

Planning Committee

30 October 2023

Agenda Item 4

Contact Officer: Artemis Christophi

Telephone: 01543 308010

Report of Planning Management & Transformation Consultant

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

30 October 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
22/00992/COUM	Former Library The Friary Lichfield	Lichfield
23/00694/COU	Brookhay Farm Brookhay Lane Lichfield	Whittington And Fisherwick
23/00516/FUH	29 Alrewas Road Kings Bromley Burton Upon Trent	Kings Bromley
23/00603/FUH	2 Leander Close Burntwood	Burntwood
23/00248/FUH	Rose Cottage 20 Hood Lane Armitage Rugeley	Armitage With Handsacre

ITEM B

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

CONTENTS

Case No.	Site Address	Parish/Town Council
23/01010/COU & 23/01056/LBC	Land Adjacent Lichfield District Council Offices Frog Lane Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

22/00992/COUM
Former Library
The Friary
Lichfield

Scale: 1:1,000

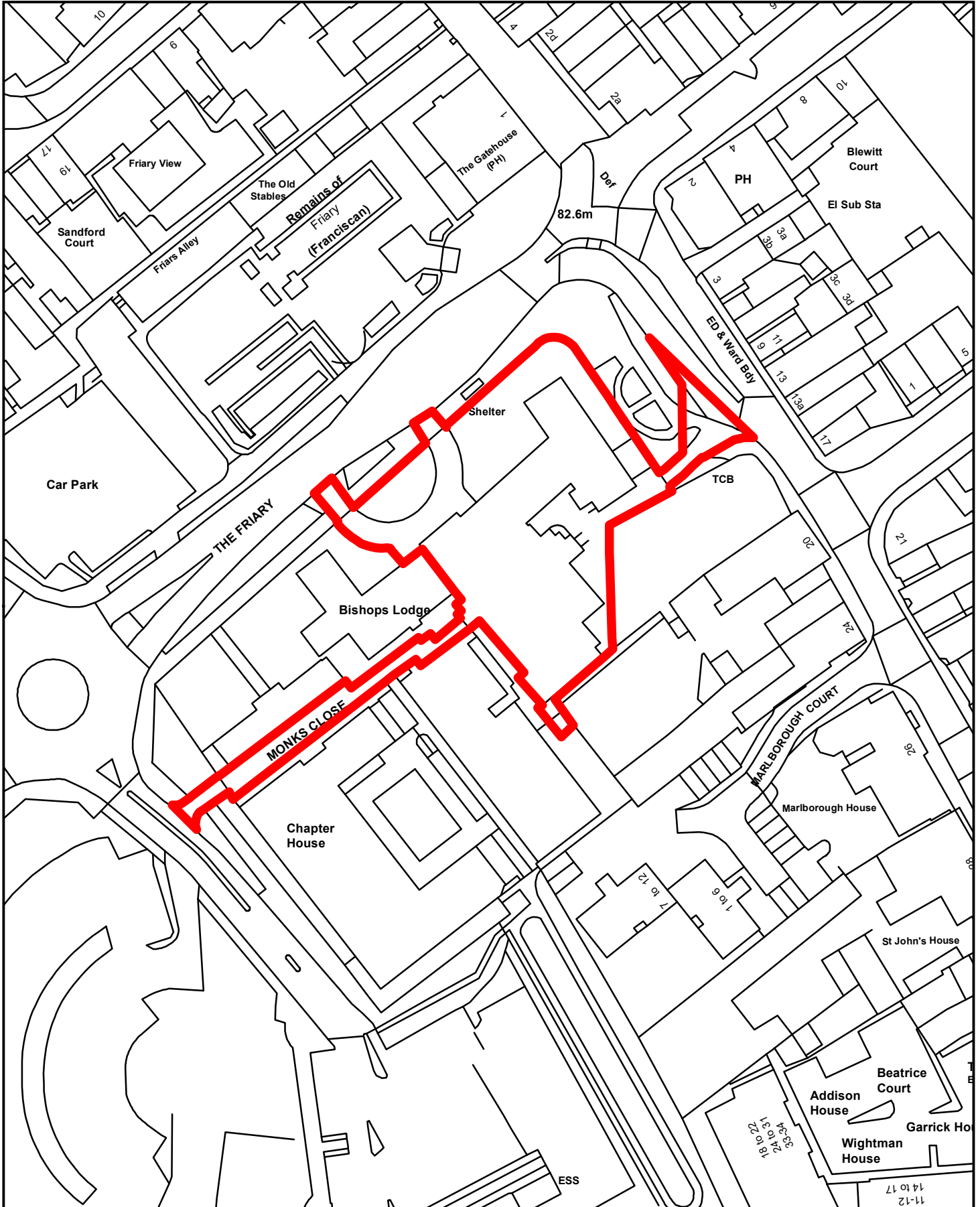
Dated: October 2023

Drawn By:

Drawing No:



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

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 13th 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).

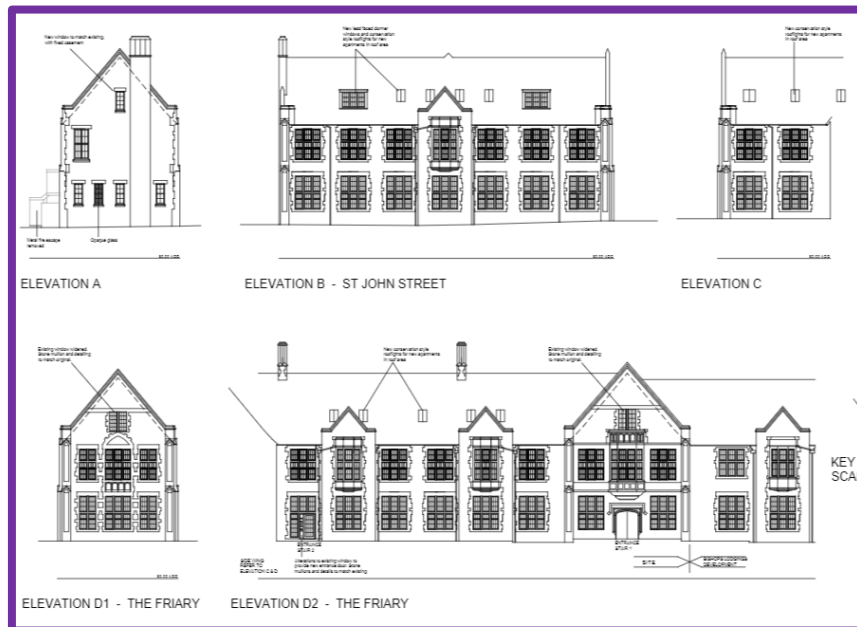
14/00737/LBC- Works to listed building to enable the conversion and refurbishment of Bishop's Lodging to provide 7 apartments (Class C3)- Approved subject to conditions (23.03.2015).

- 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

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. (16.09.2022)

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 5th 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 is 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

Determining Issues

- 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 The application states that the entrance/exit off The Friary Road will continue to use the existing in/out system. The visibility splays have been agreed with County Highways.
- 15.8 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 A query on the ownership of the building has been raised by members. The applicant has confirmed that the building is owned by Staffordshire County Council. The building is believed to have been gifted to the people of Lichfield and should stay in the public domain. There is no evidence that this is correct, however this is not a planning matter, it is a civil matter, and therefore should not influence the decision making of this application.
- 20.5 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 4th 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 Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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

23/00694/COU
Brookhay Farm
Brookhay Lane
Lichfield

Scale: 1:1,250

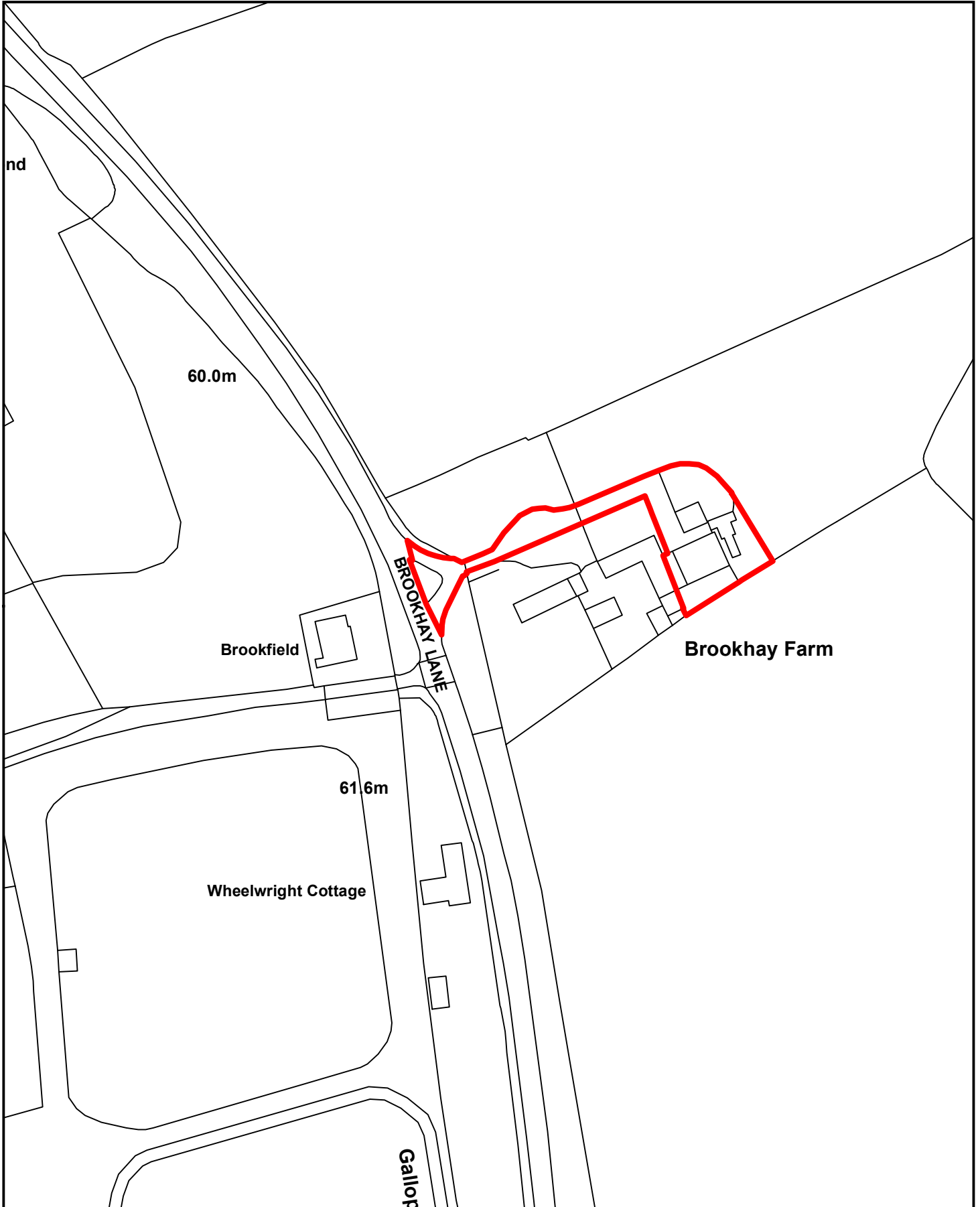
Dated: October 2023

Drawn By:

Drawing No:



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Address:	Brookhay Farm , Brookhay Lane, Lichfield, Staffordshire		
Application number: 23/00694/COU	Case officer: Sukhjjevan Bains		
Ward: Whittington And Streethay	Date received: 04/07/2023		
Parish : Whittington And Fisherwick			
Proposal: Demolition of existing structures, conversion of barn to a dwelling house (use class C3) and erection of double garage			
Reason for being on Agenda	<p>Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by County Highways:</p> <ol style="list-style-type: none"> 1. 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. 2. The proposed development would exacerbate the risk of conflict between vehicles and pedestrians and cyclists due to the lack of segregated facilities and street lighting on a C class road subject to the national speed limit leading to an increase in the likelihood of danger to highway users particularly those considered vulnerable. 		
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 conditions set out at the end of this report.			
Applicant: Mr David Shaw	Agent: Mr Nick Hood		

1. Executive summary

- 1.1 The application seeks permission for the conversion of a barn to a single 3-bedroom dwelling. The proposals include the erection of a detached double garage and the demolition of a dilapidated unused building on the site. The site is located in a rural location; however it is not in a Conservation Area, nor is it within the Green Belt.
- 1.2 Objections have been received from Staffordshire Highways team pertaining to the development being in an unsustainable location and its potential impact on highway safety.
- 1.3 It is considered that the scheme is acceptable in principle, and while the Highways concerns are noted, on balance, it is considered that the benefits of the proposal outweigh the harm.

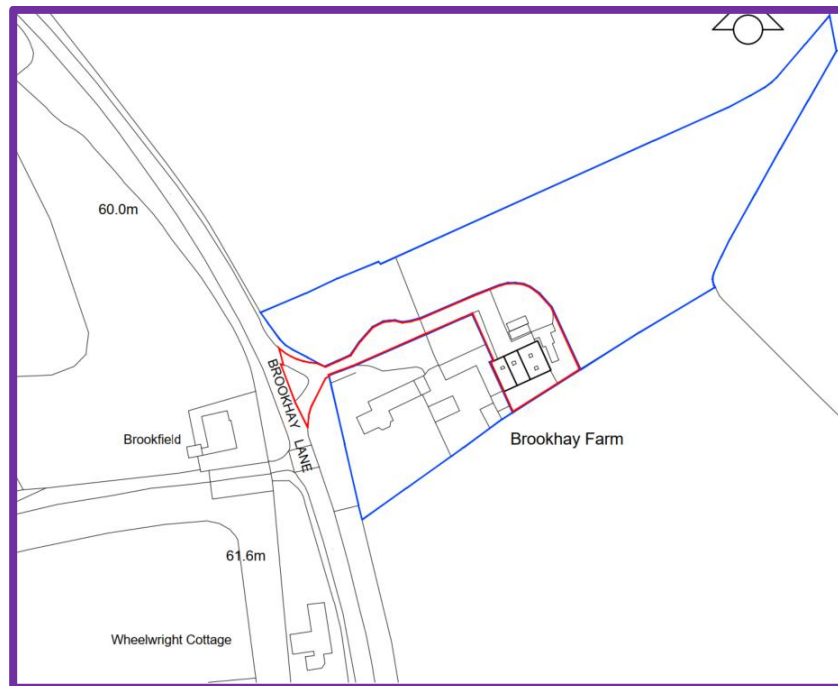
Summary

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

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

2. The site

- 2.1 The application site sits within Brookhay Farm which comprises a number of detached buildings. The buildings on site to the east of the application site are currently in use as tourist accommodation. The application building is currently used for storage purposes. The property is served by an existing vehicular access off Brookhay Lane which also serves the adjacent buildings. The site is not within a conservation area nor is it within the vicinity of Listed Buildings.
- 2.2 The application site lies within the zone of influence for Cannock Chase SAC but is not within the Green Belt. A location plan of the site is shown below, with the red line broadly indicating the application site.



3. Planning history

- 3.1 None relevant.

4. Proposals

- 4.1 This application seeks permission for the conversion of the existing barn to a domestic dwelling along with the erection of a detached double garage. The proposal would also include the demolition of existing structures on the site.
- 4.2 The proposed accommodation would be within the existing barn and comprises of an open plan lounge / kitchen / dining room, hallway, WC, utility, office and second reception room (snug/guest bedroom) across the ground floor. The first floor would comprise of an en-suite master bedroom, two further bedrooms and a family bathroom. The exterior elevations of the barn would comprise a mix of timber cladding and render.
- 4.2 There are currently two storage containers to the north of the barn. It is proposed to remove these and erect a double garage. The existing structures to the east of the barn would be demolished. Vehicular access to the site is to be taken via the existing access off Brookhay Lane.
- 4.3 The application is supported by a planning statement, ecology surveys and a structural assessment.

5. Background

5.1 None relevant.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

CP2 – Presumption in Favour of Sustainable Development
CP3 – Delivering Sustainable Development
CP5 – Sustainable Transport
CP6 – Housing Delivery
CP14 – Our Built and Historic Environment
H1 – A Balanced Housing Market
NR3- Biodiversity, Protected Species and their habitats
NR7 – Cannock Chase Special Area of Conservation
BE1 – High Quality Development
Policy ST1 - Sustainable Transport
Policy ST2 - Parking Provision
Policy Rural 2 – Other Rural Settlements

6.3 Local Plan Allocations

No relevant policies

6.4 Supplementary Planning Document

Sustainable Design SPD
Historic Environment SPD
Rural Development SPD

6.5 Whittington Fisherwick Neighbourhood Plan

DP1- Sustainable Development Principles
D1- Design of New Development
D2- Reflecting Local Character and Design in New Development
NE&L2- Biodiversity and Habitats
T&M1- Impact of New Development

7. Supporting documents

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

- 60/01/-Location and Block Plan
- 60/02- Existing and First Floor Plans
- 60/03- Existing Elevations
- 60/04- Proposed Ground Floor
- 60/05- Proposed First Floor
- 60/06- Proposed Elevations
- 60/07- Proposed Plans and Elevations
- MA23-4710-1- Topographical Survey
- MA23-4710-2- Building Survey
- Planning Statement [produced by NH Planning, dated 14/06/2023].
- Preliminary ecological appraisal (Internal/External Bat Survey) [Produced by Dr S Bodnar, dated May 2023].
- Structural Assessment [Produced by CHMIEL OVERTON LTD, dated 24/04/2023].

8. Consultation responses

- 8.1 **Whittington and Fisherwick Parish Council** - As presented the proposals represent a considered and welcome upgrade of a somewhat prosaic existing structure, continuing an established process of converting under used agricultural buildings to residential use. Acknowledging that current planning policy assumes a presumption in favour of such developments and that precedents already exist, both on site and in the surrounding area, they appear suitable for approval by the Planning Authority. (23.07.2023)
- 8.2 **Severn Trent Water** – No objections were raised and confirmation provided that a drainage condition is not required. (04/08/2023).
- 8.3 **Cadent**- No objections raised. (11/07/2023)
- 8.4 **Staffordshire County Council (Historic Environment Officer)** – The application has been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and associated datasets (such as historic Ordnance Survey mapping), and whilst there is some historic environment interest in the area, given the location and nature of the proposals, there are no archaeological issues with the application. (14/07/2023).
- 8.5 **Staffordshire County Council (Highways)** – The proposed location of the proposed development is not in a sustainable transport location or an existing community. The location is not lit and has no amenities such as a local shop or access to any medical or educational facilities. All trips to such facilities are more than likely to be made via a private car due to there being no footway provision on Brookhay Lane. This would be especially so for vulnerable users, including those with wheelchairs or pushchairs, and for pedestrians walking during the hours of darkness due to the road being unlit. Cycling to the site would be an equally unsafe and unappealing prospect for future occupiers given the road's speed limit of 60mph. Although the access is existing, the intensification of the use would lead to an increase in potential conflict between those leaving the site and vehicles on the highway. Pedestrians leaving the site would also use the vehicular access, and as there is no footway on either side of the road there would be at greater risk of conflict with motor vehicles on the highway. Concerns were also raised regarding the size of the proposed garage. (19/07/2023)
- 8.6 **LDC Tree Officer** - No comments. (11/07/2023).
- 8.7 **LDC Conservation and Urban Design Team** – No objections raised subject to full details of the external. (20/07/2023).
- 8.8 **LDC Environmental Health** - No objection to the proposals in principle. Given the previous use of the site there is an increased risk of contamination being present from areas of made ground, asbestos, and storage of fuel and agrochemicals and recommend relevant conditions to be complied with prior to commencement of works. (27/07/2023).
- 8.9 **LDC Ecology Team** – From the information submitted it can be considered unlikely that the proposed works would negatively impacting upon a European Protected Species. The LPA is therefore able to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. No further ecological survey effort is required. Adherence by the applicant to all methods of working detailed within the assessment must be made a condition of any future planning approval. (15.09.2023).
- 8.10 **LDC Joint Waste Team**- No objections raised, advice requiring refuse requirements was provided. (10/07/2023)

9. Neighbour responses

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

10. Assessment

Determining Issues

- Policy & Principle of Development
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Ecology
- Cannock Chase Special Area of Conservation
- 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 spatial strategy for the district, set out in Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. CP1 and CP6 state that smaller villages will accommodate housing to meet local needs, mainly within the identified village boundary. In the remaining rural areas, only infill development within defined village settlement boundaries, affordable housing delivered through Rural Exceptions, changes of use and conversion schemes and other small scale or agricultural development will be permitted. Policies CP6 and Rural 1 of the Local Plan Strategy both support the conversion of existing buildings to residential use.

11.3 The Rural Development Supplementary Planning Document (SPD) provides further information on the reuse of rural buildings. Appendix B of this document relates specifically to the Re Use of Rural Buildings, confirming that the adaptation and re-use of existing rural buildings can help meet the needs of rural areas, especially to support economic development, tourism, residential and recreational uses. Core Policy 3 of the Local Plan Strategy states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.

11.4 Policy H1 sets out that there is currently an imbalance of dwelling types within the district. To redress this, the District Council will actively promote the delivery of smaller properties to increase local housing choice and contribute to the development of mixed and sustainable communities.

Assessment

11.5 The proposals mainly include the re use of an existing barn, which would be adapted to provide a new 3-bedroom dwelling house. In addition to this, the existing storage units on the site would be removed and a new detached double garage would be erected. The existing structures to the east of the barn would be demolished. Whilst it is noted that the proposed dwelling house would not be delivered solely through the conversion of an existing building, when taking into

consideration the existing built form to be removed and the rationalisation of buildings on the site, this scheme is considered to be acceptable.

- 11.6 Given the that the proposals principally re use the existing built form, it is considered that the development, would comply with the requirements of Policies CP3, H1 and CP6 of the development plan in terms of the principle of development.

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 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.
- 12.3 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.
- 12.4 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. Additionally, the Rural Development SPD in appendix 3.2 states, *“The character of a rural building is derived from its original function and every effort should be made to retain the original simplicity of scale and form and to alter the building as little as possible”*.
- 12.5 Policy D1 of the Whittington and Fisherwick Neighbourhood Plan sets out design criteria for new development, including taking into consideration existing development patterns and taking advantage of the local topography, landscape and water features, trees and plants, wildlife habitats, existing buildings, site orientation and microclimate. This policy also requires the use materials appropriate to the development’s context.
- 12.6 Policy D2 states that the design, layout and density of new development should reflect the rural nature of Whittington and Fisherwick through an environmentally sustainable and sympathetic approach which reflects the historic character of the village. The design approach should seek to improve the local environment by actively promoting high quality design of buildings, use of high quality materials, hard and soft landscaping and associated communal spaces. Where there is scope, without detriment to local character, more contemporary designs/materials may be considered, but any such proposals will need to be clearly justified in a detailed design assessment.

Assessment

- 12.7 The proposal would retain the form of the existing building with the primary external change being the proposed materials. It is proposed to render the exposed blockwork while replacing the existing corrugated steel sheets with timber cladding. A tiled roof would replace the existing

corrugated sheets. The Conservation and Urban Design Team have been consulted and raised no objection to the proposed scheme.

- 12.8 The proposed garage would be single storey with a dual pitched roof. It would be constructed in brick with a tile roof which is considered to be appropriate. The materials will be important in ensuring the conversion fits comfortably with its surroundings. These details along with those of the surrounding hard and soft landscaping can be secured by appropriately worded conditions prior to works being carried out. These conditions form part of the recommendation.
- 12.9 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 all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 13.2 Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters.

Assessment

- 13.3 As the majority of the built form is already in situ, the proposal is not considered to result in amenity impacts on adjacent buildings in terms of loss of light or overbearing impacts. Given the position of the proposed windows there would be no loss of privacy. The building is part one, part 2 storey in height, and any further extensions or alterations can be controlled through the removal of permitted development rights via an appropriately worded condition.
- 13.4 The necessary amenity garden space for a 3-bed property of 65 sq. m would be accommodated within the site, although details of the hard and soft landscaping scheme could be a condition of any forthcoming permission. Subject to the implementation of conditions, it is considered that the proposal would meet the requirements of Policies BE1, CP3 and the Sustainable Design SPD and would be acceptable.
- 13.5 Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

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.
- 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, with 1 parking space being required for a 2 No. bed dwelling house.
- 14.4 Policy T&M 1 of the Neighbourhood Plan confirms that developments that would generate a significant amount of movement or would potentially affect a known and evidenced traffic hazard should be supported by realistic measures to maintain highway safety and avoid vehicular/ pedestrian conflict.

Assessment

- 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 (set out in full above). However, 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 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.
- 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 car. Furthermore, the site has a fairly open access with reasonable visibility in both directions. As such the risk to highway safety, over and above that which currently exists would be marginal and could not be considered to be severe.
- 14.8 Furthermore, the conversion/ change of use of a building to a dwelling constitutes the reuse of natural resources, often referred to as environmental capital, and includes not only the materials that a building is constructed from but also the energy expended in manufacturing and transporting those materials. As such the proposal is wholly consistent with the overarching environmental objective of 'using natural resources prudently' and 'minimising waste and pollution' as identified in paragraph 8 of the NPPF which sets out what 'achieving sustainable development means. This is one of the main reasons why conversion schemes in rural areas are supported implicitly in planning policy as they give rise to the sustainability benefit from the reuse of environmental capital.
- 14.9 When assessed in the planning balance it is considered that the harm to highway safety and to the purpose of achieving sustainable development by virtue of the proposed dwelling's location is outweighed by the policy support for the reuse of rural buildings, and the environmental benefits arising from the reuse of the environmental capital invested in the existing building.
- 14.10 The site layout plan indicates parking for 2no. vehicles, which meets with the Council's parking standards set out in the Sustainable Design SPD. Whilst the dimensions of the proposed garage have been raised as a concern by the County Highways Officer, there is sufficient room within the site to accommodate the necessary parking requirements. Officers consider that a refusal based upon the dimensions of the proposed garage could not be sustained. Cycle parking has not been shown within the submissions, however it is noted that there is ample room within the site to accommodate appropriate storage. A condition is recommended to require that this would be provided.

- 14.11 The objection from the Highway Authority is noted, however this is considered to be outweighed in the context of the guidance within the NPPF and local plan policies. The proposal would be able to accommodate the off-road parking required for the new dwelling and the proposal would be in accordance with Policy ST2 of the Local Plan Strategy.

15. Ecology

- 15.1 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.
- 15.2 Policy NE&L of the Whittington and Fisherwick Neighbourhood Plan ‘Biodiversity and Habitats’ sets out that development proposals impacting on biodiversity will be required to demonstrate how any potential impact on local wildlife sites, habitats and species networks has been taken into account. This will require appropriate measures being put into place to protect wildlife and habitats and enhance biodiversity. If development is permitted, any consequent loss of biodiversity must be minimised and mitigated by the creation of new habitats or the enhancement of existing habitats.

Assessment

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

16. Cannock Chase Special Area of Conservation

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

Assessment

- 16.3 In accordance with Regulation 63 of the habitat Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council’s Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council’s Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form

of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution for the net increase of one dwelling on the site.

- 16.4 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to the applicant completing a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

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 a rural area, would be in accordance with the NPPF and Local Plan Strategy Settlement Hierarchy. Whilst concerns were raised by the Highway Authority related to the location of the new dwelling in sustainability terms and highway safety, it is considered that these should be given limited weight and are clearly outweighed by the support offered to conversion and reuse of rural buildings set out in national and local planning policy and the role such proposals play in the careful use of natural resources. In terms of highway safety, as set out in the above report it is not considered that the scheme would result in a severe detrimental impact on the network.
- 18.3 Other matters related to Cannock Chase SAC, ecology, materials, and residential amenity meet the appropriate policy tests and are considered acceptable subject to the attached conditions.
- 18.4 Consequently, it is recommended that this application be approved, subject to conditions and the prior completion of a s106 Obligation, 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, CP5, CP6, CP13, ST1, ST2 H1, NR3, BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Rural Development SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

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

3. A. Unless with the prior written consent of the Local Planning Authority, before any part of the development commences the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the LPA. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the LPA within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the LPA.

B. 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: In order to safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Lichfield Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.

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

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Whittington and Fisherwick Neighbourhood Plan 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, a landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use.

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

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

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

7. Before the development hereby approved is first occupied the parking areas shall be provided in full in accordance with Dwg no. 60/01A and shall thereafter be retained for the lifetime of the development.

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

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

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

All other CONDITIONS to be complied with:

9. Within one month of completion of the development hereby approved, 2 No. bat and 2 No. bird boxes shall be installed within the site, as recommended in the of the Preliminary Ecological Appraisal and Bat Survey prepared by Dr S Bodnar and dated May 2023. The bat and bird boxes shall thereafter be retained as such for the life of the development.

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

10. Any lighting introduced to the site shall be in accordance with the measures detailed within mitigation/compensation pages 25-29 of the Preliminary Ecological Appraisal and Bat Survey prepared by Dr S Bodnar and dated May 2023.

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

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

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

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) the Whittington and Fisherwick 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. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.
5. The applicant is advised that developments of individual dwellings must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling bag. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days.
6. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed. The applicants are further advised that works are to occur outside of nesting bird season (1st March - 30th August), unless a check for nesting birds has been completed immediately prior and none are found. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged.

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

23/00516/FUH
29 Alrewas Road
Kings Bromley
Burton Upon Trent

Scale: 1:1,000

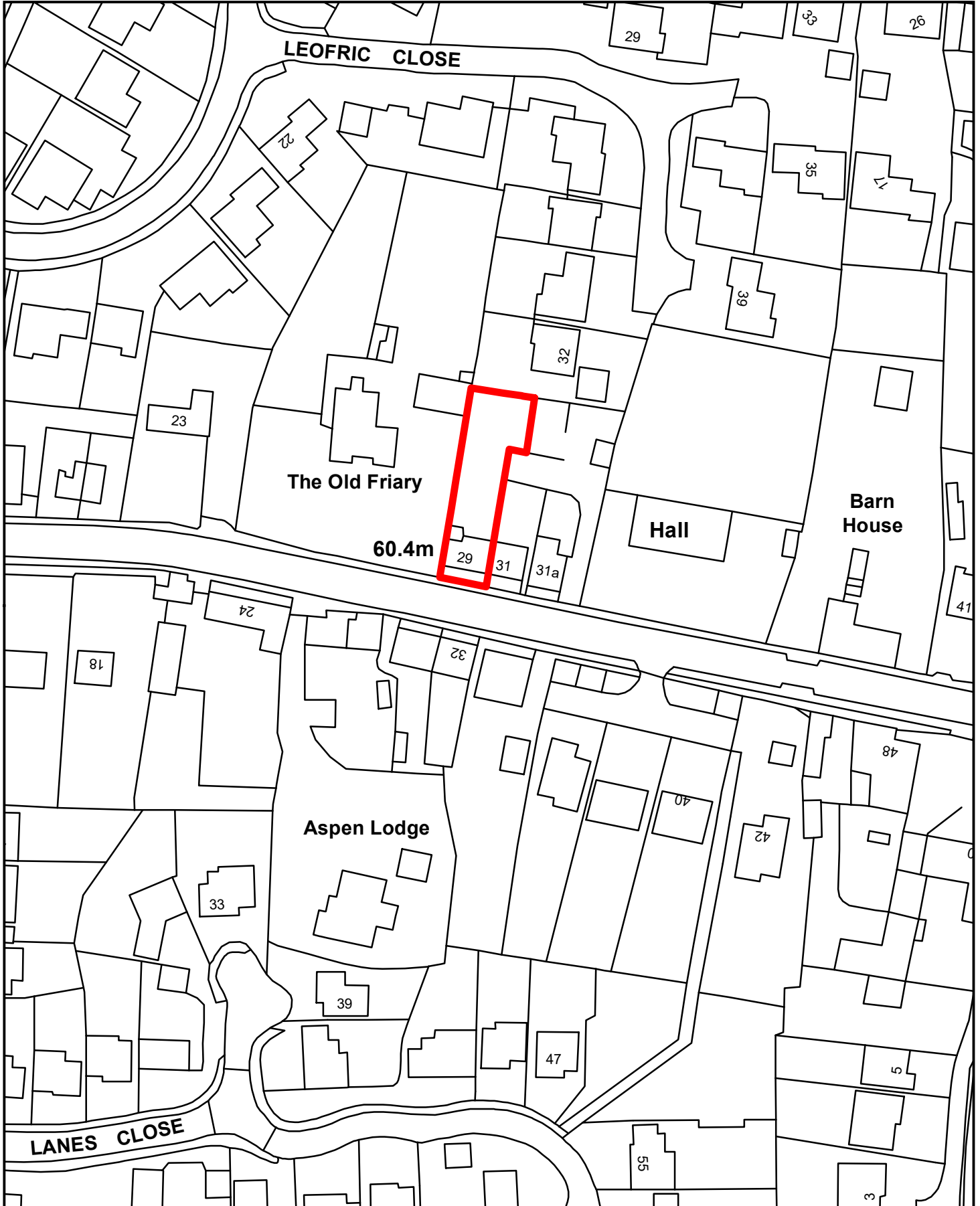
Dated: October 2023

Drawn By:

Drawing No:



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Address:	29 Alrewas Road, Kings Bromley, Burton Upon Trent, Staffordshire		
Application number: 23/00516/FUH	Case officer: James Hyde		
Parish: Kings Bromley	Date received: 22/05/2023		
Ward: Armitage with Handsacre			
Proposal: Erection of single storey granny annex for ancillary use to the main dwelling			
Reason for being on Agenda	<p>Note: This planning application is being reported to the Planning Committee due to a member call in received by Cllr Richard Cox.</p> <p>The objection can be summarised as: The proposal raised concerns over Poor Design in a conservation area which is Contrary to Policy BE1. The proposal would be contrary to Core Policy 2 and 3. Further to this, the proposal would have a detrimental impact on adjacent property at 32 Leofric Close.</p>		
Recommendation: Approve, subject to conditions.			
Applicant: Mr and Mrs Kipps	Agent: Mr Joseph Dunn		

1. Executive summary

- 1.1 The application seeks permission for the erection of single storey granny annex for ancillary use to the main dwelling. The proposals include the installation of a flat roofed outbuilding set within the curtilage of 29 Alrewas Road. The site is located within a residential area and within the King Bromley Conservation Area.
- 1.2 Objections have been received from the parish council pertaining to the development being in an unsustainable location in relation to the neighbouring property on Leofric Close.
- 1.3 It is considered that the scheme is acceptable in principle, the proposed annex has been reduced in height during the course of this application and is now compliant with the relevant design policies. Further to this, there is sufficient external private amenity space for both the annexe and for the dwelling 29 Alrewas Road.

Summary

Overall, the proposed annex is considered acceptable in respect to its impacts on heritage, residential amenity, highway safety and ecology and it is therefore recommended for approval subject to the conditions set out within this report.

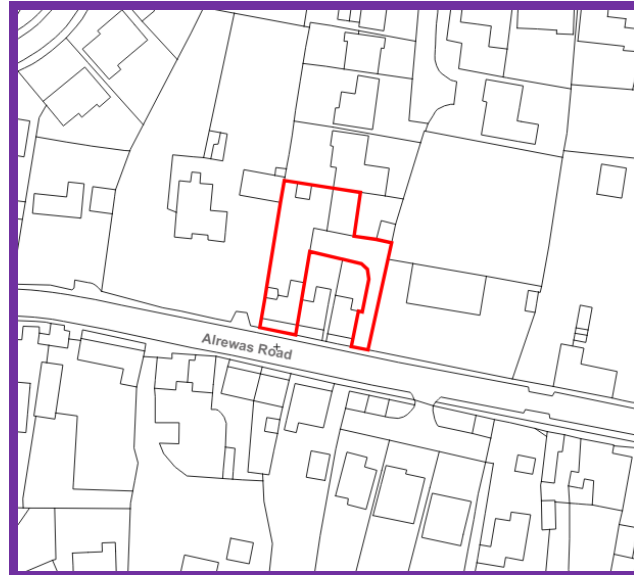
Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with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

2. The site

- 2.1 The application property is a semi-detached, fully rendered, traditional cottage used as a dwelling located on the northern side of Alrewas Road, in the village of Kings Bromley. To the rear there is an enclosed garden and off-road parking which is accessed via a shared driveway from Alrewas Road. The property sits within a residential area comprising of a number of differing age, style and design of property. Towards the most northwest of the site sits a small brick built outbuilding.

2.2 The application site sits within Kings Bromley Conservation Area. The property is subject to 'Proposed' Article 4 Direction, however the decision to include this property is still pending consideration. Given the site falls within Kings Bromley Conservation Area, trees are given a measure of protection. The site is within close proximity to Grade II Listed Building at 28 Alrewas Road. The site also sits within a Great Crested Newt Green Zone and the Cannock Chase SAC Zone of Influence.

2.3 The application site is outlined below.



3. Planning History

3.1 There is no relevant planning history for this site. However, there is a current application pending for a lawful development certificate (proposed) for use of the land for the siting of a mobile home for use ancillary to the main dwelling.

4. Proposals

4.1 This application seeks permission for erection of a single storey granny annex for ancillary use to the main dwelling which would be located in the rear garden of 29 Alrewas Road, Kings Bromley. The proposed annex would measure 10.00m x 6.00m and would have a flat roof with a maximum height of 3.30m. The annex would consist of 2No bedrooms, a shower room and a kitchen/living area. An external cladding consisting of 'Marley Cedral Lap Weatherboarding finished in Light Grey' would be seen on the outside of the annex. White PVCu windows would be seen throughout. The annex would sit on screw pile foundation

4.2 Drawing 'Elevations- Sheet 1 Version 2 Rev 4' seen below.



5. Background

- 5.1 This application site is subject to a pending planning application (23/00940/CLP) for a lawful development certificate (proposed) for use of the land for the siting of mobile home for use ancillary to the main dwelling.

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 ST2: Parking Provision
Policy NR3: Biodiversity, Protected Species & their habitats
Policy BE1: High Quality Development

6.3 Supplementary Planning Document

Sustainable Design SPD
Historic Environment SPD

6.4 Neighbourhood Plan

The Kings Bromley neighbourhood area has been designated, having been approved 19 December 2019. However, currently there is no adopted neighbourhood plan for Kings Bromley.

7. Supporting documents

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

- Location/block plan Version 2, Revision 4 as received 28.07.2023
- Proposed Block Plan Version 2, Revision 4 as received 28.07.2023
- Footprint Version 2, Revision 4 as received 28.07.2023
- Elevations Sheet 1 Version 2, Revision 4 as received 28.07.2023

8. Consultation responses

8.1 **Kings Bromley Parish Council** – Objection - objects to the proposal to either install a mobile home or sectional prefabricated building at the applicant's address. This is a conservation area and is not in keeping with other buildings in the area. It does not fit within the street scene. The development will be clearly visible from the main Alrewas Road, village hall and other nearby surrounding dwellings in particular 32 Leofric Close. There are also concerns about access to the main A513 and that this development may well set a precedent for others to follow. It is felt that the proposal constitutes 'in-fill' development and would be seen to create overcrowding in this pleasant residential area. (11/06/2023)

Amended – Objection - All the other comments made by the council after the original application still stand. - (11/08/2023)

8.2 **Conservation And Urban Design Team** – No objection - the structure is located in the most discreet location possible within the site and in context to other built form. However, it would be beneficial to have a section drawing showing the height of the proposed structure in relation to the surrounding built form (within neighbouring plots) (22/05/2023)

Amended – No objection - The proposal has been amended to reduce the height of the roof which improves the scheme. While there would be glimpses in the street scene/conservation area, I would not consider the proposal to be harmful. This application is acceptable subject to details on materials.

Conditions:

No development hereby approved shall be commenced, until full details of materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. - (14/08/2023)

9. Neighbour responses

9.1 14 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Out of keeping with other buildings
- Sets a precedent for over intensification in the village
- Visible from public spaces
- Overall size is too big with concerns over number of bedrooms
- Brick built outbuilding would need to be demolished. Not allowed in a conservation area
- Loss of privacy and light
- Annexe is a fire risk
- Parking provision, use of access and increase in traffic
- Future uses of the annexe
- Not in line with policy
- Annex would not be ancillary

- Effect on conservation area and not in keeping with local character
- Odour particularly in respect to the soil pipe.

10. Assessment

Determining Issues

- Policy & Principle of Development
- Design and impact upon the character of the area, the Kings Bromley Conservation Area and Listed Buildings
- Residential Amenity
- Access and Highway Safety
- 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 Council's Cabinet met on 5 September 2023 to consider a Local Plan Update report. That report recommended to Full Council that the Local Plan 2040 be withdrawn from its examination. This will be considered by Full Council in October 2023. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy 1 (SP1): The Spatial Strategy
 Strategic policy 10 (SP10): Sustainable development
 Local Policy LT1: Parking provision
 Strategic Policy 17 (SP17): Built and historic environment
 Local Policy SD1: Sustainable design and master planning
 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.

11.3 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that “the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.” In this respect it should be note that Corte policy 2 of the Local Plan sets out that: -

‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

Specific policies in that Framework indicate that development should be restricted’.

- 11.4 Having had regard to the above it should be noted that there are no policies either in the Framework or within the Local Plan which would restrict the provision of ancillary accommodation within Kings Bromley as a matter of principle. As such the proposal is acceptable in principle. Notwithstanding this, proposals which are acceptable in principle are also required to meet all other policy tests relating to specific areas of interest. This report will now go on to consider those policy tests.

12. Design and impact on the character of the area, the Kings Bromley Conservation Area and Nearby Listed Buildings

- 12.1 Given that the application site is situated within the Kings Bromley Conservation Area which contains several listed buildings the proposal engages not only general design policies that relate to the character of an area within the Local Plan (Policies CP3 and BE1) and NPPF (paragraph 126, 130 and 134) but also those policies which relate to designated heritage assets (Policies CP3, CP14, BE2 of the Local Plan and Section 16 of the NPPF).

Generic Design Policies Relating to Impacts on the Character of an Area

- 12.2 Policy BE1 of the Local Plan states [amongst other things]: -

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

The significance of the historic environment, such as archaeological sites, sites of historic landscape value, listed buildings, conservation areas, locally listed buildings and skylines containing important historic, built and natural features (in conjunction with Policy NR5);

The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views;

- 12.3 The above policy reflects Core Policy 3 of the Local Plan Strategy which states that development should: “protect and enhance the character and distinctiveness of Lichfield District”; and “be of a scale and nature appropriate to its locality”
- 12.4 The NPF, paragraph 126 attaches great importance to design of the built environment and sets out that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve’ and ‘Good design is a key aspect of sustainable development, creates better places in which to live and work and

helps make development acceptable to communities'. Paragraph 130 goes on to state [amongst other things]: -

'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

12.5 In addition, paragraph 134 of the NPPF makes it clear that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.'

Policy in Relation to Designated Heritage Assets

12.6 Both conservation areas and listed buildings are examples of 'designated heritage assets' and therefore proposals which have the potential to impact on them are subject to the heritage policies within the Local Plan and NPPF.

12.7 Core Policies CP3 and CP14 of the Local Plan Strategy provide the overall arching policy in respect to the protection of heritage assets. Policy CP3 states [amongst other things] that the Council will require development to contribute to the creation and maintenance of sustainable communities and to achieve this development should address a number of key issues including the need to 'protect and enhance the character and distinctiveness of Lichfield District and its settlements' and ensure that a development is 'of a scale and nature appropriate to its locality'.

12.8 Core Policy CP14 provides more detailed policy tests in respect to 'our built and historic environment' which [amongst other things] states

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

The significance of designated heritage assets including nationally protected listed buildings and their settings, ancient monuments, archaeological sites and conservation areas and their settings, will be conserved and enhanced and given the highest level of protection. Other heritage assets including locally listed buildings, and locally important parks and gardens will also be conserved and enhanced. In conjunction with Policy NR5, landscapes that form the setting to the built and historic environment will also be conserved and enhanced.

Change will be directed to the most appropriate locations taking into account the District's heritage assets and their settings, including the historic landscape, as informed by the local evidence base. Development proposals which conserve and enhance a heritage asset or its setting will be supported where clear and convincing justification has been provided through an assessment of the significance of the asset or its setting.

The sustainable re-use, maintenance and repair of listed buildings and other heritage assets will be supported, particularly those that have been identified as being at risk. In

conservation areas, the built form will be protected and enhanced and there should be no net loss of trees, with physical improvements to conservation areas linked to the objectives contained within conservation area appraisals and their management plans where appropriate.

The skyline of Lichfield City, characterised by the five spires emerging above the roofs and tree canopy will be protected and should inform the height, scale and layout for new developments. This and other locally important views within settlements and rural locations will be safeguarded and the integration of views and vistas shaping a strong sense of place in new development layouts will also be encouraged.'

12.9 Finally, Policy BE2 of the Local Plan Allocations Document states

'Development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.

To enable the effect of an application on the historic environment to be assessed, any application which could impact on a heritage asset (designated or non-designated) including its setting should be accompanied by a Heritage Statement which should include an assessment of its significance, and an assessment of the impact of the proposals on the significance. It should also include an archaeological assessment where relevant. Clear and convincing evidence will be required for any harm or loss to the significance of a heritage asset.

The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuing harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF. In this case the areas affected should be recorded and the information submitted to the Staffordshire County Council's Historic Environment Record as a minimum.'

12.10 Section 16 of the NPPF sets out the approach to conserving and enhancing the historic environment. Paragraph 194 sets out that: -

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

12.11 Furthermore, paragraph 195 of the NPPF goes on to state: -

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

12.12 In addition paragraph 199 sets out: -

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of

whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Assessing Impacts on the Character and appearance of the Kings Bromley Conservation Area

- 12.13 The site is located within the Kings Bromley Conservation Area. Section 72(1) places a general duty as respects conservation areas in the exercise of planning functions stating that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 12.14 It is noted that neighbouring objections were made regarding the mass, scale and design of the proposed development. Further to this, concerns were raised that the approval of this annexe would set a precedent in the area for further development.
- 12.15 In accordance with Policy BE2 of the Local Plan and paragraph 194 of the NPPF the applicant has submitted a heritage statement. This sets out national policy, a statement on the significance of the Kings Bromley Conservation Area and concludes: -
- ‘The significance of Kings Bromley Conservation Area derives primarily from the architectural and historic interest by virtue of existing buildings and overall integrity of the Conservation Area, as set out in the Conservation Area Appraisal.
- The proposed granny annexe would not affect those aspects of the setting of 29 Alrewas Road that contribute to its significance within the Conservation Area.’
- 12.16 In response to the amendments to the proposal that Conservation Officer has stated that there are no objections to the proposal on the grounds that ‘the structure is located in the most discreet location possible within the site and in context to other built form’ and ‘While there would be glimpses in the street scene/conservation area [it is not considered] the proposal to be harmful’.
- 12.17 Officers note that the proposed annexe would take the form of a single storey ‘cabin and chalet style building, located towards the northern boundary of the site, beyond which is a modern housing estate. In this respect the proposal would resemble many domestic adjuncts and out buildings (conservatories, green houses, sheds etc) which are commonly encountered to the rear of dwellings, including within the Kings Bromley Conservation Area. Including the turquoise painted wooden shed under a bitumen felt roof to the side of Kings Bromley Village Hall. However, unlike the shed at the village hall the proposed granny annex would be effectively screened from Alrewas Road by the juxtaposition of the host property, and adjacent buildings such that any view would be restricted to glimpses of the upmost part of the building.
- 12.18 It should also be noted that the outbuilding sits within 2m to the boundary of Leofric Close. Under permitted development, the applicant could erect an outbuilding up to 2.50m in height in the same position for purposes incidental to the enjoyment of the dwellinghouse. Whilst it is recognised that ancillary accommodation such as granny annexes do not benefit from permitted development rights the above does show the scale and height of outbuildings buildings that are often found with residential gardens. Indeed, a number of outbuildings are located within the Kings Bromley Parish. These include, but are not limited to, Barn House on Alrewas Road and 9 Alrewas Road.
- 12.19 The proposal would necessitate the loss of an existing brick outbuilding and a number of objections outline that this would have a detrimental Impact on the Conservation Area. Notwithstanding this the building is not identified as having any special interest in the Conservation Area Character Appraisal and the conservation Officer has raised no objections to its loss. Furthermore, guidance set out in the Planning Practice Guidance 2022 ‘PPG’ states

that buildings that are less than 50 cubic metres in size do not need planning permission to be removed in a Conservation Area. It is clear that from a site visit and from photos provided by the applicant, the outbuilding is less than 50 cubic metres. As such the small outbuilding would not need planning permission to be demolished and removed. The applicant could do this at any time.

Assessing Impacts on nearby Listed Buildings

- 12.20 Within the Kings Bromley Conservation Area there are several listed buildings. The nearest listed buildings are 28 Alrewas Road, which is Grade II and located along the southern side of Alrewas Road. There is a further grouping of listed buildings around the junction of Alrewas Road and the A515 Lichfield Road. Whilst considering proposals which affect the character of Listed Buildings regard should be had of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to “have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”.
- 12.21 However, as stated above, any view of the proposed annex from Alrewas Road would be very limited with only the top-most part of the building viewable from an exceedingly restricted section of the main highway. Even then the proposed annexe would be seen against a backdrop of recent mid to late C20th housing. As such this view does not lend any significance to the setting of the listed buildings in the area.
- 12.22 It is also noted that the nearby village hall is locally listed. Again, in any views of the proposed building from or towards the village hall in which the annex would be seen, would be in the context of the rear gardens with their panoply of out buildings. In this respect the proposal would have a similar impact on the setting of the village hall than the shed that is located within its car park.
- 12.23 Given the above it is officer’s view that the proposal would not significantly detract from the character, appearance or significance of the Kings Bromley Conservation Area or its setting or the setting of nearby listed buildings or locally listed buildings. As such, having had regard to the requirements of the NPPF, it is considered that the proposal would not be contrary to Policies CP3, CP14 or BE2 of the Local Plan.

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 Paragraph 130(f) of the NPPF states that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. 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 significant harm through overshadowing, overlooking or being 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 of neighbours. 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 dwellings 65 square metres of garden space should be provided. All gardens should have a minimum length of 10 metres. During the application process, the

applicant has made amendments to the overall height of the proposed annex. The original proposed annex saw a pitched roof design with a ridge height of 4.10m and an eaves height of 2.80m. There were a number of windows on the northern elevation facing 32 Leofric Close that served a bedroom, shower room and a kitchen.

- 13.3 The most recent proposed plans see the pitched roof substituted with a flat roof with a height of 3.30m. Further to this change, windows serving a bedroom and shower room have been omitted from the northern elevation facing 32 Leofric Close.
- 13.4 Given the above, it can be seen that the proposed annex complies with the requirements of the Supplementary Planning Document in terms of the 45-degree test and the loss of light. Further to this, the omission of windows serving a bedroom would result in the annex meeting the minimum standard distances between primary habitable rooms. The proposed kitchen can be classed as a primary habitable room, however the plans submitted show that the kitchen/living area would be 'open plan'. As such, the window serving the kitchen could be classed as a secondary window given there are windows and doors serving the living room. As such the proposed kitchen windows would meet the minimum separation distances standards set out in the Supplementary Planning Document.
- 13.5 Concerns were raised over the size and siting of the annex. Despite the annex not being subservient to the footprint of the main dwelling, it is clearly subservient in height and it should be noted that the main dwelling benefits from a large rear garden. With the annex built, there would still remain 200m² of private amenity space. Further to this, under permitted development, the applicant could build an outbuilding with a footprint up to 50% of the size of the rear garden. Therefore, the concerns raised in representations in respect to the size of the proposed dwelling or overdevelopment of the site do not stand up to objective analysis and are not accepted.
- 13.6 The proposed annex complies with the requirements of the Supplementary Planning Document, and it is considered that the proposals would not cause significant harm to the existing standard of residential amenity of neighbouring occupiers. Overall, the scheme of development is considered acceptable on the grounds of amenity and its provision. The proposed layout of the proposal would ensure an appropriate standard of living accommodation for future residents and therefore, the development would comply with the requirements of the Development Plan and NPPF in this regard.

14 Access and highway safety

- 14.1 During the application process, the applicant has amended to the red line boundary to include the shared access road to the east of the site.
- 14.2 Concerns were raised from a number of objectors regarding the access to the site and the use of a private shared driveway. During the application process, the applicant has provided evidence by way of a Certificate B and Notice 1 in which they have notified all users of the shared access.
- 14.3 Appendix D of the Supplementary Planning Document states that for a dwelling with 5No+ bedrooms, there should be a minimum of 3 vehicle spaces. The application site has off road parking for 3No vehicles to the east of the site. As such the proposal would meet the parking standards set out within the Supplementary Planning Document.
- 14.4 Furthermore to the above, the Appendix D of the Supplementary Planning Document states that 'standards will however be applied in a flexible manner in having regard to the location and needs of the development/end user. For example, in central areas that are well served by good public transport links developments may require less parking provision'. Within 100m of the application site, there are 2No bus stops that provide public transport links to the wider

area. As such it can be seen that in addition to the 3No parking spaces, there is adequate public transport in the area to negate the need for more parking.

15 Ecology

- 15.1 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.
- 15.2 The property sits within a Great Crested Newt Green Zone, however after consulting local records, no suitable water bodies (fish free ponds) have been identified within 250m of the application site. Therefore, given the limited extent of the ground works and the absence of suitable breeding ponds it is considered that the proposal would not be harmful to Great Crested Newts.
- 15.3 A condition has been recommended that would see the installation of 1No bat/bord box to be completed within 1No month of the proposed works to ensure biodiversity uplift.

16 Other issues

- 16.1 Concerns were raised over the annex not being ancillary to the main dwelling. Further to this, concerns were raised over the future use of the annex. The applicant has submitted a planning statement and a drawing outlining that the annex would meet the criteria for an annexe to be classed as ancillary. These include:
- No separate access
 - No separate address
 - No separate utility meters
 - No separate garden
 - No separate curtilage
 - No separate septic tack
 - No separate post box
- 16.2 Officers would comment that given the information provided, it can be seen that the annexe would not be classed as a separate dwelling to the main dwelling. In addition to this, a condition has been recommended that would see the annex used for ancillary use to 29 Alrewas Road. The annex shall not be used, sold or let as a separate dwelling unit.
- 16.3 Concerns were raised of odour from the soil pipe located on the northern elevation along with smells form the kitchen. It should be noted that the soil pipe is located approximately 9.3m away from the near the window on 32 Leofric Close and is no different in its location or design to any other soil pipe found on dwellings. In addition, any odours from cooking would be of a domestic nature and scale and in this respect would be acceptable in planning terms.
- 16.4 Concerns were raised over the annex being a fire risk given the materials that it would be constructed from. It should be noted that this is not a planning consideration and cannot be taken into account when determining this application. Fire risk falls under the control of Building Control. The applicant is advised to seek Building Control advice during the construction of the annex.

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, the erection of an annex, would be in accordance with the NPPF and Local Plan. Whilst concerns were raised over a number of issues including but not limited to the effect in the conservation area, size and scale and the future use of the annexe it is considered that, the annex would meet the policies set out in the Local Plan and as set out in the National Planning Policy Framework.
- 19.3 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 CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
3. The annex hereby approved shall be occupied in a manner which is wholly ancillary to the residential use of the dwelling known as 29 Alrewas Road; and shall not be used, sold or let as a separate dwelling unit.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3 and BE1 of the Local Plan Strategy, the Sustainable Design SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
4. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

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

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. 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.

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

23/00603/FUH
2 Leander Close
Burntwood
Staffordshire

Scale: 1:1,000

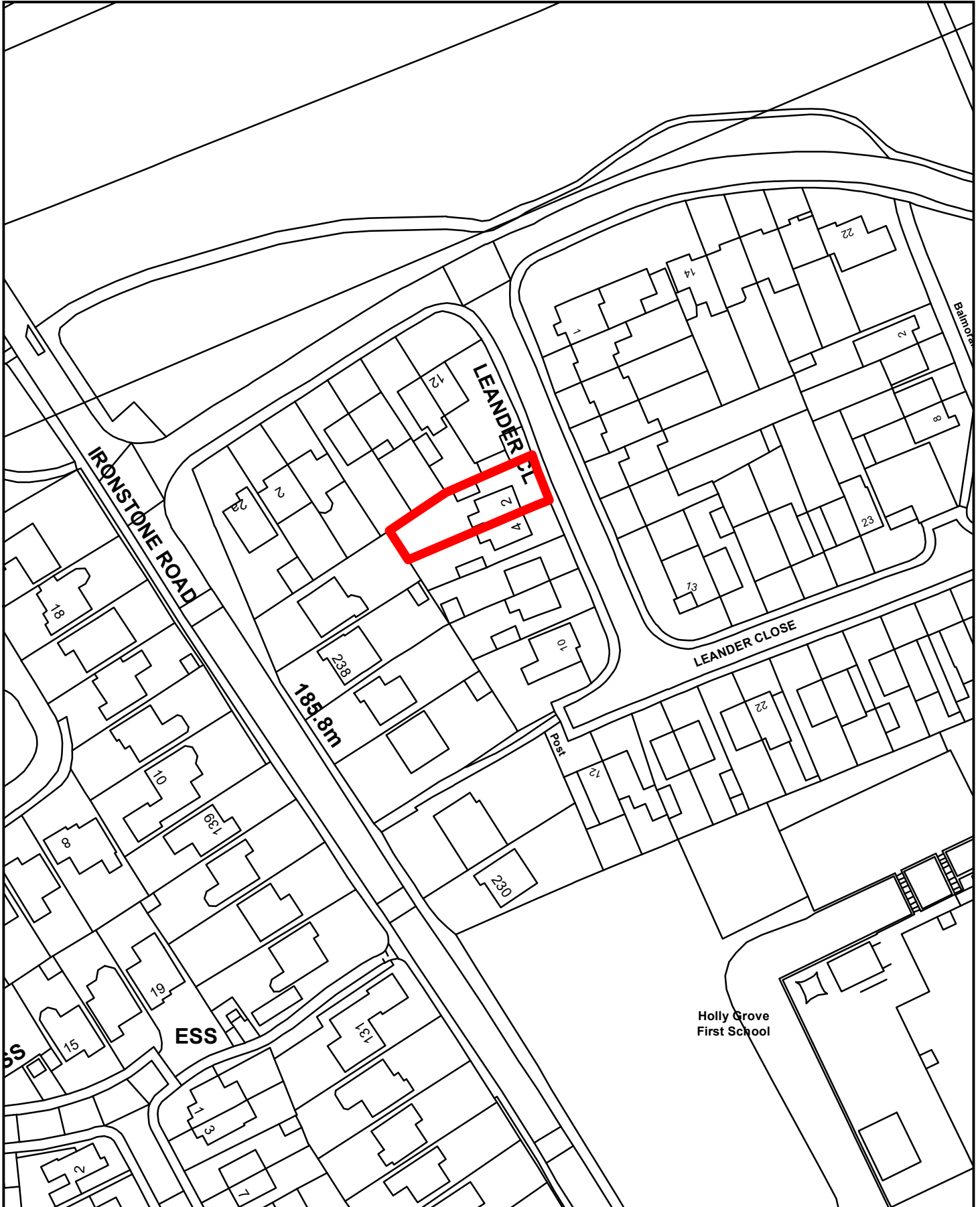
Dated: October 2023

Drawn By:

Drawing No:



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Address:	2 Leander Close, Burntwood, Staffordshire, WS7 1PW		
Application number: 23/00603/FUH	Case officer: Katherine Harvey		
Ward: Chase Terrace Parish: Burntwood	Date received: 30/05/2023		
Proposal: Demolition of existing garage and conservatory. Erection of two storey wraparound extension.			
Reason for being on Agenda:	This planning application is being reported to the Planning Committee due to a call-in request received from Councillor Susan Woodward on the grounds of the impact of the proposal on residential amenity.		
RECOMMENDATION: APPROVE, subject to Conditions.			
Applicant: Mrs Pauline McHale	Agent: Mr Vincent McHale		

1. Executive summary

- 1.1. This proposal would be visible from within the main streetscene of Leander Close. There is similar development visible within the streetscene and the design of the new extension is considered to be in keeping with the design of the original dwelling. Therefore, the extension would also be in keeping with the character of the surrounding streetscene.
- 1.2. The key issue within this application is whether the development would cause a significant detrimental impact to the residential amenity of the occupiers of surrounding neighbouring properties. The below report outlines that the development would meet all the relevant policies and guidance for space about dwellings which are in place to protect residential amenity. The proposal is therefore considered acceptable and recommended for approval on this basis.

Summary

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

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

2. The site

- 2.1 The application site relates to a semi-detached property 2 Leander Close, which is constructed from pale pink-beige brick with white horizontal cladding under a grey tiled roof, with detached garage to rear served by a side drive providing 2 car parking spaces.
- 2.2 The property sits within a residential area within the settlement of Burntwood. The dwellings along Leander Close are of a similar size and scale but appear to benefit from a degree of personalisation and extension, particularly in respect to the treatment of the first floor which includes white cladding, grey cladding, and red tiling.



3. Planning history

3.1 There is no relevant planning history for this dwelling.

4. Proposals

4.1 This application seeks permission for the demolition of the existing garage and conservatory and the erection of two storey wraparound extension.

4.2 The two storey element to this proposal would project approximately 3m out from the existing side elevation of the dwelling. It would have a maximum length of 9.5m. The two-storey element to the rear of the property would project 3m out from the rear elevation of the dwelling and have a width of 5.1m. Both extensions would have a height to the eaves of 4m and would use matching materials with the current dwelling.

4.3 The extension has been designed to reflect the materials of the host property with white cladding at first floor level and brick at ground floor level. This helps to break up the massing of the building when seen from the side. In addition, the extension has been set down from the ridge height of the roof and back from the plane of the front elevation and therefore reads as a subordinate addition to the main property. The rear extension has also been designed so that it is set in from the plane of the extension to side thus giving a clear break in the massing of the building.

4.4 The extension would form a new garage, a utility space and kitchen diner at ground floor level, and two new bedrooms at first floor level. 1no obscure glazed window would be installed in the side elevation at first floor level which would serve the new landing. There would also be a new window serving each of the new bedrooms at first floor level.



5. Background

5.1 This proposal discussed in this report differs slightly from the original submission made by the applicant. During the application process the applicant made the following changes:

- The rear extension now projects 3m out from the rear of the dwelling instead of 4m.
- The rear extension now has a hip roof rather than a pitched roof.
- The rear half of the proposal has been recessed by 0.5m from the edge of the side extension.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Policy BE1 - High Quality Development
Policy CP1 - The Spatial Strategy
Policy CP3 - Delivering Sustainable Development
Policy NR7 - CC SAC

6.3 Local Plan Allocations

N/A

6.4 **Supplementary Planning Document**
Sustainable Design SPD

6.5 **Other**
Burntwood Neighbourhood Plan (2021)

7. Supporting documents

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

- Application Forms - received 23.05.2023
- LOCATION PLAN – received 23.05.2023
- Drawing number 001-A-105 – received 24.07.2023
- Drawing number 001-A-106 – received 24.07.2023

8. Consultation responses

8.1 **Burntwood Town Council** - No objection - (13/06/2023)

9. Neighbour responses

9.1 5 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- The extension would cause a loss of light to the properties on Kingsdown Road.
- The extension would result in overlooking and a loss of privacy.
- The extension would disrupt the building line of the properties on Leander Close.
- The extension is too overbearing.
- Master bedroom window would result in a loss of privacy.
- Concerns over the erection of any lighting to the rear.
- Concerns over the conduct of the applicant.
- The amended plans do not have any lesser impact on any of the previous issues raised.

10. Assessment

Determining Issues

- Policy & Principle of Development
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Ecology
- Other Issues raised

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 Burntwood Neighbourhood Plan was also made in 2021 and as such, also carries full material weight.

- 11.2 This application is for the extension of a dwellinghouse within the settlement of Burntwood wherein there is no policy that would restrict such development as a matter of principle. However, proposals that are acceptable in principle are still required to meet all other policy tests. This report will go on to look at the proposal in the light of all other relevant policy tests.

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

- 12.1 Policy BE1 of the Lichfield District Local Plan Strategy states that “New development will have a positive impact on the public realm and ensure high quality, inclusive design” adding ‘development will be approved where the proposal can demonstrate that the “New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”.
- 12.2 Furthermore, paragraph 130 of the NPPF states planning decisions should ensure that developments ‘are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’; ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting’ and ‘establish or maintain a strong sense of place’
- 12.3 The application site is located within a residential area. The dwellings within the area are mostly, semi-detached in nature and are all, of very similar appearance. The two-storey side element to this proposal would be widely visible from within this streetscene. However, it would be constructed of matching materials to the host dwelling and set down and back from the peak of the roof and the front elevation and clearly read as a subordinate addition. The fenestration details would also match and so ensure that the proposed extension would harmonise with the host property.
- 12.4 In respect to the impact on the character of the wider area it should be noted that it is not unusual to find two storey extensions to side on estates such as this. Indeed, a similar extension to that proposed exists at No1 1 Leander Close at the junction of Leander Close with Kingsdown Road. Other examples of two storey extensions to side include 149 Holly Grove Lane at its junction with Kingsdown Road and 34 Leander Close with a prominent two storey rear extension at the junction of Kingsdown Road and Ironstone Road.
- 12.5 It is considered that the proposed development would not detract from the established character of pattern of development in the immediately surrounding area. And, as such, considered acceptable.
- 12.6 Given the above, it is concluded that the proposed extensions and other works would respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views in accordance with Policy BE1 of the Local Plan Strategy and paragraph 130 of the NPPF.

13. Residential amenity

- 13.1 Policy BE1 of the Local Plan states ‘All development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on [among other things] amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance’. In addition, paragraph 130(f) of the NPPF requires that development proposals ‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’.

13.2 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 including:

- At least 21m between dwellings where primary principal habitable rooms face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15m. (A primary window is the main or only window which illuminates the identified);
- No windows serving principal habitable rooms shall be provided on side elevations at ground floor level unless there is an intervening screen (i.e. a wall or fence) blocking interaction;
- In addition, any new development should pass the 45/45/25-degree standard with regards to loss of light.
- Where one dwelling faces the two storey side of a neighbouring property, and which is a blank elevation (i.e. no facing windows), the minimum distance separation between the 2 storey parts of each dwelling should be 13 metres or 10 metres in the case of single storey development.

13.3 Significant concerns have been raised by the occupiers of the properties along Kingsdown Road regarding the position of the extension and the effect that it would have on the private amenity space of those dwellings. In addition, the issue of this extension affecting the privacy of occupiers of dwellings has also been raised.

13.4 In terms of the 45-degree angle test, under the original plans submitted by the applicant, the extension to the rear would have had a significant impact on the neighbouring properties light levels. The extension would have cut the neighbouring upstairs window at an angle of 40 degrees. The length of the extension was then amended to be 3m not 4m as a result, the extension now passes the 45-degree angle test. Furthermore, a distance of 13.9m would be retained between the plane of the rear elevation of the rear of 12 Kingsdown Road (the neighbouring property to the north) and the side elevation of the two-storey extension. This exceeds the distance for this type of relationship set out in the Design Guide. As such it is considered that the proposal would not have an unacceptable impact on light levels to the windows of the neighbouring property. In respect to the loss of light to the garden it is noted that as the extension is to the south of those properties fronting onto Kingsdown Road, there would be some loss of light particularly in the winter months. However, gardens do not benefit from the same level of protection as light to rooms and in this case the resultant relationship would not be untypical of that commonly found throughout residential areas. As such any loss of the light to the rear gardens would not be sufficient to warrant refusal.

13.5 In response to the concerns raised about privacy and overlooking, it should be noted that the only window to be installed in the side elevation that would face properties No 12 and 10 on Kingsdown Road, would be a window that would serve the new landing. A landing does not fit the definition for a principal habitable room and is therefore not subject to the separation distance guidelines set out in the SPD. In addition, this window would also be obscure glazed as shown on the proposed plans. For this reason, it is not considered that this window would enable any overlooking onto the gardens and properties of Kingsdown Road.

Furthermore, concerns have also been raised about the window that would serve the master bedroom in the rear elevation of the extension. This window would not be directly facing any of the rear of the properties on Kingsdown Road. It would look towards the rear of the properties that front onto Ironstone Road at a distance of 13m to the shared rear boundary and 26m between the respective rear elevations. These exceed the distances of 10.5m and 21m respectively. The proposal therefore exceeds the requirements set out in the Design SPD.

13.6 It is accepted that from an oblique angle the gardens of Kingsdown Road would be visible from the new master bedroom window. However, it should be noted that this would not result in any

impact greater than the one that exists from the rear of the properties on Ironstone Road. From an oblique angle, the first-floor windows of these properties would also be able to view the rear gardens of the Kingsdown Road Properties. As such any increase in overlooking would be marginal and insufficient to warrant refusal.

- 13.7 It is not disputed that the proposal would see the addition of a mass to the rear of the application property that would be most notable from the private rear amenity space of the dwellings on Kingsdown Road. However, the applicant has made a number of changes to the application, including different materials to first and ground floor levels and setting the rear extension in that facilitate the bracing up of mass and which are considered to have mitigated the impact of this proposal.
- 13.8 The above paragraphs have established that the extension meets the design policies set out within the Council's SPD. The design of the extension has been amended to ensure that the proposal meets these requirements. For this reason, it is considered that the proposal would not have a detrimental impact on the amenity of any occupiers of any of the neighbouring properties and is therefore acceptable.

14. Access and highway safety

- 14.1 This proposal would require the demolition of the existing garage in order to facilitate the building of the extension. With the addition of the extension, the property would become a 3-bedroom property. Under the requirements of the SPD the property would be required to provide 2 off road parking spaces. The applicant has clearly shown on the proposed plans that 2 off road parking spaces can be provided on the site. The application is therefore considered to meet the parking requirements of the SPD.

15. Ecology

- 15.1 The site is not known to contain any species or habitat which is protected or of particular ecological or conservation interest. Given the size and scale of this development it is considered appropriate to include a bat and bird box condition in line with the requirements of Policy NR3 of the Local Plan in order to ensure biodiversity uplift commensurate to the scale of the development.

16. Other issues

AONB

- 16.1 The property falls within the Cannock Chase Area of Outstanding Natural Beauty 2km buffer zone. Although the property does not fall within the AONB it should still be considered whether this development would result in a harmful impact on the character of the AONB. Given that this application is for a domestic extension to a residential property within a residential area, there would be no detrimental impact to the character of the AONB.

Further neighbour objections

- 16.2 The issue of lighting that may occur to the rear of the application property has been raised as an objection to this application.

Officers' response to this is that as no lighting has been proposed by the applicant within the application, it would be inappropriate for the issue of lighting to be a factor within the decision-making process. Should any future lighting on the property become an issue, then this could be adequately dealt with under Environmental Health legislation.

- 16.3 The conduct of the applicant has also been raised as an objection against this application.

Officers' response to this is the conduct of the applicant is not material to the determination of a planning application and therefore cannot be taken into consideration when looking at the merits of the actual planning application.

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 This report has addressed the issues surrounding the impact of the proposal on the character of the area, the standard of residential amenity and ecology and has found that the proposed development would meet all the guidance contained with the Councils' SPD, local and national policy. 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 CP1, CP3, BE1 and NR7 of the Local Plan Strategy, Policy B5 of the Burntwood Neighbourhood Plan, the Sustainable Design SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. Notwithstanding the description of the materials within the application documents, the new extension shall be made from matching brickwork and roof tiles with a white matching cladding to be applied at first floor level.

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

4. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

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

5. The extension shall not be brought into use until the window shown in the side elevation has been fitted with obscure glazing to Pilkington Level 3 standard. The obscure glazing shall be retained as such throughout the lifetime of the development.

Reason: To ensure that a high standard of amenity is maintained for the occupiers of the surrounding residential properties in accordance with paragraph 130(f) of the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Burntwood Neighbourhood Plan (2021).
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.

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

23/00248/FUH
Rose Cottage
20 Hood Lane
Armitage

Scale: 1:1,000

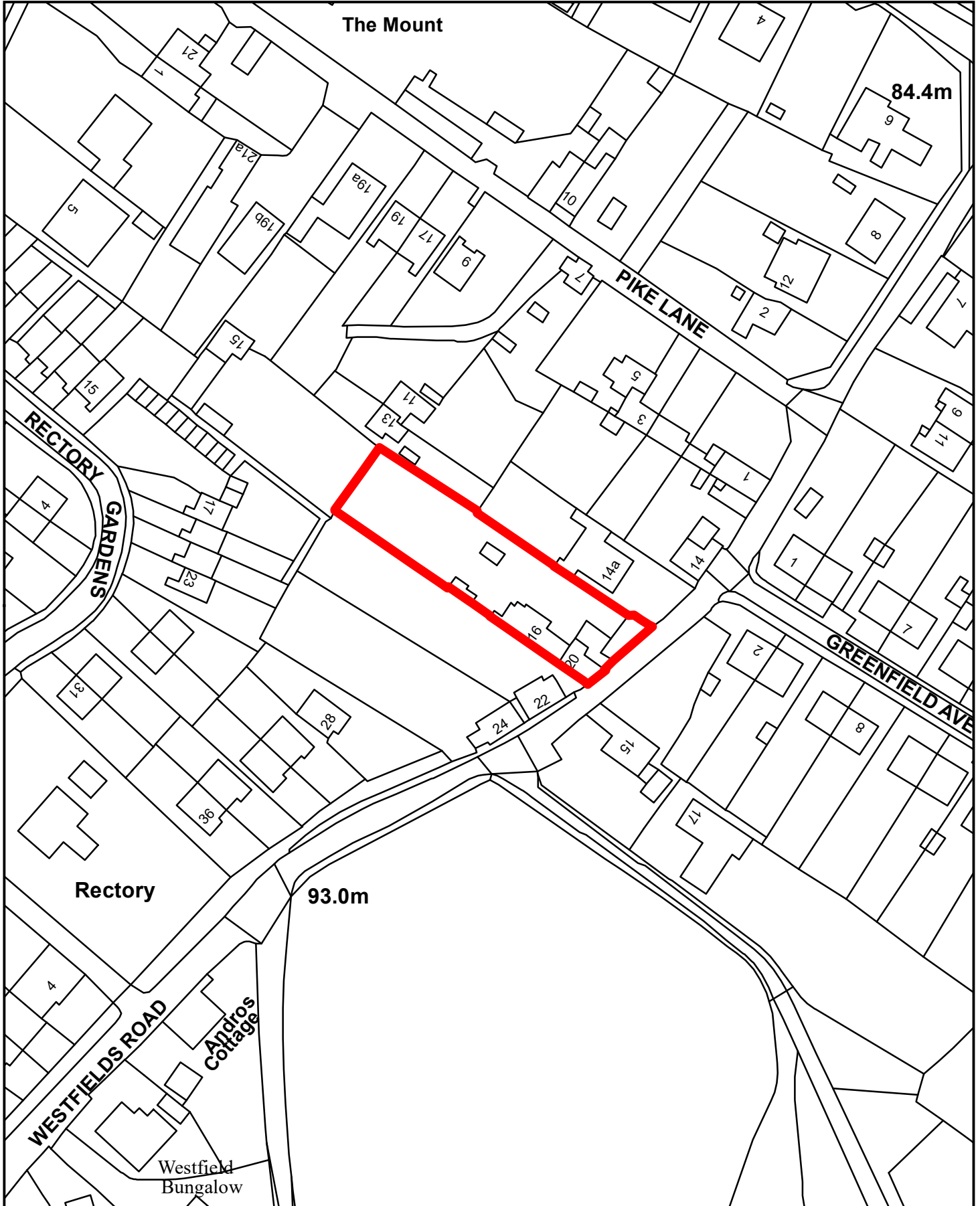
Dated: October 2023

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Address:	Rose Cottage, 20 Hood Lane, Armitage, Rugeley	
Application number: 23/00248/FUH	Case officer: Katherine Harvey	
Ward: Armitage with Handsacre Parish: Armitage with Handsacre	Date received: 22/03/2023	
Proposal: Proposed two storey extension and porch to front elevation. Minor changes to garage and driveway resurfacing.		
Reason for being on Agenda	<p>Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by the Armitage and Handsacre Parish Council. The Parish Council objections include:</p> <p>The impact that the extension would have on the surrounding neighbouring amenity.</p>	
RECOMMENDATION: Approve, subject to the attached conditions.		
Applicant: Mr Steve Kirwan	Agent: Mr Duncan Carr	

1. Executive summary

- 1.1. The proposal is considered to be of an appropriate design and scale and would be in keeping with both the host property and the character of the streetscene.
- 1.2. This application meets the relevant separation distances set out in the Council's SPD for principal windows. It is recommended that the windows at first floor level be fitted with obscure glazing via condition. Subject to the this condition no detrimental impact to residential amenity would be caused as a result of this proposal.

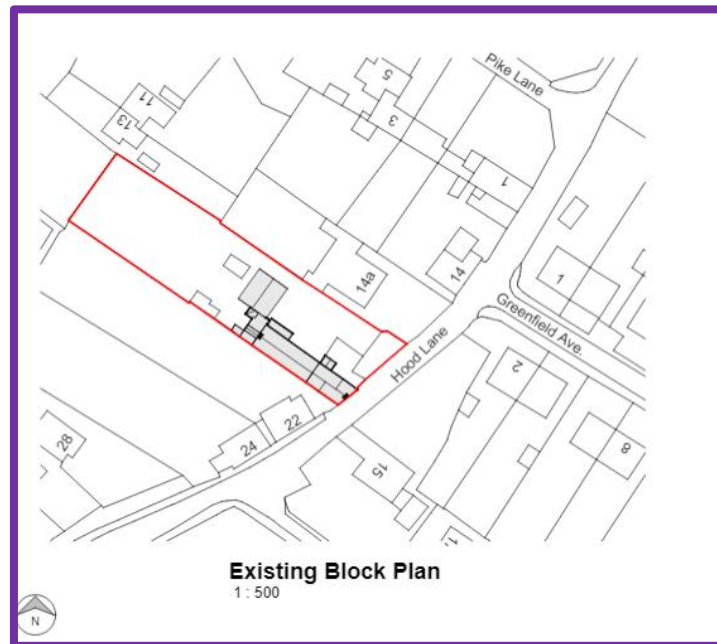
Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the conditions as outlined in this report.

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

2. The site

- 2.1 This application relates to a detached property at 20 Hood Lane, Armitage which is finished with a white smooth render under a tiled roof. The property is situated within a residential area. This property benefits from off road parking for more than 4 vehicles. The property was previously two dwellings, No. 16 and 20. The dwellings were merged in 2017 under the address 20 Hood Lane. The property benefits from having a large double garage and garden just behind. The property is within close proximity to the centre of Armitage.
- 2.2 The property was once three cottages forming a small row which runs 90 degrees from Hood Lane. These have subsequently been turned into a single dwelling. The front elevation faces in a north-east direction towards a detached bungalow at 149 a Hood Lane. The front of this bungalow faces towards Hood Lane with the rear elevation facing towards its private rear garden. However, the bungalow has a window in its south-west (side elevation) which is situated approximately 1.5m from the shared boundary with the application site. Along this boundary is a hit and miss wooden fence with concrete pillars which is approximately 1.6m high.



- 2.3 The character of Hood Lane is mixed, containing several white or cream rendered traditional terrace dwellings situated immediately up to the back edge of the footpath of the highway or, like the application site at 90 degrees to it interspersed with more modern C20th housing.

3. Planning history

- 3.1 There is no relevant planning history for this property.

4. Proposals

- 4.1 This application seeks permission for a proposed two storey extension and porch to front elevation, minor changes to the garage and driveway resurfacing.
- 4.2 The two-storey extension to the front elevation would project 4.7m out from the front elevation of the main dwelling and would have a maximum width of 5.8m. The height to the eaves of the extension would be 4m and a new gable end roof would be installed on the new section of roof making the total height of the extension 5.5m. A small section of single storey flat roof development, approximately 0.6m in length, would join the new extension to the garage. 3no windows would be installed at ground floor level along with 1no door. The first floor would have 4no windows installed, two on both the front and side elevation. The first-floor windows in the side elevation are indicated to be fitted with obscure glazing. The extension would be finished in a matching render with matching roof tiles.
- 4.3 This application also includes provision for a new front porch. The porch would be timber framed and would project 1.2m out from the front elevation with a width of 2m.
- 4.4 Other alterations included within this application include the clearing of an area in front of the dwelling to create further parking. A new garage door would also be required as part of the application. There is also provision for a small section of soft landscaping to be placed at the boundary with the neighbouring property.



5. Background

- 5.1 This application has been amended twice. The applicant originally came forward with a single storey flat roof extension to the front of the dwelling. It was considered that this would not be in keeping with the traditional style of the original dwelling. The application was amended to its current form of a two-storey front extension. The other amendments to the application include the provision of soft landscaping.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP3 - Delivering Sustainable Development
Policy NR7 - CC SAC
Policy BE1 - High Quality Development
Policy NR3 - Biodiversity, Protected Species & their habitat

6.3 Supplementary Planning Document

Sustainable Design SPD

6.4 Other

Armitage and Handsacre Neighbourhood Plan (2018)

7. Supporting documents

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

- Drawing number 2706 - 301 B – received 21.09.2023
- Drawing number 2706 - 300 A – received 21.09.2023

- Drawing number 2706-304 B – received 21.09.2023
- Drawing number 2706-302 B – received 21.09.2023
- Drawing number 2706 –303 – received 21.09.2023
- Drawing number 2706 – 305 – received 21.09.2023
- Drawing number 2706-001– received 06.03.2023
- Drawing number 2706-002 – received 06.03.2023
- Drawing number 2706-101 – received 06.03.2023
- Drawing number 2706-102 – received 06.03.2023
- Drawing number 2706-103 – received 06.03.2023

8. Consultation responses

- 8.1 **Armitage With Handsacre Parish Council** - The Parish Council have no objections to this application being permitted. - (04/04/2023)
- 8.2 **Armitage With Handsacre Parish Council** - The Parish Council objects to the application for it affects the neighbouring properties. - (06/10/2023)
- 8.3 **Armitage With Handsacre Parish Council** - The Parish Council strongly object to the application on the basis that there is proposed 2 windows to the rear of the new extension. These windows will be overlooking the neighbouring property and the building is already overshadowing the neighbours land. - (17/07/2023)

9. Neighbour responses

- 9.1 2 letters of representation have been received in respect of this application. The comments made are summarised as follows:
- The size of the extension is disproportionate.
 - The application would have an impact upon privacy and the residential amenity of neighbouring dwelling 14a and look into its bedroom window.

10. Assessment

Determining Issues

- Policy & Principle of Development
- Design and Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Access and Highway Safety
- Ecology
- Other Issues
- Human Rights
- Conclusion

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 Armitage with Handsacre Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

11.2 This application is for the extension of a dwellinghouse and other householder development within the settlement of Armitage wherein there is no policy that would restrict such development as a matter of principle. However, proposals that are acceptable in principle are still required to meet all other policy tests. This report will go on to look at the proposal in the light of all other relevant policy tests.

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

12.1 Policy BE1 of the Lichfield District Local Plan Strategy states that “New development will have a positive impact on the public realm and ensure high quality, inclusive design”, going on to state ‘Development will be approved where the proposal can demonstrate that the new development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views’.

12.2 Furthermore, paragraph 130 of the NPPF states planning decisions should ensure that developments ‘are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’; ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting’ and ‘establish or maintain a strong sense of place’

12.3 Objections have been received that as the proposed extension would be two storey and attached to the front elevation it would detract from the character of the area.

12.4 The works applied for within this application would all be visible from Hood Lane. The application property sits within a varied streetscene. The wider streetscene is a mix of both traditional and more modern properties, with the former often abutting the highway and running along it or at 90 degrees to it. It is these particular properties that provide a more rural character and distinctiveness to the immediate area.

12.5 The proposed extension would reflect that found at the traditional dwelling at the prominent location at the junction of Hood Lane and Pike Lane, which also has been extended to the front to form a distinctive L style layout.

12.6 As such the proposal would not introduce a novel arrangement into the streetscene in terms of its form but would follow established form. Furthermore, the proposed extension would, by virtue of the size, proportion and arrangement of its windows reflect those on the host property which would provide a sense of unity between new and old. The extension would be slightly stepped down from the apex of the roof and be finished in matching materials. As such the proposed extension despite being two storeys would integrate well not only with the host property but also with the character of the wider area.

12.5 The timber frame design of the new porch would also be in keeping with the traditional style of the host property and would also be in keeping with the character of the streetscene and the application property. The other works and soft landscaping would help to tidy up the site and would represent an improvement over the existing arrangement.

12.6 Given the above it is concluded that the proposed extensions and other works would respect the character of the surrounding area and development in terms of layout, size, scale, architectural design, and public views in accordance with Policy BE1 of the Local Plan Strategy and paragraph 130 of the NPPF.

13. Residential amenity

13.1 Policy BE1 of the Local Plan states ‘All development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be

clearly and convincingly demonstrated that it will have a positive impact on [among other things] amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance'. In addition, paragraph 130(f) of the NPPF requires that development proposals 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

13.2 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 including:

- At least 21m between dwellings where primary principal habitable rooms face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15m. (A primary window is the main or only window which illuminates the identified);
- No windows serving principal habitable rooms shall be provided on side elevations at ground floor level unless there is an intervening screen (i.e. a wall or fence) blocking interaction;
- Any new development should pass the 45/45/25-degree standard with regards to loss of light.
- In addition, there should be at least 6m between a primary principal habitable room window and neighbouring residential amenity space (e.g. private garden or patio);

13.3 Concerns have been raised by the neighbour and the Parish Council about the impact of this development on the standard of amenity of the occupiers of No 14a, is a bungalow. No14a is a detached bungalow which principally faces towards Hood Lane and to the rear across its own private amenity space. However, there is one window in the side elevation which faces the shared boundary at a distance of approximately 1.5m. This window is stated to serve a bedroom. As such there is the potential for loss of light and, or, privacy to the room to which this window serves.

Overshadowing

13.4 However, in respect to the potential for overshadowing it is noted that all elements of the proposal would pass the 45/45/25-degree angle tests with regards to loss of light. As such there would be no significant impact in planning terms on the light levels enjoyed by the neighbours at No14a.

Overlooking

13.5 The ground floor windows to be installed in the front (north-eastern) elevation of the proposed extension would face the side elevation of the neighbouring property. These windows would serve a snug, which in effect would be a living room and hence a primary habitable space. Although, these windows face the side elevation of No14A, they do so at a distance of approximately 6m and they are off set from the existing window at No14a such that any views would be slightly oblique. In order to further mitigate impacts the applicant has submitted plans showing the erection of a length of trellis fencing (no height given) along the shared boundary augmented by soft landscaping. Provided that this fence would be 2.0m in height it would provide sufficient screening to ensure that any additional degree of overlooking from the ground floor windows would be marginal and insufficient to result in significant levels of overlooking over and above which currently exists.

13.6 The first-floor windows to be installed in the front (north-eastern) elevation of the proposed extension would face the side elevation of the neighbouring property. These windows would serve a bedroom but would in effect be secondary in nature (as there are windows in the side elevation facing Hood Lane. These again, would not directly align with the window at No14a

and any intervisibility between the windows would be at an oblique angle. Furthermore, the windows would give the potential for views of the private amenity space of the neighbouring property. Notwithstanding the above, the applicant has shown the windows in the front (north-eastern) elevation as fitted with obscure glazing. The obscure glazing would mitigate any potential overlooking and could be controlled by condition.

- 13.7 Therefore, subject to the attached conditions for the fitting of obscure glazing and fencing it is concluded that the proposal would maintain a high standard of residential amenity for all existing and future occupiers of the extensions and neighbouring properties in accordance with paragraph 130(f) of the NPPF.

14. Access and highway safety

- 14.1 The creation of further parking to the front elevation would create more than adequate off-road parking for this property. As part of the application a small section of existing wall would be removed and replaced with a new 1m high section of wall. The applicant can do this through exercising their permitted development rights. There would be no adverse effect on highways safety as a result of this alteration to the access.

15. Ecology

- 15.1 The site is not known to contain any species or habitat which is protected or of particular ecological or conservation interest. Given the size and scale of this development it is considered appropriate to include a bat and bird box condition in line with the requirements of Policy NR3 of the Local Plan in order to ensure biodiversity uplift commensurate to the scale of the development.

16. Other issues

- 16.1 Issue have been raised by the objector in respect to the number of staircases serving the property. Officers would advise that this issue falls well within the remit of building control and is not a material planning consideration.

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 It is considered that the application would be in keeping with the character of the streetscene and is of an acceptable size and design. The application would not have a significant detrimental impact on any neighbouring amenity and would meet the requirements set out in the Council's

SPD. 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 CP1, CP3, BE1, NR3 and NR7 of the Lichfield District Local Plan Strategy, The Sustainable Design SPD and the National Planning Policy Framework.

3. Notwithstanding any description/details of external materials in the application documents, the extension would be finishing in a matching render with matching roof tiles. The porch would be timber framed and the driveway would be resurfaced in a block paving.

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

4. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

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

5. The windows to be installed at first floor level in the front elevation of new extension, serving the master bedroom, shall be obscure glazed to Pilkington Level 3.

Reason: In the interest of protecting the privacy of the surrounding neighbouring amenity.

6. Before the extension is brought into use a scheme for the erection of a 2metre high trellis fence in the position shown in plan 2706-305 shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme implemented in full.

Reason: In the interests of protecting the residential amenity of the occupiers of 14a Hood Lane in accordance with paragraph 130(f) of the National Planning Policy Framework.

7. Before the extension is brought into use a scheme for soft landscaping, broadly in the position shown in plan 2706-305 shall be submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme implemented in full.

Reason: In the interests of protecting the residential amenity of the occupiers of 14a Hood Lane in accordance with paragraph 130(f) of the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Armitage and Handsacre 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.

ITEM B

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

30 October 2023

CONTENTS

Case No.	Site Address	Parish/Town Council
23/01010/COU & 23/01056/LBC	Land Adjacent Lichfield District Council Offices Frog Lane Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

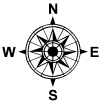
23/01010/COU & 23/01056/LBC
Land Adj Lichfield District Council
Frog Lane
Lichfield

Scale: 1:1,000

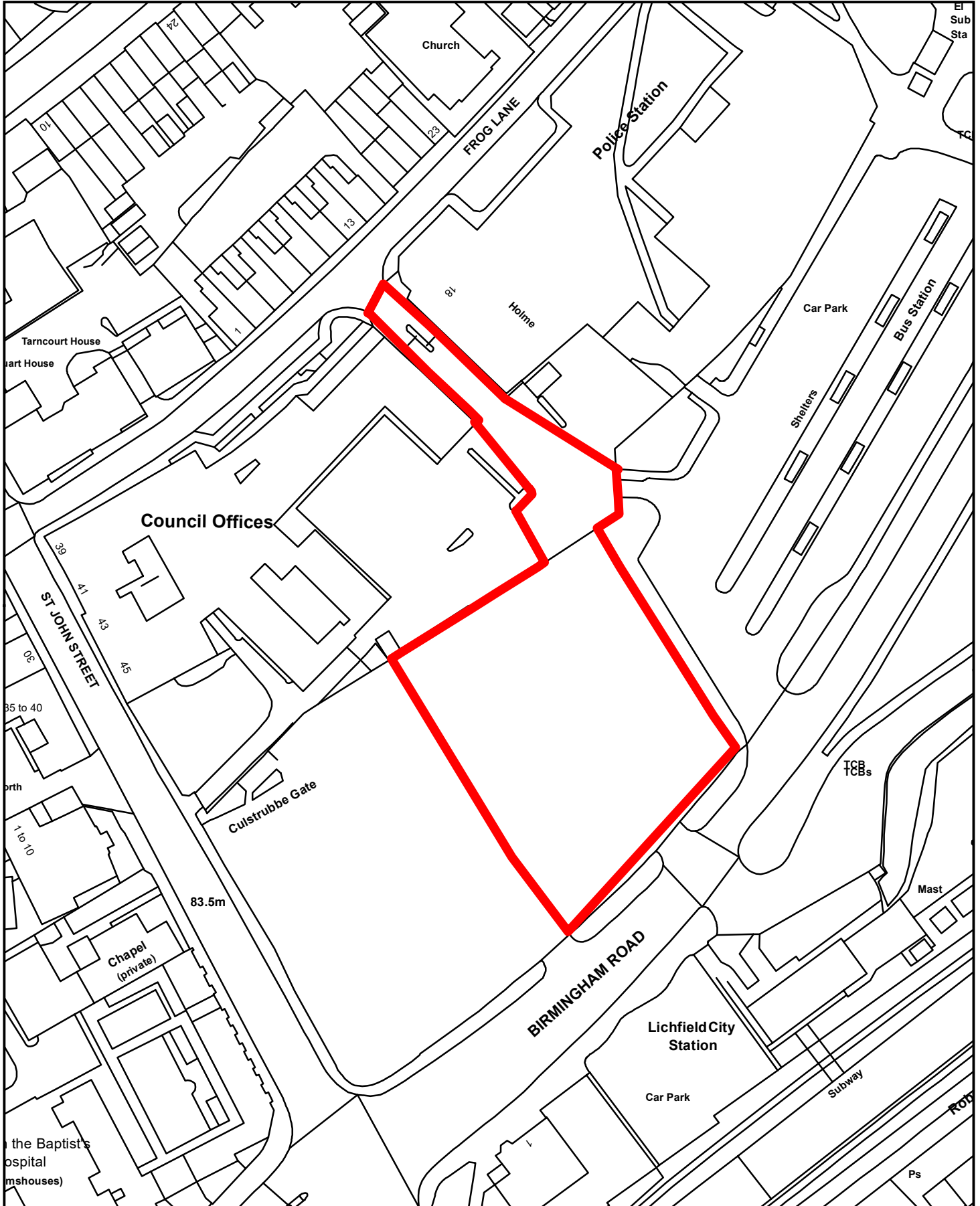
Dated: October 2023

Drawn By:

Drawing No:



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Lichfield District Council
Licence No: 100017765



Address:	Land Adjacent Lichfield District Council, Frog Lane, Lichfield, Staffordshire		
Application number:	23/01010/COU	Case officer:	Jedd Goodwin-Roberts
Ward:	Stowe	Date received:	12/09/2023
Parish:	Lichfield City		
Proposal: Creation of a temporary overflow car park to provide 60 spaces, installation of 2m high wooden fence and alterations to boundary wall			
Reason for being on agenda:	<p>This application is brought forward to planning committee as the local authority claims an interest in the site.</p> <p>This application is to be considered alongside 23/01056/LBC which is elsewhere on this agenda.</p>		
Recommendation: Approve, subject to Conditions.			
Applicant: Mrs Helen Mckenzie	Agent: N/A		

1. Executive summary

- 1.1 The proposed development seeks to utilize the unused land adjacent to Lichfield District Council offices to create a temporary overflow car park to provide 60 spaces. The proposed car park is required by the Council to provide additional car parking for staff, visitors and tenants whilst working from the adjacent Lichfield District Council Offices. The car park would be utilised as an additional town centre car park during the weekend when the offices are closed. The proposal is a temporary use for a period of up to 3 years.
- 1.2 The proposed car park would be accessed off the existing car park via the access to the side of the Council Offices on Frog Lane. A new area of tarmac surfacing linking the existing and proposed car park together forms part of the scheme.
- 1.3 The proposal results in minor alterations to the site to allow for the proposed formation of the surface car park. An access would be formed within the existing wall within the rear of the council car park. The access within the wall would measure 7.8m in width to enable 2 cars to safely pass and allowing for a pedestrian walkway. Piers would be provided on either side of the wall finished in brick to match the existing walling. The proposed development would be limited to the modern element of the wall, the historic section of wall would not be affected by the proposals. The car park would be enclosed by a 2m high close board secure timber fence.
- 1.4 The impacts on the listed building and the Lichfield City Conservation Area are considered to be acceptable.

Summary

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

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

2. The site

- 2.1 The application site comprises of land to the rear (south) of Lichfield District Council offices bordered by St John Street to the west and Birmingham Road to the south. The application site falls within the Stowe Ward of Lichfield and within the Lichfield City Parish. The site also falls within Lichfield City Conservation Area.
- 2.2 The application site is currently brownfield land, being previously occupied by a car dealership which was demolished in 2018. The site has remained vacant since. The wider site is currently enclosed by a mix of boundary treatments, including temporary hoardings, concrete panel fencing and a modern and historic brick wall that separates the site from the existing Lichfield District Council Car Park.
- 2.3 It should be noted that the area of land subject to this planning application does not include the full site to the south of Lichfield District Council Offices. Figure 1 below shows the extent of the boundary subject to this planning permission. The site is within the Zone of Influence for the Cannock Chase Special Area of Conservation.

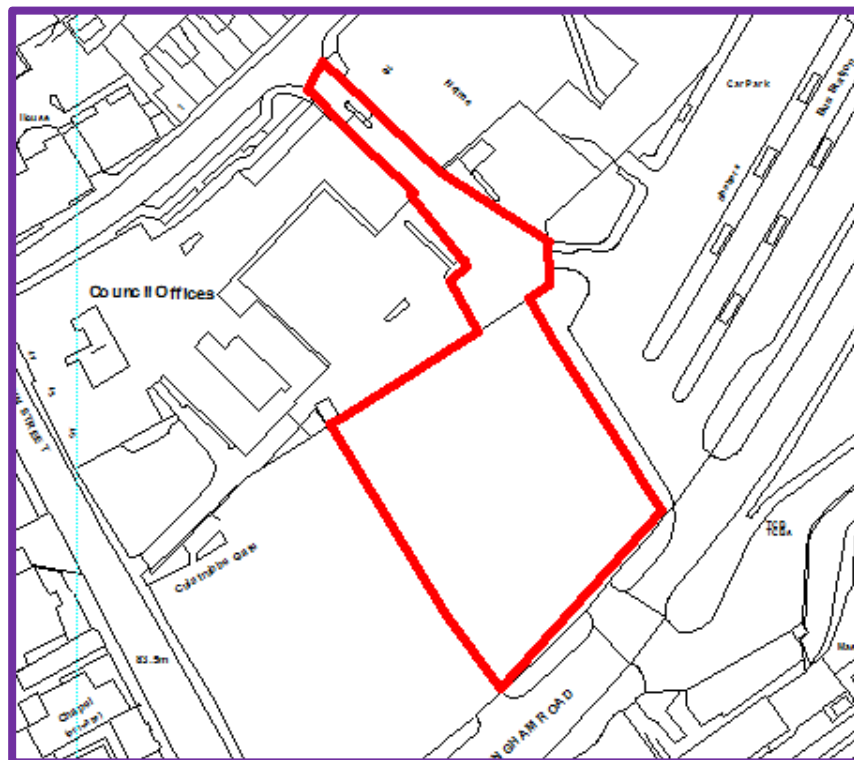


Figure 1 – Site Location Plan outlining the land to be developed as part of this planning application.

3. Planning History

- 3.1 The site has extensive planning history relating to the sites former use as a car dealership. Of relevance to this application are the following:

27.05.2016- **15/01365/FULM** - Proposed demolition of existing multi-storey car park, car showroom, garage, semi-detached houses, police station, retail kiosks and partial demolition of a wall and erection of new mixed use retail-led development, known as Friarsgate, comprising 14,376 sq.m (gia) flexible units to be occupied for A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) purposes, 2,070 sq.m (gia) cinema (use class D2), 1,648 sq.m (gia) gym (use class D2), 81 apartments and 11 townhouses (use class C3) and relocated bus station and replacement multi-storey car park, together with associated landscaping, public realm, servicing, access and highways improvement works. Approved with conditions. This consent was not implemented.

- 3.2 An associated application for Listed Building Consent (ref 23/01056/LBC) has been submitted, and the relevant Committee Report is elsewhere on the agenda.

4. Proposals

- 4.1 Planning permission is sought for the part change of use of the land to the south of Lichfield District Council Offices for the formation of a temporary overflow car park. The proposed car park would adjoin the existing car park and access would be provided through an opening of the existing modern wall to the rear of the existing car park. The proposed car park would provide parking for 60 cars and would be formed from stone chippings that would be laid onto the existing hard-core surface. The proposed access would be via a 7.8m wide point which would allow for vehicular access for two cars passing each other and a pedestrian link. The car park would be enclosed by a 2m high close board timber fence. The proposed opening would not be in the historic wall enclosing the council site but through the modern element of the existing wall as shown in figure 2.

Figure 2 – Elevation of the site showing the historic wall underlined by the purple line.



- 4.2 The proposed car park would be for the use of staff and visitors operating from District Council House. The proposed use is temporary in nature for a period of 2-3 years whilst wider regeneration works are taking place in Lichfield City Centre.

5. Background

- 5.1 There is no relevant background information associated with this application.

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 5: Sustainable Transport
Core Policy 7: Employment and Economic Development
Core Policy 8: Our Centres
Core Policy 9: Tourism
Core Policy 14: Our Built and Historic environment
Policy ST1 – Sustainable Travel
Policy ST2- Parking provision
Policy NR4 – Trees, Woodlands and Hedgerows
Policy NR5 – Natural and Historic Landscapes
Policy NR7- Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy

6.3 **Local Plan Allocations Document**
Policy BE2: Heritage Assets
Policy E2 – Service Access to our centres
Policy BE2 – Heritage Assets
Policy Lichfield 3 – Lichfield Economy
Policy LC2 – Lichfield City Mixed use Allocations
L26 – Land at Birmingham Road

6.4 **Supplementary Planning Document**
Sustainable Design SPD
Historic Environment SPD

6.5 **Lichfield City Neighbourhood Plan**
No relevant Policies

6.6 **Other Documents**
Lichfield City Conservation Area Appraisal October 2008

7. Supporting Documents

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

- 4013 - 08a - proposed site plan – dated as received 08/09/2023
- 4013 - 09a - proposed car park plan- dated as received 08/09/2023
- 4013 - 10 - proposed car park elevations – dated as received 08/09/2023
- 4013 – 00B - location plan Received 18/10/2023
- 4013 - 01a - existing site plan – dated as received 08/09/2023
- Heritage Statement prepared by Prospect archaeology dated July 2022 dated as received 08/09/2023
- Planning Heritage and Design and Access Statement prepared by Rob Duncan Planning Consultancy dated February 2019 dated as received 08/09/2023
- Planning Statement prepared by JMI Planning dated August 2023 dated as received 08/09/2023

8. Consultation Responses

8.1 **Lichfield City Council**- No objections raised. (28.09.2023).

8.2 **Severn Trent Water**- No objections subject to a condition requiring drainage plans for the disposal of foul and surface water flows to be submitted and approved. (26.09.2023)

8.3 **Staffordshire Highways** - No objections subject to a condition to secure the car parking, access and circulation areas as shown on the submitted plans. (03.10.2023)

8.4 **LDC Conservation Officer**- The site lies within the Lichfield Conservation Area and adjacent to the grade II listed council offices, and the proposals seek the re-use of land for temporary car-parking, involving the creation of a new vehicular access through the boundary wall, albeit this section of the wall is modern. The proposals will not impinge on the special architectural or historic character or appearance of the Conservation Area, nor on the setting, insofar as it contributes to significance, of the listed building, thus meeting the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 16 of the NPPF 2023. Recommendation all new facing materials to be conditioned. (20.09.2023)

8.5 **LDC Environmental Health**- No objections raised. (11.10.2023)

9. Neighbour responses

9.1 No responses from neighbouring occupiers or local residents were received.

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 heritage assets and character and appearance of the surrounding area
- Residential amenity
- Access and highway safety
- Impact on trees
- Ecology
- Flood Risk and Drainage
- Cannock Chase Special Area of Conservation
- Human rights

11. Policy & Principle of Development

11.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document.

11.2 The emerging Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30, 2021, with submission to the Secretary of State expected in autumn 2021. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

11.3 Sustainability is placed at the heart of plan and decision making within the NPPF 2023 identifying that there are three key elements, economic, social, and environmental. Specified within the environmental objective to protect and enhance our natural, built, and historic environment are included:

‘Building a strong, competitive economy’

‘Ensuring the vitality of town centres’

‘promoting sustainable transport

‘Making effective use of the land’

‘Achieving well design places’

‘Conserving and enhancing the historic environment

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

- 11.5 L26 states that the site comprises of a large area within the City Centre which includes a bus station, 1960s office building and a multi storey car park. Adjacent to the site are a number of listed buildings including the District Council offices and Wade Street Church.
- 11.6 The proposed development proposes a temporary surface car parking use on a former car dealership which was demolished in 2018 and has laid in an undeveloped state ever since. The scheme would provide additional car parking at the District Offices during the working week and to provide town centre parking for out of hours and on the weekend. The principle of the proposed development in this regard is considered acceptable.
- 11.7 Section 7 of the NPPF 2023 is earmarked for ensuring the vitality of town centres. Para 84 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Amongst other things planning policies and decisions should seek to retain and enhance existing markets, and where appropriate create new ones.
- 11.8 Policy 3 of the Lichfield District Local Plan Strategy 2015 states that Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified within the City Centre.
- 11.9 The proposed development would align with the NPPF to ensure the vitality of town centres and Policy 3 of the Lichfield Local Plan Strategy. The proposed site is earmarked for a wider regeneration and redevelopment which would include residential and mixed-use retail/leisure and commercial uses. The proposed interim use of the site would provide an additional 60 car parking spaces for the town centre to be used on evenings and weekends. It is considered that this would help with the vitality of the town centre and would provide additional parking to the town serving the retail and leisure services Lichfield City has to offer.
- 11.10 Section 7 of the NPPF 2023 is earmarked for ensuring the vitality of town centres. Para 84 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Amongst other things planning policies and decisions should seek to retain and enhance existing markets, and where appropriate create new ones.
- 11.11 Policy 3 of the Lichfield District Local Plan Strategy 2015 states that Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified within the City Centre.

Assessment

- 11.12 The proposed development would align with the NPPF to ensure the vitality of town centres and Policy 3 of the Lichfield Local Plan Strategy. The proposed site is earmarked for a wider regeneration and redevelopment which would include residential and mixed-use retail/leisure and commercial uses. The proposed interim use of the site would provide an additional 60 car parking spaces for the town centre to be used on evenings and weekends. It is considered that this would help with the vitality of the town centre and would provide additional parking to the town serving the retail and leisure services Lichfield City has to offer.

12. Design and impact upon the heritage assets and character and appearance of the surrounding area

- 12.1 The National Planning Policy Framework places great importance on well-designed places noting in section 12 that decisions should ensure that development is of a high quality that functions

well over its lifetime. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development that reflects both government guidance and local design policies and supplementary planning documents should be accorded significant weight in consideration.

- 12.2 Section 15 of the NPPF sets out, in relation to conserving and enhancing the natural environment, that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality within the development plan. It also requires that decisions should recognize the intrinsic character and beauty of the countryside including economic benefits and the benefits of best and most versatile agricultural land.
- 12.3 Section 72 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. It further states that significant weight should be given to any harm found to arise to the character or appearance of the Conservation Area as a result of development.
- 12.4 Section 66 of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority have special regard for the preservation of the building or its setting. Significant weight should be given to any harm found to arise to a listed building or its setting as a result of development.
- 12.5 The National Planning Policy Framework sets out in section that LPAs should require the applicant to describe the significance of heritage assets affected including the contribution of their setting. In determining applications, it advises that account should be taken of the positive contribution that heritage assets can make to sustainable communities including economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.6 The Framework further advises at paragraph 199 that great weight should be given to the conservation of the heritage asset irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In paragraph 202 that where a development will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 12.7 Paragraph 205 of the NPPF sets out that LPA's should require developers to record and advance understanding of the significance of any heritage assets and to make this information publicly accessible.
- 12.8 Core Policy 14 of the Lichfield Local Plan Strategy seeks to preserve the historic environment in the district and recognises the economic role of the historic environment in contributing to sustainable communities. It requires that development proposals that conserve and enhance a heritage asset will be supported where clear and convincing justification has been provided through an assessment of the significance of the asset.
- 12.9 Policy BE2 of the Local Plan Allocations sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.
- 12.10 The National Planning Policy Framework places importance on well-designed places noting in section 12 that decisions should ensure that development is of a high quality that functions well over the lifetime of it advises that development are visually attractive as a result of good

architecture, layout and appropriate and effective landscaping. Development that reflects both government guidance and local design policies and supplementary planning documents should be accorded significant weight in consideration.

- 12.11 Policy BE1: High Quality Development states that development proposals should ensure that a high quality sustainable built environment can be achieved. Development will only be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon both the significance of the historic environment, such as archaeological sites, and the built vernacular. New development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design, and public views.
- 12.12 Policy NR5 of the Local Plan Strategy states that development will be permitted where it does not impact upon the archaeological and historically important landscapes in the district. It states the character and significance of the natural and historic landscape will be safeguarded through decisions which protect, conserve, and enhance sites of international, national, regional and local importance.
- 12.13 The Lichfield Conservation Area Appraisal identifies the application site falling within Character 13: Birmingham Road Conservation Area. It states that there are currently proposals for a major mixed use development scheme within this character area that will bring in a new injection of retail and leisure uses along with residential and commercial uses and new public spaces. Within the appraisal it outlines that within this area there are three statutory listed buildings and a number of buildings whilst no listed or locally listed contribute positively to the surrounding area.

Assessment

- 12.14 The proposed development is compliant with National and Local Planning Policies with regards to protection of the historic environment. The proposed development would occupy a brownfield site which is currently un-used following the demolition of a previous car dealership. The proposed use is a temporary use of the site whilst this area of Lichfield City undergoes regeneration. The proposed car park use of the site and the proposed 2m high close board wooden fencing proposed around its perimeter is considered to result in a neutral impact on the character and would not adversely harm the sites setting within the conservation area and would result in a generally tidier appearance than the current situation. The proposed development would not detract from or intercept any key views towards the church in the city and other important vantage points. The scheme would have an overall low height of 2 metres. It should be noted that the proposed development would be largely screened by the existing hoardings surrounding the site, please refer to figure 3.

Figure 3 – the wider application site enclosed by hoarding.



- 12.15 With regards to the design and scale of the development particularly within the context of the site's location within the Lichfield City Conservation Area and its proximity to heritage assets,

the proposed development has been reviewed by the Councils conservation team and they have raised no objections to the proposal in this regard.

- 12.16 As such, given the limited nature of the development, and given that the proposed development would have limited views from the public realm by reason of the site's wider enclosure by hoarding, the proposal would have a less than substantial impact on the setting of the wider conservation area. The proposed development is not considered to conflict with national and local planning policies with regards to the landscape, character and appearance of the conservation area and is considered acceptable and results in no undue harm.

13. Residential Amenity

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

Assessment

- 13.3 The proposed development is not considered to result in undue harm on the outlook and daylight/sunlight received by neighbouring properties. The proposed development would result in the formation of a 2m high boundary fence surrounding an area within a wider redevelopment plot which is enclosed by 2m high boundary fencing. The nearest neighbouring properties along Birmingham Road, Robert Davies Walk and Frog Lane are set over 70 metres away from the application. Given the separation distance and the low scale nature of the development, the proposed development is not considered to result in undue harm by reason of loss of light/daylight or outlook from neighbouring properties.
- 13.4 Currently within the immediate area, there is a multi-storey car park accessed via frog lane which is 4 stories in height. A recent planning approval by the Council has resulted in the soon demolition of this block. This existing car park is not considered to result in undue harm on neighbouring amenity by reason of noise. The proposed new temporary car park would be significantly smaller than the multi storey car park. Given the sites town centre location, the proposed use as a car park with other existing car parks in the locality is not considered to result in a harmful form of development for the neighbouring properties.
- 13.5 As such, the proposed development is in compliance with Policy BE1 and Core Policy 3 of the Lichfield Local Plan 2015 in respect of residential amenities of neighbouring occupiers.

14. Access and highway safety

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

and nature of additional traffic movements, transport infrastructure and access and egress to the public highway and highway safety.

Assessment

- 14.3 Once operational, the proposed development is considered to have an acceptable impact on access and highway safety. The proposed development would utilise an existing highways access via Frog Lane and would not result in additional access points into the site. The existing site access is used for a car park purpose and the proposed extension to the car park would utilise this existing access. During the course of the application Staffordshire County Council had reviewed the application and raised no objections to the proposal. In access and highway safety terms, the scheme is compliant with relevant planning policies.

15. Impact on Trees

- 15.1 The importance of trees within the development and the contribution made by trees to the quality of the environment is recognised in paragraph 131 of the National Planning Policy Framework which requires that policies and decisions seek to incorporate trees into development and take measures to ensure the longevity of newly planted trees.
- 15.2 Policy NR4 of the Local Plan Strategy recognises the district's trees, woodland, and hedgerows as important visual and ecological assets in our countryside. It notes that to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows are of significance. Accordingly, it states that trees and woodland will be protected from damage and retained. It requires that potential conflict between trees and development should be designed out at the planning stage.

Assessment

- 15.3 The application site falls within the Lichfield City Conservation Area and as such all trees are protected. However, the application site currently is a brownfield site that is vacant awaiting redevelopment. There are no trees on the site currently and there are no plans to add trees into the site. Given the proposal is for a temporary use forming part of a wider regeneration of the site there are no additional comments to be made. The proposals are compliant with Policy NR4 and the Framework policies in this regard.

16. Ecology

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

Assessment

- 16.3 The application site as present is a brownfield site which offers no ecological value. The proposed development is for a temporary use of the site for a period of up to three years whilst regeneration plans are finalised for the site. For the purposes of the herein use, there are no plans to increase the existing sites ecological contribution. In this instance and given the limited amount of time the site would be used for the proposed use; it is considered that there are no further requirements for the applicant to increase the sites ecological status. As such, the proposal is considered policy compliant on this basis.

17. Flood Risk and Drainage

- 17.1 The National Planning Policy Framework sets out that the planning system should take account of flood risk and new development should manage flood risk from all sources. All development should be directed away from areas of risk at flooding and no development should increase the risk of flooding Paragraph 167 requires that new development does not increase flood risk in other locations. Paragraph 178 requires that planning decisions ensure that development sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability. Annex 3 to the NPPF 'Flood risk vulnerability classification' includes solar farms to be an essential infrastructure and with the NPPF solar farms are noted to be an appropriate form of development in areas prone to flood risk.
- 17.2 Local Plan Strategy Core Policy 3 requires new development to be directed away from known areas of flood risk. Development is required to give priority to utilising ground infiltration drainage techniques and include sustainable drainage techniques and other sustainable techniques for managing surface water run-off. Water quality policy

Assessment

- 17.3 The application site is located within flood zone 1 and is therefore at a low risk of flooding. The proposed site would be laid out with hard core. This provides a permeable surface which would allow surface water to penetrate, thus avoiding surface water flooding issues. In accordance with a request by Severn Trent Water a condition for details of drainage forms part of the recommendation.

18. Cannock Chase Special Area of Conservation

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

Assessment

- 18.3 This site is within the zone of influence. Taking into consideration the nature of the proposals a Habitat Regulation Assessment has been undertaken, and it is not considered that the scheme would result in a negative impact or significant effects on the Cannock Chase SAC, and as such mitigation or an appropriate assessment is not required in this case.

19. Human Rights

- 19.1 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.

20. Conclusion

- 20.1 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.
- 20.2 The impact of the development upon the heritage assets within the setting of which the development lies is considered to have a neutral impact. In terms of biodiversity and protected and priority species the development is unlikely to result in harm to the species and given the sites current condition and the proposed use of the site, there are no enhancements that could be reasonably achieved to help add a net gain to biodiversity.
- 20.3 The scheme would provide a temporary surface car park within a currently disused brownfield site. The parking would support the on going regeneration plans for the area. Consequently, it is recommended that this application be approved, subject to conditions, as set out below.

21. 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: 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, 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 Historic Environment SPD, the Lichfield City Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

3. No development shall take place until a scheme for the disposal of surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first use.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of

pollution in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

4. The herein approved meanwhile use shall be removed from the site in its entirety on the expiration of a period of three years from the date of this permission and the land and wall restored to the satisfaction of the Local Planning Authority in accordance with a scheme to be submitted to and agreed in writing within three years of the date of this consent.

Reason: To ensure that this is a temporary planning permission and to ensure the satisfactory restoration of the site, in accordance with the requirements of Policies CP1, CP3, CP5, CP14, BE1, ST1 and ST2 of the Lichfield Local Plan Strategy, BE2 of the Local Plan Allocations, the Sustainable Design 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.

5. The car parking, access and circulation areas as shown on the approved plans Drawing No. '4013-08 Rev. A' shall be provided and marked out prior to the first use of the site hereby permitted. Thereafter these parking/circulation areas shall be retained in accordance with the approved plans for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies CP5, ST1 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.

Address:	Land Adjacent Lichfield District Council, Frog Lane, Lichfield, Staffordshire		
Application number:	23/01056/LBC	Case officer:	Jedd Goodwin-Roberts
Ward:	Stowe	Date received:	12/09/2023
Parish:	Lichfield City		
Proposal: Listed Building Consent for the creation of a temporary overflow car park to provide 60 spaces, installation of 2m high wooden fence and alterations to boundary wall			
Reason for being on agenda:	<p>This application is brought forward to planning committee as the local authority claims an interest in the site.</p> <p>This application is to be considered alongside application 23/01010/COU which is elsewhere on this agenda.</p>		
Recommendation: Approve, subject to Conditions.			
Applicant: Mrs Helen Mckenzie	Agent: N/A		

1. Executive summary

- 1.1 This application for Listed Building Consent relates to the heritage asset impact implications associated with the proposals to utilize the unused land adjacent to Lichfield District Council offices to create a temporary overflow car park to provide 60 spaces. This development requires planning permission, and there is a separate report addressing the relevant material planning considerations (ref 23/01010/COU).
- 1.2 The scheme, which involves demolition and alterations to a modern existing brick wall which is Grade II listed through its link to a historic section of wall to the rear of District Council House has been reviewed by the Councils Conservation Officer and is considered to be acceptable. The proposed development is not considered to unduly harm the sites special architectural and historic character in so far as it contributes to the significance of the listed building. The proposal is considered to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework 2023.

Summary

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

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

2. The site

- 2.1 The application site comprises of land to the rear (south) of Lichfield District Council offices bordered by St John Street to the west and Birmingham Road to the south. The application site falls within the Stowe Ward of Lichfield and within the Lichfield City Parish.
- 2.2 The application site is currently brownfield land, being previously occupied by a car dealership which was demolished in 2018. The site has remained vacant since. The wider site is currently enclosed by a mix of boundary treatments, including temporary hoardings, concrete panel

fencing and a modern and historic brick wall that separates the site from the existing Lichfield District Council Car Park.

- 2.3 The application site, which includes a modern wall extended along from a historic wall, falls under a Grade II listing. The listing is titled the 'District Council Offices (part) and attached Walls and Gates'. The listing is set out as follows under Historic England List Entry Number - 1218214

'Schoolmaster's and boarders' house for Lichfield Grammar School, with former school room to rear. 1682 with C18 rear wing, school room and front wall of c1849, by Thomas Johnson and Son of Lichfield, with C18 wall to right return. Brick; hipped tile roof with 2 brick stacks. Double-depth plan. Early Georgian style. 2 storeys with attic; symmetrical 5-window range. Plaster plinth, 2 brick platt bands and top modillioned timber cornice. Entrance has big moulded doorcase with pulvinated frieze and cornice, battened door. Windows have rubbed brick flat arches over plate glass sashes to ground floor, small-paned cross casements in moulded frames to 1st floor; 2 hipped dormers have 2-light casements with iron opening casements. Right return similar: 2 platt bands and modillioned cornice; entrance with rubbed brick flat arch and overlight to half-glazed door and flanking blocked windows, window to right end of 4 lights with 4-centred heads; stucco wing to right has two 4-light windows as to left, one altered for entrance; cross-casements to 1st floor. School room of brick with ashlar dressings; tile roof with coped gables. Single-storey, 3-window, range with cross wing right end. Sill course and top cornice, shaped gable with finial to wing. Entrance in wing has 4-centred head with foliate spandrels, battened door; 3-light double-chamfered-mullioned windows with elliptical heads and label moulds, 2 have 2 upper lights with shaped gablets; wing has 1st floor oriel with 1:3:1-light transomed window. 3 rainwater heads. Return and rear similar with later alterations and additions. INTERIOR: house has central open-well spiral staircase with turned balusters; 1st floor has exposed timber-framed partition walls and ovolo-moulded beams, 2-panel doors; attic has exposed trusses with curved principals; school room has hammer beam roof and 2 fireplaces with 4-centred heads, one fireplace has timber surround with paired Tuscan columns; later council chamber furniture including canopied seat; wrought-iron scrolled chandeliers. Front wall, which extends approx. 31m to right and returns for approx. 47m to rear, has stone coping and cross-slits with gablets, gateway with elliptical head and coping has enriched wrought-iron gate; right end paired wrought-iron gates and piers are later; return wall of brick in 2 phases, following the medieval town ditch and the parish boundary. The Grammar School was founded as part of the Hospital of St John (qv) in 1495, moving to this site in 1577. Many famous men were pupils here, including Samuel Johnson, David Garrick and Joseph Addison. The school room was built on the site of one of 1577, and the buildings became the offices and council chamber of Lichfield Rural District Council in 1920.'

- 2.4 There is a second Historic England reference under List Entry Number 1298402 which relates to another part of District Council House, unaffected by these proposals. The site is located within Lichfield City Conservation Area.
- 2.5 It should be noted that the area of land subject to this planning application does not include the full site to the south of Lichfield District Council Offices. Figure 1 below shows a location plan and the extent of the boundary subject to this planning application.

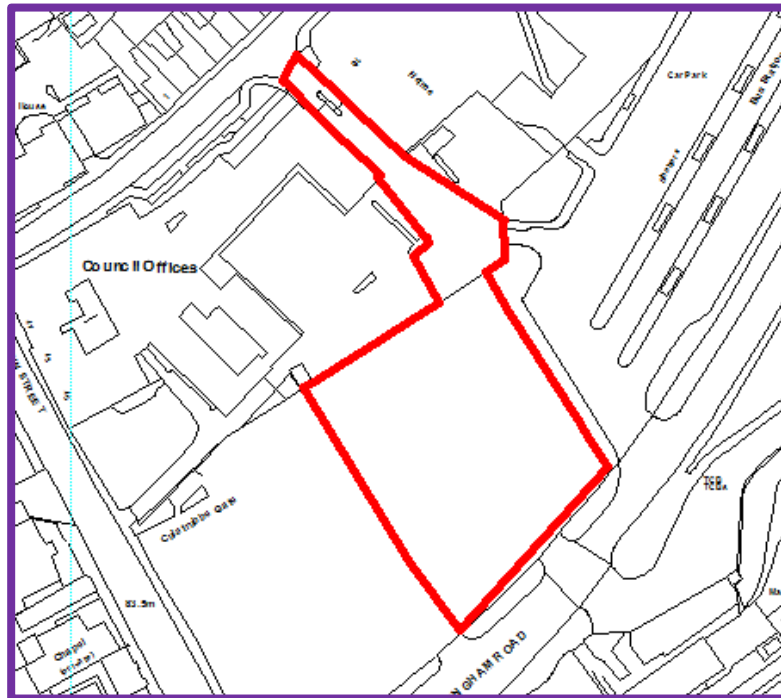


Figure 1 – Site Location Plan outlining the land to be developed as part of this planning application.

3. Planning History

3.1 The site has extensive planning history relating to the sites former use as a car dealership. Of relevance to this application are the following:

27.05.2016- **15/01365/FULM** - Proposed demolition of existing multi-storey car park, car showroom, garage, semi-detached houses, police station, retail kiosks and partial demolition of a wall and erection of new mixed use retail-led development, known as Friarsgate, comprising 14,376 sq.m (gia) flexible units to be occupied for A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) purposes, 2,070 sq.m (gia) cinema (use class D2), 1,648 sq.m (gia) gym (use class D2), 81 apartments and 11 townhouses (use class C3) and relocated bus station and replacement multi-storey car park, together with associated landscaping, public realm, servicing, access and highways improvement works. Approved with conditions. This consent was not implemented.

3.2 An associated application for change of use **23/0110/COU**- Works to listed building to enable the creation of a temporary overflow car park to provide 60 spaces, installation of 2m high wooden fence and alterations to boundary wall. The relevant Committee report is elsewhere on the agenda.

4. Proposals

4.1 Listed building consent is sought in connection with the part change of use of the land to the south of Lichfield District Council Offices for the formation of a temporary overflow car park. The proposed car park would adjoin the existing car park and access would be provided through an opening of the existing modern wall to the rear of the car park. The proposed car park would provide parking for 60 cars and would be formed from stone chippings that would be laid onto the existing hard-core surface. Listed Building Consent is required for the alterations and demolition necessary to the boundary wall to create the access to the new car park area. The proposed access would be via a 7.8m wide demolished section of the wall which would allow for vehicular access for two cars passing each other and a pedestrian link. The proposed opening would be located within a modern element of the existing wall.

4.2 The proposed car park would be for the use of staff and visitors operating from District Council House. The proposed use is temporary in nature for a period of 2-3 years whilst wider regeneration works are taking place in Lichfield City Centre.

5. Background

5.1 There is no relevant background information.

6. Policy Framework

6.1 National Planning Policy/ Legislation

Planning (Listed Building and Conservation Areas) Act 1990
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 14: Our Built and Historic environment
Policy NR5- Natural and Historic Landscapes
Policy BE1 – High Quality Development

6.3 Local Plan Allocations Document

Policy BE2: Heritage Assets

6.4 Supplementary Planning Document

Historic Environment SPD

6.5 Lichfield City Neighbourhood Plan

No relevant Policies

6.6 Other Documents

Lichfield City Conservation Area Appraisal October 2008

7. Supporting Documents

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

- Planning Statement prepared by JMI Planning August 2023 received 08 September 2023
- Planning and Heritage Statement prepared by Rob Duncan Planning Consultancy February 2019 Received 08 September 2023
- 4013 - 11 - proposed car park timber fence elevations Received 08 September 2023
- 4013 - 10 - proposed car park elevations Received 08 September 2023
- 4013 - 09a - proposed car park plan Received 08 September 2023
- 4013 - 08a - proposed site plan Received 08 September 2023
- 4013 - 01a - existing site plan Received 08 September 2023
- 4013 – 00b - location plan Received 18 October 2023

8. Consultation Responses

8.1 **Lichfield City Council** - No Objections raised. (28.09.2023)

8.2 **Historic England**- Consultation response expected prior to the Planning Committee Meeting, and will be reported in the Supplementary Paper.

- 8.3 **LDC Conservation Officer-** No objections. The site lies within the Lichfield Conservation Area and adjacent to the grade II listed council offices, and the proposals seek the re-use of land for temporary car-parking, involving the creation of a new vehicular access through the boundary wall, albeit this section of the wall is modern.

The proposals will not impinge on the special architectural or historic character or appearance of the Conservation Area, nor on the setting, insofar as it contributes to significance, of the listed building, thus meeting the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 16 of the NPPF 2023. (20.09.2023)

9. Neighbour Responses

- 9.1 During the course of the application site notices were displayed around the application site. No comments were made by the public in respect to this application.

10. Assessment

- 10.1 The main consideration in the determination of this application for listed building consent is the heritage asset impact implications.
- 10.2 The National Planning Policy Framework states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 10.3 Whilst considering proposals which affect the character of Listed Buildings regard is to be made of S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to “have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses”. As an application for listed building consent the proposal engages policies CP3 and CP14 of the Local Plan Strategy and BE2 of the Local Plan Allocations and the heritage policies of the NPPF.
- 10.4 Sustainability is placed at the heart of plan and decision making within the NPPF 2023 identifying that there are three key elements, economic, social, and environmental. Specified within the environmental objective to protect and enhance our natural, built, and historic environment are included:
- 10.5 The site is allocated as site L26: Land at Birmingham Road within the Lichfield District Local Plan Allocations and is allocated through Policy LC2. Policy LC2 identifies the site for mixed use development within the plan period.
- 10.6 L26 states that the site comprises of a large area within the City Centre which includes a bus station, 1960s office building and a multi storey car park. Adjacent to the site are a number of listed buildings including the District Council offices and Wade Street Church.

Key development considerations for the site include:

- Impact of the proposals on the designated heritage asset being the listed building.

- 10.7 In accordance with Local Plan Policy BE2 and Paragraph 194 of the NPPF 2023, the applicant has submitted a heritage statement which has been reviewed by the Local Authorities Conservation Officer. The Conservation Officer raised no objections to the design of the proposal or the proposed demolition and alterations proposed to the boundary wall. It is noted that the scheme would not result in the loss of any historic fabric and therefore it can be concluded that the proposal would have a neutral impact on the significance of this designated heritage asset.

- 10.8 The proposal is therefore compliant with the policy requirements of adopted local plan policies and the National Planning Policy Framework 2023. The proposed development would not result in any harm to the Listed Building or its setting as a result of the development and the principle of this development is therefore considered acceptable.

11. Conclusion

- 11.1 It is concluded that the overall design of the development fulfils Policies CP14, BE1 and NR5 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, and design and heritage policies contained within the National Planning Policy Framework 2023. S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990 is engaged by this proposal and has been addressed above. Therefore, with all the above taken into consideration, the application is recommended for the approval of the Listed Building consent, subject to conditions.

- 11.2 It should be noted that this application only reviews material pertinent to Listed Building Legislation. All other material planning considerations have been assessed under application 23/01010/COU.

12. 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 accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

2. The works 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: To safeguard the historic character of the Grade II Listed Building in accordance with the requirements of Core Policy 14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

3. Any disturbed works resulting from the approved alterations is to be made good to match the existing building in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the historic character of the Grade II Listed Building in accordance with the requirements of Core Policy 14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

SUMMARY OF REASONS FOR GRANTING Listed Building Consent including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant Listed Building Consent has been taken because the Council is satisfied that the works would not adversely affect the special character of the Grade II Listed Building.

The decision to grant Listed Building Consent has also been taken having regard to all relevant material planning considerations, government guidance contained in the National Planning

Policy Framework and, to the following relevant policies and proposals of the Development Plan: Core Policy 14 (Our Built & Historic Environment), Policy NR5 (Natural and Historic Landscapes) Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015) and Policy BE2 of the Local Plan Allocations (2019), Historic Environment Supplementary Planning Document) and the Lichfield City Neighbourhood Plan (2018). The proposals are considered to be a sustainable form of work which complies with the provisions of paragraph 38 of the NPPF.

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. The Council considers the works to be of a sustainable form which complies with the provisions of paragraph 195 of the National Planning Policy Framework.