

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (2 September 2024)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

Pages 3 - 40

Planning committee report for application 23/01342/FULM Land at Tamworth Road Lichfield

Additional / Further Observations

Biodiversity Net Gain

It has been brought to the Officer's attention that neither the Ecology section of the committee report (Section 17 – Page 30) nor the Conclusion (Section 21 – Pages 31 to 33) take into account the significant Biodiversity Net Gain the development achieves.

The application pre-dates the introduction of mandatory 10% biodiversity net gain and instead should be assessed against policy NR3 of the Lichfield Local Plan Strategy and the adopted SPD on Biodiversity and Development. The policy does not proscribe a minimum net gain requirement, but the SPD sets a minimum 'replacement percentage' at 20%.

A Biodiversity Net Gain report was prepared on behalf of the applicant to support the application. The most recent iteration of this shows, in Section 5 (page 12 – 'Summary') that the development will secure a net percentage change of 51.36% for habitat units, and 91.64% for hedgerow units.

These Biodiversity Net Gains go substantially beyond both what is now statutorily required and what the Council's adopted SPD required prior to mandatory net gain being introduced in February 2024 (for Major development).

These net gains in biodiversity should be afforded significant positive weight in favour of the application *in addition to* the other matters that attract positive weight identified in the report.

Following this additional positive weight being taken into consideration, Officers do not consider there needs to be any amendment of the recommendation. The development remains acceptable, as the positive weight now (more notably) outweighs the harm identified, particularly in respect of the proposed building's scale and proximity to Tamworth Road, and the impact this has on the setting of the Grade II listed building Freeford House.

The biodiversity net gains can be secured via planning condition. Condition 11 (page 36) can be tweaked to make the requirement explicit. It is suggested the following wording supersedes that proposed within the Committee Report document:

'Before the development hereby approved proceeds beyond slab level, and notwithstanding any details shown on any of the approved plans, a detailed soft landscape and planting scheme (incorporating future maintenance details) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall align with the findings and conclusions of the document Biodiversity Report – 231107 23061 BNG V2c 2 (received by the Council on 5th July 2024). It shall include how tree planting and landscaped areas will be protected from soil compaction and disturbance. The scheme shall also provide planting pit details and information pertaining to soil

volume and quality in the context of securing the trees within hard landscaped areas. The scheme also must provide full details concerning the sedum roof to be used on the roof terrace, including methodology on its installation, details on species and maintenance required. The approved landscape and planting scheme shall thereafter be implemented within the first planting season, in the case of all soft landscaping and planting, unless an alternative timetable for implementation is submitted to and agreed in writing by the Local Planning Authority beforehand.'

Lead Local Flood Authority comments

It has been noted that, in paragraph 21.3 in 'Conclusions' (page 32), Officers advise...

'Subject to the Lead Local Flood Authority being satisfied with the revised drainage information, there are no technical objections to the development.'

This is slightly at odds with the most recent comment received from the Lead Local Flood Authority, which was received on 16th August 2024. The LLFA's comments are briefly summarised in paragraph 8.5 of the committee report (page 10), wherein it is confirmed that there are now **no objections** subject to condition that the development is carried out in accordance with the Flood Risk Assessment and Drainage Strategy. The LLFA provided wording for its suggested conditions, and this wording forms the basis for Condition 3 (page 34) and 23 (pages 38 and 39).

Officers would therefore like to emphasise, for the avoidance of any doubt, that there are **no technical objections from the Lead Local Flood Authority to the proposed development.**

Condition 3 typographical error

Officers have identified a typographical error in the wording of Condition 3. Please substitute the wording provided in the report for the following wording (bold and underlined letters have been added):

*'No development hereby approved shall begin until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Surface Water Management Plan shall detail how surface water runoff will be appropriately managed, in terms of flows and pollution/sediment mobilisation management from the inception of any on-site activities through to the scheme's **completion**. These details shall align with the requirements of Condition 23 of this permission. The development shall thereafter be implemented in accordance with the approved Construction Surface Water Management Plan.'*

Pages 41- 54

24/00066/COU – Application for the Conversion of an existing outbuilding to be used as a residential annexe (2 bedroom) at New Buildings Farm, Croxall Road, Lichfield, Staffordshire, WS13 8QY

Additional / Further Observations

This application has been withdrawn from the Planning Committee agenda as additional information regarding drainage on site has been requested to ensure that the Natural England nutrient neutrality requirements relating to the River Mease Special Area of Conservation are met.

Pages 61-80

24/00359/COU – Application for the conversion of an existing building to a drive-thru coffee house with extensions and changes to the hard and soft landscaping at Former Arnold Clark Automobiles Ltd, Walsall Road, Muckley Corner, Lichfield.

Additional / Further Observations

The Local Lead Flood Authority has informed Officer's of the presence of a non-named culverted watercourse running through this parcel of land. Where any works are to be undertaken within 5m of the culverted watercourse and Ordinary Watercourse Consent is required. Where a development intends to discharge into the culverted watercourse, an Ordinary Watercourse Consent would be required.

Based on this information an additional condition shall be applied to any granting of planning permission requiring further details regarding the proposed drainage across the site. The proposed condition is set out below:

No development (excluding demolition works) shall begin until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority.

- *The final, detailed design (plans, network details, exceedance flow plans and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.*
- *The final design shall include the finished floor level (FFL) of the proposed building. To prevent the ingress of surface water, the FFL shall be 150mm above the surrounding ground where appropriate.*
- *A site-specific management and maintenance plan for the final drainage system. The plan shall include the name of the body responsible for maintenance and management of the surface water drainage system.*
- *Note an un-named culverted watercourse running through this parcel of land, where any works are to be undertaken within 5M of the culverted watercourse an Ordinary Watercourse Consent will be required. Where development intends to discharge into the Culverted Watercourse, an Permanent Ordinary Water Course Consent will be required.*

Reason: To ensure that the development is provided with a satisfactory means of drainage to protect the environment from pollution and to reduce the risk of creating or exacerbating a flooding problem, and to prevent water discharging onto the public highway in the interest of highway safety, in accordance with Policies CP3, ST2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.