

# Planning Committee

15 January 2024

## 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**

**15 January 2024**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
23/00751/FUL	Yew Tree House Lichfield Road Hanch Lichfield	Kings Bromley

### **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
23/01208/FULM	Stychbrook Park Curborough Road Lichfield	Lichfield

Lichfield  
district council

www.lichfielddc.gov.uk

District Council House  
Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

# LOCATION PLAN

23/00751/FUL  
Yew Tree House  
Lichfield Road Hanch  
Lichfield WS13 8HQ

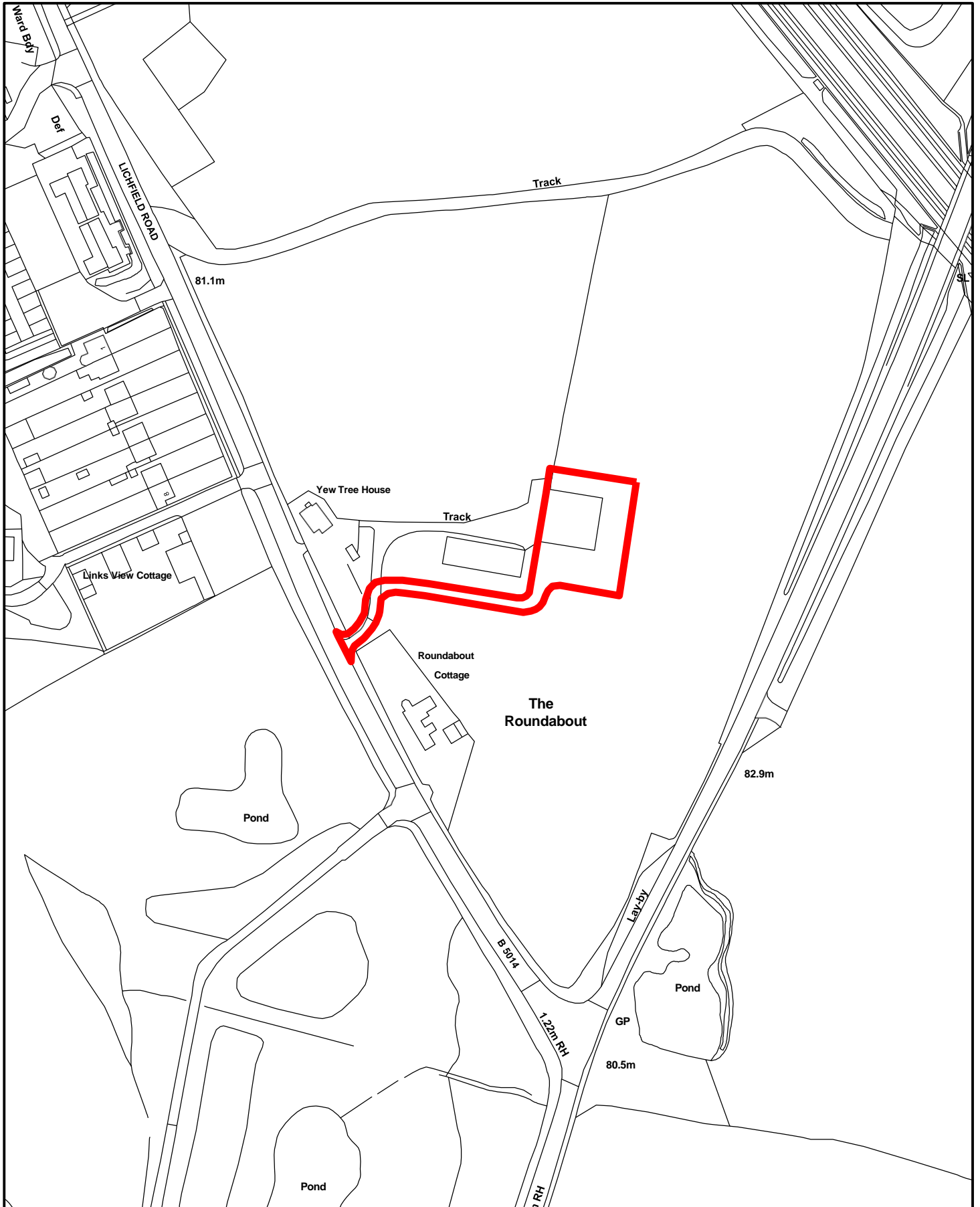
Scale:  
1:2,000

Dated:  
January 2024

Drawn By:

Drawing No:

© Crown Copyright  
Database Rights 2015  
Lichfield District Council  
Licence No: 100017765



<b>Address:</b>	Yew Tree House, Lichfield Road, Hanch, Lichfield	
<b>Application number:</b> 23/00751/FUL	<b>Case officer:</b> Clare Saint	
<b>Parish:</b> Kings Bromley <b>Ward:</b> Armitage with Handsacre	<b>Date received:</b> 25/07/2023	
<b>Proposal:</b> Proposed Operational Development associated with Prior notification Ref 23/00268/PNC for the Change of use of an agricultural building to a flexible use within Commercial/Business/Service (Use Class E) for use as an office.		
<b>Reason for being on Agenda</b>	<p>This planning application is being reported to the Planning Committee due to a member call-in from Cllr Richard Cox which relate to:</p> <ul style="list-style-type: none"> <li>• Impact on the Green Belt</li> <li>• Highways Implications of the proposals</li> <li>• Planning Policy conflict as the land is not employment land</li> </ul>	
<b>RECOMMENDATION: Approval, subject to conditions.</b>		
<b>Applicant:</b> Mr and Mrs R Morton	<b>Agent:</b> Mr Thomas Beavin	

## 1. Executive summary

- 1.1 On 6<sup>th</sup> March 2023 a prior notification (reference 23/00268/PNC) application was received seeking whether the Local Planning Authority required prior approval for a change of use of an agricultural building to a flexible use within Commercial/Business/Service (Use Class E) for use as an office at Yew Tree Farm. This application was submitted under Class R of Part 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.2 Class R of Part 3 of Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class B8 (storage or distribution), Class C1 (hotels) or Class E (commercial, business or service) of the Schedule to the Use Classes Order. This is subject to certain criteria and conditions, including the need to seek whether prior approval of the local planning authority is required in respect to a only a limited number of considerations which include: -
- a. transport and highways impacts of the development;
  - b. noise impacts of the development;
  - c. contamination risks on the site; and
  - d. flooding risks on the site.
  - e.
- 1.3 Following consultation with the relevant consultees the Local Planning Authority determined that prior approval was required and granted. This firmly established the use of the application building for flexible use within Commercial/ Business/ Service (Use Class E).
- 1.4 However, condition R.3(3) of Class R requires that the development shall not be commenced until planning permission is granted in respect of any associated 'operational development'. For the purposes of the order 'associated operational development' is defined as 'building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R'.

- 1.5 This application seeks planning permission for the associated operational development in connection with the prior approval. This includes external alterations to the building, the provision of a car park, boundary treatment and gates. These are considered acceptable subject to the attached conditions.
- 1.6 For clarity, issues arising from the use of the site including the principle of the use are not material to the determination of this application as these were addressed under the prior approval system under prior approval 23/00268/PNC. Members should therefore limit their consideration to the impacts of the operational development proposed.

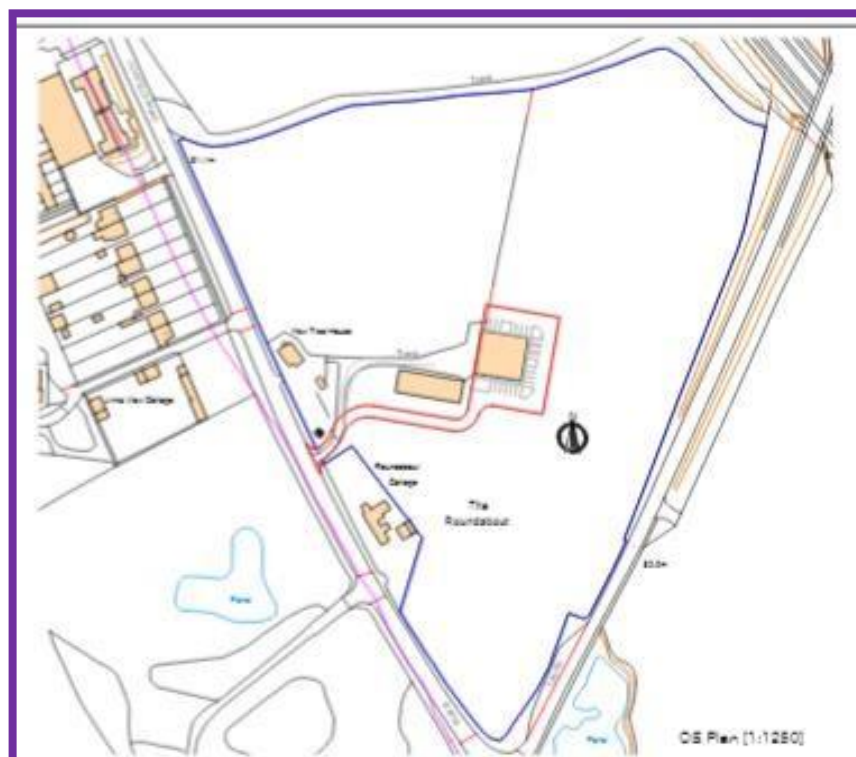
### Summary

**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 This application relates to Yew Tree Farm located on the east side of Lichfield Road (B5014) near to the hamlet of Hanch, within the Parish of Kings Bromley. The wider site contains two modern agricultural buildings with access taken from Lichfield Road. The existing building which is the subject of this application is single storey, finished in profiled steel sheeting over a block wall under a pitched, cement fibre roof and measures approximately 23m by 23m by 5.57m in height. It also has a smaller extension to the side.
- 2.2 The buildings are set within an open agricultural field given over to arable production and within open countryside and the designated Green Belt. Although partly screened, the site can be clearly seen from various points along Tewnals Lane (A515) and Lichfield Road (B5014).



### 3. Planning history

- 3.1 23/00268/PNC : Prior Notification: Change of use of an agricultural building to a flexible use within Commercial/ Business/ Service (Use Class E) for use as an office at Yew Tree Farm. Prior approval required and Granted : 25/04/2023
- 3.2 02/00638/ABN : Agricultural Determination - Open fronted steel barn. Prior approval not required: 19/06/2002

### 4. Proposals

- 4.1 This application seeks permission for the proposed operational development associated with prior notification approval Ref 23/00268/PNC for the change of use of an agricultural building to a flexible use within Commercial/Business/Service (Use Class E) for use as an office.
- 4.2 The applicant's Design and Access Statement sets out that the proposed operational development includes the following: -
- The external walls will be neatly pointed close textured paint grade blockwork and vertical Yorkshire boarding.
  - The roof will see the existing fibre cement sheets replaced with eternity Profile 6 Sheets
  - The windows and doors will be Dark Grey Aluminium.
  - Boundary treatments will be formed from a post and rail fence with new native hedging proposed.
  - Vehicle access and hard standing will be tarmac at the site entrance and then self-binding limestone gravel with tegular block paving and tarmac in the parking areas.
- 4.3 Members are advised that as the principle of the flexible use within Commercial/ Business/ Service (Use Class E) development has already been previously established. Therefore, the only matters for consideration, herein this application are the physical changes to the building and its surroundings.
- 4.4 An extract from the proposed elevation plans is shown below:



## 5. Background

- 5.1 A prior notification application was granted in April 2023 for the change of use of the building to a flexible commercial use under permitted development allowances.

## 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 CP2 – Presumption in Favour of Sustainable Development  
Policy CP3 – Delivering Sustainable Development  
Policy NR2 – Green Belt  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees Woodland & Hedgerows  
Policy ST1- Sustainable Travel  
Policy ST2 – Parking Provision  
Policy BE1 – High Quality Development

### 6.3 Local Plan Allocations

No relevant policies.

### 6.4 Supplementary Planning Document

Sustainable Design SPD  
Rural Development SPD

### 6.5 Neighbourhood Plan

There is no relevant 'made' neighbourhood plan in this location.

## 7. Supporting documents

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

- 22065\_P001K\_LOCATION PLAN dated as received 14.12.2023
- 22065\_POO2F\_PROPOSED FLOOR PLANS dated as received 29.6.2023
- 22065\_POO3H\_PROPOSED ELEVATIONS dated as received 09.11.2023
- 22065\_POO4H\_PROPOSED ELEVATIONS dated as received 06.09.2023

- 7.2 Supporting Documents:

- Bat and Bird Survey by S. Christopher Smith dated 01.09.2023 received on 06.09.2023
- Planning Design and Access Statement dated as received 29.6.2023

## 8. Consultation responses

- 8.1 **Kings Bromley Parish Council** – The Parish Council is concerned that this proposal will increase traffic movements, Site access may be an issue. The development is in the Green Belt. (11.08.2023)

- 8.2 **Architectural Liaison Officer** – No objection but it is recommended that Monitored Alarm Systems be a Condition of this application. Cycle stands should also be located where they benefit from immediate natural surveillance. (14.08.2023)
- 8.3 **Staffordshire County Council (Highways)** – No objection. (12.10.2023)
- 8.4 **LDC Ecology Team- Final** – No objections, subject to the inclusion of conditions. (28.11.2023)  
Initial - Further information needed. (30.10.2023)
- 8.5 **LDC Tree Officer** - The proposed native species hedgerow planting does not accord with species found in the locality. Local hedgerows largely consist of Hawthorn with Blackthorn, Field Maple, Dog Rose, Hazel and Holly. Proposed planting should seek to reflect other hedgerows in the locality especially as the building's origin is agricultural. (14.09.2023)
- 8.6 **LDC Environmental Health Team** – No objections raised to the proposals in principle. (30.08.2023)

## 9. Neighbour responses

- 9.1 2 letters of representation raising objections have been received in respect of this application. The comments made are summarised as follows:
- The proposed development will increase traffic.
  - The entry slip road will pass behind the residents' home and will mean a constant flow of traffic.
  - The drive to the Lichfield Golf and Country Club is opposite the neighbours drive and 100 yards from the proposed entrance and the speed limit of the road is too fast so crashes will happen.
  - The driveway to the offices will be behind the house.
  - Electric gates to the development will cause problems.
  - The need for receptions and meeting rooms and toilets will need gas and there is no main drain or gas in the location.
  - The use of the barn to an office will mean that planning permission for more development within the Green Belt will be applied for.
  - The neighbours do not want to live near industrial offices.

## 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
- Impact on Trees
- Ecology
- Cannock Chase Special Area of Conservation
- Other Issues raised by objectors
- 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 In terms of national guidance, the NPPF includes a presumption in favour of sustainable development. For decision taking this means:
- c) approving development proposals that accord with an up-to-date development without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 11.3 The principle of the use of the building as an office was firmly established under permission 23/00268/PNC. As such any issues arising in respect to the principle of the use as an office (such as traffic generation, flood risk, contamination, and noise) are not material to the determination of this application. This application only seeks approval for associated operational development which is reasonably necessary to use the building and land as an office.
- 11.4 The only issues that arise from the matters for consideration is whether the operational development proposed is reasonably necessary for the intended use and whether they would have an impact on the Green Belt, character of the area, or protected species.
- 11.5 The proposed works can be subdivided into three main areas, namely: -
- (i) the external treatment of the building through the insertion of openings, recladding and reroofing.
  - (ii) the provision of car parking, circulation, turning areas and access.
  - (iii) Boundary treatments and provision of a gate.
- 11.6 Given that the building was originally designed as a general-use agricultural building, it is not surprising that some degree of works to the exterior are required for its form to reflect its new function. Whilst openings (windows and doors) can strongly influence the character of a building, in this case, care has been taken to retain the existing large doorway and to limit the number of new openings; so that some semblance of a rural agricultural building would remain. Similarly, the provision of a new roof to replace the existing cement fibre roof, together with the use of timber cladding, would uplift the building whilst still playing homage to its original agricultural use. All these works are considered reasonably necessary in respect to the approved change of use.
- 11.7 The proposal makes provision for 19 car parking spaces. The council's adopted Design SPD sets out that for B1 Business Use the car parking requirement is 1 space per 25sqm up to 250sqm then 1 space per 30sqm gross floor space. Given that the office building would have a gross floor area of 21.5m by 22.1m (that is 475sqm), the minimum car parking requirement would be 17.5 spaces. As such, the car parking set out in the proposed plans accords with the requirements as set out within the Design SPD. The proposal also includes two electric car charging points, 3 spaces for people with disabilities and a cycle shelter for at least 4 cycles. The surrounding access, turning and circulation areas are also commensurate for their

intended use. All these works are policy compliant and are considered reasonably necessary in respect to the already approved change of use.

- 11.8 The proposed sliding gate at the entrance to the car park would serve to protect the building and its contents from crime, and again are considered commensurate with an office in what is a rather remote situation. A new access is shown that would separate traffic to the office from the remainder of the building, which would still have a lawful agricultural use.
- 11.9 In conclusion it is considered that the proposed works are 'reasonably necessary' and appropriate for the approved office use.

#### Impact on the Green Belt

- 11.10 The site of the proposed development lies within the Green Belt wherein there is a presumption against inappropriate development. The proposal therefore engages Policy NR2 of the Local Plan and Section 13 of the NPPF. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 11.11 Policy NR2 of the Local Plan Strategy sets out the Council's approach to assessing development proposal within the Green Belt. It states all development within the Green Belt must retain its character and openness and that the construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework.
- 11.12 The proposals can be split into two parts in respect of the application of Green Belt policy, namely (i) alterations to the building and (ii) engineering operations involved in the provision of the parking and turning areas and the access.
- 11.13 Paragraph 149 of the NPPF states that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt' adding 'Exceptions to this are [amongst other things] the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. It is clear that, the external treatment of the building through the insertion of openings, recladding and reroofing would not involve any extension to the existing building. As such this part of the proposal would not constitute inappropriate in the Green Belt.
- 11.14 Paragraph 150 of the NPPF states 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These [include amongst other things] 'engineering operations'. The laying out of hardstanding associated with the provision of the parking and turning areas and the access constitute an engineering operation. Furthermore, the hard standing areas to be created are in the main within an area around the building that already has been surfaced with hardcore, albeit this has been grown over by weeds. Nevertheless, the area of existing hard core clearly stands out in aerial imagery such as Google Maps. Therefore, the resurfacing of this approximate area to provide the proposed car parking and access would, not involve any material encroachment of urban form into the countryside and the engineering operation by itself would not detract from the openness of the Green Belt. It could be argued that the use of the car park for parking of vehicles could impact on openness. However, such impacts would arise from the use that has already been permitted under the prior approval and not from the operational development itself.
- 11.15 As such, the proposed operation al development is considered compliant with Green Belt policy set out in Policy NR2 and Section 13 of the NPPF.

## 12. Design and Impact on the Character and Appearance of the Surrounding Area

12.1 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

12.2 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.

### Assessment

12.3 The proposed operational development seeks to insert windows, doors and re-clad the exterior of the building. It also includes the vehicle access, hard standing and boundary treatments. The unit would be similar to the existing built form and agrarian in appearance, with vertical Yorkshire boarding and blockwork, replacement roof sheets of Eternit Profile 6 sheeting, dark aluminium grey windows and doors. It is noted that the scheme proposes similar materials and colour finish to the surrounding buildings which are appropriate to the rural context. It is considered that no unacceptable detriment would be caused to the character and appearance of the area, while the character and quality of the landscape would be maintained and with landscaping enhanced.

12.4 A gate has been included as part of the boundary treatment and is 2.3m in height and 9m in length which will slide open and closed alongside the hedge. The gate in this located is considered acceptable.

12.5 It is considered that the scheme is acceptable in terms of its design and its impact upon the character and appearance of the area.

## 13. Residential Amenity

13.1 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.

### Assessment

13.2 Again a distinction needs to be made between those impacts arising from the use of the site, which has already been granted and those arising as a direct result of the operational development

13.3 There have been objections raised by neighbours with regards to noise generated by traffic from the proposed development. However, issues arising through noise relate to the use of the site and not from the operational development itself, apart from that potentially arising during the construction phase. Indeed, noise generation from the use of the site is one of the

limited number of issues that can be considered at the prior approval phase. It may be conformed, therefore, that this was already taken into consideration as part of the prior approval application and considered acceptable.

- 13.4 Given the nature of the proposed works (cladding, resurfacing and boundary treatment), it is considered that they would not in themselves directly impact on the standard of amenity of any neighbouring residential properties.

## **14. Access and Highway Safety**

- 14.1 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'.

- 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 and capacity are factors which should be given consideration.

### Assessment

- 14.3 Objections have been raised with regard to vehicular movements associated with the development. However, again such issues arise from the use of the site and were considered at the prior approval stage

- 14.4 However, for the avoidance of doubt, the applicant has confirmed that the development the approved use of the site granted under 23/00268/PNC as shown on drawing no. P001 Revision C) depicted 19 car parking spaces and provision for cycle storage as required to meet the requirement for the proposed office use within the Council's adopted SPD. This is not considered to cause an unacceptable increase or unacceptable impact on highway safety, nor would it add to severe cumulative impacts on the road network.

- 14.5 Staffordshire County Council Highways were consulted on the application and raised no objections to the proposals, during the prior notification application, nor to this current scheme proposed. It is therefore considered that the application is acceptable in access and highway safety terms.

## **15. Impact on trees**

- 15.1 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. Particular regard should be taken to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows. 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

- 15.2 There are no trees within the site protected by means of a Tree Preservation Order, and the proposals do not result in the loss of any trees. As such it is considered that the proposals accord with Policy NR3 and in Arboricultural terms, is acceptable.

## **16. Ecology**

- 16.1 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

- 16.2 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 can be secured by an appropriately worded condition which forms part of the recommendation. The Ecology Manager was satisfied with this approach and a condition is also recommended requiring a biodiversity net gain is to be included and implemented.
- 16.3 As such, subject to the aforementioned conditions, it is considered that the proposals accord with Policy NR3 and in Ecology terms, is acceptable.

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

- 17.1 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC, unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 17.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

### Assessment

- 17.3 Taking into consideration the nature of the proposals, which do not result in residential development, it is not considered that the scheme would result in a negative impact or significant effects on the Cannock Chase SAC. A Habitat Regulation Assessment has been undertaken. This has assessed the proposals and concluded that there will be no additional recreational harm to the SAC resulting from the proposal, as such an Appropriate Assessment is not required in this case. The objectives of Local Plan policy NR7 are met by this scheme.

## **18. Other Issues Raised by Objectors**

- 18.1 An objection was raised regarding access to gas and main drains in the vicinity. The granting of this permission does not give the applicant any right to interfere with service infrastructure. Officers would advise that any proposal that would impact on these services or require connection to these services would be subject to its own consenting regime that the applicant would need to resolve with the owner/ provider of that infrastructure and its associated services. As such no weight should be given to this issue in the determination of this application.
- 18.2 Objections have been received to the effect that the change of use of the barn to an office will mean that planning permission for more development within the Green Belt will be applied for. Officers would advise this application must be determined on its own merits. Any subsequent proposal would also be subject to consideration on its own merits. As such little weight should be given to this objection.

18.3 Objections have been received on the grounds that the neighbours do not want to live near industrial offices. However, what a private individual may find objectionable and what is permitted under the planning system can be very different. Planning applications cannot not be decided on the desires of the people affected by a proposal, but on objective analysis of the impacts of a proposal against relevant planning policy tests set out in the development plan having regard to all other material planning considerations.

## 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 proposal is deemed a sustainable and appropriate form of development that complies with relevant policies contained within the Development Plan and the National Planning Policy Framework. The principle of the development has been considered to be acceptable in terms of the impact on the Green Belt. The highways impact of the proposed use was considered at the prior approval stage and any issues arising from the operational development have been fully addressed and the County Highways Authority raise no technical objections to the scheme.

20.3 All other potential impacts arising from the operational development on acknowledged interests are considered acceptable.

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

## 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: 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, CP2, CP3, CP5, CP7, CP13, NR3, NR4, NR7, ST1, ST2 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the

Biodiversity and Development SPD, the Rural Development SPD, Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

### All other CONDITIONS to be complied with:

3. Within one month of the commencement of the development hereby approved, a bat or bird box shall be installed within the application site. The bat or bird box shall thereafter be retained as such for the life of the development.

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

4. The development hereby approved shall be carried out in strict accordance with the methods of working and recommendations, which are detailed in the Preliminary Bat Roost Assessment and Bird Survey dated 1<sup>st</sup> September 2023. This shall include the provision of new bat roosting and swift nesting opportunities, the protection of bats, and the proposed hedgerow/landscape planting all of which shall be carried out before the end of the first planting season following the change of use. The bird and bat boxes and landscape planting shall thereafter be retained and maintained for the life of the development.

Reason: In order to safeguard the ecological interests of the site, 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 2023, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £145 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

5. Any lighting proposed around the site during both the construction and operational phases should be low wattage down lights and at a low level ' to avoid disturbance to local bat populations that may be utilising perimeter habitat for commuting and foraging opportunities. It is advised that there should be no direct illumination to any hedgerows or trees along the boundary of the site.



## **ITEM B**

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

**15 January 2024**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
23/01208/FULM	Stychbrook Park Curborough Road Lichfield	Lichfield

Lichfield  
district council

www.lichfielddc.gov.uk

District Council House  
Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

# LOCATION PLAN

23/01208/FULM  
Stychbrook Park  
Curborough Road  
Lichfield WS13 7RU

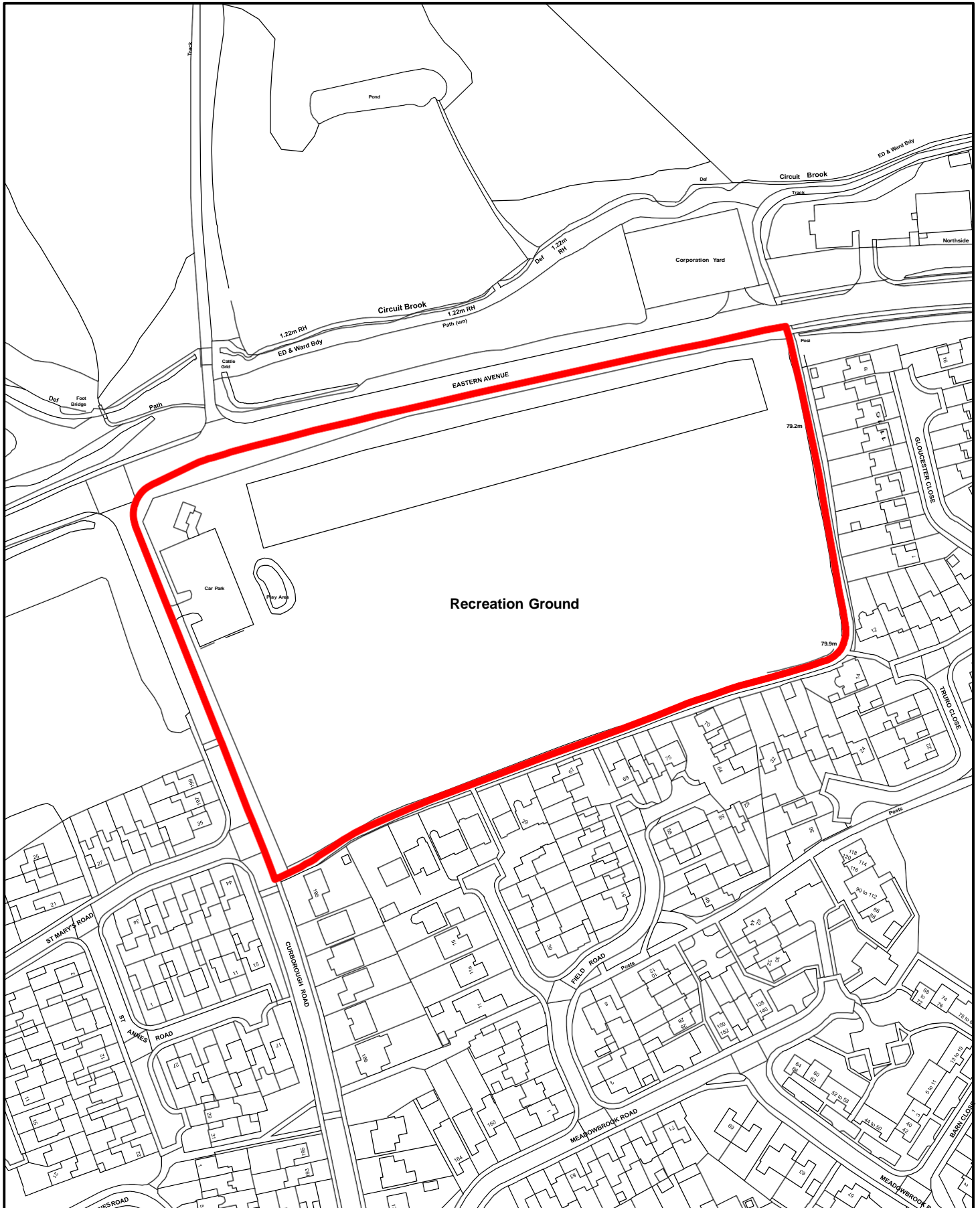
Scale:  
1:2,000

Dated:  
January 2024

Drawn By:

Drawing No:

© Crown Copyright  
Database Rights 2015  
Lichfield District Council  
Licence No: 100017765



<b>Address:</b>	Stychbrook Park, Curborough Road, Lichfield, Staffordshire	
<b>Application number:</b> 23/01208/FULM	<b>Case officer:</b> Kerry Challoner	
<b>Parish:</b> Lichfield City <b>Ward:</b> Curborough	<b>Date received:</b> 18/10/2023	
<b>Proposal:</b> Construction of new leisure centre, 3G pitch and all associated facilities, landscaping and works.		
<b>Reason for being on Agenda</b>	This application is brought forward to planning committee as the local authority claims an interest in the site.	
<b>RECOMMENDATION: Approve, subject to the completion of a legal mechanism to secure a travel plan monitoring fee and conditions.</b>		
<b>Applicant:</b> Lichfield District Council	<b>Agent:</b> Graham Place	

## 1. Executive summary

- 1.1 The application seeks planning consent for the construction of a new leisure centre and 3G pitch and associated landscape and car parking. The leisure centre would replace the existing Friary Grange leisure centre. It is intended to ensure that the current facility at Friary Grange will remain open during the construction of this proposal.
- 1.2 The proposed leisure centre would provide a 25 metre 6 lane pool and changing facilities along with a café, community room, 80 station fitness gym, spin studio, dance studio, and changing village. A children's play area and 3G playing pitch would also be provided within the site.
- 1.3 In principle, the scheme is acceptable and accords with the requirements of planning policies. The scheme will ensure the provision of an up-to-date and fit for purpose leisure facility replacing an existing, dated facility within the City of Lichfield. In design terms the proposal will incorporate a modern design utilising high-quality materials which, when viewed in the context of the site and land use are considered to provide building that will sit well in the context of its surroundings.
- 1.4 The proposed development and its intended use are not considered to result in undue harm on neighbouring amenities, and a number of conditions are recommended to protect the residential amenity of neighbouring occupiers. There are no technical objections which cannot be overcome through the use of appropriately worded conditions.
- 1.5 The scheme includes off site upgrades to existing paths and bus stops on the Curborough Road, cycle parking provision and various pedestrian entrance points to enhance sustainable travel options. Accordingly, it is considered that the scheme complies with the aims and criteria of relevant policies from the Local Development Plan, the Council's Supplementary Planning Documents (SPDs) and the National Planning Policy Framework.

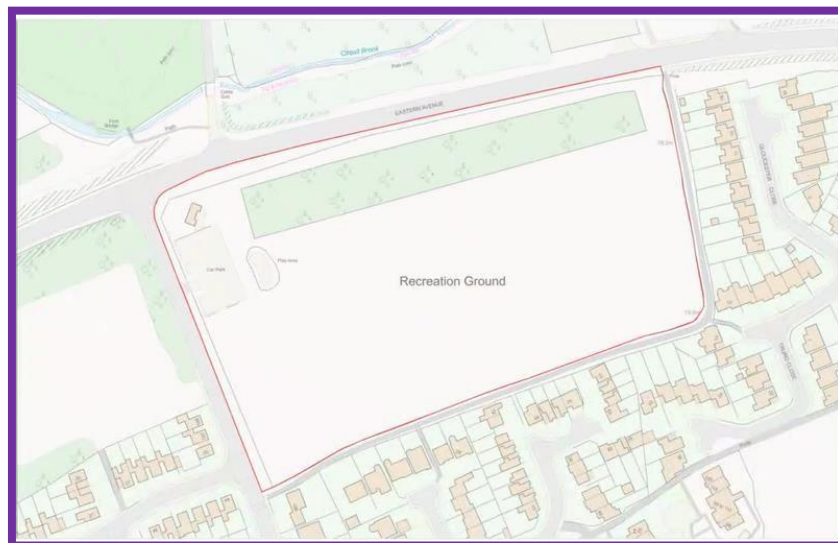
### Summary

**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 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 Stychbrook Park, Lichfield. The site is primarily used as amenity green space comprising of two grass football pitches, a play area with timber play structures, a brick changing building and car parking. The boundaries of the site are largely defined by mature hedging and there is a belt of trees within the Northern section of the site (indicated on the location plan extract below). The site is within Northern Lichfield and lies to the South of Eastern Avenue 9A5192) and is accessed via Curborough Road to the West of the site. To the South and Eastern boundaries, the rear and side boundaries of dwellings in Curborough Road, Field Road, Truro Close and Gloucester Close adjoin the boundaries of the site. The general character of the surrounding locality is residential.
- 2.2 The application site extends to around 3.56 hectares and the site topography generally slopes down to the Northeast. The site is within flood zone 1 (low probability of flooding) and is designated on the Local Plan policies maps as Forest of Mercia.
- 2.3 The site is within the 15km Zone of Influence for Cannock Chase SAC and within Lichfield City Parish where Lichfield City Neighbourhood Plan is relevant. An extract from the submitted location plan is shown below:



## 3. Planning history

- 3.1 06.10.2023 - 23/01161/SCREE- Screening Opinion: Proposed leisure and associated facilities. Closed Environmental Impact Assessment Not Required.
- 3.2 27.11.2007- 07/01040/FUL- Proposed Storage Container- Withdrawn
- 3.3 24.04.1978- L4214- Changing Rooms- Approved.

## 4. Proposals

- 4.1 The proposed leisure centre building would be located in the Western section of the site, with the proposed car parking located within the frontage of the building. The existing disused brick changing block would be demolished as part of the scheme. The existing vehicular access to the site off Curborough Road would be used and upgraded to provide access to the leisure centre.
- 4.2 The proposed building would be modern in design comprising of a portal framed, single storey building with a dual pitched roof over. Solar PV panels would be added to the roof, and windows and roof lights allow natural light into the building. The proposed materials comprise

of a mix of panelling in two colours, timber cladding and timber shingles to add interest to the elevations.

- 4.3 Within the leisure centre a 25m, 6-lane pool and changing facilities would be provided along with a café, community room, 80 station fitness gym, spin studio, dance studio, and changing village.
- 4.4 Within the Eastern Section of the site a 3G sports pitch is proposed. The pitch would be flood lit and enclosed by fencing.
- 4.5 An attenuation drainage pond is located in the north-eastern corner of the site, details of this along with sections have been provided. This feature will accommodate the generated surface water and will also be planted appropriately to enhance biodiversity. Meadow seeding is to be sown around the perimeter of the basin.
- 4.6 The existing tree belt within the site and boundary hedging would be maintained as part of the proposals and a play area which includes accessible equipment would be located immediately to the South of the proposed building.
- 4.7 136 car parking spaces proposed and amended plans have been provided to ensure that larger servicing vehicles can move through the site and barriers to overflow car parking are removed. The proposals have been revised to include a footway and a relocated bus stop on the Western side of Curborough Road. In addition, the bus stop facilities would be enhanced to bring them up to standard with shelters and 'real time passenger information'.
- 4.8 The application is supported by a Design and Access Statement, Transport Assessment, Noise Assessment, play area details, archaeology report, Air Quality Report, Energy Statement and Flood Risk Assessment.
- 4.9 Extracts from the submitted site layout plan and the proposed elevations are shown below:







## 5. Background

5.1 This application has been submitted in line with the requirement to replace the Council's current ageing leisure centre at Friary Grange. Although significant repairs have been carried out, the Friary Grange building is nearing the end of its useful life. In October 2019 Full Council decided that a replacement facility would be built and that the Friary Grange Leisure Centre would remain open until the new facility is operational. In October 2020 Stychbrook Park was approved as the preferred new leisure centre site, and in May 2022 the appropriation of the Stychbrook Park land for the development of the new leisure centre was approved. In February 2023 Cabinet approved funding of £10 million to develop the facility.

## 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 10: Healthy and Safe Lifestyles  
Core Policy 11: Participation in Sport and Physical Activity  
Core Policy 13: Our Natural Resources  
Core Policy 14: Our Built and Historic Environment  
Policy SC2: Renewable Energy  
Policy ST1: Sustainable Travel  
Policy ST2: Parking Provision  
Policy HSC1: Open Space Standards  
Policy HSC2: Playing Pitch and Sports Facility Standards  
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**

There are no relevant policies.

### 6.4 **Supplementary Planning Document**

Sustainable Design SPD

Trees, Landscaping and Development SPD

Biodiversity and Development SPD

Developer Contributions SPD

### 6.5 **Lichfield City Neighbourhood Plan (2018)**

There are no relevant policies.

### 6.6 **Other**

Open Space Assessment (2020)

Playing Pitch Strategy (2020)

## 7. **Supporting documents**

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

Plans:

- 1:1250 Location Plan dated as received 18 October 2023
- SK22346-02 Rev A Existing Site Plan dated as received 18 October 2023
- 39910\_T Topographical Survey dated as received 18 October 2023
- SK22346-10- 12m Coach Swept Path Analysis dated as received 13 December 2023
- SK22346-11- 12m Coach Swept Path Analysis dated as received 13 December 2023
- SK22346-12- 12m Coach Swept Path Analysis dated as received 13 December 2023
- SK22346-13- 12m Coach Swept Path Analysis dated as received 13 December 2023
- LCH-BOX-XX-00-DR-A-(03) 03 Rev D Proposed Site Plan dated as received 13 December 2023
- LCH-BOX-XX-00-DR-A-(03) 05 Rev C Proposed Ground Floor Plan dated as received 30 November 2023
- LCH-BOX-XX-00-DR-A-(03) 04 Rev B Proposed Lower Level Plan dated as received 30 November 2023
- LCH-BOX-XX-00-DR-A-(03) 06 Rev B Proposed Roof dated as received 30 November 2023
- LCH-BOX-XX-00-DR-A-(03) 07 Rev B Proposed Elevations dated as received 30 November 2023
- LCH-BOX-XX-00-DR-A-(03) 08 Proposed Substation Details dated as received 30 November 2023
- 200.23022-ACE-00-ZZ-DR-C-0101 Rev P1 Proposed Pond Plan and Sections dated as received 07 November 2023
- 10088-TEP-XX-XX-DR-L-0002 Rev P01 Play Area Concept Plan dated as received 18 October 2023
- J6/01070 Euroguard Rebound fencing dated as received 07 November 2023
- Euroguard Rebound fencing specification dated as received 07 November 2023
- LFD-BWB-XX-XX-DR-ME-2300 Rev P2 Proposed External Lighting 18 October 2023
- 200.23022-ACE-ZZ-ZZ-RP-C-0001 Flood Risk Assessment and Drainage Strategy Rev P2 dated as received 18 October 2023

Supporting Documents:

- Technical Note- relating to Sport England Comments dated 20 November 2023
- Biodiversity Metric dated as received 30 November 2023
- Noise Impact Assessment Rev 3 dated as received 30 November 2023
- Proposed 3G Pitch Details dated as received 16 November 2023

- Indoor Built Sports Facility Strategy Version 2 dated as received 16 November 2023
- EV Charging Point details received by email dated 09 November 2023
- Transport Assessment dated as received 18 October 2023
- Air Quality Assessment dated as received 18 October 2023
- Swift Ecology Report dated as received 12 December 2023

## 8. Consultation responses

- 8.1 **Lichfield City Council**- No objections. (27.10.2023)
- 8.2 **Severn Trent Water**- No objections subject to a drainage condition. (15.11.2023)
- 8.3 **Sport England**- Final- No objections subject to conditions relating to the 3G pitch provision. (13.12.2023)  
Initial- Further information related to the current usage of the existing pitches, the details of the proposed 3G pitch and an assessment against local pitch requirements and national planning policy. (23.10.2023)
- 8.4 **Staffordshire Police (ALO)**- No objections, designing out crime advice provided. (08.11.2023)
- 8.5 **Staffordshire County Council (Highways)**- Final- Amended drawings provided to address previous objections raised. No objections subject to conditions to secure the proposed access, parking and turning areas, cycle facilities, a travel plan, a Construction Environment Management Plan and an Event Management Plan. A legal Agreement will be required to secure a £10,000 Travel Plan monitoring fee. (19.12.2023)  
Initial- Recommend Refusal
- 8.6 **Staffordshire County Council (Flood Team)**- No objections subject to a condition relating to the drainage strategy. (08.11.2023)
- 8.7 **Staffordshire County Council (Minerals and Waste)**- No objections. (23.10.2023)
- 8.8 **LDC Spatial Policy and Delivery**- No objections. (28.11.2023)
- 8.9 **LDC Ecology Officer**- Final- The submitted Preliminary Ecology Assessment (PEA) is acceptable and the Biodiversity Net Gain metric is acceptable. No objections subject to the submission of a final Bat mitigation Strategy. (12.12.2023)  
Initial- Further ecology survey work is required. (30.11.2023)
- 8.10 **LDC Tree Officer**- A detailed landscaping scheme is required. (27.10.2023)
- 8.11 **LDC Environmental Health Officer**- Final – No objection further to condition requesting noise impact assessment and details of noise mitigation measures to be submitted and approved by the LPA within 6 months of approval.  
Further information requested in regard to the potential Noise Impacts of the proposal. (23.11.2023/ 30.11.2023)  
Initial- No objections in principle, however further information relating to noise impacts is required. (15.11.2023)
- 8.12 **LDC Historic Parks Manager**- Confirmation provided that the resident football teams can be accommodated elsewhere in the District. There is capacity at Beacon Park. (21.11.2023)
- 8.13 **LDC Joint Waste Team**- No objections raised, confirmation provided regarding commercial waste requirements. (24.10.2023)



## 9. Neighbour responses

9.1 Neighbouring residents were notified by letter and site and press notices were posted.

9.2 Nine responses from neighbouring occupiers and local residents were received raising objections to the proposals. Objections can be summarised as:

- Unacceptable impact on existing residential amenity of residents in terms of outlook, noise and disturbance.
- The 3G pitch would result in noise, inappropriate times of use and light pollution
- Highway safety/ traffic impacts
- Lack of bus services serving the site
- Parking provision insufficient
- The play area should be replaced
- The site is not easily accessible
- Then site is well used open grassland
- Lack of renewable energy sources proposed.
- Flooding/drainage issues.
- Impact on wildlife
- The facility is not needed- pitches will be provided at Curborough Brooks.
- The proposals do not accord with the draft strategy
- The facility will not cater for the ageing population

9.3 One response in support was received from a local resident, who highlighted that the facility was much needed within the City, the proposals would encourage health and wellbeing, the design is appealing, and the existing site is underused.

9.4 A Letter of support received from Together Active, Staffordshire and Stoke on Trent. The provision of a swimming pool and 3G pitches is welcomed and there is a strategic need for such facilities. Letters of support were also received from Staffordshire Football Association, Swim England, Penguins Swimming Club and Lichfield Swimming Club again reiterating the need for such facilities.

## 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
- Impact on Trees
- Ecology/ Cannock Chase Special Area of Conservation
- Drainage
- Planning Obligations
- 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 In terms of national guidance, the National Planning Policy Framework in paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development without delay.
- 11.3 Paragraph 103 of the NPPF states that existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements, or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 11.4 In terms of the Local Plan Strategy, Core Policy 4 ‘Delivering our Infrastructure’ states that new facilities must be located and designed so that they are integrated, accessible and compatible with the character and needs of the local community.
- 11.5 Core Policy 10: Healthy and Safe Lifestyles states that the District Council will enable people to live healthy and safe lifestyles by facilitating access to a range of high quality and well-maintained open spaces, playing pitches, sport, recreation, play facilities and cultural assets which are relevant to, and meet the needs of local communities. New spaces, facilities and assets will be designed to minimise opportunities for crime and anti-social behaviour, to maximise accessibility and to be integrated with surrounding communities and existing infrastructure, including green infrastructure.
- 11.6 Core Policy 10 goes on to state that the loss of existing recreational open spaces (both extent and quality), including linear recreational routes will be resisted where it can be shown there is an existing or future need unless it can be clearly demonstrated that alternative spaces of an equivalent or a higher standard are being provided in a location which is equivalent or better, improves access and results in no loss of amenity or environmental quality or quantity. Where such spaces, routes and/ or facilities are lost any replacement must be made available prior to the loss of the original facility.
- 11.7 Core Policy 11: Participation in Sport and Physical Activity states that the District Council will seek to encourage, protect and enhance existing sport facilities, and other assets which encourage participation in physical activity, safeguarding sites for the benefit of local communities.
- 11.8 Core Policy 11 goes on to outline that the provision of a leisure facility to serve Lichfield City and its hinterland in an appropriate and sustainable location incorporating a new sports hall (of a size to accommodate 6 badminton courts), swimming pool and learner pool will be allocated through the Local Plan: Allocations document. Alternatively, improvements to existing leisure facilities in Lichfield City equivalent to 6 additional badminton courts and a minimum 25m 4 lane swimming pool and learner pool will be supported. It should be noted that the Local Plan Allocations document did not make such an allocation.
- 11.9 Policy HSC2: Playing Pitch and Sport Facility Standard outlines that the loss of playing fields and sports facilities will be resisted from loss or displacement to other uses where there is an identified existing and future need. Loss will only be acceptable where it can be clearly demonstrated that alternative compensatory facilities are of at least an equal or higher standard and are provided in accordance with national governing body technical guidance and Sport England design guidance notes. The Playing Pitch Strategy 2020 identifies that Stychbrook Park consists of two adult football pitches which do have some spare capacity at peak times. It also notes that the ancillary changing facilities are of poor quality.

- 11.10 Furthermore, with regard to the adopted Local Plan, development of this site would need to comply with the overall 'Vision for Lichfield City' and with specific policies for Lichfield City ' Policy Lichfield 1: Environment, Policy Lichfield 2: Services and Facilities and Policy Lichfield 4, together with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

### Assessment

- 11.11 In principle policy terms, the main considerations relate to whether or not the site is a suitable location for the development of a new leisure centre, whether the proposals accord with any policy requirements in the local plan for a new leisure centre and the impact on the existing facilities provided at the site. Other material considerations such as the design, residential and highway impacts of the proposal are considered in detail further on in this report.
- 11.12 The site is sustainably located within the City of Lichfield where there is a presumption in favour of sustainable development. The proposals would serve existing residents, and once open would replace the current facilities at Friary Grange Leisure Centre. Friary Grange has a swimming pool, squash courts and a gymnasium. In general location terms, the provision of a leisure centre in this location would comply with the objectives of policies contained within the local plan strategy.
- 11.13 Turning to the impact on existing facilities. The site is identified within the Council's Open Space Assessment as poorly scoring amenity green space with separate equipped play facilities for young children that are in excellent condition. Stychbrook Park scores 37% against the parameters for amenity open space in the Open Space Assessment 2020. The proposals would also lead to the loss of 2 No. standard adult grass pitches and changing facility. It is noted that the changing facilities have not been in use for some time and the Playing Pitch 2020 strategy indicates there is spare capacity within the District for adult pitches.
- 11.14 The replacement of poorly scoring amenity green space and 2 No. adult grass pitches with a leisure centre and youth 3G size pitch (which also allows for 3 5x5 matches to be played widthways on the pitch) represents a significant uplift in alternative sport and recreation provision at the site, which is in compliance with policies contained within the local Plan Strategy and paragraph 103 of the NPPF. In principle, the scheme is acceptable.

## **12. Design and Impact on the Character and Appearance of the Surrounding Area**

- 12.1 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
  - 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
- 12.2 Local Plan Strategy Policy BE1 advises that "new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views". The Policy continues to expand on this point advising that good design should be informed by "appreciation of context, as well as plan, scale, proportion and detail".

- 12.3 Policy SC2: Renewable Energy promotes the use of renewable energy in new developments in order to reduce carbon emissions.

#### Assessment

- 12.4 The design of the proposed leisure centre building is modern and functional, using a palette of materials which complement its appearance. The proposed building comprises a portal frame structure, which allows a variety of cladding to form the elevations and a low-pitched roof which can support solar panels. Shelter is provided by an overhanging roof at the main entrance to the building which is legible to users on approach from the car park. The use of high-quality materials is important, and as such a condition requiring samples of materials to be provided forms part of the recommendation.
- 12.5 The building has been specifically sited to take advantage of both the existing entrance point to the site and the overall topography. The existing band of trees to the Northern edge of the site remain protected and offer a woodland walking area to the public. Renewable energy is incorporated into the design to include the use of ground source heat pumps and solar panels.
- 12.6 The proposed 3G pitch is located to the rear of the building and is enclosed by appropriate fencing as required by Sport England. In design and appearance terms this structure is functional and includes outdoor changing space.
- 12.7 The proposed landscaping will be addressed in a later section of this report; however, it is noted that large green areas would be retained as part of the proposals, including the boundary hedging. The proposals include a children's play area which would replace the existing play area on the site. It is noted that the existing play area is well used, and the introduction of accessible equipment is a positive element of this proposal. A condition is recommended to ensure the play area is provided prior to the first use of the leisure centre. Overall, the design and appearance of the proposals have been well considered in relation to the constraints of the site and are in compliance with the objectives of both relevant national and local planning policies.

### **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.

#### Assessment

- 13.2 The proposed leisure centre building has a maximum ridge height of 9m and is located a sufficient distance from neighbouring properties to ensure that there is no loss of light, or overbearing impacts which could arise from the proposal. The separation distances achieved are in excess of 60 metres from the rear of properties in Field Road and the frontage of properties on Curborough Road. The separation distances are in compliance with the requirements of the Sustainable Design SPD.
- 13.3 Objections have been raised on the basis of the impacts on residential amenity enjoyed by neighbouring occupiers arising from the proposed lighting and noise impacts of the development. Particular objections have been raised in relation to the 3G pitch which is

located in the Eastern section of the site, at a distance of between 28 and 34m from the rear gardens of properties in Gloucester Close, Truro Close and Field Road.

- 13.4 In terms of lighting, a scheme of lighting has been provided, however given the proximity to residential properties, a planning condition forms part of the recommendation to secure an updated lighting plan, supported by an assessment to ensure that the proposals do not unduly affect the amenity of neighbours or the ecology of the site, to be submitted and approved by the Local Planning Authority.
- 13.5 Turning to noise impacts. A Noise Impact Assessment written by suitably qualified noise consultants was submitted and updated during the course of the application. The assessment includes a baseline survey of the existing situation, and an assessment of how the proposed uses will affect noise sensitive receptors, in this case the adjacent dwelling houses. The assessment concludes that the noise arising from the activities being undertaken within the leisure centre building, i.e. the gym and swimming pool, will be suitably mitigated by the envelope of the building itself, and therefore no additional mitigation will be required.
- 13.6 The building will require externally mounted plant equipment such as air source heat pumps, air handling units and mechanical ventilation. No details have been provided; however, the submitted Noise Assessment sets a limit to the noise such equipment can emit. This can be secured by a suitably worded condition.
- 13.7 The assessment also includes an appraisal of the impacts associated with the outdoor uses proposed, primarily the play area and the 3G playing pitches. It is concluded that the distance between these facilities and the neighbouring properties is appropriate and reasonable noise levels can be achieved and the amenity of rear gardens maintained without additional mitigation being necessary. This is also within the context that there are existing outdoor playing pitches which are in regular use at the site. Given the concerns raised, a monitoring condition to secure appropriate noise mitigation if necessary is recommended.
- 13.8 Subject to the above conditions, the proposal is in compliance with the objectives of both local and national planning policies and is acceptable with regards to impact on residential amenity.

## **14. Access and Highway Safety**

- 14.1 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'.
- 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 and capacity are factors which should be given consideration.
- 14.3 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. It is noted that the Sustainable Design SPD sets out no specific level of car parking for this proposed type of use.

### Assessment

- 14.4 It is acknowledged that traffic, highways and access related concerns have arisen from the consultation undertaken. Amended plans and additional information has been provided in response to initial concerns raised by the County Highway Officer. This included amendments to the car park and bus stop facilities. It has also been demonstrated that there is sufficient space within the site to accommodate and provide turning facilities for larger vehicles such as

coaches and refuse lorries. The County Highway Officer is satisfied that the proposed parking provision (136 spaces) is appropriate for the proposed use of the site. Details of weatherproof cycle storage have been provided, and these are acceptably located close to the entrance to the building and pedestrian linkages have been improved, with a new pedestrian access point off Curborough Road being provided. The entrance to the pedestrian pathway includes upgraded pathways on the Eastern side of Curborough Road and upgraded bus stop facilities.

- 14.5 Given the residential character of the locality, a construction management plan should be secured prior to any works taking place.
- 14.6 A travel plan is required given the nature and scale of the development to encourage sustainable transport uses. A condition is required to secure this, and a legal mechanism is necessary to ensure that appropriate monitoring is carried out. Improvements to the site access, footpaths on Curborough Road will require an offsite highway works agreement. As these elements fall outside of the site, a Grampian Condition is necessary to ensure such works are completed prior to the first use of the scheme.
- 14.7 Subject to the above conditions and legal agreement, the scheme is considered to be acceptable on highway grounds.

## **15. Impact on Trees/ Landscaping**

- 15.1 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

- 15.2 There are no formally protected trees within the site, although it is noted that one of the main design objectives was to retain a woodland belt within the Northern part of the site and the boundary hedging. This is welcomed and ensures that veteran trees are retained in line with adopted policies. A condition is therefore recommended to ensure that all retained trees and hedging are appropriately protected during the construction period. Furthermore, detailed landscaping plans will be required. Again, this requirement can form the basis of a condition, particularly as any planting will not only help integrate the scheme into its surroundings but will also form an important element of biodiversity net gain/ enhancement.
- 15.3 The Principal Arboriculture Officer has reviewed the proposed development and offers no objection to the application. The proposed development is therefore considered to accord with the development plan policies in this respect.

## **16. Ecology / Cannock Chase SAC**

- 16.1 To comply with the guidance contained within Paragraphs 9, 180 and 185 of the NPPF and the Council's biodiversity duty, as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 16.2 Core Policy 13 and policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of

natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate. Policies within the Local Plan Strategy are supplemented by the Biodiversity and Development Supplementary Planning Document.

- 16.3 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself, or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.

#### Assessment

- 16.4 The application is supported by a preliminary ecology assessment which has been reviewed by the Councils Ecology Manager. No objections were raised subject to the submission of a final Bat mitigation Strategy, this can be secured by a suitably worded pre commencement condition.
- 16.5 The application is also supported by a biodiversity metric which demonstrates the development is able to achieve above the required net gain to diversity of 20% through onsite habitat improvement. A condition requiring a final landscaping plan is recommended to ensure that the necessary biodiversity enhancements are delivered in a timely manner as part of the proposals.
- 16.6 This site is within the zone of influence for Cannock Chase Special Area of Conservation. Taking into consideration the nature of the proposals a HRA 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.
- 16.7 Subject to conditions the proposed development is considered to be acceptable in regard to ecology and protected species.

## **17. Drainage**

- 17.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

#### Assessment

- 17.2 The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of the relevant specialist consultations the County Council as Lead Local Flood Authority and Severn Trent Water have raised no objection, subject to a pre-commencement drainage condition being incorporated should planning permission be granted.
- 17.3 Overall, subject to details of drainage being secured by an appropriately worded condition, the development proposal is considered to be acceptable in this regard.



## 18. CIL/Planning Obligations

- 18.1 Should Members be minded to grant permission, a legal agreement would be required to secure a travel plan monitoring fee of £10,000 to be paid to Staffordshire County Council to make the proposals acceptable as referred to in the Highways section of the report above. The applicant has agreed to the provisions of the legal agreement, and this forms a requirement of the recommendation.

## 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 principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Lichfield.
- 20.3 The highway impacts of the proposal have been fully addressed and the County Highways Authority raise no technical objections to the scheme. Subject to conditions, particularly in relation to the proposed lighting, noise and construction period, the development would retain an acceptable level of amenity for existing neighbouring occupiers.
- 20.4 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 legal agreement and relevant planning conditions as set out below.

## 21 Recommendation : Approve, subject to the following conditions:

- (1) **Subject to the applicants first entering into and agreeing a legal mechanism to secure the following: -**
  - i **A travel plan monitoring fee of £10,000.**
- (2) **If the legal agreement is not signed/completed by 15<sup>th</sup> April 2024 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.**

### Grampian Condition

1. No development shall be occupied until the approved alterations to the bus stops and footpaths on Curborough Road as shown on drawing LCH-BOX-XX-00-DR-A-(03) 03 Rev D has been implemented.in accordance with this drawing and have been certified in writing as complete by or on behalf the local planning authority.



Reason: In the interests of highway safety improvements and encouraging sustainable travel in accordance with the requirements of policies CP3, CP5 and ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

## Conditions

2. 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.

3. 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, CP2, CP3, CP4, CP5, CP10, CP11, CP13, CP14, SC2, ST1, ST2, HSC1, HSC2, NR3, NR4, NR7 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Biodiversity and Development SPD, Developer Contributions SPD, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

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

4. No development shall take place until a scheme for the disposal of foul and 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 occupation.

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.

5. No development shall take place until a Construction Management Plan, which shall specify the routing of demolition and construction vehicles to and from the site, hours of construction, delivery times, parking of vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage area of plant and materials used during the construction of the development, appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway, has been submitted and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be implemented and adhered to throughout the construction period unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenities within the location in general to conform with policies CP3, CP13, NR3, ST1 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

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

7. No development shall take place until an updated bat mitigation strategy shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the requirements of the approved mitigation strategy.

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.

8. All existing trees and hedges shown as being retained on the plans hereby approved listed under condition 2 shall be protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

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 BEFORE the first use of the development hereby approved:**

9. The proposed car parking, access(es), servicing and circulation areas as shown on Drawing No.'s 'SK22346-13', 'SK22346-12' & 'LCH-BOX-XX-00-DR-A-(03)03 Rev. D' shall be sustainably drained, hard surfaced in a bound material, (lit) and marked out prior to the first use of the building hereby permitted. Thereafter these parking/servicing 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 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.

10. Before any part of the development hereby approved is brought into beneficial use and irrespective of any document currently submitted, a Travel Plan will be submitted to and approved by the LPA which will include a monitoring methodology which will include a survey methodology for assessing the travel mode choices of staff and users of the facility, an initial series of targets for modal shifts for users and a secondary series of targets should the initial targets not be achieved. These secondary targets could include contributions to improving infrastructure to support sustainable travel modes as well as or instead of other measures to drive change. The Travel Plan once approved will be monitored and managed including an agreed surveying system to identify travel choices of (customers and staff), changes in those travel choices and submission of annual reports from the Travel Plan Co-ordinator to the Local Highway Authority for at least five years from the occupation of the final part of the development, or until the targets in the Travel Plan are met.

Reason: 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.

11. Prior to the first use of the development hereby approved, a scheme of landscaping, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable

Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

12. Prior to the first use of the development hereby approved, the children's play area indicated within the approved plans shall be provided and maintained as such for the lifetime of the development.

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

13. Prior to the first use of the development hereby approved an Event Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of how the site will manage coach parking when the 3G pitch and swimming pool have events programmed at the same time which may attract vehicles carrying people from outside the area. The plan shall also detail how the site will prevent indiscriminate coach parking on Curborough Road, which could result in the obstruction of visibility splays from the main access and obstruction to the existing bus stop facilities for normal bus passengers.

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.

14. Prior to the first use of the development hereby approved and the installation of any external lighting within the site, a final lighting scheme, supported by an impact assessment shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall only be implemented in accordance with the approved details and maintained as such thereafter.

Reason: In order to safeguard the ecological interests of the site and the residential amenities of neighbouring occupiers in accordance with Policies CP3, CP13 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

15. Prior to the installation of the artificial 3G pitch, details of the design and specification of the 3G artificial pitch shall have been submitted to and approved in writing by the Local Planning Authority. The design and layout of the artificial pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sport England Artificial Surfaces for Outdoor Sport updated guidance 2013 and the FA Guide to 3G football turf pitch design principles and layout. All works shall be implemented in strict accordance with the approved details and shall not be removed or altered in any way.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Local Plan Policies CP1, CP3, CP10 CP11 and Policy HSC2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

16. Prior to the first use of the artificial 3G pitch confirmation of the following shall be submitted to, and approved in writing by the Local Planning Authority:
- (a) certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and;
  - (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the 3G pitch is fit for purpose and sustainable, provides sporting benefits

and to accord with policies CP1, CP3, CP10 CP11 and Policy HSC2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

17. Prior to the first use of the development hereby approved, the cycle storage shelter as indicated on the approved plans shall be provided and thereafter shall be made available at all times for their designated purposes.

Reason: 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:**

18. Within 9 months of the first use of the 3G Playing pitch hereby approved, a detailed noise impact monitoring analysis report, together with details of appropriate mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a defined acceptable noise level to sensitive receptors in accordance with the submitted Noise Impact Assessment Rev 3, dated as received 30 November 2023. Details of the method of noise assessment shall be carried out for a minimum period of 6 months and be incorporated into the noise impact monitoring analysis report. The development shall be used in accordance with the approved details.

Reason: To protect the amenities of neighbouring properties and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

19. Any external plant equipment shall be in full compliance with the requirements set out in the Noise Impact Assessment Rev 3 dated as received 30 November 2023 (paragraphs 4.31- 4.43)

Reason: To protect the amenities of neighbouring properties and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

20. 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.

21. 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.

22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the use of the premises as a leisure centre as described in the application and for no other purpose.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

23. The use hereby permitted shall not be open to customers outside the following times:  
07:00- 22:00 Monday to Friday  
07:00- 20:00 Saturdays, Sundays and Bank Holidays.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

### NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018)
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £143 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 applicant is advised with regards to the drainage details required under condition 4 above, that the Lead Local Flood Authority require the following details to be submitted:

The final drainage design must conform to the design detail as outlined in the approved Flood Risk Assessment and shown upon the preliminary drainage strategy drawing in appendix B (200.23022-ACE-00-ZZ-DR-C-0100RevP3,21September2023).

The design must further demonstrate:

- Confirmation of whether surface water generated by the sports pitch can be discharged to the ground via infiltration. A BRE 365 Infiltration test shall be undertaken in the location of the proposed gravel trench soakaway system as shown in the preliminary drainage layout.
- Confirmation from the owner of the SW sewer asset that the proposed point of connection (and the rate) is acceptable.
- Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage system (drainage basin), SUDs features (permeable pavements, gravel trench soakaway system if viable) and the outfall arrangements (hydro brake

chamber). Performance calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and critical storm durations (15 minutes up to 48 hours), to include as a minimum the 1:2 year, 1:30 year and the 1:100 year plus climate change return periods. The hydraulic modelling design shall use FEH rainfall data and shall apply an appropriate allowance upon rainfall to model the impact of climate change. A plan showing the total impermeable area of the development layout

shall be submitted alongside the drainage design to confirm the contributing areas within the hydraulic model.

- Finished floor levels are to be set 150mm higher than ground levels to mitigate the risk from exceedance flows (i.e., blocked gullies etc). In all cases, the surrounding ground level shall slope away from the finished floor level of properties and any entrances to mitigate against the risk of surface water inundation.
  - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the body(-ies) responsible.
  - Provision of a Surface Water Management Plan (SWMP) to demonstrate the measures to be undertaken to control of surface water and contamination/ pollution as part of any temporary works associated with the permanent development.
5. The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.
6. The proposed site access(es), footway and bus shelter works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to [trafficanetwork@staffordshire.gov.uk](mailto:trafficanetwork@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.asp>  
[x](#)
7. 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.