found in relatively isolated locations in the countryside in which it is unusual to find roads that have pavements and, or streetlights. To insist that conversions of rural buildings should only be allowed in circumstances where they are served by roads with pavements and streetlights would, in effect, negate the policy.
- 13.7 In addition to the above Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case the proposal relates to the provision of 1 No. dwelling, which the Highway Authority notes will be largely served by private cars. It is considered that the proposal would not result in significant trip generation to and from the site and there would be no significant detrimental impact upon highway safety.

- 13.8 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the re-use of natural resources, often referred to as environmental capital, and includes not only the existing materials that a building is constructed from, but also the energy expended in manufacturing and transporting those materials. As such, the proposal is wholly consistent with the overarching environmental objective of ‘using natural resources prudently’ and ‘minimising waste and pollution’, as identified in paragraph 8 of the NPPF, which sets out what ‘achieving sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy, as they give rise to the sustainability benefit from the re-use of environmental capital.
- 13.9 On balance, it is considered that any considered harm to highway safety by virtue of proposed dwelling’s unsustainable location, is outweighed by the policy support for the re-use of rural buildings, and the environmental benefits arising from the re-use of the environmental capital invested in the existing building.
- 13.10 The objection from the Highway Authority is noted, however this is outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate adopted parking standards required for a 4 bed dwelling, and therefore, is in accordance with the objectives of policies set out in the Local Plan Strategy.

#### **14. Impact on trees**

- 14.1 Policy NR4 of the Local Plan Strategy states that Lichfield District’s trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Policy NR4 is supported by the Councils Tree’s, Landscaping and Development SPD.

##### **Assessment**

- 14.2 The Council’s Tree Officer has been consulted as part of the process and has raised no objection to the change of use of the building to residential dwelling.
- 14.3 The proposal is not located within a conservation area and there are no protected trees located within the vicinity and as such it is considered that the proposals would accord with the development plan.

#### **15. Ecology**

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

##### **Assessment**

- 15.2 The Council’s Ecology Officer was consulted as part of the planning process. The Ecology Team advised satisfied with the methodology and the information provided within the submitted Preliminary Bat Roost Assessment and Bird Survey. The team agreed with the conclusions in that there was no evidence of bats using the buildings as a place of shelter and there were no roosting opportunities other than the exceptionally poor place of shelter. There was evidence of nesting birds.

- 15.3 The submitted Ecology survey includes a series of recommendations, which includes methods of working to avoid harm to protected species and how to deal with any protected species should any be unexpectedly found. The survey also recommends the inclusion of a bat box to enhance biodiversity offerings on site. These items are secured by appropriately worded conditions which form part of the recommendation.
- 15.4 Subject to appropriate conditions the scheme complies with the objectives of relevant policies in the local plan and the NPPF.

## **16. Cannock Chase Special Area of Conservation**

- 16.1 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.
- 16.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

### **Assessment**

- 16.3 In accordance with Regulation 63 of the Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution. The applicant has agreed to this method of mitigation.
- 16.4 On this basis, it can be concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

## **17. Human rights**

- 17.1 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.

## **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 principle of the development, a conversion of a building to provide a new dwelling within the rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority relating to the location of the new dwelling, related to sustainability and highway safety, it is considered that, in this instance, these are of limited weight and are clearly outweighed by the support offered to the conversion and re-use of rural buildings, as set out in national and local planning policy.
- 18.3 Other matters related to ecology and materials meet the appropriate policy tests and are considered acceptable subject to the attached conditions.
- 18.4 It is therefore recommended that this application be approved, subject to conditions, as set out above.

## **19. Recommendation**

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

### **CONDITIONS:**

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

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, BE1, NR2, NR3 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Rural Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of cladding and roof materials) shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

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

### **CONDITIONS to be complied with PRIOR to the first use of the development hereby approved:**

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

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

5. Before the first occupation of the development hereby approved a bat box shall be installed as set out in the Preliminary Bat Roost Assessment and Bird Survey dated as received 25 April 2025.

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

**All other CONDITIONS to be complied with:**

6. The development shall be undertaken in accordance with the methods of working set out in the Preliminary Bat Roost Assessment and Bird Survey dated as received 25 April 2025.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policies CP13 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

7. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

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

8. The first floor windows in the elevation facing the boundary with Little Pipe House as indicated on the plans approved shall be permanently glazed in a minimum of level 3 Pilkington obscure glass (or its equivalent) and shall have fixed (i.e. non-openable) lights/units at all times, unless the opening parts are 1.7 metres above the floor level of the room in which they are installed.

Reason: To safeguard the privacy of occupiers of the adjacent properties in accordance with Policies CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

9. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-E of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby approved shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of preserving the openness of the West Midlands Green Belt and to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3, NR2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which

requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

Awareness is needed of bird nesting season, (March-August inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. This is in specific reference to; onsite vegetation ' which works would cause disturbance to, should birds choose to inhabit and nest within.

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 is found, all work that may cause impact or disturbance must cease until the young have naturally fledged.

All nesting 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.

6. Developments of individual houses must include unobtrusive areas suitable to accommodating at least 4 x 240l wheeled bins.

The Joint Waste Service provides a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection days and return them as soon as possible after emptying.

Where the roads are unadopted/there are private drives, consideration may need to be given for the provision of a bin collection point. A bin collection point can be a simple paved area but must be sufficient to accommodate 4 x 240l bins for each property served by the private drive. It must be adjacent to the highway and must be designed to prevent it's use as an extra car parking space