

# Planning Committee

8 April 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**

**8 April 2024**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
23/00444/FUL	Blackbrook Hall London Road Lichfield	Weeford
23/01057/OUT	5 Stafford 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

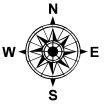
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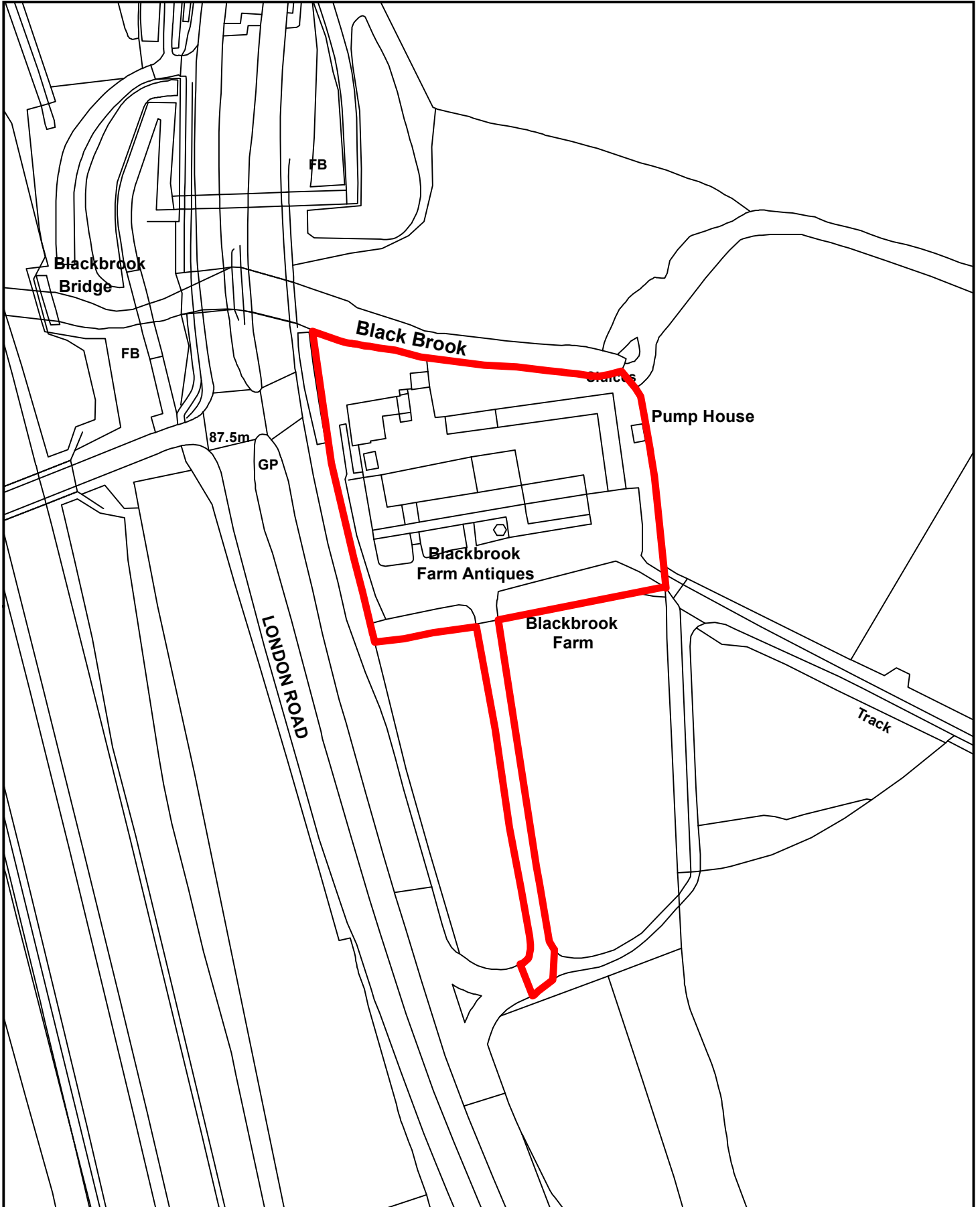
Dated: March 2024

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# Planning committee- Update Report



<b>Address:</b>	<b>Blackbrook Hall , London Road, Lichfield, Staffordshire</b>		
<b>Application number:</b>	<b>23/00444/FUL</b>	<b>Case officer:</b>	<b>Tom Ansell</b>
<b>Ward:</b>	<b>Bourne Vale</b>	<b>Date received:</b>	<b>08/05/2023</b>
<b>Parish:</b>	<b>Weeford</b>		
<b>Proposal:</b>	<b>Erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates</b>		
<b>Reason for being on agenda:</b>	<p><b>This application is being reported back to the Planning Committee following Planning Committee resolution on the 4<sup>th</sup> March 2024, where the application was deferred for the following reasons:</b></p> <ul style="list-style-type: none"> <li>• <b>Information pertaining to the frequency and size of weddings (insofar as the number of attending guests) requested.</b></li> <li>• <b>Parking layout and parking management plan requested.</b></li> <li>• <b>Details of internal ventilation requested.</b></li> <li>• <b>Feedback from the Environmental Health officer requested on noise conditions/info etc.</b></li> </ul> <p><b>This report addresses the above reasons and sets out the list of recommended conditions.</b></p> <p><b>A copy of the original Planning Committee Report and Supplementary Report are attached as Appendix 1 to this report.</b></p>		
<b>Recommendation:</b>			
<b>Applicant:</b>	<b>Mr Kevin Sharkey</b>	<b>Agent:</b>	<b>Mrs Claire Preston</b>

## 1. Summary Update

Since 4<sup>th</sup> March there have been no material changes to the site, its buildings, layout, relationship to any neighbouring property, or access. Therefore, the site appraisal and description remain as per the original committee report.

On 23<sup>rd</sup> February Officers posted two site notices to appropriately publicise the changes made to the description of the application, which were agreed in late 2023 but not publicised at the time. One site notice was posted adjacent to the public footpath on Hungry Lane, and one notice was posted at the site's entrance with the A38. The application was also republicized in the press (Birmingham Mail). The site notice and press adverts have now expired (the 21-day period has elapsed).

The proposal also remains as described by Officers in the original committee report, apart from one request concerning draft condition 17 (as per Page 30 of original report). The applicants have sought to change the wording of condition 17 from this:

*'External noise associated with the development must not exceed 65 dB(A) at 3m from the noise source and must end by 21:00.'*

To this:

*'External music associated with the development must not exceed 75 dB(A) at 3m from the noise source and must end by 21:00.'*

Justification for this change has been provided in an email submitted by the agent on 20<sup>th</sup> March. This information has duly been placed before the Environmental Health Officer.

## **2. Updated Supporting documents**

The following additional plans and supporting documents have been submitted following the deferral of the application during the hearing of the 4<sup>th</sup> March planning committee. These plans and documents now form part of this recommendation.

Plans/documents (all received on 14<sup>th</sup> March unless otherwise stated):

- Sustainability, Planning and Heritage Statement Addendum V1.1
- Proposed Parking Plan - 3860-03A
- Proposed Parking Plan – Tracking – 3860 – 63A
- Proposed Access Gate Plan – 3860-45A
- Proposed Access Gates Elevations – 3860 – 46A
- Proposed Ground Floor Plan – 3860-24H
- Blackbrook Orangery Proposed Ventilation Strategy
- Email from agent 20<sup>th</sup> March 2024 containing written justification for changing wording of condition 17

## **3. Updated Consultation responses**

Consultation letters have been sent out to:

- Environmental Health Officer (EHO)

*'Thank you for the additional information and proposed conditions. I can confirm that I agree to the external noise limit of 75 dB(A) proposed by the applicant [changes to Condition 17 as set out above – Officer], however I would advise that following the layout revisions the recommendation to keep doors and windows closed after 9pm should apply to all elevations to safeguard neighbouring amenity.'*

- Highways Team

*'I have reviewed the parking and gates – I have no objection.'*

- Weeford Parish Council

No comments received at time of writing.

The end of the two-week reconsultation period is 28<sup>th</sup> March. Any comments received after this date and after publication of this written report update will be presented as a supplementary update or a verbal update directly to committee.

## **4. Updated Neighbour responses**

No neighbour reconsultation has been undertaken, and no further comments from neighbours have been received.

## 5. Updated Observations

Notwithstanding the absence of comments from the consultees, Officers have appraised the submitted documents/plans/information (where possible) and can provide the following observations:

### Wedding frequency and size

The applicant anticipates 2 – 3 wedding events per week, with a maximum capacity of 120 guests. It is submitted that an average wedding consists of 60 – 80 guests.

The number of weekly events and maximum capacity both appear appropriate and in line with what it would be reasonable to expect for a viable business. However, Officers requested some more information pertaining to the number of weddings per week/guests per event, in the context of viability, and received the following information:

*'Number of guests per event is less important than number of events as we envisage majority of events will be smaller at say 50-70 guests and larger weddings up to 120 are not as frequent. We will be able to offer weddings from 40 guests upwards. However, in order to be successful, we have to be able to offer weddings flexibility throughout the week to accommodate demand and we cannot be restricted on number of events per week as this will make the business unviable based on our fixed operating costs.'*

Officers do not consider the scale or intensity of the operations described to be particularly exceptional or cause for concern, bearing in mind the extant lawful use of the building (i.e., retail, Class E), and what might reasonably be achieved (in terms of site attendance and frequency) without any input or control from the planning department.

### Parking layout and management plan

A drawing has been submitted which shows that 79 car parking spaces can be provided within the site's dedicated parking area (already within the red line). All of the spaces meet the requirements established within the Council's adopted SPD on Sustainable Design, including the six mobility spaces which have the required 1.2m accessibility zone.

A distance of at least 6m is maintained between rows of parking bays (i.e., the 'aisle' between the spaces).

Tracking drawings for a refuse vehicle and private car/SUV have also been provided. The refuse vehicle can enter and exit the site in a forward gear, as there is space within the site for it to reverse and turn around.

In terms of the number of spaces being provided, the Sustainable Design SPD advises that for non-food retail, one space per 25sqm of floorspace should be provided. The site demonstrably exceeds this requirement even assuming that *all floorspace within the site* was used for retail purposes (including the farmhouse).

The proposed use as a wedding venue will be limited to 719.9sqm. A wedding venue is *sui generis* use and the SPD on Sustainable Design does not suggest a preferred ratio of parking spaces per floorspace/number of guests etc. From research conducted by Officers, it appears that the industry standard for parking provision at wedding venues is to assume one parking space is required for every 2 – 2.5 guests.

A wedding event attended 120 guests will therefore require between 48 and 60 parking spaces, using this metric. The car park provides 79 spaces in total, exceeding the more onerous requirement of one space per two guests.

Officers are therefore satisfied that the site is capable of facilitating parking for the maximum number of guests envisaged attending a wedding event, and the parking facilities provided are laid out in accordance with adopted guidance, allowing vehicles to manoeuvre safely.

It is noted that the Highways Team has no objections to the parking plan or revised gates drawing.

#### Environmental Health matters (noise & ventilation)

##### Current position on noise

Officers have noted an inconsistency in the comments offered by the EHO on 25<sup>th</sup> March 2024. Officers will provide an overview of the current position on noise below, to provide context to this observation.

On 12<sup>th</sup> February, the EHO considered the proposals to be '*broadly acceptable*' subject to conditions, and offered a bullet pointed list of matters they wanted to be dealt with via planning condition.

One of the EHO's recommended conditions concerned the openings on the northern elevation of the building. It required the doors and windows to be kept closed after 9pm, and at all times when live amplified music takes place. In the committee update prior to 4<sup>th</sup> March, Officers submitted that such a condition would struggle to pass the necessary tests, particularly of enforceability:

*'Paragraph 56 of the NPPF advises that planning conditions should only be imposed 'where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' Officers felt that a planning condition concerning the status of windows, in terms of whether they were open or not during certain events and at certain times, was not practicably monitorable or enforceable. As such, it was felt that the condition would fail the NPPF's tests, and be vulnerable to a successful appeal (and associated costs).'*

Notwithstanding this, Officers drafted conditions that responded to the other points raised by the EHO on 12<sup>th</sup> February, and these went into the committee report as Conditions 10, 16 and 17. However, in recognition of the fact that the EHO did not draft the conditions, Officers amended the application's recommendation within the supplementary updates document.

The updated recommendation was suggested as follows:

*'Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices & Press Adverts), subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours, and subject to the Environmental Health Officer's agreement to the noise related planning conditions as recommended by Officers, or any subsequent minor variation thereof.' [emphasis added]*

Following the deferral of the planning application at the 4<sup>th</sup> of March committee, Officers have investigated the merits of using conditions to control the opening/closing of windows within elevations, in relation to preventing noise pollution and safeguarding amenities. Officers concede that such a condition is one that is, in fact, quite regularly relied upon where there is scope for a land use conflict, particularly between businesses and non-ancillary residential neighbours. It is therefore considered to be enforceable.

Officers have noted that EHOs regularly undertake out of hours visits to check compliance with such conditions, and if it was suspected that a planning condition wasn't being complied with (i.e., if doors were being left open) then it would be something that the Environmental Health team would be more than willing to investigate.

As such, Officers have softened their position on the use of a condition requiring windows/doors within elevations to be closed. The principle of doing this is now considered to be acceptable.

Notwithstanding this, the EHO's comments on 12<sup>th</sup> February are very clear that the EHO's concern revolved around openings on the northern elevation, mainly on the proposed wedding breakfast/reception building. In response to this, the applicant submitted amended elevations and floorplans, which were received on 14<sup>th</sup> March. Officers duly reconsulted the EHO on these amended plans.

For the benefit of Councillors, the internal layout of the building remains as it did before – the extension will still host the wedding breakfast and reception - but the elevations show the following:

- Elevation 4 – Proposed North East – the '*glazing with timber solar shading*' has become '*bifold doors*'. These have always been shown as openable.
- Elevation 6 – Proposed North West – the '*full height glazing*' is now confirmed to be '*full height fixed glazing*' (i.e., non-openable).
- Elevation 8 – Proposed South West [new drawing] – a set of '*double doors*' is now proposed within an entirely glazed elevation – this elevation was previously completely free of any windows or doors

To reiterate, the view previously offered to the applicants by the EHO was that openings on the north elevation should be kept shut after 9pm and at all times during live amplified music performances. The applicants responded to this by showing that openings on the north elevation would be fixed shut. At face value, this appears to address the EHO's concerns directly. The applicants instead proposed openings on the western elevation. This does not seem unreasonable; by specifying 'north' in their comments, it can be fairly assumed that the EHO did not have concerns regarding openings facing in other directions. No concerns had been raised about the doors in the east-facing elevation of the wedding breakfast room, for example.

The EHO has provided comments that respond directly to these amended plans – these were submitted on 25<sup>th</sup> March.

*'Thank you for the additional information and proposed conditions. I can confirm that I agree to the external noise limit of 75 dB(A) proposed by the applicant, however I would advise that following the layout revisions the recommendation to keep doors and windows closed after 9pm should apply to all elevations to safeguard neighbouring amenity.'*

The EHO has agreed to a minor change to the wording of what was Condition 17, which is positive. However, the underlined comments appear quite inconsistent with the position taken on 12<sup>th</sup> February. Officers do not consider the internal layout and arrangement of the building to have been revised in a material way by the amended drawings received 14<sup>th</sup> March. As stated above, the drawings appear, at face value, to respond directly to some of the concerns raised on 12<sup>th</sup> February.

Therefore, the view that now doors and windows on all elevations should be kept closed after 9pm represents a more severe position, and a more onerous requirement, than before. Regrettably, no justification for this change in position has been provided at the time of writing. The Council will be vulnerable to an appeal for costs if it can be shown by the applicant that the Council acted unreasonably by responding negatively/unexpectedly to a change that was seemingly stipulated by a consultee. Therefore, Officers need the change in position to be robustly justified so that new draft conditions can be prepared.

Officers are presently engaging directly with the Environmental Health team to understand why this change in position has been put forwards. Officers are also engaging with the Environmental Health team to reach an agreement on the wording of the already drafted planning conditions (10, 16 and 17). Such engagement is not considered abortive, because the EHO's comments on 12<sup>th</sup> February make it clear that the development is '*broadly acceptable*'.

At the time of writing, Officers are unable to propose a solution to this issue. Therefore, Officers propose that the application returns to committee with the following recommendation:



*'Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of the Committee Report prepared for committee dated 4<sup>th</sup> March 2024 (Appendix 1), and subject to Officers, the Council's Environmental team and the applicant agreeing to fully justified and defensible noise-related planning conditions which use the comments received on 12<sup>th</sup> February 2024 as a starting point.'*

Officers will then be able to continue negotiations after committee, if a resolution is not reached before 8<sup>th</sup> April 2024.

It should be noted, however, that in their comments dated 25<sup>th</sup> March, the EHO has no objection with Condition 17's wording being changed from this:

*'External noise associated with the development must not exceed 65 dB(A) at 3m from the noise source and must end by 21:00.'*

To this:

*'External music associated with the development must not exceed 75 dB(A) at 3m from the noise source and must end by 21:00.'*

Therefore, Officers do not consider the wording of Condition 17 as presented in the 4<sup>th</sup> of March committee report (Appendix 1) to require any further negotiation.

#### Ventilation strategy

Officers also note that a draft ventilation strategy has been submitted to try and reassure the Council that it will be possible to ventilate the internal spaces adequately without there being risk of additional noise pollution, or harm to neighbouring properties.

The draft strategy details a standard air conditioning system with secondary ducting. The secondary ducting can be fitted with cross talk attenuators and silencers, which are designed to maintain sound transmission ratings in low velocity air transfer between adjoining spaces.

The attenuators contain 'acoustic baffles' that will allow fresh air to be circulated within the internal spaces without causing speech and unwanted internal noises from spilling outside.

The EHO has been consulted on this draft strategy and did not raise any specific concerns or objections to this.

The draft strategy appears to offer sufficient reassurance that the internal rooms within the building can be adequately climate controlled to allow guests to participate in a wedding event in comfort, even during warmer weather, while also safeguarding the amenities of neighbouring properties.

However, unless EHOs directly advise that the information provided is sufficient as it has been submitted, Officers intend to weave a requirement for the submission of a 'final' ventilation strategy into the noise-related planning conditions that will be negotiated following the application's hearing at 8<sup>th</sup> April committee, assuming members of committee agree to the Officer's recommendation that approval is delegated to the Planning Management & Transformation Consultant to allow these negotiations to take place.

## **6. Human rights**

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.

## **7. Conclusion**

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.

Since the application was deferred, Officers have received information specifically requested by members of the planning committee. Specifically, details on the frequency of events and attendance, and a parking layout/management plan that provides tracking information. The entrance has been altered to remove walling close to the A38, to increase forward visibility.

Officers do not find the envisaged two to three events per week to be particularly unreasonable or exceptional. The applicant has since confirmed that limiting the number of events to two per week would render the business unviable. The number of guests attending the site per week, albeit in a more highly concentrated 'waves', aligns with the number of vehicles that the applicant advises would attend over a busy weekend period for the Blackbrook Antiques business (i.e., during a sales event, the applicant advises that 300 visitors could attend per weekend, with more on a bank holiday). Photographs have been provided of overflow parking being used on the grass surrounding the access, which reinforces the applicant's claim in this regard.

The Highways Officer has no objection to the parking plan, quantity of parking, or the changes to the gates/walls. There are therefore no reasons for the application to be refused on highway grounds. Again, Officers refer to the applicant's information on the site's attendance over a weekend sales event, when it was operating as Blackbrook Antiques.

While it might be argued that the environmental matters are 'unresolved', Officers do not consider this to be the case. While the EHO's comments on 25<sup>th</sup> March do not align, at least in part, with the EHO's comments from 12<sup>th</sup> February, this is a matter that can be delegated to Officers for resolution. This is because the 12<sup>th</sup> of February comments should be regarded as a starting point for negotiation, and the comments are clear that, subject to conditions, the development is acceptable in terms of noise.

Consequently, Officers consider the additional information and resolution to negotiate noise-related conditions directly with the EHO and applicant following committee to address the concerns for the application's deferral at 4<sup>th</sup> of March committee. Officers therefore recommend approval, subject to the recommendation set out above and below.

## **8. Updated Recommendation**

### **a) Conditions**

Officers will not provide a full condition list again. The conditions provided in Section 22 (pages 25 – 30) of the committee report for 4<sup>th</sup> of March committee (Appendix 1) continue to apply as previously drafted subject to any very minor tweaks or corrections that may be identified ahead of any decision being issued. The clear exception to this is conditions 10, 16, and 17.

The wording of these conditions could change, and more noise condition(s) or informatives could also be added depending on the outcome of the negotiations that will take place after the publication of this report, and following the hearing of 8<sup>th</sup> April planning committee, should Members agree with the Officer's recommendation:

**b) Recommendation:**

Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of the Committee Report prepared for committee dated 4<sup>th</sup> March 2024 (Appendix 1), and subject to Officers, the Council's Environmental team and the applicant agreeing to fully justified and defensible noise-related planning conditions which use the comments received on 12<sup>th</sup> February 2024 as a starting point.

# Appendix 1



Lichfield  
District Council

# Planning committee report



Lichfield  
District Council

<b>Address:</b>	Blackbrook Hall , London Road, Lichfield, Staffordshire		
<b>Application number:</b>	23/00444/FUL	<b>Case officer:</b>	Tom Ansell
<b>Ward:</b>	Bourne Vale	<b>Date received:</b>	08/05/2023
<b>Parish:</b>	Weeford		
<b>Proposal:</b>	Erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates		
<b>Reason for being on agenda:</b>	<p>This planning application is being reported to the Planning Committee due to significant planning objections raised by Weeford Parish Council.</p> <p>Weeford Parish Council objections include:</p> <ul style="list-style-type: none"> <li>• Inappropriate materiality (i.e., metal cladding out of keeping with building).</li> <li>• Substantially more parking required than what is provided on site.</li> <li>• No public transport available.</li> <li>• No operational hours for the wedding venue, or information pertaining to noise provided.</li> </ul> <p><i>Officer note: noise information has since been provided and a view on this has been sought from the Council's Environmental Health team.</i></p> <p>A further Parish Council objection was submitted on 21<sup>st</sup> February 2024. The objection raised the following <i>additional</i> concerns:</p> <ul style="list-style-type: none"> <li>• The application should have been registered as a Major due to the amount of floorspace proposed – correct procedures have not been followed.</li> <li>• Statutory consultees have not provided correct advice as the Council has 'allowed alterations during the determination' (the Highways Authority is mentioned).</li> <li>• The Flood Risk Assessment incorrectly classifies the proposed development as 'less vulnerable' when a wedding venue is actually 'more vulnerable'.</li> <li>• The SUDS plan does not take the wall and gate into account.</li> <li>• Inappropriate development within the greenbelt, such as the gates/walls proposed as part of this application, must be accompanied by a statement outlining what very special circumstances exist to justify development.</li> <li>• The description of development within the PEA does not reflect what is being proposed on site.</li> <li>• The FRA and drainage strategy were prepared on the basis of the premises being in a different use.</li> <li>• An independent noise consultant has a different position/conclusion on background noise levels.</li> </ul> <p><i>Officer note: a direct response to these concerns has been provided within the report below.</i></p>		

<b>Recommendation:</b>	<b>Delegate to the Planning Management &amp; Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices &amp; Press Adverts), and subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours.</b>		
<b>Applicant:</b>	<b>Mr Kevin Sharkey</b>	<b>Agent:</b>	<b>Mrs Claire Preston</b>

## 1. Executive summary

- 1.1 This application seeks full planning permission for a range of works and a change of use of an existing Grade II listed agricultural complex into a wedding venue with café, restaurant and other ancillary facilities. A separate Listed Building Consent application has been submitted to the Council.
- 1.2 The physical alterations to the building will include the erection of a two-storey 'in fill' extension of contemporary design and finish between the listed farmhouse and the existing range of agricultural buildings, and two further extensions on the northern elevation of the southernmost range, projecting into the courtyard. One of these extensions will be partly on the footprint of an existing modern lean-to agricultural building. Gates will also be installed to the south, close to where vehicles access the site from the A38.
- 1.3 After careful consideration, the introduction of a wedding venue in this location, along with associated facilities including a restaurant and café, is considered acceptable in principle. Furthermore, the proposed development is considered to be acceptable with regards to the special interest and significance of the listed building, resulting in a low level of less than substantial harm, which is outweighed by the public benefits of ensuring the building remains in a viable use while providing tourism facilities and employment opportunities within the district.
- 1.4 Furthermore, the development will not have a detrimental impact upon the green belt, inasmuch that it will not adversely impact upon its character or openness.

### Summary

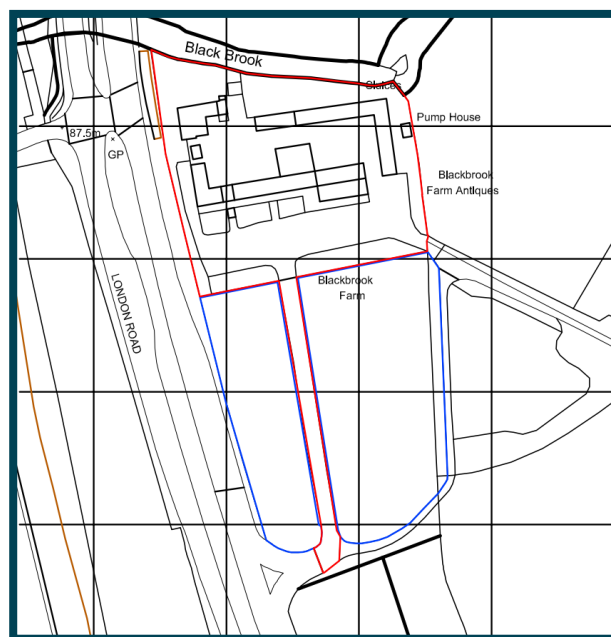
**Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations/refusal with the reasons as outlined within this report.**

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

## 2. The site

- 2.1 The application site comprises an attractive, historic and traditional range of agricultural buildings, including a farmhouse named Blackbrook Hall, which lie to the immediate east of the A38 (and which are accessed directly from the south-bound carriageway of this road), within the parish of Weeford.
- 2.2 The buildings comprise a double-piled farmhouse with a generally L-shaped footprint, which presents its impressive symmetrical, five-bay wide principal façade west towards the A38. The farmhouse lies in the north-western corner of the complex. A detached hayloft building lies immediately to the north-east of the farmhouse.
- 2.3 To the east and south/south-east of the farmhouse are two ranges of traditional agricultural buildings, both L-shape in form. These create a fully enclosed and highly legible rectangular farmyard which is nearly fully enclosed apart from a gated vehicular entrance on the south-eastern side of the yard. These buildings have been in use for the sale of antiques for a number of years.

- 2.4 A single, modern agricultural lean-to building, finished in corrugated metal over blockwork, projects into the courtyard on the northern side of the southern range of buildings. Its intrusion into the farmyard is unfortunate, but it was clearly built some time ago when the buildings were more likely to be in an agricultural use.
- 2.5 Apart from the modern building, the traditional complex is finished in red brick, with predominantly clay tile roofs, although there is some slate visible too.
- 2.6 Blackbrook Hall is Grade II listed, and the associated agricultural buildings are considered to be curtilage listed. The building and site have formerly been used to sell antiques and provide other modest retail units/services. The farmhouse is in a residential use.
- 2.7 The site lies in the open countryside, beyond the confines or built limits of any nearby settlements. It lies within the greenbelt, but not within any conservation area, or Special Area of Conservation buffer zone. Figure 1 below shows the extent of the boundary subject to this planning application.



### 3. Planning history

- 3.1 The site has extensive planning history. Of relevance to this application are the following:

22 June 2022- **22/00511/LBC**- Works to listed building to enable alterations including painting of windows and door and new window box planters to front, restoration of side window and internal alterations- Approved subject to conditions.

11 October 2021- **21/00055/FUL** -Removal of Condition 2 (Use of buildings) of permission 07/00033/COU to allow for use of buildings for uses falling within Class E- Approved subject to conditions.

18 December 2014- **14/01062/LBC**- Installation of stoves and flues in 5 locations with brick fireplaces- Approved subject to conditions.

22 April 2009- **07/00033/LBC**- Change of use of redundant farm buildings to workshop accommodation/antiques village (resubmission of 98/00299/COU) and formation of new access- Approved subject to conditions

22 April 2009- **07/00034/COU**- Change of use of redundant farm buildings to workshop accommodation/antiques village (resubmission of 98/00299/COU) and formation of new access- Approved subject to conditions

19 May 1998- **98/00299/COU**- Change of use of redundant farm buildings from offices to workshop accommodation and associated toilet block and staff canteen- Approved subject to conditions.

19 May 1998- **98/00300/LBC**- Change of use of redundant farm buildings from offices to workshop accommodation and associated toilet block and staff canteen- Approved subject to conditions.

24 February 1998- **97/01049/COU** -B2 use with ancillary showroom accommodation- Refused.

24 February 1998- **97/01050/LBC** -B2 use with ancillary showroom accommodation- Refused.

- 3.2 An application for Listed Building Consent (ref **23/00445/LBC**) has been submitted to address the works to the Listed Building which arise from these proposals.

## 4. Proposals

- 4.1 This application seeks permission for the erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates.
- 4.2 The works primarily focus on the gap between the farmhouse and the southernmost L-shaped range of buildings, with additional works taking place both internally and externally to the southernmost L-shaped range of buildings. The northern L-shaped range of buildings does not appear to be affected by the proposed development, as no obvious works are proposed. The buildings are included, however, within the red line, and would fall within the change of use element of the permission.
- 4.3 Breaking down each element, the two-storey link extension will infill the gap between the farmhouse and the southernmost range of agricultural buildings. Presently, this is infilled with a large timber hoarding, presumably erected for security reasons. The two-storey extension will be double-piled, like the farmhouse, meaning there will be two ridgelines running parallel to each other. It will be finished in contemporary materials – timber cladding to the principal elevation, with large minimally framed glazing panels positioned centrally, to give it the appearance of a threshing barn, and anthracite coloured wall cladding and metal cladding on the roof at the rear (the walling material is not specified). A balcony at first floor level will project from the rear elevation of the extension, and this will partly overlap the eastern part of the southernmost range of buildings.
- 4.4 The single storey extensions will project from the northern elevation of the southernmost range of buildings. One of these is to be used as an orangery/wedding breakfast/reception room, and sits partly on the footprint of an existing lean-to building. The replacement building will have a pitched roof, and be wider and project further out into the courtyard than the existing building.
- 4.5 The completely new single storey extension will be double-gabled, with the ridges running at right angles to the barns the extension is attached to, and will be finished in timber cladding under anthracite coloured louvre panels. The roof will be plain tile, to tie into the existing buildings within the farmyard.
- 4.6 The use of the building will change to that of a wedding venue with a café and restaurant facilities provided too.
- 4.7 An area within the southernmost range of buildings has been identified on the floorplan as being for the venue/holding, where ceremonies will take place. This will be close to the orangery – the replacement rear extension – and the orangery will be where the wedding breakfast and (it is assumed) the evening reception takes place. The extension that will be built adjoining this building and projecting north from the traditional barn will accommodate the kitchen associated with the orangery/wedding breakfast building.



- 4.8 Above the ground floor entrance into the restaurant/orangery, will be the bridal suite for the bride and groom. This will be formed on the first floor of the existing traditional agricultural building.
- 4.9 The two-storey extension between the farmhouse and the southernmost range of buildings will provide ground and first-floor seating for the café, with the counter/servery area and modest kitchen located within part of the existing barn. Some walls will be removed from within the barn to facilitate the construction of this area, and ensure the space can be used effectively. The external balcony will also provide outside seating overlooking the courtyard.
- 4.10 At the site's access, two gates will be installed, and walling will be constructed to provide space for illuminated signage to advertise the site more effectively. Opposite the site's entrance from the A38 will be a standard timber gate, providing access immediately onto the paddock that lies to the south of the buildings. A second gate, wrought iron and of a much more ornate design, will provide access down the north/south orientated driveway towards the complex itself. The plan below shows the proposed front elevation.



## 5. Policy framework

### 5.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 5.2 Local Plan Strategy

Policy BE1 - High Quality Development  
Policy CP1 - The Spatial Strategy  
Policy CP2 - Presumption in Favour of Sustainable  
Policy CP3 - Delivering Sustainable Development  
Policy CP7 - Employment & Economic Development  
Policy CP14 - Our Built & Historic Environment  
Policy ST1- Sustainable Travel  
Policy ST2 - Parking Provision  
Policy NR1 - Countryside Management  
Policy NR2 - Development in the Green Belt  
Policy NR3 - Biodiversity, Protected Species & their  
Policy NR5 - Natural & Historic Landscapes

### 5.3 Local Plan Allocations Document

Policy BE2: Heritage Assets

#### 5.4 **Supplementary Planning Document**

Sustainable Design SPD  
Biodiversity and Development SPD  
Historic Environment SPD  
Rural Development SPD

#### 5.5 **Neighbourhood Plan**

None relevant.

### 6. **Supporting documents**

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

Plans:

- Drawing 3860-01 Location Plan received 18<sup>th</sup> April 2023.
- Drawing 3860-02 Site Plan received 18<sup>th</sup> April 2023.
- Drawing 3860-24 Rev G Proposed Ground Floor Plans received 22<sup>nd</sup> December 2023.
- Drawing 3860-25 Rev F Proposed First Floor Plans received 2<sup>nd</sup> October 2023.
- Drawing 3860-26 Rev F Proposed Roof Plans received 22<sup>nd</sup> December 2023.
- Drawing 3860-27 Rev J Proposed Elevations 1 – 4 received 22<sup>nd</sup> December 2023.
- Drawing 3860-28 Rev J Proposed Elevations 5 – 7 received 22<sup>nd</sup> December 2023.
- Drawing 3860-14 Rev B Demolition Plan Ground Floor received 2<sup>nd</sup> October 2023.
- Drawing 3860-15 Rev B Demolition Plan First Floor received 2<sup>nd</sup> October 2023.
- Drawing 3860-18 Rev B Demolition Plan Elevations 5 – 7 received 2<sup>nd</sup> October 2023.
- Drawing 3860-16 Rev A Demolition Plan Roof received 18<sup>th</sup> April 2023.
- Drawing 3860-45 Proposed Access Gate Plan received 5<sup>th</sup> July 2023.
- Drawing 3860-46 Proposed Access Gates Elevations received 5<sup>th</sup> July 2023.
- Drawing 16327-ABA-23-GF-DR-S-500 A0 Drainage Plan received 18<sup>th</sup> April 2023.
- Drawing 11956 v1.0 'Layout of 14" cast aluminium plaque for Lichfield Civic Society' received 16<sup>th</sup> August 2023.
- Drawing 3860-50 Rev A Historical Plaque Location received 25<sup>th</sup> August 2023.
- Drawing 'Typical fixing detail for face-fixed wall-mounted plaque using concealed fixings' received 25<sup>th</sup> August 2023.

Supporting Documents:

- Document 1616 Sustainability Planning and Heritage Statement received 18<sup>th</sup> April 2023.
- Document 16352-FRA report 'Flood Risk Assessment and Drainage Strategy' dated 9<sup>th</sup> February 2023, prepared by 'aba consulting' and received by the Council on 18<sup>th</sup> April 2023.
- Document 'Preliminary Ecological Appraisal' dated January 2023, prepared by 'Elite Ecology' and received by the Council on 18<sup>th</sup> April 2023.
- Document 'Bat Activity Survey' dated October 2023, prepared by 'Elite Ecology' and received by the Council on 27<sup>th</sup> October 2023.
- Document Design and Access Statement Rev A dated April 2023 and received by the Council on 18<sup>th</sup> April 2023.
- Document 'Arboricultural Impact Assessment BS5837:2012' dated 3<sup>rd</sup> January 2023, prepared by Apex Environmental and received by the Council on 18<sup>th</sup> April 2023.
- Document 'Noise Impact Assessment' dated 21<sup>st</sup> November 2023, prepared by Parker Jones Acoustics and received by the Council on 22<sup>nd</sup> November 2023.
- Document 'Acoustic Response to EHO' (email), prepared by Chris Parker-Jones, received by the Council on 18<sup>th</sup> January 2024 (uploaded to the Council's website on 22<sup>nd</sup> January 2024) – this response is accompanied by Figures D2 – D5, which have been uploaded also with the heading 'Acoustic Response to EHO', dated 22<sup>nd</sup> January 2024.

## 7. Consultation responses

### 7.1 Weeford Parish Council – Object to the proposals on the following grounds:

- Inappropriate materiality (i.e. metal cladding out of keeping with building).
- Substantially more parking required than what is provided on site.
- No public transport available.
- No operational hours for the wedding venue, or information pertaining to noise provided. (28/10/2023)

Further concerns were submitted on 21<sup>st</sup> February 2024. These have been bullet-pointed and summarised on the very first page of this report – Officers will therefore not duplicate them here. The concerns are addressed separately later in the report.

### 7.2 Environment Agency - Advises the Council that the application is not one that the Council should be seeking the EA's views on as it falls outside of the checklist issued to the Council by the EA. No comments provided. (28/10/2023)

### 7.3 Severn Trent Water - Raise no objections and advise that they no longer look at extensions to buildings under the planning application process as all extensions are dealt with under building regulations.

### 7.4 Historic England - No objections. (16/05/2023)

### 7.5 National Highways - No objections. (04/07/2023 and 02/10/2023)

### 7.6 Staffordshire County Council (Flood Risk Officer) – No objections. It is noted that there appeared to be little change to the impermeable area of the site and surface water runoff generated by the site, but it is suggested that floor levels within the extensions should be set no lower than existing floor levels, and flood resilience measures are considered. Advice is also provided with respect to sustainable drainage (link provided to SuDS handbook), processes for affecting flows to watercourses (consent for watercourse works), and information on how to make a consent application. (16/05/2023 and 02/10/2023)

### 7.7 Staffordshire County Council (Highways) – Final - No objections. Notes that the main access will be updated to provide a new gate and brick walls either side, this would not impede visibility. Therefore, no objections to the development on highway grounds are maintained, subject to conditional compliance with drawing 3860-45. (14/07/2023).

Initial - Noted that the barns are currently used as an antiques showroom and workshop, and that there are no proposed changes to the access or additional parking proposed. Noted that the additional staff requirement will be from 3 FTE to 11 FTE – it is submitted that there are ample car parking spaces within the curtilage to accommodate this. Concludes by advising there are **no objections** on highway grounds to the development. (30/05/2023)

### 7.8 LDC Conservation Officer – Final - Further to the submission of amended plans, the development results in a low level of less than substantial harm. It is confirmed that that there is a clear and convincing justification for the works with a future viable use illustrated. Advises that the less than substantial harm is balanced out by the heritage benefits – there is no net harm, and the scheme complies with relevant policies subject to conditions to secure final details and cross sections of external joinery and finishes, submission of appropriate record with recommendations for dealing with it if unknown evidence of historic character affected by the works is discovered, the submission of programme of building recording and analysis prior to commencement and full details of all internal and external materials to be submitted. (17/01/2024)

Updated - Following submission of amended plans relating to the extensions- further alterations are required. (25/10/2023)

Updated - Following submission of blue plaque details- Confirms that, should the stud positions be arranged in line with the mortar, this would be acceptable (*'least harmful'*). Confirms that the overall appearance of the signage is acceptable. (05/09/2023)

Updated - Confirms that the additional details (not specified in the comments, but likely regarding gates/signage/illumination) are acceptable, although details and colours should be submitted via condition. (23/08/2023)

Updated - Following submission of gate/ access details- these are considered to be acceptable. (13/07/2023)

Initial - The principle of the development is acceptable, further detail requested along with a range of minor amendments to the design. (07/06/2023)

7.9 **LDC Tree Officer** - Confirmed no comments to make on the application. (18/05/2023 and 04 October 2023)

**LDC Ecology Officer** - Final - Following the submission of additional information, satisfactory measures have been recommended (outline mitigation/compensation, method statement, and enhancements) to protect the protected species identified. No further surveys are required, and adherence to all methods of working detailed within the assessment must be made a condition of any a future planning approval, including all recommendations, including

- Apply for and obtain a bat mitigation licence from Natural England to legally carry out the works
- At the start of the works, site supervision by a licenced bat ecologist in accordance with the Natural England development licence.
- Install bat compensatory features on the site in accordance with Section 5 Recommendations of the Bat Activity Survey.
- Install a variety of bird boxes around the site post development to enhance the site for local bird populations. (13/02/2024)

Updated - Confirmation via email that the ecology team would be happy for details of ecological enhancements to be conditioned and submitted prior to commencement of works. (20/06/2023)

Initial - Further information required. (13/06/2023)

7.10 **LDC Environmental Health Officer** - Final - (responding to acoustician's response to EHO's comments)

- Subject to conditions, *'the proposals are broadly acceptable'*.
- Conditions recommended, including limiting external noise to 65 dB(A) at 3m from the noise source, and ceasing this noise by 21:00 hours.
- A further condition requiring all windows and doors on the northern elevation to be kept close after 21:00, and at all times during live amplified music being played.
- Submission of noise management plan, including how bands will be advised that they need to adhere to noise limits, and how an internal noise limiter will be installed/used to monitor the noise levels of live music. (12/02/2024)

Updated (in relation to Noise Impact Assessment) - Further information requested:

- Advises that concerns remain regarding the potential for noise to impact upon amenity, particularly from music and patrons that will be audible at nearby premises.
- Notes the *'very high'* average internal noise levels, relative to other wedding venues, its rural locality and proximity to residential property.

- It is submitted that the noise from the development would be *'incongruent'* to its surroundings.
- Advises that it is critical to ensure noise limits are readily achievable and controls in place are sufficiently robust.
- Does not consider the suggestion that *'exceedances would be acceptable provided they are not regular'* to be sufficiently robust as a control – limits should be lower than the 100 dB(A) maximum to enable a margin for error and adjustment.
- Requests further information concerning five points; how the monitoring system work in practice? How will a live act know it can comply with the noise limits? How will low frequency noise be controlled? How will external music noise, singing and applause be controlled? Could the noise mapping contours be updated as they do not tally with the key provided? (13/01/2023)

Updated - Advises that a noise impact assessment should be submitted for consideration to evaluate the potential impacts arising from the wedding venue. (27/10/2023)

Initial - No objections raised, but a condition requested securing a scheme for the control of odour and noise from the kitchen extractor to be submitted for approval. Informative requested pointing applicant to a document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems', prepared by Ricardo. (07/06/2023)

## 8. Neighbour responses

8.1 4 letters of representation have been received in respect of this application. The comments made are all very similar in content, raise objections, and are summarised as follows:

- Potential disruption caused to residents (Dog Lane and Hungry Lane are mentioned), businesses and wildlife by noise and nuisance from the venue, noting the late evening hours that the venue will likely be open until.
- Higher risk of disruption because the prevailing wind direction will carry sound from the venue across towards nearby residents
- A time limit for noise and a decibel limit would be appropriate, as per other local wedding venues.

## 9. Assessment

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

- Policy & Principle of Development
- Design and Visual Impact on the Heritage Asset and on the Character and Appearance of the Surrounding Area
- Impact upon the greenbelt
- Residential Amenity
- Access and Highway Safety
- Impact on Trees
- Ecology
- Flood risk
- Response to Parish comments
- CIL / Planning Obligations
- Human Rights

## 10. Policy & principle of development

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

2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. There are no relevant 'Made' Neighbourhood Plans in this location.

- 10.2 The proposed development seeks to change the use of an existing range of buildings, used for retail purposes in association with a former antiques business, into a wedding venue with associated restaurant, café, and other services. The building will undergo two extensions of notable proportions to help facilitate this change of use. The entire site is in open countryside with an existing access onto the A38 trunk road.
- 10.3 Paragraph 4.2 of the Lichfield District Local Plan Strategy (LPS) advises that the Spatial Strategy of the Plan (Core Policy 1) intends to direct development towards the most sustainable locations as illustrated in Map 4.1. The map shows that the site, which is 5km to the south of Lichfield, and immediately adjacent to the A38 and the M6 Toll, is in open countryside, in green belt land. By contrast, the Plan seeks to direct development to its numerous urban centres in the first instance, including Lichfield and Burntwood, and then the smaller key rural settlements after this.
- 10.4 Core Policy 7 looks at Employment and Economic Development. This policy advises that '*...Proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies*'. This is generally consistent with Section 6 of the NPPF '*Building a Strong, competitive economy*', and in particular guidance in Paragraph 88 under '*Supporting a prosperous rural economy*'. Paragraph 88(b) requires policies and decisions to enable '*the development and diversification of agricultural and other land-based rural businesses*'.
- 10.5 It is tenuously arguable that a wedding venue with café and restaurant are a tourist attraction, noting that people can travel some distance to attend weddings and it is not uncommon for people to spend a night or two in local holiday accommodation while they attend the wedding. Due to the venue's proximity to Lichfield, and the excellent highway network it benefits from to enable rapid access to this urban centre, in addition to the numerous other attractions within the district, it is submitted that the wedding venue increases the likelihood of other nearby services and attractions being utilised. This aligns with the Council's desire to support new tourism initiatives (Core Policy 9).
- 10.6 Core Policy 14 looks at Our Built & Historic Environment, and offers support for the '*sustainable re-use, maintenance and repair of listed buildings and other heritage assets*'.
- 10.7 The development before the Council will mainly reuse (sensitively) the existing historic buildings, with the scale and amount of new floorspace remaining significantly less than the existing floorspace which will be utilised to facilitate the change of use. These extensions are also considered to be broadly sympathetic or complementary to the existing traditional form and finish of the brick-built complex – more on this will be provided later in the report, however.
- 10.8 The overarching support offered by Core Policy 7 and Section 6 of the NPPF, together with the development's alignment with the 're-use' aspect of Core Policy 14, allows the development to be considered acceptable in principle, subject to compliance with other policies in the Plan.
- 10.9 In addition to its policy compliance, the building's extant lawful use is considered a material consideration that weighs in favour of the development. Photographs taken in May 2023 show the site in intense retail use, displaying and selling (on site, to members of the public) antiques. Further, the farm buildings appear to be divided into a number of different retail units and be in a commercial/employment use already.
- 10.10 This is particularly relevant due to the complex's unsustainable location. Not only is the site in open countryside, accessible only by private motor vehicle, but its access *only* directly serves the southbound carriageways of the A38. This means those arriving from the south, on the northbound carriageway, are required to travel a further 3km in total, north to the Weeford Interchange roundabout, and then south again. Those wishing to head north from the site must travel 800m south and perform a U-turn at a junction opposite an asphalt and concrete plant.

- 10.11 A public footpath does arrive at the site (footpath 0.474), originating from Dog Lane to the east (to the south of a building identified on GIS as Weeford Square). However, it is clearly unrealistic to expect this to be frequently used to access any existing or future enterprise operating at Blackbrook Hall.
- 10.12 Despite the site's unsustainable location, however, its extant lawful use, while not directly comparable, is commercial and employment based, with no apparent limitations placed upon customer visitations (other than the capacity of the car park), or the amount of stock which could be stored and sold from the site. Furthermore, a lawful retail use could permit the renting out of units within the building to other businesses, potentially creating a miniature employment/commercial park.
- 10.13 The intended use is also commercial, albeit in the hospitality and tourism sector of the market rather than retail, and will potentially increase the number of FTE employees required at the site. The site's visitation will be more prone to fluctuation as a wedding venue than it likely was in a retail use, with more notable peaks and troughs experienced as a result of weddings usually being held at the weekend. The number of people arriving at the venue to attend a wedding could exceed what has historically been experienced (on any single occasion) by the former antiques business; however, it is reasonable to presume that the lawful extant use *could* generate comparable intensity without there being any planning control to prohibit this.
- 10.14 Therefore, the extant use of the site (retail) and the evidence of its recent former operations as a place that sold antiques to visiting members of the public weighs in favour of the development, *in addition* to the positive weight afforded to its overarching compliance with the Lichfield LPS. In principle, the scheme is acceptable.

## **11. Design and Visual Impact on the Heritage Asset and on the character and appearance of the surrounding area**

### Policy

- 11.1 Core Policy 14 of the Lichfield LPS advises that the Council will '*protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working.*' It confirms that '*nationally protected listed buildings and their settings...will be conserved and enhanced and given the highest level of protection.*'
- 11.2 This is consistent with NPPF Paragraph 205, which required Councils to afford '*great weight*' to the conservation of a heritage asset, irrespective of the level of harm identified is substantial, less than substantial or total loss. Paragraph 208 requires Councils to offset less than substantial harm against public benefits identified as being delivered by the development.
- 11.3 Policy BE1 of the LPS strives to ensure development contributes towards a 'high quality sustainable built environment'. Specifically, development must show that it will have a positive impact on the significance of the historic environment, including listed buildings, and that new development such as extensions and alterations to existing buildings '*should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views*'.

### Site / building appraisal

- 11.4 The existing site is a well-preserved example of an historic farmstead/agricultural complex, formed from a large, Georgian farmhouse (historically extended in the 'double pile' fashion), and closely associated agricultural buildings, detached but in close proximity. The farmhouse is Grade II listed, and its surviving historic fabric, its materiality and strong Georgian character all contribute positively

to its significance as a heritage asset. Furthermore, it is apparent that the architect James Wyatt was born at the property, in 1747.

- 11.5 A lot of the visual significance of the building is readily observable from the public realm (i.e. the A38), as it is towards this significant highway that the farmhouse's façade presents itself.
- 11.6 However, the extent of a listed building's setting is not limited to public views; it is simply from wherever the building/complex can be observed, be that a private or public realm. Once within the grounds of the farmhouse and complex, the legibility of the historic agricultural buildings (wrapping around an enclosed courtyard in two 'L' shapes) becomes more apparent. The complex's legibility is particularly acute from within the courtyard, and it is from this vantage point that historic disruption through the construction of the modern lean-to agricultural building is perceivable.
- 11.7 This is regrettable; however, while it detracts modestly from the significance of the farmhouse and the complex from vantage points within the courtyard, it lies within the courtyard rather than projecting outwards, thus preserving the strong 'edge' of the complex created by the outward facing elevations of the rural buildings. Thus, the majority of both public and private views remain unaffected completely by this disruption.
- 11.8 Therefore, notwithstanding the modern agricultural building's siting within the courtyard, Officers consider the farmhouse and complex to have a generous setting, with the materiality and legibility of its historic use and plan contributing positively towards this. Such materiality and legibility are appreciable from a number of public and private vantage points. The setting of the building therefore contributes substantially towards the building's significance as a heritage asset, and consequently Officers are mindful to consider how successfully the proposed works safeguard that setting.
- 11.9 The following appraisals are undertaken on the basis that the Heritage Officer has confirmed that the development results in the lower end of less than substantial harm.

#### Two storey extensions

- 11.10 At present there is a timber hoarding in a gap between the farmhouse and the southernmost run of agricultural buildings. As recently as May 2023, a brick effect wall with corbelling detail at the top spanned the gap, presumably to create a degree of security by hindering views into the site from the A38. This brick wall was not regarded as being of any historic or aesthetic significance. There is limited evidence on the gable of the farmhouse or southernmost agricultural building to suggest there was ever a more significant connection or building in this gap.
- 11.11 Notwithstanding this, it is considered unlikely that harm would arise to the legibility and attractive character of the farmyard by infilling this gap with a flat-fronted extension as long as it respected the scale and façade of the farmhouse (which is typically Georgian in its presentation and symmetry) and tied cohesively into the blankness of the west-facing wall of the agricultural building. Such a development would reinforce the strong sense of enclosure experienced within the courtyard and would not be atypical of historic agricultural development. The legibility of the complex would not be affected from prominent views from the A38.
- 11.12 The scale and siting of the two-storey extension is successful in that it is wholly subservient to both the farmhouse and existing agricultural building. The extension sits significantly behind the principal façade of the main dwelling, and appreciably behind the side elevation of the agricultural building. This allows the extension to be read successfully as a later addition, which does not compete with the existing farmhouse, or result in an overly broad expanse of walling with no relief or variation. Furthermore, its ridge sits significantly below the main farmhouse, and appreciably below the adjacent agricultural building, further emphasising its subservience as an addition to the existing complex.
- 11.13 In terms of materiality, the principal (west-facing) façade of the extension, which will be the most prominent part of the entire development, is to be finished in timber cladding (of unspecified type



and colour/finish). The plans suggest that the wall finish might be expanded onto the roof, although the east-facing roof elevation of the two-storey extension is listed as being profile metal cladding.

- 11.14 In either event, this deviation in materials from the existing brickwork and plain tiles seeks to make the extension 'obviously different', and the simple, full height glazing with minimal glazing bars are considered to contribute towards a more contemporary aesthetic. Successfully differentiating between old and new in this way, when developing historic buildings, required careful choice of materials and finishes.
- 11.15 On this occasion, Officers are of the view that avoiding further red brickwork, which would unlikely exactly match the distinctive bricks used on the existing buildings, is the preferred option, to avoid creating an expansive and somewhat monotonous wall of the same material. Timber is an appropriate material typically found on rural buildings, and depending on its finish, will complement the brickwork well. However, timber left to naturally weather (i.e., to become silvery grey) will have a significantly different effect than, for example, charred timber, which is typically black and very striking when used alongside orangey red colours found in older bricks. Therefore, controlling the materiality of the extension via a suitably worded planning condition is essential – Officers consider it reasonable to request the provision of samples (on site) for inspection, given the sensitivity of the site.
- 11.16 Officers are less convinced about carrying the same material onto the roof, as it is preferable for there to be some distinction between walling and roofing elements of the build. Depending on the treatment of the timber cladding, a metal profile roof could successfully complement this as an appropriate yet contemporary alternative material. A 'notwithstanding' planning condition could be used to separately control the roofing material of the extension.
- 11.17 In terms of siting, scale and materiality, the two-storey extension is considered to be acceptable, subject to conditions. Subject to those conditions, and by virtue of its sensitive siting and subservience, this element is considered to have a neutral impact on the setting, and significance, of the building.

#### Replacement of the modern agricultural building, single storey extension

- 11.18 The existing lean-to extension is an unfortunate addition to the original range of buildings, by virtue of its scale and incongruity with the plan and layout of the historic complex. The proposal does not seek its omission, which is somewhat unfortunate. This would result in an enhancement to the setting and significance of the complex but would clearly remove valuable existing floorspace for the wedding venue. Instead, the proposal seeks to replace the lean-to building with a new larger one with a pitched roof, and which projects further into the courtyard, overlapping more of the existing northern elevation of the historic agricultural building.
- 11.19 The replacement building will be more contemporary, modern and 'obviously different' in appearance, intending to be complementarily contrasting to the traditional brickwork buildings that surround it. The timber cladding and very simple, minimalistic glazing are preferable to the existing mixture of metal and timber cladding over blockwork, and the glazing will enable views of the original building to be glimpsed through it.
- 11.20 However, it remains regrettable that this extension is larger in footprint than the existing lean-to, and results in further encroachment into the legible, enclosed courtyard space, and also obfuscates slightly more of the building. Notwithstanding the more desirable materiality, which can be controlled appropriately via planning condition, the increase in scale and massing of the replacement building relative to the lean-to building in this sensitive location results in less than substantial harm, where that harm is on the lower end of less than substantial.
- 11.21 The completely new single storey extension will sit subserviently alongside the orangery and utilise a simple double-gabled roof which will be lower in height, overall, than the orangery's new pitched roof. It will be entirely timber clad and have no openings, with a tiled roof. It will adopt the

appearance of a basic, agricultural shed externally, and therefore will not appear incompatible in the context of the surrounding historic agricultural buildings. However, it represents a further northward encroachment of built form into the courtyard, and further disruption to the courtyard layout. Therefore, notwithstanding its sympathetic, and understated appearance, its siting will result in further harm, albeit of a similar scale (lower end of less than substantial).

#### Gates and walls

- 11.22 Officers are mindful of the allowances of Class A, Part 2, Schedule 2 of the GDPO, which would allow the erection of gates, walls and fences up to 2m high where they were deemed not to be immediately adjacent to a public highway, when appraising this element of the development. It is debatable whether the walling and piers are directly adjacent to the A38, being set around 7-8m away from what is assumed to be the adopted edge of the A38, and instead directly flanking the slip road off the A38 and into the site.
- 11.23 The construction of a brick wall and piers at the site's access point (facing the A38) will have the effect of formalising the site's vehicular entrance in a manner which is slightly discordant with its rural character and open countryside location. Particularly noting the height of the two pillars that 'frame' the entranceway – these are 2.8m high to the top of the decorative sphere – the former understated agricultural entrance will become more substantively defined. However, Officers note that temptation to also place a large, fortifying gate across the main entrance has been resisted, to the benefit of retaining a sense of informality and openness.
- 11.24 Opposite the site's main entrance will be a large, timber gate identified on the drawing as 'Proposed Black Country Sports Gateway'. This gate is of a traditional, five-bar design, and if finished in standard unstained timber, this will sit more comfortably in the site's rural context.
- 11.25 The walling will continue around from the main entrance, culminating at a second set of finialled piers which, on this occasion, have a wrought iron gate between them. This represents the entrance into 'Blackbrook Hall and Farm' as labelled on the submitted drawings. The use of an ornate, black wrought iron gate is somewhat regrettable, as it is an incongruous, formalising and fortifying feature which is atypical to its rural location.
- 11.26 However, it is noted that the gate will be angled perpendicularly to the main road and will not therefore be a prominent or noticeable feature from the public highway. The gate is sufficiently distant from the main building complex, such that it does not significantly disrupt the setting and significance of the listed buildings. Furthermore, a good landscaping scheme with strategically positioned planting could help soften views of the gate and entranceway over time, and this can be secured via planning condition (along with further details of the gate design, finish, and wall construction/capping etc).
- 11.27 Therefore, while Officers are of the view that the formalising walling and, in particular, the large piers and gates are unfortunate additions to the development, they do not inherently result in significant harm to the appearance or setting of the main complex, being sufficiently distant to only cause lower end of less than substantial harm.

#### Public benefits

- 11.28 Noting that three elements of the development result in lower end less than substantial harm, there is a need to consider what public benefits the development secures. Firstly, the development as a whole, will likely result in an increase in local employment opportunity, compared to the site's former use in retail (antiques). Secondly, a high-quality development, resulting in a desirable wedding venue, café and restaurant, will attract visitors to the district and increase tourism benefits in the area in the long term (also improving the local economy).
- 11.29 More pertinently, permitting the change of use of the building, the extensions and redevelopment will ensure the farmhouse and associated complex remain in optimal viable use, securing their long-

term function and occupation, maintenance, and ultimately presence within the Lichfield landscape. Importantly, a development that seeks to utilise the entire complex at once is more likely to preserve and safeguard the special interests of the building, its legibility, and its materiality, compared to subdividing the buildings into numerous residential units, or additional retail units and risk introducing private amenity spaces, residential paraphernalia or other elements which often detract from the setting and character of an historic agricultural building.

- 11.30 As per Para 205 of the NPPF, great weight is afforded to the preservation of the asset, in this instance securing the building's optimal viable use in the least harmful way, and accordingly, this weight is considered to successfully balance against the lower end less than substantial harm that is caused by the rear extensions within the courtyard and boundary treatments at the site's entrance.

#### Conclusion

- 11.31 The development is therefore considered to successfully safeguard and preserve the setting, and significance, of the listed building. The extensions that are necessary to facilitate the new use will avoid causing notable disruption to the legibility of the complex, noting that in the case of the two rear extensions, these will only be perceivable within the courtyard. Officers are satisfied that planning conditions will successfully control sensitive aspects of the scheme, such as materiality, windows, doors and joinery design, finish and fitting, and boundary treatments and landscaping. The development is therefore considered to comply with Core Policy 14 of the LPS, policy BE1 of the LPS and Sections 12 and 16 of the NPPF.

## 12. Impact upon the greenbelt

- 12.1 The site lies within the West Midlands Greenbelt. Policy NR2 of the Lichfield LPS provides the Council's position on development within the greenbelt. It advises that all development within the greenbelt must 'retain its character and openness', and that inappropriate development is considered harmful, and 'will not be approved except in very special circumstances'. Such circumstances do not exist unless the potential harm to the greenbelt (by reason of inappropriateness) is 'clearly outweighed by other considerations'.
- 12.2 The policy goes on to advise that 'the construction of new buildings is regarded as inappropriate in the greenbelt' unless it is one of the exceptions listed in the NPPF. Section 13 of the NPPF seeks to protect greenbelt land, and paragraph 154 lists the exceptions referred to in policy NR2. Exception (c) is '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', and exception (d) is 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'. Paragraph 155 also lists 'the re-use of buildings provided that the buildings are of permanent and substantial construction' as being not inappropriate, provided such development preserves the greenbelt's openness and does not conflict with the purposes of including land within it.
- 12.3 The proposal involves, predominantly, the re-use and redevelopment including extensions of an existing complex of buildings and mostly internal operations needed to facilitate the creation of a wedding venue.
- 12.4 Extensions to the building are required and proposed. The two-storey infill extension between the farmhouse and the southernmost range of agricultural buildings is considered to fall into the NPPF exception (c). This extension is not considered to be disproportionate in scale relative to the amount of surrounding built form; the farmhouse is a significant building, and the existing agricultural buildings are also substantial in height and breadth. Similarly, the single storey rear extension to the northern elevation of the southernmost agricultural building (to provide a kitchen) is also proportionate to the scale and massing of the agricultural building and will not really be discernible from any public realm vantage point.

- 12.5 The wedding breakfast/reception room element of the scheme would see an extension added to the northern elevation of the southernmost agricultural building. This extension will be larger in scale than the existing extension which it replaces. Again, this extension is considered to meet with the NPPF exception (c) which allows for extensions provided they do not result in disproportionate additions to the original buildings. The extensions are visually contained within the courtyard of the existing complex (i.e., they will not be detectable at all from public vantage points outside of the complex) and the increase in dimensions is very modest.
- 12.6 The remaining elements of the scheme include the walling and gates at the site's entrance. Walls and gates are considered buildings for the purposes of appraising impact on the greenbelt and are not listed in the exceptions given in Paragraphs 154 or 155 (none of the walls are for the purposes of 'retaining', and as such are not engineering operations). Therefore, the proposed walling and gates at the site's entrance are considered inappropriate in the greenbelt. As above, the Framework establishes that substantial weight should be given to any harm to the greenbelt, and development should not be approved except in very special circumstances.
- 12.7 The boundary enclosures proposed at the site's entrance and just within the site's vehicular access are formed from a number of elements. There are a number of pillars with spherical finials on top, which are all between 2.1m and 2.8m in height (the largest piers are those which sit either side of the site's main entrance, facing the A38). The walling between the piers is between 1.2m and 1.4m in height. The five-bar timber gate opposite the main entrance into the site is 1.6m high, and the large wrought iron gates that provide access into the wedding venue itself are 2.6m high.
- 12.8 Officers find that the cumulative impact of the walls and gates proposed at the site's entrance has a modest adverse impact on the openness of the greenbelt, mainly due to the visual opacity of the brick wall relative to the existing post and rail fencing, and the siting of the walls and gates, some distance from the built-up elements of the agricultural complex.
- 12.9 However, Officers must consider the provisions of Class A, Part 2, Schedule 2 of the GDPO, which permits the construction of gates, walls and fences up to 1m in height where 'directly adjacent' to a highway (or the footpath serving a highway), and up to 2m high elsewhere. Piers (and decorative finials) are included in this, and the total height of a pier should include any decorations atop. In this context, Officers must consider whether the harm caused by the proposed development, certain aspects of which require planning permission, is materially greater than the harm that could occur utilising Class A, Part 2 permitted development rights, which, critically, are not removed or prohibited by the greenbelt designation of the land.
- 12.10 Boundary enclosures 'immediately adjacent' to a highway must be no more than 1m in height. There is no set definition of 'immediately adjacent'; however, caselaw has established that a wall or fence does not have to touch the edge of a highway to be considered adjacent. If a wall or fence is close enough to the highway to maintain a perceived function of forming a boundary, it can be considered immediately adjacent. In some cases, a distance of 6m has been considered to be immediately adjacent. Furthermore, the term 'highway' is also undefined by the Order, and historically Inspectors have considered grass verges to be part of the highway. Arguably, the limitation intends to safeguard visibility splays and sightlines, and if a wall or fence does not inhibit these, it could be submitted that it falls outside the scope of being 'immediately adjacent'.
- 12.11 The wall proposed at Blackbrook Hall curves inwards, following the bell mouth opening of the junction between the site and the A38. The pier nearest the A38 will be 7.5-8m distant, but immediately adjacent to the (presumably) metalled road into the site. It will not directly face the A38 but be angled inwards. Officers consider the first couple of metres of the wall closest to the A38 could likely be considered 'immediately adjacent', and therefore the piers and wall would all have to be reduced to 1m in height to comply with Class A, Part 2, Schedule 2 of the GDPO. This would reduce the height of two piers by 1.2m, and a relatively short length of wall (around 2m of it) by around 400mm.

- 12.12 After this, maintaining that the wall is directly adjacent to the highway would be much more difficult, as it would have no impact on sightlines, and be facing away from the A38, and towards the private access track into the site. Therefore, all other boundary treatments from this point on that exceed 2m in height, would need to be reduced to 2m in height to comply with Class A, Part 2, Schedule 2. The two main entrance piers would therefore need reducing by 1m, the piers either side of the wrought iron fence would need reducing in height by 300mm, and the wrought iron gate itself would need reducing by 650mm.
- 12.13 It is important to note that all of the walling, except for the first 2m or so that is closest to the A38, would fall under the 2m height limit, and could be built under permitted development rights as proposed on the drawings. The majority of the piers would only need marginal reductions – in some cases, just the spherical finial decorations removing – to comply with permitted development rights. The five-bar timber gate and its piers all comply with the 2m limit. The wrought-iron gate would need a more substantial reduction of more than 0.5m, but critically it must be acknowledged that Class A, Part 2, Schedule 2 would not prohibit the applicant from selecting a 2m tall fully opaque, metal or timber gate, which would be substantially more disruptive to the openness of the greenbelt than the taller but much more visually permeable wrought iron gate that has been proposed as part of this development.
- 12.14 Altogether, the difference in terms of adverse impact on the greenbelt caused by the proposed development is not considered to be materially greater than what would be caused by the development very likely achievable utilising existing permitted development rights. Critically, it is considered that this fallback position would very likely be implemented by the applicant should the Council opt to request the omission of the gates and walling from the development.
- 12.15 Consequently, the very likely fallback position of permitted development rights that exists for gates, walls and enclosures is considered to represent a very special circumstance that, in this particular instance, weighs in favour of the development in that the adverse impacts caused by the development as proposed are not materially greater than the impacts those permitted development rights would have if implemented. Officers therefore consider it unreasonable to refuse permission, or request significant amendments to the development as proposed, solely on the basis that the walling and gates are not appropriate development within the greenbelt. In terms of the impact upon the Green Belt, the scheme complies with the requirements of respective policies.

### **13. Residential amenity**

- 13.1 Policy BE1 of the Lichfield LPS requires new development to have a positive impact on amenity by avoiding development that causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 13.2 The proposed development has no impact on any non-ancillary residential dwellings with regards to the siting, massing or design (i.e., window locations) of the extensions that are proposed to it. This is because the site sits in isolation, adjacent to the A38, with no non-ancillary residences in close proximity.
- 13.3 However, concern has been raised by the Environmental Health Officer (EHO) regarding the impact of noise generated by the development, particularly noise from music and guests, on the amenities reasonably expected to be enjoyed by neighbouring dwellings that, according to the comments received, are located to the north-east in the prevailing wind direction. This matter has also been raised through representations received from local residents.
- 13.4 A noise impact assessment has been submitted, and subsequent queries arising from this have been answered by the applicant's noise consultant. The EHO has considered the submitted information and has concluded that, subject to conditions controlling the times during which the venue can play music, or operate, and putting in place measures to prevent noise generated on site exceeding

certain levels, the development will not put the amenities of any adjacent neighbouring properties at risk.

- 13.5 Consequently, subject to the imposition of those conditions, Officers are satisfied that the development does not result in harm to the amenities of any neighbouring residential properties that are not associated with the site.

#### **14. Access and highway safety**

- 14.1 The Highways Team have been consulted on this application and have provided a response. It is noted that there are no objections to the development, due to the significant on-site parking available, and the fact that the gates/walls at the site's access will not impede on visibility. Highways note that there have been no personal injury collisions on London Road within 215m of the development site within the past five years, while it has been used as an antiques showroom and workshop.
- 14.2 While no information relating to trip generation has been provided, or referred to by the Highways Team, Officers are of the view that the extant use of the complex (and how it could be lawfully used more intensively) would not generate significantly more traffic or visitations than the proposed use as a wedding venue, although the timings of visitations and intensity during events may exceed what is currently experienced at the site.
- 14.3 This alone, however, does not cause the application to fail. Officers note that Paragraph 115 of the NPPF advises Councils to only refuse development on highway grounds '*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. The access with the A38 benefits from adequate visibility and an 'on-ramp' allowing vehicles to gain momentum before pulling into the live lanes of the highway. Even with the site's access being used for short bursts of higher intensity as guests arrive and depart, there is no greater level of harm between the extant lawful use and what is proposed. Therefore, the test of Paragraph 115 is not met, and so the development should not be refused on highways grounds, as it is considered acceptable.

#### **15. Impact on trees**

- 15.1 The tree officer has been consulted on this application and has offered no comments. The new extensions proposed do not have any impact on trees that lie within or near the site, and neither does any of the new walling proposed at the site's entrance.
- 15.2 Policy BE1 requires new development to have a positive impact on the natural environment, which can be achieved partly through effective hard and soft landscaping, including tree planting. A condition can be used to secure additional tree planting as part of a larger landscaping scheme, with new planting important particularly around the site's entrance such that views towards and around the new walls and gates are softened. Officers also wish to avoid, if possible, the creation of a formal tree-lined avenue along the access road into the site, which is not coherent with the site's informal, rural context.

#### **16. Ecology**

- 16.1 The ecology officer has reviewed the submitted preliminary ecological appraisal and subsequent bat emergence surveys and has provided comments that offer no objection to the development subject to compliance with/imposition of conditions on the permission that seek to ensure development is implemented in accordance with mitigation and safeguarding measures set out in those reports.
- 16.2 The conditions recommended by the ecology officer will be imposed, to ensure the Council meets its obligations regarding the safeguarding of protected species.

## 17. Flood Risk

- 17.1 In terms of flood risk, a Flood Zone 2/3 affects the northernmost edge of the site; however, none of the area impacted is actually going to be built on as part of the proposed development. The gap between the farmhouse and the agricultural building, and the entire courtyard is in Flood Zone 1, which carries the lowest risk of flooding.
- 17.2 The entire site is covered, however, by a designation identifying it as being susceptible to ground water flooding, suggesting there are critical drainage issues affecting the land within and around the site.
- 17.3 No objections to the development have been raised with regards to flood risk, either from nearby water bodies or surface water drainage, from the Lead Local Flood Authority (LLFA) or Environment Agency (the latter has observed that the development falls outside of its remit for responding).
- 17.4 The LLFA correctly observe that the amount of impermeable surface area within the site is not changing significantly as a result of the development. The new extensions are being built on existing hard surfaces, which means the walling at the site's entrance, built on a grass verge, is the only element that could remove a very small amount of existing permeable grassland. This will not have any meaningful impact on surface water flood risk.
- 17.5 The supporting flood risk assessment and drainage plan show surface water being dealt with via a new drain underneath the two-storey extension, taking water to a trench soakaway that is within the red line of the development. An overflow pipe will then connect into the existing system.
- 17.6 Foul drainage is to be dealt with using a new Kingspan Klargester Biodisc Treatment Plan (a PTP) *if* the existing system is deemed unsuitable to take the new modifications and extensions to the existing buildings. In the event that a new system is required Officers will impose a condition requiring further details are submitted for approval in writing.
- 17.7 For the reasons mentioned above, and subject to the aforementioned condition, Officers are satisfied the development does not pose any risk of increasing the likelihood of surface water flooding or causing flood waters to impact other nearby properties.

## 18. Response to Parish comments dated 21<sup>st</sup> Feb 2024

- 18.1 Officers note that the Parish Council has submitted a lengthy objection on 21<sup>st</sup> February. This objection covers a number of bullet points. Officers consider it prudent to cover off/respond to some of these points below:

*The application should have been registered as a 'Major' development on floorspace*

- 18.2 The Parish submit that, because the development proposes 1175sqm of floorspace (the figure on the application form under 'Non-residential Floorspace'), the application should have been registered as a 'Major' as this number exceeds 1,000sqm, and additional information should have been submitted as a result.
- 18.3 The Development Management Procedures Order 2015 advises that 'major development' is defined as, amongst other things, where *'the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres ore more'* [underline added for emphasis].
- 18.4 The development before the Council does not involve the provision (i.e. delivery/construction) of new buildings exceeding 1,000sqm. The three extensions (one of which is a rebuild and results in a very low net increase in floorspace) do not exceed 1,000sqm, and the amount of floorspace changing use is also notably less than 1,000sqm.

18.5 The application form indicates that 959sqm of floorspace *already exists*, that around 335sqm of this having its use changed, that around 216sqm is being *added*, and the resulting total floorspace is 1,175sqm (which is 959 + 216).

18.6 As the site area is also less than 1ha, the application has been correctly registered as a 'Minor' development.

*Changes were made to the application which prejudiced statutory consultees*

18.7 The gates/walls etc were added in drawings received in early July. Re-consultations were sent out to the Highways Authority, Highways England and the Conservation Officer, notifying these parties that the description had been changed to include access gates/walls etc. Comments were subsequently received from all parties in respect of the additional gates/walls. The addition of the gates and walls has therefore been appropriately publicised, and the relevant consultees have not been prejudiced.

18.8 It was subsequently agreed in early October 2023 to allow the description to be changed again to refer to the intention to host weddings at the premises. New plans were duly submitted, which were uploaded to Public Access on 2<sup>nd</sup> October 2023. The Council subsequently reconsulted all relevant parties (twelve letters to consultees were issued), with the new description clearly provided on all of these letters. Therefore, the consultees were given an opportunity to comment on the intention to use the premises as a wedding venue; picking up on the Parish's example, Officers note that the Highway Authority did not respond to this consultation within the 21-day statutory re-consultation period.

The site is within a Flood Zone 2, the proposed use of the building is not classified correctly

18.9 It is submitted that the site's location within FZ2 prompts the need for a Flood Risk Assessment (correct), and that the FRA with the application was not updated when the description of the development changed to include a wedding venue (also correct).

18.10 The northern edge of the site – the existing farmhouse and land to the north of the northernmost L-shaped building – are within a FZ2 and FZ3. Importantly, none of the proposed buildings (i.e. the extensions) or any of the buildings on the southern side of the complex are within either a FZ2 or a FZ3. They are in a FZ1, the lowest risk of flooding.

18.11 Therefore, while it is acknowledged that a wedding venue use is more vulnerable than retail/restaurant uses, Officers submit that as these elements are within an area with the lowest risk of flooding according to the Environment Agency's own maps, the incorrect classification of the vulnerability does not, by itself, represent a reason to refuse permission.

*The wall and gate are not accounted for in the SUDS plan*

18.12 The walls and gates are a type of development that could be erected in that location without the need for planning permission, subject to compliance with Class A, Schedule 2 of Part 2 of the General Permitted Development Order. While this might mean they have to be reduced in height in places, walls and gates that are fully compliant with the requirements of Class A, Schedule 2, Part 2 would have precisely the same impact on surface water runoff and drainage that those shown in the drawings would do.

18.13 Therefore, Officers do not consider it reasonable to require the submission of update SUDS information taking the erection of walls/gates into consideration.

*The gates/walls and impact on the green belt*

18.14 Please refer to Section 12 of this report, where a full appraisal of the impact of the gates/walls on the openness of the green belt is provided.



*The Preliminary Ecological Appraisal has not been updated to account for the use as a wedding venue*

- 18.15 The Ecology Officer was provided with an opportunity to comment on the application with the new description (i.e., referring to the wedding venue) on 27<sup>th</sup> October 2023, responding on 12<sup>th</sup> February 2024, and has not outlined any concerns regarding the use of the premises as a wedding venue or noise in general.

*Discrepancies between the findings of acousticians/background noise levels*

- 18.16 It is unclear whether the acousticians have recorded background noise levels in comparable places, using comparable or identical equipment etc. However, notwithstanding this, the Council's Environmental Health Officer has responded to the noise information provided by the applicant's acoustician and appears to be happy with the methodology relating to how the information presented in the noise impact assessment has been collected.
- 18.17 The applicant's acoustician has provided information both in terms of the report and in subsequent emails providing answers to the EHO's initial response. The EHO has advised that, after considering this information, they are happy that noise impacts can be mitigated using planning conditions, which are set out in draft form at the end of this report. Officers see no reason to disagree with either the findings/views of the submitted specialist reports or the position reached by the Council's own specialist on noise issues.

*Concerns about the applicant not ruling out the use of fireworks*

- 18.18 The setting off of fireworks is strictly controlled by third party regulations and would be enforced by parties unrelated to the planning functions of the Council (<https://www.gov.uk/fireworks-the-law>). It has been established through caselaw that the Council should not use planning conditions to duplicate control mechanisms that are in place and enforced by third parties. However, if Councillors at the planning committee were concerned about this, and if the applicant were agreeable, the Council could use planning conditions (or an informative on the permission) to remind the applicant that they should not set off fireworks between 11pm and 7am (for example) unless one of the exceptions listed in the link above apply.

## **19. CIL/ Planning Obligations**

- 19.1 The development does not attract any CIL charges as it is not included in any of the chargeable categories listed in the Council's Charging Schedule. Neither are any planning obligations required via Section 106 agreement or unilateral undertaking, noting the limited size and scope of the development, fall under thresholds for triggering the need for contributions towards local infrastructure.

## **20. Human rights**

- 20.1 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.

## 21. Conclusion

- 21.1 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.
- 21.2 The development as proposed seeks to establish a new wedding venue, complemented by new extensions to the existing range of historic buildings to provide a wedding breakfast/reception area, kitchen and café/restaurant. The new venue will result in a new tourist attraction within the district and be a source of additional employment. It will also secure an appropriate optimal viable use for the designated heritage asset, ensuring its continued occupation and maintenance, and avoiding more harmful works and long-term disruption to its legibility as a historic farm complex that could arise with a residential subdivision.
- 21.3 The development does propose works that result in harm to the significance of the heritage asset. The extensions to the northern elevation of the historic agricultural building encroach into the legible farmyard, disrupting its character and impacting the setting of the listed farmhouse. The gates and walling at the site's entrance are also somewhat uncharacteristic of the site's otherwise informal and rural setting. The harm this causes is less than substantial, and on the lower end of that scale.
- 21.4 However, the economic benefits through employment and tourism, and environmental benefits through securing the longer-term maintenance and upkeep of the heritage asset, are considered to outweigh this harm. Further, the disruptive extensions to the north are not all new; one replaces an existing building on a footprint that is only marginally larger than what is there presently. Furthermore, Officers believe that a substantial amount of the walling and gates at the site's entrance could be built in a manner that is comparably disruptive utilising permitted development rights (Class A, Part 2, Schedule 2). The scheme would be in compliance with Green Belt national and local planning policies.
- 21.5 Concerns regarding the noise impacts of the proposal have been reviewed alongside the noise assessment submissions by the Councils Environmental Health Officer. As set out in the above report, it can be concluded that the proposals, subject to appropriate conditions will not result in unacceptable detriment on neighbouring amenity.
- 21.6 Therefore, mindful of the above, and when taking a balanced view on the proposal in the round, noting all issues raised in the report, including the inappropriate development of the walls and gates within the greenbelt, Officers conclude that the application can be approved, subject to conditions, due to the overall benefits/circumstances of the development outweighing the harm identified.

## 22. Recommendation: Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the following conditions, upon completion of the application publication period (for Site Notices & Press Adverts), and subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours:

### 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. Approved plans and documents:

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies BE1, CP1, CP2, CP3, CP7, CP14, ST1, ST2, NR1, NR2, NR3, NR5 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Historic Environment SPD, the Rural Development SPD and the National Planning Policy Framework.

3. The development shall be carried out in complete accordance with the mitigation and recommendations contained within Section 5, Paragraphs 5.3.1 (badgers), 5.3.3 (nesting birds) and 5.3.4 (hedgehogs) of the Preliminary Ecological Appraisal, prepared by Elite Ecology, dated January 2023 and received by the Council on 18<sup>th</sup> April 2023. The mitigation and recommendations set out in Section 5 shall be implemented prior to the first occupation of the development hereby approved.

Reason: The protect habitats and/or species of importance to nature conservation from significant harm in accordance with Core Policy 13 and policy NR3 of the Lichfield Local Plan Strategy 2015, and in alignment with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

4. The development shall be carried out in complete accordance with the mitigation and recommendations contained within Section 5, specifically 5.1 (Bats) and 5.2 (Birds), of the Bat Activity Survey, prepared by Elite Ecology, dated January October 2023 and received by the Council on 27<sup>th</sup> October 2023. The mitigation and recommendations set out in Section 5 shall be implemented prior to the first occupation of the development hereby approved.

Reason: The protect habitats and/or species of importance to nature conservation from significant harm in accordance with Core Policy 13 and policy NR3 of the Lichfield Local Plan Strategy 2015, and in alignment with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

5. The development shall be carried out in complete accordance with the surface water drainage mitigation measures set out in Section 3.0 'Flood Risk Assessment and Mitigation Measures' of the Flood Risk Assessment and Drainage Strategy report prepared by 'aba consulting', dated 9<sup>th</sup> February 2023 and received by the Council on 18<sup>th</sup> April 2023, and in accordance with drawing 16352-ABA-23-GF-DR-S-500 received by the Council on 18<sup>th</sup> April 2023. The surface water drainage mitigation strategy shall be in place prior to the first occupation of the development hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development and public health, to comply with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and Section 14 of the NPPF.

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

6. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the Local Planning Authority a programme of building recording to Level 2 as defined in English Heritage: 'Understanding Historic Buildings (2016)'.

Reason: To secure a recording of the designated heritage assets in line with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and to comply with Government advice in Section 16 of the NPPF.

7. Within six months of the completion of the archaeological work in accordance with the programme of building recording approved pursuant to Condition 5 of this permission, the applicant (or their agents or successors in title) shall submit to the Local Planning Authority for its written approval an archaeological report comprising a post-recording assessment and analysis, preparation of a site

archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the building in line with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and to comply with Government advice in Section 16 of the NPPF.

8. Regarding foul water management, in the event that a package treatment plant is considered necessary, exact details of this, including manufacturer's specifications and its exact siting within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any extensions to the building hereby approved. The foul water management system shall thereafter be implemented in accordance with the details approved by this condition, prior to first occupation of the development hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development and public health, to comply with Core Policy 3 of the Lichfield Local Plan Strategy 2015 and Section 14 of the NPPF.

9. Prior to the commencement of any extensions to the building(s) hereby approved, details of all biodiversity enhancement features that are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures submitted to the Council shall, where necessary, tie into the soft landscaping scheme required to be submitted by Condition 14 of this permission, and shall accord with the recommendations set out in Section 5.4 of the Preliminary Ecological Appraisal, prepared by Elite Ecology, dated January 2023 and received by the Council on 18<sup>th</sup> April 2023, and all recommendations within Section 5 of the Bat Activity Survey, prepared by Elite Ecology, dated January October 2023 and received by the Council on 27<sup>th</sup> October 2023. All biodiversity enhancement features shall be implemented prior to the first occupation of the development following its completion, or, where these features include soft landscaping, in line with the standard timescales for implementing landscaping as set out in Condition 20 of this permission.

Reason: To comply with the requirement to achieve a net gain in biodiversity through ecological enhancements in line with Core Policy 13 and policy NR3 of the Lichfield Local Plan Strategy 2015, and Section 15 of the NPPF.

10. In addition to complying with the requirements of Section 5.0 of the document 'Noise Impact Assessment' dated 21<sup>st</sup> November 2023, prepared by Parker Jones Acoustics and received by the Council on 22<sup>nd</sup> November 2023, prior to the commencement of any extensions to the building(s) hereby approved, an addendum Noise Management Plan shall be prepared and submitted to the Local Planning Authority for approval in writing, and it shall contain details/information relating to the following specific matters:
  - I. Wording or information to be imparted to all live music performers advising that they will not be able to perform music unless they can demonstrate, prior to their performance, that they can adhere to the noise limits established by the document 'Noise Impact Assessment' dated 21<sup>st</sup> November 2023, prepared by Parker Jones Acoustics and received by the Council on 22<sup>nd</sup> November 2023.
  - II. What internal noise limiter or other means of monitoring noise levels will be installed/used, where, and how this will work in order to limit noise to 100 Db(A) for recorded music.
  - III. How live music will be effectively monitored in real time during an event, and if live music exceeds the limit stipulated by Condition 16 of this permission, the actions that the venue will take to subsequently enforce the limit (which must include making performers aware of the consequences of consistently failing to adhere to the limit).
  - IV. How external noise will be effectively monitored in real time during an event to avoid noise levels exceeding the limit stipulated by Condition 17 of this permission, and what actions the venue will take to subsequently enforce the limit.

- V. A 'Warm Weather/Ventilation' strategy that sets out how the venue intends to ensure all doors and windows on the northern elevation of the building are kept shut at all times during live performances and after 9pm regardless, in compliance with Condition 17 of this permission, during wedding events which take place during events taking place at times when the weather is warm, or during heatwaves etc. Such a strategy might involve details of other means of ventilating the space and/or using air conditioners to keep the internal temperature tolerable.

All measures set out in the Noise Management Plan will be implemented and in place prior to the first wedding being booked follow completion of the development, and shall be retained for the duration of the development.

Reason: To safeguard the amenities of non-ancillary residential dwellings located to the north-east of the site, through limiting noise pollution and, in turn, avoiding disruption of the enjoyment of both internal and external amenity spaces belonging to those properties. In accordance with policies CP3 and BE1 of the Lichfield Local Development Strategy 2015 and Section 12 of the National Planning Policy Framework.

11. Prior to the commencement of any works on the extensions hereby approved proceeding above slab level, a full materials schedule, together with samples, shall be submitted to and approved in writing by the Local Planning Authority (**note: samples should be kept on-site for inspection and not submitted physically to the Council's offices**). The schedule shall include details of all proposed external walling and roofing materials for all extensions being constructed as part of this development, as well as any materials being used in re-roofing any building within the site. Notwithstanding the details shown on drawing 3860-27 Rev J Proposed Elevations 1 – 4 received 22<sup>nd</sup> December 2023, alternative details (to timber) shall be submitted for approval in writing in respect of the south-west facing roof elevation of the two-storey infill extension. The development shall thereafter be implemented in accordance with the material schedule and physical samples (inspected on site) hereby approved.

Reason: To ensure that the materials are appropriate to the appearance of the locality, will complement the existing Grade II listed building and surrounding complex, and to ensure the satisfactory appearance of the completed development in accordance with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and in accordance with Sections 12 and 16 of the National Planning Policy Framework.

12. Full construction details of all new and replacement windows, doors and any other forms of opening hereby shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The construction details shall include elevational drawings, to a scale of no less than 1:20, and shall show/describe the intended finish (colour), and, to a scale of no less than 1:5, cross-sectional drawings shall also be provided showing glazing and frame thickness and the relationship these elements will have with any headers/lintels/cills etc. The drawings shall include details of any replacement headers/lintels/cills etc, should these be necessary. The development shall be carried out in accordance with the approved details.

Reason: To ensure that all new and replacement openings required to facilitate the development adequately preserve the appearance and setting of the conservation area and listed building in accordance with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and Section 16 of the National Planning Policy Framework.

13. No form of external lighting of any sort shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. These details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is approved by the Council and subsequently installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change any of its approved details.

Reason: In the interests of the visual amenity, to safeguard the appearance and significance of the listed building and to avoid undermining any measures taken to enhance biodiversity, in accordance with Core Policies 13 and 14 and policies BE1 and NR3 of the Lichfield Local Development Strategy 2015, and Sections 12, 15 and 16 of the National Planning Policy Framework.

14. The development shall not proceed beyond slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site, which shall include:
- a) Details of all proposed shrub, hedgerow and tree planting, including species, number, sizes and positions, together with any new grass seeded/turfed areas.
  - b) Details of all hedgerows and trees to be retained within and around the outside of the site.
  - c) Details of any soft landscaping intended to be biodiversity enhancement features as set out/required by Condition 9 of this permission.
  - d) Details of all new hard landscaping including hard surface areas, pavements/footpaths, any newly demarcated parking areas or ground-based detailing (i.e., setts).
  - e) Notwithstanding the requirements of Condition 15 of this permission, concerning the access/entrance into the site, all new hard boundary treatments (i.e., walls, fences) that are proposed elsewhere within the site.

Any new hard boundary treatments shall be implemented and constructed in accordance with the approved details prior to the occupation of the development hereby permitted.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of a well-planned development and visual amenity, to accord with Core Policy 13 and policies NR3, NR4, NR5 and BE1 of the Lichfield Local Development Strategy, and Section 12 of the National Planning Policy Framework.

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

15. Prior to the first occupation of the development, details of the proposed construction and materials (including brick samples, **to be kept on site for inspection**) of the proposed walls, piers and gates shown on drawings 3860-45 Proposed Access Gate Plan and 3860-46 Proposed Access Gates Elevations (both received 5<sup>th</sup> July 2023), including details of any resurfacing of the access with the A38 or access road into the site if this is required, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate and safe access is maintained into the site while also ensuring the materiality of the walls and appearance of the gates are appropriate in the context of the locality and the Blackbrook Hall complex, to comply with Core Policies 5 and 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and in accordance with Sections 9, 12 and 16 of the National Planning Policy Framework.

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

16. Live amplified music associated with the development must not exceed 100 dB(A) LAeq 15 minutes.

REASON: To safeguard the amenities of non-ancillary residential dwellings located to the north-east of the site, through limiting noise pollution and, in turn, avoiding disruption of the enjoyment of both internal and external amenity spaces belonging to those properties. In accordance with policy BE1 of the Lichfield Local Development Strategy 2015 and Section 12 of the National Planning Policy Framework.

17. External noise associated with the development must not exceed 65 dB(A) at 3m from the noise source and must end by 21:00.

REASON: To safeguard the amenities of non-ancillary residential dwellings located to the north-east of the site, through limiting noise pollution and, in turn, avoiding disruption of the enjoyment of both internal and external amenity spaces belonging to those properties. In accordance with policy BE1 of the Lichfield Local Development Strategy 2015 and Section 12 of the National Planning Policy Framework.

18. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order), and other than any boundary enclosures granted permission through the approval of Conditions 14 and 15 of this permission, no other fences, gates, walls or any other forms of enclosure shall be erected anywhere around the outside or within the curtilage of Blackhall Barn as defined by the red edged site plan drawing 3860-01 Location Plan received 18<sup>th</sup> April 2023 without the prior planning permission of the Local Planning Authority.

REASON: Taking into account the site's visibility from within the public realm and the context and sensitivity of the site as a Grade II listed historic agricultural complex, it is considered to be in the public interest to ensure new boundary treatments do not adversely impact visual amenity or the setting of the listed building in accordance with Core Policy 14 and policy BE1 of the Lichfield Local Development Strategy 2015 and in accordance with Sections 12 and 16 of the NPPF.

19. All planting, seeding or turfing comprised in the landscaping scheme submitted to and approved in writing by Condition 14 of this permission, shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five 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 for any variation.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of a well-planned development and visual amenity, to accord with Core Policy 13 and policies NR3, NR4, NR5 and BE1 of the Lichfield Local Development Strategy, and Section 12 of the National Planning Policy Framework.

## **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. 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.

SUPPLEMENTARY REPORT

**PLANNING COMMITTEE (4 March 2024)**

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

Pages 3 - 30

**23/00444/FUL – Erection of single storey rear extension, two storey link extension and balcony to form café, restaurant and wedding venue with installation of access gates Blackbrook Hall , London Road, Lichfield, Staffordshire**

**Additional / Further Observations**

*Closure of windows/openings on northern elevation*

Officers note that the Committee Report does not address why there is no planning condition requiring the openings on the north-facing elevation of the building to be closed during live music performances, and after 9pm regardless. It is noted that criterion (v) of Condition 10 (Section 22 – Page 27) refers to a ‘Warm Weather/Ventilation’ strategy that intends to assist the venue in complying with a planning condition that requires the openings on the north-facing elevation to be closed during live music performances, and after 9pm regardless.

Officers had drafted a planning condition that sought to secure this requirement for north-facing openings to be closed, in alignment with the Environmental Health Officer’s response (12<sup>th</sup> April 2024, summarised Paragraph 7.10, Page 11 of committee report).

Paragraph 56 of the NPPF advises that planning conditions should only be imposed ‘*where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*’ Officers felt that a planning condition concerning the status of windows, in terms of whether they were open or not during certain events and at certain times, was not practicably monitorable or enforceable. As such, it was felt that the condition would fail the NPPF’s tests, and be vulnerable to a successful appeal (and associated costs).

Therefore, after careful consideration, the condition was removed. However, reference to it was erroneously left in criterion (v) of Condition 10 (Section 22 – Page 27).

Officers therefore propose to change the wording of criterion (v) of Condition 10 from this:

*‘A ‘Warm Weather/Ventilation’ strategy that sets out how the venue intends to ensure all doors and windows on the northern elevation of the building are kept shut at all times during live performances and after 9pm regardless, in compliance with Condition 17 of this permission, during wedding events which take place during warm weather events/heatwaves. Such a strategy might involve details of other means of ventilating the space and/or using air conditioners to keep the internal temperature tolerable.’*

To this:

*‘A ‘Warm Weather’ strategy that sets out how the venue intends to put in place measures that will allow them to comply with the requirements of Conditions 16 and 17 of this permission during wedding events which take place during warm weather events/heatwaves. Such a strategy might involve details of other*



*means of ventilating the internal spaces and/or using air conditioners to keep the internal temperature tolerable.'*

*Environmental Health Officer agreement to conditions*

Officers acknowledge that the noise-related planning conditions recommended within the condition section of the report (section 22 – page 25) have been devised on the basis of the Environmental Health Officer's comments received by the Council on 12<sup>th</sup> April 2024 (as summarised within paragraph 7.10 of the Committee Report – page 11). For avoidance of doubt, the presently drafted noise conditions are...

- Condition 10 – Submission of addendum Noise Management Plan complying with five criteria.
- Condition 16 – Limitation of volume of live amplified music (to 100dB(A) LAeq 15 minutes).
- Condition 17 – Limitation of volume of external noise (to 65 dB(A) at 3m from noise source), and cessation of noise by 21:00.

The Environmental Health Officer did not provide wording for the conditions; the wording has been devised by the Planning Officer. At time of writing, the Environmental Health Officer has not had sight of the conditions, and has not confirmed in writing that they will be effective in mitigating harm.

To reassure members of the committee, Officers propose the recommendation is changed. The application would remain delegated to the Planning Management & Transformation Consultant (Artemis Christophi) but its approval would be also be dependant on the agreement of the Environmental Health Officer to the planning conditions drafted by the officer (or any minor variations thereof that are subsequently negotiated).

**Recommendation**

Officers propose to change the recommendation from this:

*'Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices & Press Adverts), and subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours.'*

To this:

*'Delegate to the Planning Management & Transformation Consultant (Artemis Christophi) to approve the planning application subject to the conditions set out at the end of this report, following the completion of the application publication period (for Site Notices & Press Adverts), subject to no further objections being raised to the application that have not been previously raised by consultees or neighbours, and subject to the Environmental Health Officer's agreement to the noise related planning conditions as recommended by Officers, or any subsequent minor variation thereof.'*

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# LOCATION PLAN

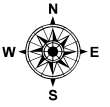
23/01057/OUT  
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Lichfield  
WS13 7BZ

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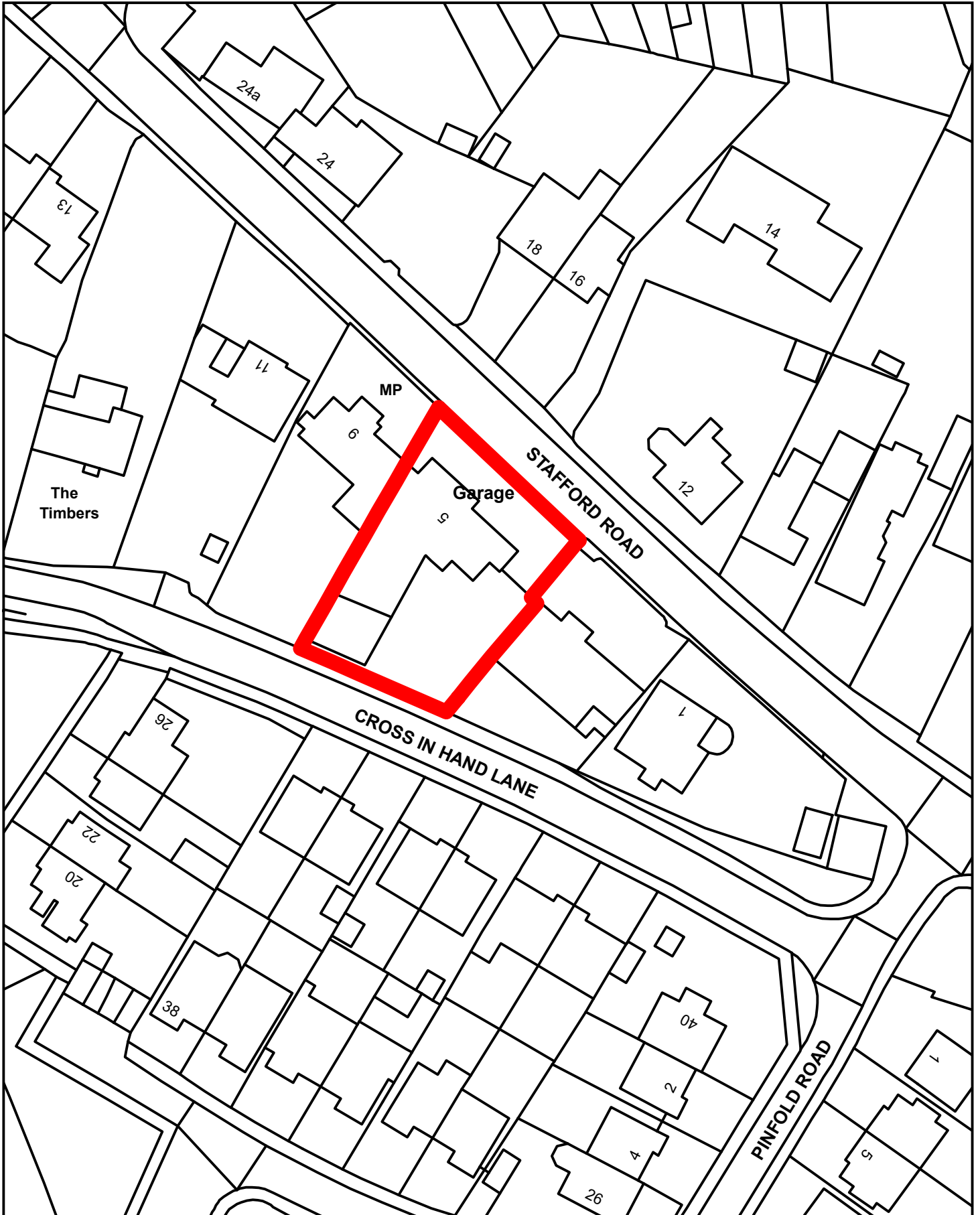
Dated: April 2024

Drawn By:

Drawing No:



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# Planning committee report



Lichfield  
District Council

<b>Address:</b>	5 Stafford Road, Lichfield, Staffordshire, WS13 7BZ		
<b>Application number:</b>	23/01057/OUT	<b>Case officer:</b>	Clare Saint
<b>Ward:</b>	Leomansley	<b>Date received:</b>	08/09/2023
<b>Parish:</b>	Lichfield City		
<b>Proposal:</b>	Demolition of existing commercial buildings and erection of up to 4no. dwellings (Outline with All Matters Reserved)		
<b>Reason for being on agenda:</b>	This planning application is being reported to the Planning Committee due to significant planning objections raised by Lichfield City Council. Lichfield City Council objections include: <ul style="list-style-type: none"><li>• The redevelopment of the site should be limited to 2no. dwellings no more than 2no. storeys in height</li></ul>		
<b>Recommendation:</b>	Approval, subject to conditions.		
<b>Applicant:</b>	Mr. R. Bailey	<b>Agent:</b>	Mr Rob Duncan

## 1. Executive summary

- 1.1 This application seeks outline planning permission for the demolition of existing commercial buildings and the erection of up to 4no. dwellings with all matters reserved. The matters of means of access, appearance, layout, scale and landscape are reserved for future consideration. Outline permissions cannot be implemented until a reserved matters application has been granted planning permission.
- 1.2 The scheme originally proposed 5no. terraced dwellings, this has now been reduced to a maximum up to 4no. dwellings. An indicative layout for the site has been provided.
- 1.3 In principle, housing is acceptable in this location. Stafford Road is a residential street, and the redevelopment of this brownfield site accords with the requirements of Local Plan policies.
- 1.4 As this is an outline application with all matters reserved, then material considerations will be agreed in a future reserved matters application, this includes access, parking, landscaping, materials and design of the dwellings.
- 1.5 A Unilateral Undertaking for 4no. dwellings has been agreed in line with current mitigation agreements for Cannock Chase Special Area of Conservation.

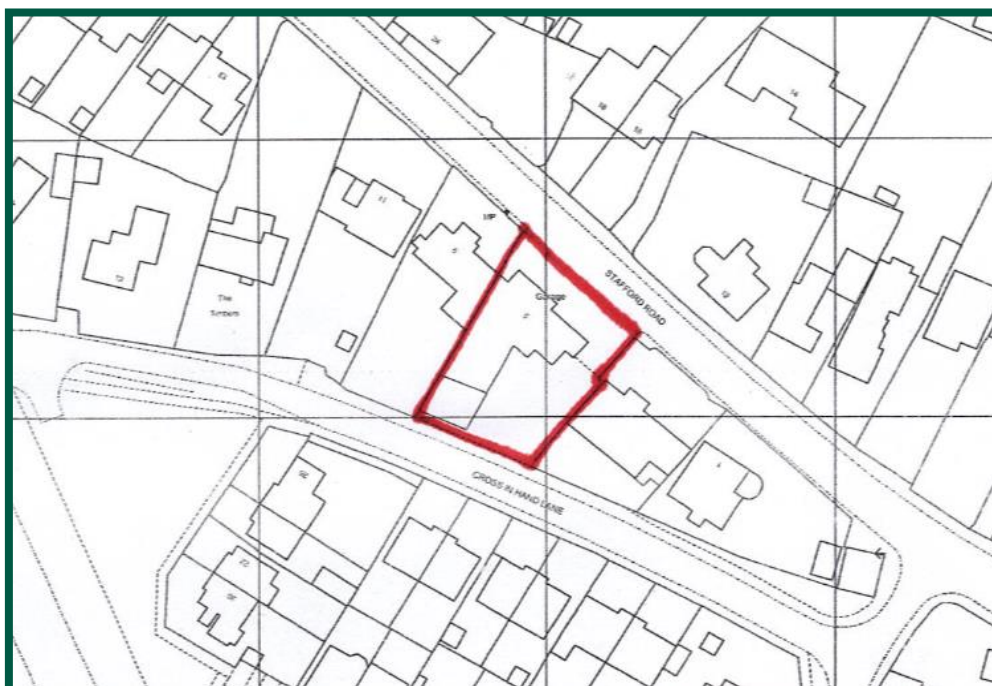
### Summary

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

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

## 2. The site

- 2.1 This application relates to a site on the Southwestern side of Stafford Road. The site is currently occupied by a two and single storey building previously used as a commercial business. The existing building extends across most of the plot, save for a vehicular access to the rear of the site that runs down its south- Eastern boundary. The building is 'L' shaped in form and extends to the rear Southern site boundary which abuts up to Cross in Hand Lane. The rear projecting part of the building, coupled with the yard area adjacent, is utilised as a storage and parking area for the commercial unit. A large area of hardstanding occupies the frontage of the site which is used for customer parking. The site is located within an otherwise residential area. Residential development extends to the southeast and northwest of the site in a ribbon pattern, with dwellings typically set back from the highway behind frontage parking and landscaping. Further residential development is located on the opposite side of the Stafford Road, although the pattern of those buildings is less uniform in nature, with some dwellings set forward within their plots, others set well back. Residential development also lies to the southwest beyond the carriageway of Cross In Hand Lane. The site is not within a conservation area but there are listed buildings nearby, notably Victoria Cottage, 12 Stafford Road which is located on the Northeastern side of Stafford Road.
- 2.2 The site is located within flood zone 1 and also within the 15km zone of influence for Cannock Chase Special Area of Conservation. An extract from the submitted location plan is shown below, with the site outlined in red:



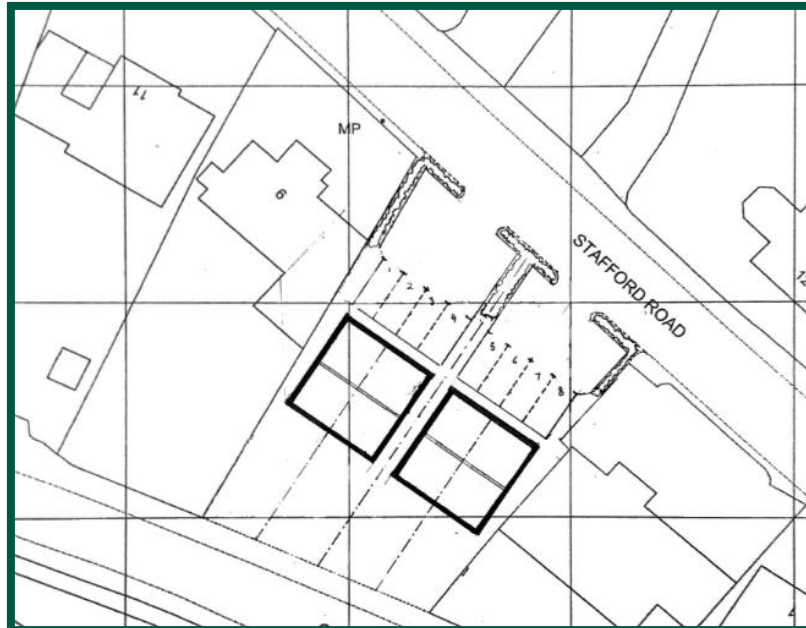
## 3. Planning history

- 3.1 There is no relevant planning history.

## 4. Proposals

- 4.1 This application seeks permission for the demolition of existing commercial buildings and erection of up to 4no. dwellings (Outline with All Matters Reserved).
- 4.2 The application has been submitted with an indicative layout plan which demonstrates how 4 No. dwellings could be positioned within the site, with 2 potential access points off Stafford Road and parking. This is an indicative layout only.

- 4.3 The applicant has submitted a signed Unilateral Undertaking to address mitigation requirements associated with impacts upon the Cannock Chase Special Area of Conservation.
- 4.4 The revised indicative layout demonstrating how the proposed dwellings could be assimilated into the site is shown below:



## 5. Policy framework

### 5.1 National Planning Policy

National Planning Policy Framework  
National Planning Practice Guidance

### 5.2 Local Plan Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 6 – Housing Delivery  
Core Policy 14 – Our Built and Historic Environment  
Policy ST1 - Sustainable Transport  
Policy ST2 - Parking Provision  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy NR3 – Biodiversity, Protected Species & Their Habitats  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development

### 5.3 Local Plan Allocations

Policy BE2 – Heritage Assets

### 5.4 Supplementary Planning Document

Sustainable Design SPD  
Biodiversity and Development SPD  
Trees, landscaping and development

### 5.5 Lichfield City Neighbourhood Plan

There are no relevant Policies within this Plan.

## 6. Supporting documents

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

### Plans:

- Block Plan – Proposed Site Plan dated as received 02.11.2023
- Block Plan – Existing Site Plan dated as received 08.09.2023
- Location Plan – dated as received 08.09.2023

### Supporting Documents:

- Bat and Bird Survey dated as received 08.09.2023
- Planning Statement dated as received 08.09.2023
- Unilateral Undertaking dated as received 22.02.2024

## 7. Consultation responses

7.1 **Lichfield City Council- Final**- Confirmation provided that Councillors object to more than 2 properties being proposed due to lack of space for properties and parking. (27.02.2024)

Amended- No objections providing the two proposed properties are not more than 2 storeys in height. (14.11.2023)

Initial- Object. The proposals are too crowded for the site. We propose limiting to three properties, each of two storeys maximum. (03.10.2023)

7.2 **Severn Trent Water**- No objection, subject to the inclusion of conditions and informatives. (26.09.2023)

7.3 **Architectural Liaison Officer (Police)** – No objection, subject to informatives. (10.10.2023)

7.4 **Staffordshire County Council (Highways)** – Final- No objection, subject to conditions. (16.11.2023)

Initial- No objection, subject to conditions. (06.10.2023)

7.5 **LDC Spatial Policy Team**- No objections to the principle of the proposal. (10.10.2023)

7.6 **LDC Waste Management**- No objection, subject to the inclusion of informatives. (19.09.2023)

7.7 **LDC Ecology Team**- No objection, subject to the inclusion of conditions and informatives. (13.02.2024)

7.8 **LDC Environmental Health Team**- No objection, subject to the inclusion of conditions. (12.10.2023)

## 8. Neighbour responses

8.1 Three letters of representation have been received in respect of this application raising objections to the scheme. The comments made are summarised as follows:

- The principle of this development clashing with local or national policies.
- The lack of need for such a development.
- Overshadowing or lack of privacy.
- Detrimental impact on neighbouring amenities.
- Poor quality or size of intended accommodation - Stafford Road and Beacon Street comprises 100% of large to very large, single dwellings, with their own, (if any at all), car parking spaces. The outline plans we have seen, show up to 5 dwellings with 10 parking spaces, in the space

currently occupied by two dwellings. That is some squeeze! The out front “car park” for 10 spaces, would also look more like a dental practice, clinic, or convenience store, car park than residential parking spaces.

- Negative effect on character and appearance - Stafford Road and Beacon Street have a wealth of old and characterful houses. It is vital that the proposed new development, is in keeping with this well-established conservation area. Many years ago, there were plans to demolish the old school in Beacon Street, and build new, characterless flats. Following many objections, the old school façade was retained, thus keeping the character of the development, intact.
- Traffic and parking pressures – Lichfield council has not been helpful in granting permission for householders to fit “dropped kerbs” outside their own properties, to keep traffic off the road, without causing damage to their own vehicles. 10 more cars would only add to traffic congestion, with a commensurate adverse-affect, on highway safety.
- Visibility in both directions in Stafford Road - which is a very busy road indeed, with the potential for more accidents, than the significant number we have seen over the years.
- The trees and vegetation are important to the land
- The design of the dwellings should be in keeping with the existing streetscene

## 9. Assessment

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

- Policy & principle of development
- Design and impact upon the character and appearance of the surrounding area/ Heritage Assets
- Residential amenity
- Access and highway safety
- Ecology
- Other Matters
- Human rights

## 10. Policy & principle of development

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

10.2 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy (Table 4.1) and the key diagram (Map 4.1). Core Policy 6: Housing Delivery lists which key urban and rural settlements housing delivery will be focused on, one of these is Lichfield.

10.3 Policy H1: A Balanced Housing Market, states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 states that 'the District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities'. Therefore a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.

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

- Protect and enhance the character and distinctiveness of Lichfield District and its settlements;

- Protect the amenity of our residents and seek to improve their overall quality of life through the provision of appropriate infrastructure, services and facilities;
- Be of a scale and nature appropriate to its locality;
- Encourage the reuse of previously developed land in the most sustainable locations, and encourage the reuse of buildings as a sustainable option; and
- Ensure that all new development and conversion schemes are located and designed to maximize energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible.

10.5 BE1: High Quality Development lists a number of issues that new development must have a demonstrable positive impact on. Particular aspects of the policy are relevant to this development proposal:

- The built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views;
- New development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail.

10.6 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply 2023. This shows that the District Council can currently demonstrate a 9.5 year supply of housing land against its local housing need (LHN).

#### Assessment

10.7 The site is considered to be in a sustainable location where the principle of residential development is considered to be acceptable. Furthermore, the site is located within a predominantly residential area, and the need for the existing commercial use of the site has ceased.

## **11. Design and impact on the character and appearance of the surrounding area/ Heritage Assets**

11.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views.

11.2 It is noted that the nearest heritage asset to the application site is the Grade II listed Victoria Cottage which is located to the North East of the site on the opposite side of Stafford Road. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal also engages the relevant parts of Policies BE1, CP3 and CP14 of the Local Plan Strategy; Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF.

11.3 Core Policy 14 of the Local Plan Strategy states that the District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working.

11.4 Policy BE2 of the Local Plan Allocations Document states that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting.



## Assessment

- 11.5 The application site currently comprises commercial premises. This existing building would be demolished to make way for the proposed residential development. Initial designs and plans showed 5no. terraced houses with parking at the front. The provision of 5 dwellings was considered to be overdevelopment of the site, in particular the applicant failed to demonstrate how sufficient acceptable parking could be achieved. Amended plans have been provided, where the number of dwellings was reduced and the overall layout is considered to be appropriate with sufficient off road parking provision. The applicant provided an amended site plan which showed 2no. pairs of semi-detached dwellings with improved access and landscaping to the front of the dwellings which is considered to be acceptable in principle.
- 11.6 In terms of the nearby heritage assets, given the existing site and surroundings, the scheme would not cause any harm to the significance or setting of nearby listed buildings, including Victoria Cottage, 12 Stafford Road which lies on the opposite side of Stafford Road.
- 11.7 Further information on design, scale and materials will be assessed upon receipt of the necessary reserved matters application.

## **12. Residential amenity**

- 12.1 Policy BE1 of the Local Plan Strategy states that development should be in keeping with the surrounding street scene and amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

## Assessment

- 12.2 The Sustainable Design SPD states that in order to avoid any undue overbearing impact on neighbouring properties in terms of outlook as a result of new development. The proposed dwellings are on an existing commercial site and overlooking is not a concern at this stage although this will be assessed at the reserved matters application stage. From the indicative layout it is clear that sufficient private amenity space for residents could be achieved. The proposal is considered to be acceptable in this regard.
- 12.3 A condition has been included in order to control the time of construction works in order to protect local amenity.
- 12.4 In light of the above, the Council is satisfied that the development would not adversely impact upon the amenities of neighbouring residents. The proposal is therefore compliant with the Council's adopted Supplementary Planning Documents, the Development Plan and NPPF in this regard.

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

- 13.1 Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. In addition to this Policy ST2 of the Local Plan Strategy and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling.
- 13.2 Policy ST1 of the Local Plan Strategy iterates that development will seek to secure more sustainable travel patterns. Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments.

### Assessment

- 13.3 This is an outline application, with all matters reserved, including access. Initially, 5no. terraced dwellings were submitted with parking at the front of the development. This was then reduced to 4no. dwellings with 2no. access points.
- 13.4 Staffordshire County Council Highways team were consulted on this outline application and in principle did not object to the scheme, however, conditions were requested to be included which have been and further information on visibility, materials, boundary treatments, refuse collection points and cycle storage will be required in any future reserved matters application.
- 13.5 In light of the above, the Council is satisfied that the development is acceptable in principle in terms of access and highway safety and is therefore compliant with national and local planning policy in this regard.

## **14. Ecology**

- 14.1 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);
  - Incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate
  - Delivers a net gain for biodiversity and /or geodiversity in the district

### Assessment

- 14.2 The current application is at outline stage and any future construction of dwellings on the site would require the demolition of the existing building. The ecologist was consulted on this application and was satisfied with the methodology and information provided in the submitted bat and bird survey and conditions have been included to ensure that the method of working outlined in the survey is strictly adhered to.
- 14.3 Lichfield District Council has a duty as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs.) to ensure that planning application decisions comply with the Habitat Regulations and do not result in adverse effects on the integrity of the Cannock Chase Special Area of Conservation (SAC) which has internationally protected status under the Regulations for its unique heathland habitat.
- 14.4 The Council must ensure that decisions made on planning applications within a 15km zone will not have a negative impact on Cannock Chase SAC, in line with Policy NR7 of the Local Plan Strategy. If there are any likely significant effects, the Council is either unable to grant planning permission due to the restrictions of the Habitat Regulations, or it must ensure there are appropriate mitigation measures in place.
- 14.5 This site is within the zone of influence. A HRA has been completed which has identified that on the basis of Cannock Chase SAC Partnership evidence the proposed development would directly increase the number of visitors to the SAC. It is therefore considered that mitigation would be required. Mitigation can be in the form of bespoke mitigation offered by the applicant, or payment towards the Cannock Chase Partnerships SAMM (Strategic Access Management and Monitoring). These are the measures that will be implemented within the Cannock Chase SAC to manage and monitor the impacts of visitors. The current charge is £329.83 per new dwelling, which in accordance with the memorandum of understanding that the Council has signed up to will be secured by a UU. The UU has been provided and checked by the Councils legal team, as such the required mitigation has been

provided and the scheme meets with the requirements of habitat regulations and relevant local plan policies.

## **15. Other Matters**

### Drainage

- 15.1 The new dwellings would need to be served by adequate surface water and drainage facilities. It is considered appropriate and necessary to impose a condition requiring the submission and approval of a drainage scheme

### Affordable Housing

- 15.2 Local Plan Strategy Policy H2 outlines that outside of the District's two main urban areas, affordable housing will be required on housing developments in line with nationally set thresholds. The proposed development is for up to 4no. dwellings, as such there is no policy requirement for affordable housing provision.

### Housing Mix

- 15.3 Local Plan Policy H1 seeks to deliver a balanced housing market which include a mix of dwelling types, sizes and tenures based on the latest assessment of local housing needs. The application proposes 4no. dwellings, which the applicant has identified as containing 2 bedrooms. Whilst this would be fully assessed at reserved matters stage, given that the scheme proposes dwellings with lower bedroom numbers which is desirable and required by the local plan the scheme is acceptable in this regard.

## **16. Human rights**

- 16.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## **17. Conclusion**

- 17.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.
- 17.2 The proposed development is considered to be acceptable in principle and it has been satisfactorily demonstrated that a development would sit well within the site with adequate amenity space which would adequately satisfy the District Council's Sustainable Design SPD and would have an acceptable relationship to the neighbouring residential properties. Matters relating to highways, landscaping and the final design of the dwellings are for determination at reserved matters stage.
- 17.3 Consequently, it is recommended that this application be approved, subject to conditions, as set out below.

**18. Recommendation : Approve, subject to the legal agreement dated 22 February 2024 and the following conditions:**

**CONDITIONS**

1. An application for approval of the reserved matters shall be made within 3 years of the date of this decision. The development must be begun not later than 2 years from the approval of the reserved matters or in the case of approval on different dates, the final approval of the last reserved matter.

Reason: In order to comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990, as amended.

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP6, CP14, ST1, ST2, H1, H2, NR3, NR4, NR7, BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD, the Biodiversity and development SPD and the guidance contained with the National Planning Policy Guidance and the National Planning Policy Framework.

3. This is an outline planning permission and no development shall be commenced until details of the access, design of the dwellings and any ancillary structures, the external appearance of all buildings including the materials to be used on all external surfaces and the landscaping and planting of the site have been submitted to and approved in writing by the Local Planning Authority by way of a reserved matters application(s). The development shall then be undertaken in accordance with the approved details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality in accordance with Policies CP3 and BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

4. Prior to the commencement of works, a landscaping plan should be submitted detailing of proposed landscaping and enhancement to biodiversity to make up for the loss of ecology. This should include details on the species to be planted, and provision for species boxes and connectivity across the site for wildlife.

Reason: To ensure the satisfactory appearance of the development within the site and to ensure improvements in biodiversity and trees at the site in accordance with the requirements of Policy BE1, NR3 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, including any demolition or site clearance works, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractors compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. It shall also include a method of demolition and restoration of the site. All site operations shall then be undertaken strictly in accordance with the approved CMP for the duration of the construction programme.

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

6. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Reason: To ensure the satisfactory drainage of the site and to minimise flood risk and pollution during the construction period in accordance with the requirements of Core Policy 3 and Policies BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework

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

Reason: To ensure that all contaminated land issues on the site have been adequately addressed to protect the water environment and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Lichfield Local Plan Strategy and Government Guidance, the Sustainable Design SPD and the NPPF.

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

8. This permission shall relate to the erection of no more than 4 dwellings.

Reason: To define the permission which is for development subject to approval of the reserved matters and to safeguard the neighbour amenity and the appearance of the area in accordance with Policy BE1 and Core Policy 3 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

9. The dwellings hereby approved shall not be more than two storeys in height.

Reason: To define the permission which is for development subject to approval of the reserved matters and to safeguard the neighbour amenity and the appearance of the area in accordance with Policy BE1 and Core Policy 3 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

Reason: To ensure that all contaminated land issues on the site have been adequately addressed to protect the water environment and to safeguard future residential amenity, in accordance with the

requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and Government Guidance, the Sustainable Design SPD and the NPPF.

11. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 ' 1900 hours Monday to Friday and 0800 ' 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

Reason: In order to control impacts on local amenity in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

12. Within one month of completion of the development hereby approved, 2 No. bat bricks shall be installed in the new dwellings, as recommended in the Preliminary Bat Roost Assessment and Bird Survey dated 7<sup>th</sup> August 2023 prepared by S. Christopher Smith. The bat and bird boxes shall thereafter be retained as such for the life of the development.

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

13. The development hereby approved shall be carried out in strict accordance with the working methods detailed within 'Method of working', including the guidance on pages 28-31 regarding bats, of the 'Preliminary Bat Roost Assessment and Bird Survey' prepared by S. Christopher Smith and dated 7<sup>th</sup> August 2023.

Reason: To ensure the development causes no ecological harm and prevent the proliferation of built form, in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, 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) and the Lichfield City Neighbourhood Plan (2018).
2. If applicable, 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 £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. 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).
4. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

5. Sensitive Clearance of Vegetation. Any clearance of vegetation, hedgerow, and/or trees should be done so sensitively, giving caution to nesting birds, small mammals, and other species that may be inhabiting or using the vegetation. Awareness is also needed of bird nesting season<sup>^</sup>, (March-August inclusive). Clearance, demolition, or building work should occur outside of bird nesting season where works would cause disturbance to any places birds may choose to inhabit and nest. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged. All nesting birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981, and it is thus an offence, with certain exceptions to: Intentionally kill, injure, or take any wild bird. Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built.
6. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent. NOTE: we would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements ' please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.
7. Developments of individual dwellings must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins and 1 x recycling bag. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate highway on collection days.
8. Attention must be given to Police CPis Secured by Design guidance and the comments made by the Architectural Liaison Officer.