

# Planning Committee

3 September 2018

## Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

### Report of the Director of Place and Community

#### 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 (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and an adopted Neighbourhood Plan for the relevant area.
- 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** (Gold Sheets)

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

**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). (Gold Sheets)

## **AGENDA ITEM NO. 4**

### **ITEM A**

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

**3 September 2018**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
18/00082/FULM	Land At Wellington Crescent Fradley Park	Fradley And Streethay
18/00979/FUL	1 The Grange Upper Longdon	Longdon
18/00983/FUL	Spion Kop Lichfield Road	Wigginton And Hopwas

**Lichfield**  
district council

[www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

District Council House  
Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

# LOCATION PLAN

18/00082/FULM  
Land at  
Wellington Crescent  
Fradley Park

Scale: 1:2,500

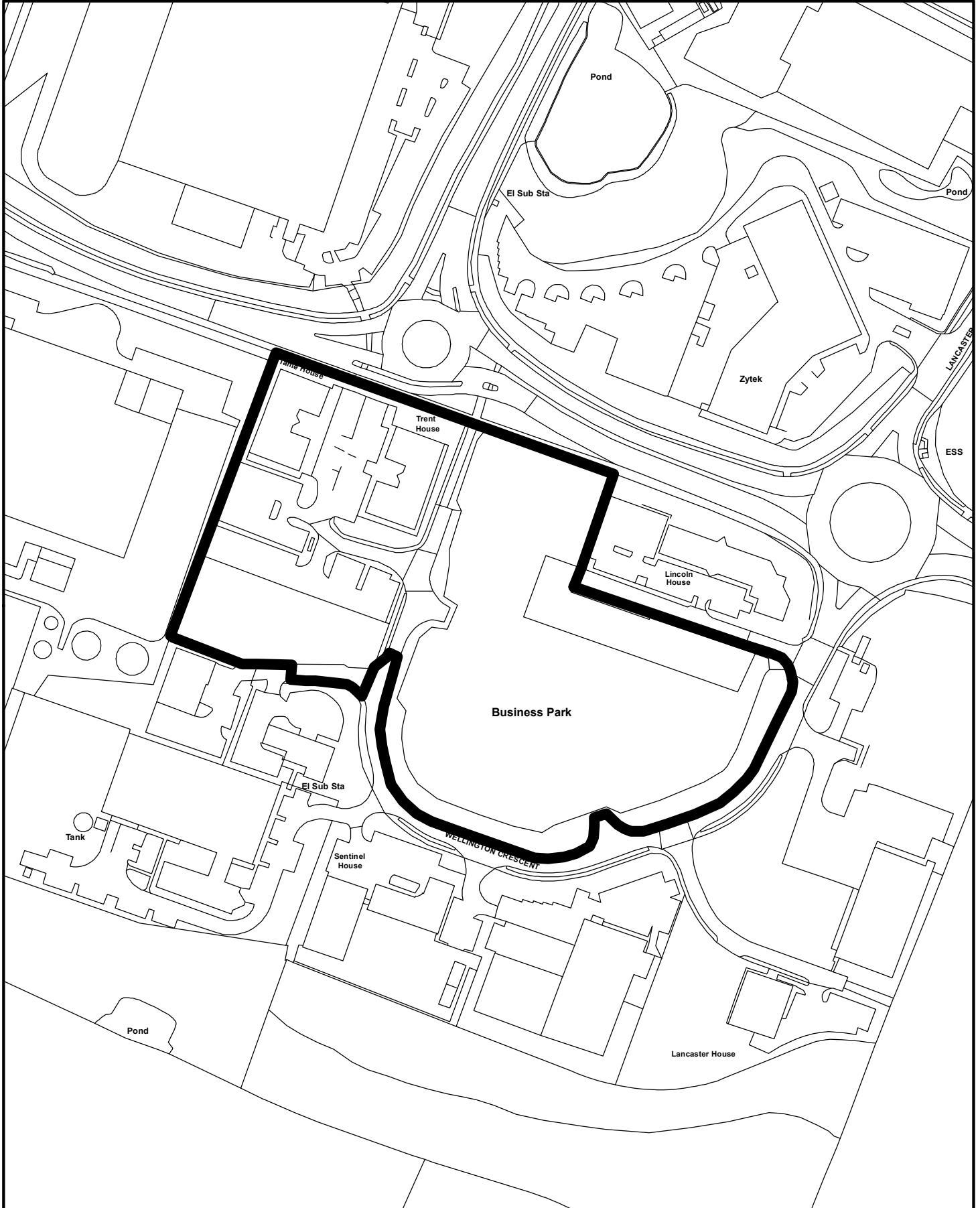
Dated: September 2018

Drawn By:

Drawing No:



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Licence No: 100017765



# BLOCK PLAN

18/00082/FULM

Land at  
Wellington Crescent  
Fradley Park

Scale:

Dated:

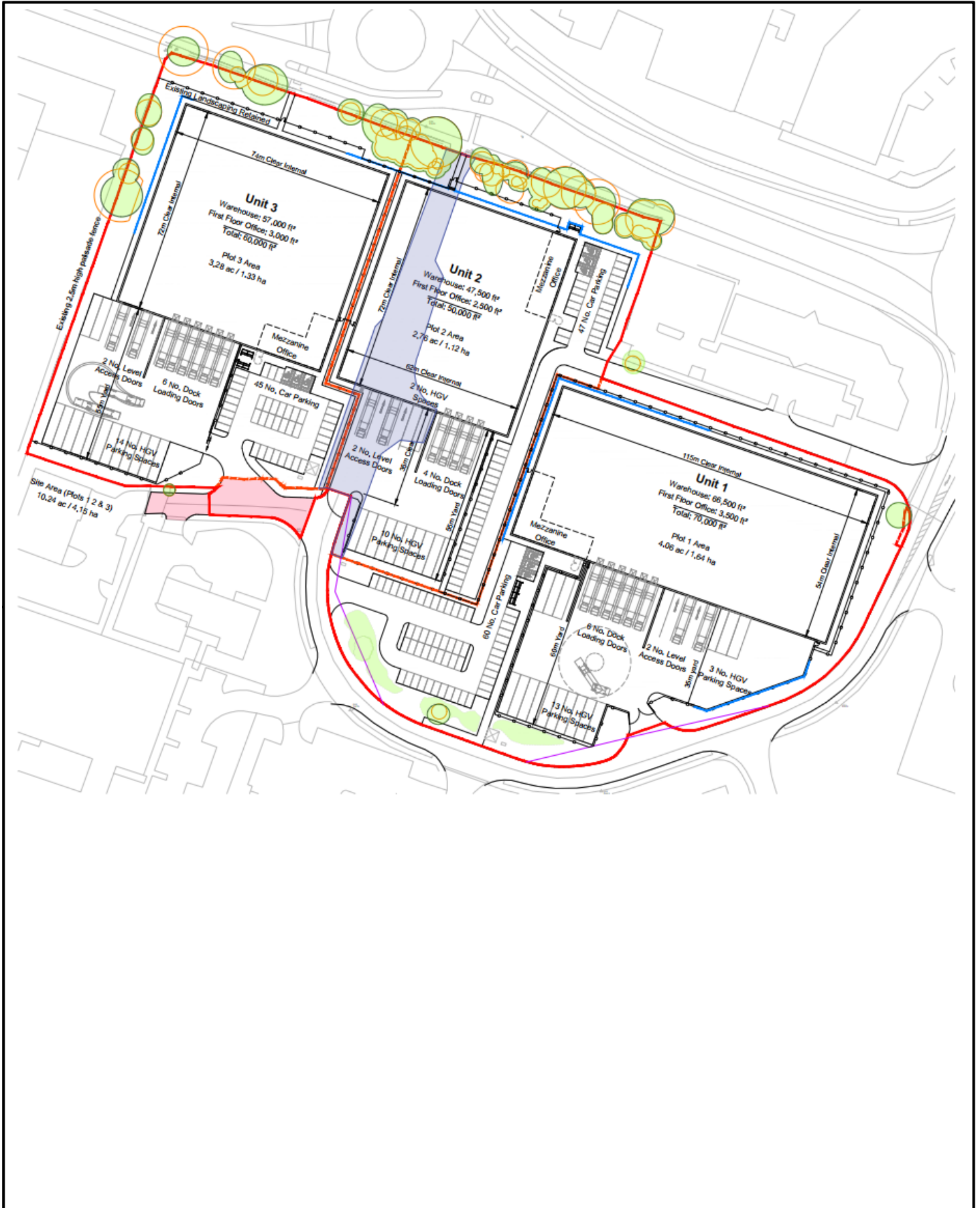
September 2018

Drawn By:

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## **18/00082/FULM**

**DEMOLITION OF 2NO EXISTING OFFICE BUILDINGS (USE CLASS B1) AND ERECTION OF 3NO. STORAGE AND DISTRIBUTION UNITS (USE CLASS B1(C), B2/B8), WITH ANCILLARY OFFICES, ANCILLARY PLANT, SERVICE YARD, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE AND WORKS, INCLUDING THE REMOVAL OF PART OF WELLINGTON CRESCENT. LAND AT WELLINGTON CRESCENT, FRADLEY PARK, LICHFIELD.**

**FOR: LEGAL AND GENERAL UK PROPERTY FUND.**

Registered 12/01/18

**Parish: Fradley and Streethay**

**Note:** This application is being reported to the Planning Committee due to Staffordshire County Council Highways objecting to the development due to the loss of the existing pedestrian and cycle access route offered from the western end of Wellington Crescent through to Wood End Lane and no direct alternative route has been proposed. Furthermore the application fails to provide information to demonstrate that sufficient off street car and lorry parking is to be provided within the site curtilage.

### **RECOMMENDATION:**

**(1) Subject to the owners/applicants first entering into a Unilateral Undertaking under the Town and Country Planning Act (as amended), to secure contributions/planning obligations towards:-**

#### **1. Travel Plan and Monitoring Fee**

**Approve subject to the following conditions:**

**(2) If the Unilateral Undertaking is not signed/completed by the 3 December 2018 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.**

### **CONDITIONS**

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

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.

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

3. Before the development hereby approved is commenced, the protective fencing and other protective measures to safeguard existing trees and/or hedgerows on the site, shall be provided in accordance with the details shown on approved plan 04 Revision A and to British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

4. Before the development hereby approved is commenced, a Construction Vehicle Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The management plan shall:

- i) Specify details of the site compound; and
- ii) Specify the delivery and working times; and
- iii) Specify the types of vehicles; and
- iv) Specify noise, air quality and dust control; and
- v) The management and routing of construction traffic; and
- vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities; and
- vii) Provide for the loading and unloading of plant and materials; and
- viii) Provide for the storage of plant and materials used in constructing the development.

The development shall thereafter be carried out in accordance with the approved details and thereafter adhered to throughout the construction period.

5. Before the development hereby approved is commenced, excluding demolition, full details of a scheme of foul drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.

6. Before the development hereby approved is commenced, excluding demolition, details of ground levels, earthworks and excavations to be undertaken as part of the development process shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

7. Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) expanding upon the information provided within the 'Biodiversity Impact Calculator' dated 21/04/17, detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a habitat compensation value of no less than 1.42 Biodiversity Units, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:

- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur); and
- ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation; and
- iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur; and
- iv) Proposed management prescriptions for all habitats for a period of no less than 25 years; and
- v) Assurances of achievability; and
- vi) Timetable of delivery for all habitats; and
- vii) A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken in accordance with the approved CEMP/HMP.

8. Before the development hereby approved is commenced, a scheme for the offsetting of biodiversity impacts at the site shall be submitted to and approved in writing by the Local Planning Authority. The proposed offsetting scheme as detailed in the document Offsetting Addendum Report produced by FPCR, dated May 2018 shall include:

- i) Details of the offset requirements of the development, in accordance with a recognised biodiversity offsetting metric, which has been calculated to comprise 7.404 Biodiversity Units (BU) of woodland, wetland and grassland habitats; and
- ii) The identification of a receptor site or sites which generates a minimum of 7.404 BU; and
- iii) The provision of arrangements to secure the delivery of offsetting measures, including a timetable for delivery; and
- iv) A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of no less than 25 years from the commencement of the development. The management and monitoring plan shall include:
  - v) Description of all habitats to be created/enhanced with the scheme including expected management condition and total area; and
  - vi) Review of the ecological constraints; and
  - vii) Detailed designs and/or working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works; and
  - viii) Type and source of materials to be used, including species list for all proposed planting and abundance of species within any seed mix; and
  - ix) Identification of the persons responsible for implementing the works; and
  - x) A timetable of ecological monitoring to assess the success of all habitat creation/enhancement; and
  - xi) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The offsetting scheme shall thereafter be completed in accordance with the approved details.

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

9. Before the development hereby approved is first brought into use, full details of shower/locker facilities for staff, for the building to which they relate, shall be submitted to and approved in writing by the Local Planning Authority. The shower / locker facilities shall thereafter be provided prior to the development being first brought into use and thereafter be retained for the life of the development.

10. Before the development hereby approved is first brought into use, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, for the plot to which they relate, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval in application to the Local Planning Authority.

11. Before the development hereby approved is first brought into use, a Vehicular Routing Management Plan to determine details of the management and routing of all HGV movements to and from the approved unit, shall be submitted to and agreed in writing by the Local Planning Authority. The Vehicular Routing Management Plan shall propose details of how HGV movements associated with the development will be managed to ensure that drivers leaving the site will turn

east and access the A38 at Hilliards Cross. The business operating from the approved unit shall thereafter operate in accordance with the approved details for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

12. The approved fences and other means of enclosure shown on approved plan 17171 P003 Revision C shall be erected in accordance with the approved details, prior to the first use of the permitted building to which they relate and thereafter be retained for the life of the development.

13. The development hereby approved shall only be carried out in accordance with the approved Drainage Strategy reference number 2017-184 and the following mitigation measures detailed within the approved Flood Risk Assessment:

- i) Limiting the surface water run-off discharged from the site to a maximum of 120 l/s so that it will not increase the risk of flooding off-site;
- ii) Provision of an appropriate calculated volume of 1140 cubic metres of attenuation flood storage on the site a 100 year + climate change standard; and
- iii) Finished floor levels set at no lower than 150mm above local ground level; and
- iv) Oil interceptors for loading bays.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

14. Prior to the first use of any external plant or water storage tanks, details, including the location thereof of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures to be implemented. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.

15. Within 6 weeks of the completion of the shell and core works of each unit, a certificate of compliance from an accredited assessor confirming that the unit has achieved the required BREEAM rating of Very Good shall be submitted to and approved in writing by the Local Planning Authority.

16. Before the development hereby approved is first brought into use, the site access road, footway and servicing and turning areas as shown on the approved plans 17171 P0002 Revision H and 17171 F0005, shall be provided and surfaced in a bound material and thereafter retained for the life of the development.

17. Before the first use of each unit hereby approved, final details of the car parking strategy for the unit to which it relates, to be in broad accordance with the details as shown on plans reference 17171 P0002 Revision H and 17171 F0005, shall be submitted to and approved in writing by the Local Planning Authority. The car parking so approved, shall thereafter be provided prior to the first use of the unit to which it relates, be surfaced in a bound porous material and clearly delineated and thereafter be retained for the life of the development.

18. Before the development hereby approved is first brought into use the cycle parking facilities for the building to which they relate, as shown on approved plan 17171 P0004 Revision A shall be provided and thereafter be retained for the life of the development.

19. The development hereby approved shall be carried out in strict accordance with the methods of working and mitigation recommendations, which are detailed in section 5 of the Ecological Appraisal produced by FPCR dated December 2017. The measures shall be implemented prior to first use of the buildings hereby approved and shall thereafter be retained for the life of the development.



20. The landscape and planting scheme detailed on approved plan 02 Revision B shall be implemented within eight months of the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority. The landscaping scheme shall thereafter be maintained in accordance with the measures identified within the 'Soft Landscape Works Maintenance and Management Proposals' produced by Barry Chinn dated 20<sup>th</sup> December 2017.

21. Any tree, hedge or shrub planted as part of the landscaping scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

22. No trees, shrubs or hedgerows planted or retained as part of the approved landscaping and planting scheme, shall be topped, lopped or cut down without the prior consent in writing of the Local Planning Authority.

23. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall first be submitted to and approved in writing by the Local Planning Authority. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

24. No materials, plant or machinery of any kind, shall be stacked or deposited in the open within the curtilage of the site.

25. All industrial, workshop or manufacturing processes shall be carried out within the approved buildings and no such works shall be carried out in the open.

26. If during the course of development hitherto unknown sources of contamination are identified then the development shall stop and a revised contamination report shall be submitted to and approved in writing by the Local Planning Authority. 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 Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development, unless otherwise agreed in writing by the Local Planning Authority.

27. The off-site highway works shown on approved plan 17171 P0007 Revision A shall be completed in accordance with the approved details, prior to the first use of the units hereby approved and shall thereafter be retained as such for the life of the development.

28. The buildings hereby approved shall be used only for purposes within Class B1c, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission on application by the Local Planning Authority.

## REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Practice Guidance.
3. To ensure that adequate measures are taken to preserve trees and their root systems, whilst work is progressing on site in accordance with, Policies BE1 and NR4 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
4. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
5. To minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. To ensure that the external appearance of the development is in keeping with the surrounding area, in accordance with the requirements of Government Guidance contained in the National Planning Policy Framework, Policy BE1 of the Local Plan Strategy and the Supplementary Planning Document Sustainable Design.
7. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Supplementary Planning Document Biodiversity and Development and the National Planning Policy Framework.
8. In order to deliver biological enhancements as part of the development, in accordance with the requirements of Core Policies 3 and 13 and Policies NR3 and NR6 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
9. To promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
10. In the interests of highway safety and to safeguard the character and appearance of the site and surrounding area in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
11. In the interests of highway safety and to safeguard and the amenity of residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. To safeguard the character and appearance of the site and surrounding area in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. To ensure the satisfactory drainage of the site, to minimise flood risk and pollution of underlying aquifers and to prevent any impact on the operation of the Strategic Road Network, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

14. To safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
15. To ensure that the development is constructed in a sustainable manner in accordance with Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
17. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
18. To promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.
19. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Supplementary Planning Document Biodiversity and Development and the National Planning Policy Framework.
20. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way in accordance with the requirements of Policy BE1 of the Local Plan, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
21. To ensure that any initial plant losses to the approved landscaping scheme are overcome, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
22. To ensure that the landscaping scheme is appropriately retained in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development and the National Planning Policy Framework.
23. To prevent the pollution of the water environment in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
24. To safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
25. To safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
26. To prevent the pollution of the water environment in accordance with the requirements of Core Policy 3 and Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
27. To promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design and the National Planning Policy Framework.

28. To safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

29. To safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

#### **NOTES TO APPLICANT:**

1 The Development Plan comprises the Lichfield District Local Plan Strategy (2015), saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and Emerging Local Plan Allocations 2008-2029 Proposed Submission Document.

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

3 Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on 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. The off-site highway works required by condition 16 will require a legal agreement with Staffordshire County Council (Major Works) and the applicant is therefore requested to contact Staffordshire County Council in respect of securing that agreement.

5. The applicant is advised that Staffordshire County Council will not be formally adopting the proposed development. However the development will still require approval under Section 7 of the Staffordshire Act 1983 and this permission does not constitute a detailed design check of the proposed access road construction, drainage and any street lighting. The applicant is thereafter advised to complete the necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development.

6. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 03/05/18. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

7. The applicant is advised to note and act upon as necessary the comments of the Environment Agency dated 18/05/18.

8. The applicants' attention is drawn to the comments from the Council's Operational Services Customer Relations and Performance Manager specific to waste services dated 23/01/18.

9. The applicant is advised that there may be a public sewer within the application site. Sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The applicant is therefore advised to contact Severn Trent Water to discuss the proposals.

10. The applicant is advised that the Environmental Permitting Regulations 2010 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which the Environment Agency will issue. Groundwater activity includes any discharge that

will result in the input of pollutants to groundwater. Further information regarding groundwater policies can be found on the Environment Agency's website.

11. The applicant is advised that part of the application site is located near to HS2 Limits of Land to be Acquired & Used and as such are advised to follow the progress of the HS2 programme. More information can be found at [www.hs2.org.uk](http://www.hs2.org.uk).

12. This permission does not grant or imply consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or subsequent legislation.

13. The applicants' attention is drawn to the comments from Cadent Gas dated 21/04/18.

14. The applicant is advised to consider installing the infrastructure (cabling etc.) to facilitate the future provision of Vehicle Recharging Points within the site.

15. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 5 – Sustainable Transport

Core Policy 7 – Employment & Economic Development

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built & Historic Environment

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy BE1 – High Quality Development

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR6 – Linked Habitat Corridors & Multi-Functional Greenspaces

Policy Frad 3 – Fradley Economy

### **Saved Local Plan**

Policy EMP2 – Existing Industrial Areas

Policy EA1 – Fradley Airfield Construction Proposals

### **Local Plan Allocations (Focussed Changes) (Emerging)**

EMP1 – Employment Areas & Allocations

### **Supplementary Planning Document**

Sustainable Design

Biodiversity and Development

Trees, Landscaping and Development

Developer Contributions

Fradley Park Planning Brief

## **Other**

Natural Environment and Rural Communities Act 2006  
The Conservation (Natural Habitats, &c.) Regulations 1994  
Lichfield Employment Land Review (2012)  
Fradley and Streethay Neighbourhood Plan (Emerging)  
Staffordshire and Stoke on Trent Joint Waste Local Plan

## **RELEVANT PLANNING HISTORY**

08/01093/FUL – Continued Use of Land as Car Park – Approved – 26.11.08

06/00949/COU – Change of Use of Land to Temporary Car Park – Approved – 16.11.06

06/00658/FUL - Variation of condition on permission 01/01227/FUL for an extension of time – Approved – 01.09.06

01/01227/FUL – Headquarters offices with associated car parking (B1) – Approved – 21.02.02

00/00523/FUL – Temporary Car Park – Approved – 11.07.00

98/00983/FUL – Office and warehouse with parking and landscaping – Approved – 04.01.99

L900251 – Access Road to Site HS2 B – Approved – 14.03.90

L12848 – Reclamation of derelict land for industrial use – Approved – 23.02.87

## **CONSULTATIONS**

**Fradley and Streethay Parish Council** – Recommend that the application be permitted, but identify concerns regarding:

- Increase in current lorry movements;
- Additional pressure on highway infrastructure;
- The need for enhancements to the Hilliard’s Cross junction;
- An increase in on street parking due to lorry drivers parking inconsiderately, whilst awaiting entry into surrounding sites (13/02/18).

**Spatial Policy and Delivery** – The application site lies within an area of existing employment use, but outside of any designate areas for development identified within the Development Plan. However, the site does fall within a designated employment area identified within the emerging Allocations Document. The loss of the office buildings, given that the Development Plan seeks to increase office floorspace throughout the District by 30,000m<sup>2</sup> should be noted (29/01/18).

**Arboricultural Officer** – No objection. The principal tree screen adjacent to Wood End Lane is proposed to be protected during construction works and thereafter supplemented via a landscaping scheme. The loss of trees to Wellington Crescent will be offset by replacement and additional planting elsewhere within the site. Any permission should be conditional to the development being carried out in accordance with the recommendation of the arboricultural and landscaping documents submitted with the application (27/04/18, 19/01/18).

**Ecology Team** – No objection. Recommends a condition to secure a scheme of Biodiversity Offsetting of no less than 7.404 units. In addition recommends further conditions to secure a Construction Environment Management Pan and a Habitat Management Plan. Subject to adherence

to the approved details within these conditions, the development will deliver a positive net gain to biodiversity (28/06/18).

Previous Comments: No objection. Concurs with the findings of the submitted Ecological Appraisal, which demonstrates that the development will not have an adverse impact upon European Protected Species or their habitat. Recommends a condition to ensure that the development is undertaken in accordance with the mitigation measures identified within Section 5 of this document.

The quantitative assessment of habitat value submitted with the proposal demonstrates that the development will currently result in the net loss of 8.75 biodiversity units. To address this issue, given the Council's Supplementary Planning Document Biodiversity and Development requires a 20% biodiversity uplift, a Biodiversity Offsetting Scheme will need to be incorporated as part of the development proposal (25/04/18, 15/02/18).

**Natural England** – No comments (02/05/18, 23/04/18).

**Environmental Health Manager** – Recommend a condition that should unidentified contamination be located during construction then further details will be submitted to the Local Planning Authority (30/04/18, 08/03/18).

Previous Comments: No objections. Awaiting the submission of a contaminated land survey (05/03/18).

**Operational Services Manager** – Set out general requirements in relation to refuse collections (18/04/18, 23/01/18).

**Staffordshire County Council (Flood Risk Team)** – No objection, subject to a condition, requiring that the development be undertaken in accordance with the mitigation measures identified within the submitted Flood Risk Assessment / Drainage Strategy (17/04/18, 07/02/18).

**Severn Trent Water** – No objections, subject to a condition requiring the submission and approval of a foul and surface water drainage scheme. Notes that a public sewer crosses the site (02/05/18, 29/01/18).

**Police Architectural Liaison Officer** – No objection but stress the importance of not promoting crime through unnecessary permeability. It is important that a high level of physical security is incorporated in these proposals. Draw the applicants' attention to the Secured by Design Website (03/05/18, 06/02/18).

**Staffordshire Fire and Rescue Service** – Provides recommendations regarding the need for appropriate fire safety measures within the development (05/04/18)

**Environment Agency** – No objection (02/05/18, 08/02/18).

**Staffordshire County Council (Highways)** – Withdraws reason for refusal 2b (swept path analysis) as this has been addressed (15/08/18).

Previous Comments: Recommend refusal due to the loss of the existing pedestrian and cycle access route offered from the western end of Wellington Crescent through to Wood End Lane and no direct alternative route has been proposed. Furthermore the application fails to provide information to demonstrate that sufficient off street car and lorry parking is to be provided within the site curtilage, whilst a swept path analysis for articulated lorries is yet to be submitted (02/08/18).

Requests the formation of a shared pedestrian / cycle path be provided from the Western end of Wellington Crescent through the site to Wood End Lane (18/05/18).

**Highways England** – No objection (24/04/18, 23/01/18).

**HS2** – No objection (27/04/18, 30/01/18).

**Staffordshire County Council (Archaeology)** – No response received.

**Staffordshire County Council (Planning)** – No comments – (17/04/18, 19/01/18).

**Cadent Gas** – Notes that there are low or medium pressure gas pipes and associated equipment in the vicinity of the site (21/04/18, 19/01/18).

### **LETTERS OF REPRESENTATION**

3 letters of objection have been received from 2 neighbouring occupants. The comments and concerns raised are summarised as follows:

#### Arboricultural and Ecological Issues

- What will happen to the memorial tree?
- The site is currently utilised as a habitat by a number of animals. How will the loss of habitat be addressed?

#### Highway Matters

- How will the development impact upon the flow of traffic from the island to neighbouring sites?
- How will on street parking issues caused by overnight lorry parking on Wellington Crescent be addressed?
- Will the development facilitate improvements to the Hilliard's Cross A38 junction?
- Will Wellington Crescent be widened to accommodate additional traffic movement?
- The applicant advises that the development will result in the net reduction in traffic movements, upon completion of the development, but given that 50% of the site is currently undeveloped field how can this be the case?

#### Other Issues

- What noise levels will be created during construction and when the site is operational?
- What hours will construction works be undertaken within?
- There is a substation in situ on the adjacent site. Will this development use and impact upon this facility?
- Who will occupy the units?

### **OTHER BACKGROUND DOCUMENTS**

The developer has submitted the following documents in support of their application:

Air Quality Assessment  
Archaeological Desk Based Assessment  
Biodiversity Offsetting Report  
Design and Access Statement  
Ecological Appraisal  
Flood Risk Assessment  
Framework Travel Plan  
Ground Investigation Report  
Noise Impact Assessment



Planning Statement  
Pre-Development Tree Survey  
Soft Landscaping Works – Maintenance and Management Proposals  
Sustainability Statement  
Transport Statement  
Transport Statement (Addendum)  
Utilities Assessment Report

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## **OBSERVATIONS**

### **Site and Location**

The application site, 4.09 hectares in size, is located to the southern side of Wood End Lane, accessed from Wellington Crescent. The western part of the site currently contains two, two storey brick clad office buildings, known as Trent House and Tame House and associated off street car parking, with the remainder comprised of undeveloped grassland. The site is surrounded by existing office and industrial development, which forms part of the 141 hectare Fradley Park development.

### **Proposals**

The application seeks full approval for the demolition of the two existing office buildings, which have a floor area of 1,451 square metres and the erection of 3 buildings, with a total Gross Internal Area of 16,722 square metres. The buildings are proposed to be operational for 24 hours a day and be used for office, general industrial or storage and distribution purposes uses (Class Use B1(c), B2 and B8). Unit 1 located to the eastern part of the site, is proposed to have a floor area of 6,178 square metres, a height to eaves of 12.4 metres and a maximum height of 14.2 metres. This unit if in B1 or B2 use will be served by 131 off street car parking spaces, or in B8 use 60 spaces. Unit 2 located to the centre of the site, is proposed to have a floor area of 4,413 square metres, a height to eaves of 12.4 metres and a maximum height of 14.2 metres. A total of 77 off street car parking spaces will be provided if the unit is used for B1 or B2 uses, or 47 spaces for B8 use. Unit 3 located to the western portion of the site, is proposed to have a floor area of 5,295 square metres, a height to eaves of 12.4 metres and a maximum height of 14.0 metres. There are 105 spaces proposed for the B1 or B2 use of the building or 45 spaces proposed for the B8 use of this unit.

Each unit is proposed to have its own separate service yard, with 22 (6 loading) HGV parking spaces proposed for unit 1, 16 (4 loading) for unit 2 and 20 (6 loading) for unit 3. In addition, unit 1 is to be served by a 20 space cycle shelter, unit 2 a 10 space cycle shelter and unit 3 a 20 space cycle shelters. The shelters are weatherproof covered facilities. Throughout the site 2.4 metre high black paladin fencing is proposed to define the separate site boundaries, along with 2.4 metre high gates for pedestrian and vehicular access as required.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Appearance
3. Amenity Impact
4. Access, Off Street Car Parking and Highway Safety
5. Flood Risk and Drainage
6. Trees and Landscaping
7. Ecology and Biodiversity
8. Archaeology
9. Sustainability
10. Other Matters
11. Financial Considerations
12. Human Rights

## 1. Policy & Principle of Development

- 1.1 The National Planning Policy Framework (NPPF) advises local authorities to approve development proposals that accord with the development plan without delay. Where development plan policies are out of date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 1.2 The NPPF seeks to proactively drive and support sustainable economic development to deliver homes, business and industrial units and infrastructure. The NPPF outlines that a key component of delivering sustainable development is through Local Planning Authorities planning proactively to meet the development needs of businesses.
- 1.3 Paragraph 80 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through Paragraph 60 of the NPPF, which advises that *“significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*, whilst Paragraph 82 states that *“planning policies and decisions should recognise the specific locational requirements of different sectors... making provision for... storage and distribution operations at a variety of scales and in suitably accessible locations”*.
- 1.4 Core Policy 1 of the Local Plan Strategy aims to build on the strengths of the local economy and this is further expressed within Core Policy 7 (Employment & Economic Development), which offers support for economic development in appropriately sustainable locations.
- 1.5 Policy Frad3 makes it clear that new employment uses will be focused on the implementation of existing committed sites or the redevelopment of existing sites. The application site lies outside of the allocated Fradley Airfield Industrial Proposals, as indicated on the Local Plan Strategy Policy Map Fradley Inset 12 and as detailed under Saved Policy EA1 of the Local Plan. However the scheme accords with Policy Frad3 through offering a redevelopment scheme.
- 1.6 The Local Plan Allocations (Focussed Changes) document has now been submitted to the Secretary of State for consideration following public consultation. As such this document now carries some, although minimal, material planning weight. Policy EMP1, which will replace Saved Policy L9 advises that allocated sites, will contribute towards the delivery of an identified need for 79.1ha of employment land for B1, B2 and B8 uses, within the District. This site is identified within the accompanying Local Plan Policies Maps, Inset 12 Fradley as being located within an existing employment area, which will deliver the requirements of the aforementioned Policy.
- 1.7 The development will secure inward investment into and the redevelopment of a designated employment site and as such is wholly compliant with the requirements of the NPPF and Development Plan.

## 2. Design and Appearance

- 2.1 The site has a mixed character, with two 1990s style office buildings to the western portion of the site, with elsewhere, a green field open grassed area, which appears largely unused, comprising the remainder of the site. To the north west and west of the site there are large scale storage and distribution buildings, occupied by Florette and DHL, to the north and east there are further 1990s style office buildings, whilst to the south, off Wellington Crescent,

there are further examples of utilitarian two office buildings. It should also be noted that HS2 is proposed to cross to the south of the site, behind the row of office buildings.

- 2.2 Local Plan Strategy Core Policy 14 states that *“the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment”*.
- 2.3 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The document continues to state that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 2.4 Paragraph 127 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- :
- function well and add to the overall quality of the area; and
  - establish a strong sense of place; and
  - respond to local character and history, and reflect local surroundings and materials; and
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.5 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 2.6 This site, being located to the south eastern edge of the Fradley Airfield industrial site, will form something of a gateway structure into the estate from the Hilliard’s Cross junction from the A38. As such it is important to ensure that high quality design is achieved.
- 2.7 The proposed buildings in terms of floor plate, will be smaller than those evidenced by the neighbouring existing storage and distribution units, located to the west and north west of the application site, but larger than the surrounding office buildings. In terms of height, along Wood End Lane, the buildings will be seen in context of the 8 metre high LSC Group office building and the 10 metre high Florette building, beyond which lies the recently erected 17 metre high Anixter building. In terms of Common Lane street scene view, the buildings will sit in the context of the 9 metre high DHL building, whilst the office buildings on Wellington Crescent are also 8 metres high. Thus, in terms of context, the floor plate of the proposed buildings is appropriate. The height of the structures will be greater than the immediate built form, but in terms of the wider Fradley Park context, they will be of equivalent height or lower than the modern storage and distribution buildings erected within recent years. Thus, in terms of built form integration, the proposed buildings are considered to be acceptable, within the context of the wider street scene and therefore the development will comply with the requirements of the Development Plan and NPPF in this regard.
- 2.8 The buildings have been sited adjacent to the northern edge of the site, ensuring off street parking provision is located to the rear of the buildings and therefore largely screened from the main vehicular route through the Fradley Park, Wood End Lane. The approximately 16 metre gap between the northern elevations of units 2 and 3 and Wood End Lane, both

allows for the retention of the existing landscaping area and encloses this street scene, replicating the siting of neighbouring existing built form in this regard.

- 2.9 In terms of elevation detail, the rollers shutter doors, protruding office elements and profile cladding system add vertical emphasis to break up the horizontal visual mass of each facade, whilst the use of brise soleils and entrance features, which further extend from the various facades, add depth and shadow.
- 2.10 Full specifications of the external materials proposed to be used in the construction of the units have been provided. The materials include, a composite roof cladding system in Goosewing Grey and profile cladding panels in Pure Grey, White and Anthracite for the walls. This palette of materials and colours is appropriate to the nature of the development being proposed and will ensure the development's successful integration into the character of the surrounding Fradley Airfield Industrial Estate.
- 2.11 The block plan indicates a small variety of associated infrastructure to be erected within the site. For instance, cycle stores, proposed to serve each unit, are to be constructed from pure grey polyester powder coated frames and transparent polycarbonate. Given the scale, appearance and siting of these structures, it is considered that they will successfully integrate into the future character of the area.
- 2.12 Although the end users are yet to be confirmed, it is possible, due to health and safety requirements, that an external sprinkler water tank will be required. The location for these structures have yet to be indicated on the submitted plans along with details of their appearance and any screening that may be required. To address this point a condition to require the submission and approval of plant and screening measures is recommended to be included on the decision notice.
- 2.13 The use of 2.4 metres high paladin fencing and gates, finished in black, are considered appropriate, given both the scale of the building, which it will enclose and the appearance of the surrounding street scene, where this boundary treatment is already evident. In addition it is noted that this fence type unlike palisade fencing allows for greater visibility across the site from the public realm and as such offers both appropriate visual interconnectivity and security provision.
- 2.14 In order to protect the visual amenity of the site and surrounding area a condition is recommended in order to prevent outside working and storage of materials.
- 2.15 The design and appearance of the buildings and structures proposed throughout this site are, for the reasons given above, appropriate and therefore visually, the development complies with the requirements of the Development Plan and NPPF in this regard.

### 3. Amenity Impact

- 3.1 Paragraph 180 of the NPPF advises that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development"*.
- 3.2 Paragraph 180 advises that planning decisions should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"* and *"identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason"*.

- 3.3 Local Plan Strategy BE1 states that new development should avoid causing disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.4 The nearest residential properties to the development, Orchard Farm is located 600 metres to the south of the site, whilst the semi-detached New Haven and West View, located to the west, are approximately 715 metres from the developed part of the site. These two dwellings are however presently unoccupied and are the subject of a recent Prior Notification application for their demolition (reference 17/01293/DEMCON). The Fradley South housing estate is sited 1.6 km to the north east.

#### Noise

- 3.5 A noise impact assessment document has been submitted with this application. This report demonstrates that the uses proposed for the site combined with the distances to neighbouring property and screening afforded by the existing built form is such, so as to ensure that there will be no adverse impact upon the reasonable amenity of residents. Given this conclusion and the lack of noise related conditions attached to surrounding industrial development, it is not considered reasonable or necessary to seek to limit noise generating activities within this site, through the use of a condition.
- 3.6 It is noted however that currently no details of external plant have been submitted as part of this application, given that exact end users are yet to be determined. As such, a condition to require the submission and approval of such features, given that they have the potential to generate a low level of noise, in addition to impacting upon the architectural integrity of the principle building, is considered to be reasonable and necessary.

#### Artificial Lighting

- 3.7 The applicant is yet to provide details of external lighting. Given the surrounding characteristics of the area, namely that the site sits surrounded by industrial and office development, the levels of illumination and light spill will be such so as to not impact upon the character of the area or upon passing motorists. However, to ensure the installation of an appropriate scheme, a condition is recommended, which will ensure that the development complies with the requirements of the Development Plan and NPPF in this regard.

#### Construction

- 3.8 In order to identify dust mitigation measures for during the construction phase of this development and how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition.

#### Air Quality

- 3.9 An Air Quality Assessment has been submitted with this application, which concludes that mitigation measures are considered necessary in the form of an air quality log being kept during construction works, along with the implementation of an appropriate management plan for site operatives. It is also noted that the Travel Plan submitted with the Transport Assessment will ensure that residual impacts upon completion of the development will be negligible. These mitigation measures are considered suitable to ensure that development has an acceptable air quality impact upon the surrounding area and as such, are recommended to be secured via the use of a condition in the case of the former and a Unilateral Undertaking in the case of the latter.

## Contaminated Land

- 3.10 Paragraph 179 of the National Planning Policy Framework states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner”*. Paragraph 170 advises that planning decision should prevent *“new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 3.11 The applicant has undertaken a contaminated land assessment, which has been submitted with this application, which confirms that there are unlikely to be any sources of contamination found within the site. This report has been considered by the Council’s Environmental Health Manager, who agrees with its findings. Therefore, further contaminated land information need only be submitted to the Local Planning Authority, if during construction works, thus far unidentified contamination is found.
- 3.12 Overall, it is considered that the proposals will not have a detrimental impact on local residential amenity and as such, will accord with the Development Plan and the NPPF in this regard.

## 4. Access, Off Street Car Parking and Highway Safety

- 4.1 The NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

### Access

- 4.2 The details of the means of access have been submitted as part of this proposal, with two points of access proposed from Wellington Crescent. The suitability of these accesses and the visibility splays they are to be afforded have been considered by the Highways Authority, who considered that they are acceptable. Thus, given this advice, the access points are considered to be acceptable.

### Off Street Car Parking

- 4.3 The application has been accompanied by a Transport Statement, which specifies that the site is sustainably located, given its proximity to a number of bus stops, which serve the Fradley Airfield Park. In addition it is argued that the site has good pedestrian and cycle links.
- 4.4 In terms of off street car parking, a total of 166 off street car parking spaces are proposed across the 3 sites for B8 use, with 9 being accessible spaces. For B1 or B2 use, the overall total would be increased to 313. In addition, 50 cycle spaces are proposed throughout the site. Lastly, the applicant has indicated parking spaces for B8 use of up to 58 HGVs within the Service Yard, of which 16 are to be loading bay spaces.
- 4.5 The guidelines detailing maximum off street car parking levels are set out in the Council’s Sustainable Design Supplementary Planning Document. The document recommends the provision of 1 space per 45 square metres of gross floorspace for B2 use, 1 space per 25 square metres for B1 use and 1 space per 90 square metres for B8 use. As such, if this entire site were to be used for B2 use, the maximum number of parking spaces required would be 371. If the site were used entirely for B8 use then the maximum requirement would be for

186 spaces. The parking requirement for B1 office use would equal 668 spaces. Should the applicant secure a B1 or B2 end user, then the 313 space car parking scheme would be implemented, whilst 166 spaces will be provided for a B8 end user.

- 4.6 The Highways Authority have considered the suitability of the level of provision and advised concern regarding the level of parking provision to be provided and a request has been made for the submission of further information. Such information has been forwarded to the Highways Authority to address their concerns and their comments will be reported to members via a supplementary paper. There are however two points to be made regarding this objection, firstly as detailed within Ministerial Written Statement HLW5488 *“the market is best placed to decide if additional off street car parking should be provided”*. In this case, the developer has a long history of delivering this type of development and indeed has secured permission to develop a site to the west of this scheme on Wood End Lane, which benefits from a similar proportion of car parking as that proposed on this site. Secondly, it is difficult to comprehend how an under provision from maximum guidelines for off street car parking spaces for B2 uses of 58 spaces or 34 spaces for B8 use, could result in a severe impact upon the surrounding highway network, which is the test required by the NPPF in order to warrant the refusal of this planning application. Thus, whilst an opportunity has been provided for the Highway Authority to remove their objection to this aspect of the scheme, on balance, it is concluded that their objection on this matter is unreasonable. Therefore, subject to the use of a condition to secure the appropriate level of parking relative to the Class Use of the end user, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

#### HGV Parking

- 4.7 The level of HGV parking proposed by the applicant throughout the site for B8 use is 1 space per 290m<sup>2</sup>, which includes both trailer and dock parking bays. The applicant argues that the developer erects speculative industrial parks across the country and has first-hand knowledge of the HGV parking requirements of likely future occupants. This standard of HGV parking has previously been accepted by the Council, on neighbouring sites, whilst the abovementioned Supplementary Planning Document is silent on this matter.
- 4.8 The Highways Authority have raised an objection regarding the level of the HGV parking, advising that there is an undersupply, when compared against the standards detailed within Cannock Chase Council’s Supplementary Planning Document Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport. Evidently this document carries no material planning weight in the determination of this application. However, Paragraph 107 of the NPPF advises that *“planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance”* and therefore further consideration of the figures identified, given the lack of advice contained within this Council’s Parking Standards, shall be provided. The above-mentioned document, adopted in 2005 and therefore pre-NPPF, requires for B8 use, 1 lorry parking space per 200 square metres of floor space. No lorry parking levels are provided for B1 or B2 uses. This results in a requirement for B8 use of 84 spaces across the site. Evidently therefore, given the proposed provision of 58 spaces, there will be a shortfall from these maximum figures. As mentioned above however, this document carries no material planning weight in the determination of this application and the applicant has nationwide experience in delivering appropriate HGV levels within this type of development. Thus, once more whilst an opportunity has been provided for the Highway Authority to remove their objection to this aspect of the scheme, on balance, it is concluded that their objection on this matter is also unreasonable.
- 4.9 Finally, the Highways Authority have now received details of HGV tracking movements through the site, which is considered to be acceptable.

## Cycle Parking Provision

- 4.10 The Sustainable Design Supplementary Planning Document provides guidelines for securing weatherproof cycle storage facilities. The scale of these facilities will be dependent upon the use of the building, with 1 space required per 200 square metres of B1 use, 1 space per 300 square metres for B2 use and 1 space per 500 square metres for B8 use. On the basis of these figures the cycle parking demand for the site would be, for B1 use, 84 spaces, B2 use, 56 spaces and B8 use, 33 spaces. The proposed provision of 50 spaces is therefore likely to be compliant with these guidelines.

## Connectivity

- 4.11 The development will require the removal of an emergency vehicular access, which currently offers pedestrian and cycle links, from the northern end of Wellington Crescent, where it currently joins onto Wood End Lane. The emergency services consulted on this application have raised no objections to the removal of this access (which will also have to be the subject of a stopping up order, to be considered by the National Transport Casework Team). The Highways Authority however have objected to its removal on the grounds that it would result in significant additional travel distance for cyclists and pedestrians at existing organisations on Wellington Crescent. This would be detrimental to travel by these modes and contrary to the aforementioned planning policies. A pedestrian walking from The Bridgford Interiors' offices to the nearest bus stops on Wood End Lane would face an increase in walking distance from 252 to 480 metres. From the same offices to the mobile caterer on Common Lane the walking distance would increase from 330 to 760 metres. Cyclists using National Cycle Network route 54 on Gorse Lane would also need to travel further as a result of development proposals. The above is the worst case increase in separation distances for existing Wellington Crescent uses, but it is acknowledged that employees of other buildings will also be affected. Direct access to Wood End Lane would however be created for staff from within the development site.
- 4.12 The applicant has been advised of the Highway Authority's concerns with reference to this matter, but are unwilling to provide a replacement public pedestrian and cycle link due to concerns regarding safety for users and security concerns for occupants deriving from the provision of such.
- 4.13 As stated above Paragraph 109 of the NPPF advises that development should only be refused on highway grounds where there is an unacceptable impact on highway safety or the residential cumulative impacts of the road network would be severed. Paragraph 110 continues to advise that within this context, applications should, "*give priority first to pedestrian and cycle movements*". Thus, the importance of pedestrian and cycling connectivity is evidenced within the NPPF but must be considered in the context of wider harm and only form a reason for refusal where residual harm is severe, given that a lack of pedestrians and cycle link could not be considered to have any specific impact upon highway safety.
- 4.14 The Institute for Highways and Transportation publication 'Providing for Journeys on Foot' (2000), provides advice on suggested acceptable walking distances for pedestrians without mobility impairments for some common facilities (Table 3.2). It is advised that these figures may be used for planning and evaluation purposes. Here it is advised that walking trips below 400 metres are desirable, below 800 metres acceptable and 1,200 metres is set as a preferred maximum. Evidently the distances identified by the Highways Authority fall within the acceptable distances identified within this document. As such for the Authority to determine that such distances are sufficiently 'Severe' as to warrant the refusal of this application is wholly unreasonable. Furthermore the developer has submitted details of improvements to the footpath network along Wellington Crescent, which would further



mitigate for any harm arising from the closure of the link, which is recommended to be secured via the use of condition (although the applicant will evidently have to agree these works direct via the Highway Authority's approval framework). As such, the development, from a pedestrian and cycle connectivity viewpoint, accords with the requirements of the Development Plan and the NPPF.

#### Highway Impact

- 4.15 A Construction Management Plan for the development is recommended to be secured by condition, which will also facilitate the delivery of the mitigation measures required by the Air Quality Assessment and ensures that the impact upon the surrounding highway network during construction works is acceptable.
- 4.16 Highways England have considered the impact of this development upon the Strategic Highway Network and offered no objection to the proposal. Similarly the Highways Authority have considered the future impact of HGV movements on the local highway network and not raised this as an issue. It should be noted that an industrial development on a nearby site, was approved subject to a condition requiring that all HGV movements away from the site occur along the A38 corridor. The replication of this condition in order to protect the local highway network is therefore recommended.
- 4.17 A Framework Travel Plan has been submitted with the application, which identifies a forecast modal pattern for users of the site, both with there being a Travel Plan in operation and without. The document demonstrates that a Travel Plan will increase employees use of sustainable transport modes and therefore, the use of such a Framework has been endorsed by the Highways Authority and is recommended to be included within the S106 agreement.
- 4.18 Given the above considerations it is considered that the proposal accords with the development plan and NPPF with regard to access/egress and parking provision, and is acceptable in this regard.

#### 5. Flood Risk and Drainage

- 5.1 The application site is located within Flood Zone 1, which is defined as having little or no risk of flooding from rivers or streams. Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NFFP states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk assessment (FRA) is required.
- 5.2 Paragraph 165 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with this application identifies that the scheme would result in additional impermeable areas being created within the site. As such, Sustainable Urban Drainage Systems, including the use of permeable paving shall be utilised within the scheme to mitigate this impact. The measures have been considered to be acceptable by the County Council's Flood Team and therefore, subject to the use of a condition to secure the scheme's delivery, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

#### 6. Trees and Landscaping

- 6.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees. Policy NR4 of the Local Plan Strategy and the Trees, Landscaping and Development

Supplementary Planning Document seek to ensure that trees are retained unless their removal is necessary.

- 6.2 An Arboricultural Assessment has been submitted with the planning application, which includes a survey and categorisation of the trees within the site, along with the number, type and location of new trees to be planted as part of the proposals. The application has also been submitted with a Tree Constraints Plan, which demonstrates that the design of the scheme allows for the majority of the existing trees within the site to be retained. The document identifies that a number of trees within the site are to be felled, with only those located adjacent to the sites northern boundary and Wood End Lane retained. None of the trees to be felled are covered by a protection order. The loss of these trees and proposed replacement landscaping scheme, have been considered by the Council's Arboriculture Officer who has advised that there are no objections to the development, given that a suitable landscaping scheme, which includes evergreens, large trees within areas of sufficient scale to accept such and drought resistant varieties, has now been produced, along with a suitable watering schedule. Due to the above assessment, in this regard, subject to conditions to secure the planting and maintenance of the landscaping scheme and the implementation of the identified tree protection measures during construction, the proposal will accord with the requirements of the Development Plan and the NPPF in this regard.

## 7. Ecology and Biodiversity

- 7.1 To comply with the guidance contained within Paragraphs 8, 170 and 175 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 7.2 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable 20% net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under the requirements of Local Plan Strategy Policy NR3 and the Biodiversity and Development SPD.
- 7.3 The Council's Ecologist has considered the proposal and concluded that the development would not impact upon protected species or their habitats. The fact that the site has been left undeveloped for a number of years has however resulted in the formation of a semi-improved grassland habitat being formed, with a Biodiversity Value of 7.59 Units. The applicant's biodiversity matrix, submitted as part of the proposal, identifies that this scheme will entail the loss of 6.17 Biodiversity units, with onsite landscaping and habitat provision only able to mitigate for 1.42 units. The lost units and 20% betterment (7.404 units), as required by the Biodiversity and Development SPD, will need to be provided off-site and secured by condition, which in this case has been agreed to be acceptable by the Council's Ecologist. Subject to the application of this condition along with a further condition to secure a Construction Environment Management Plan and a Habitat Management Plan for the habitats to be created as a result of this development, the proposal will comply with the requirements of the Development Plan and NPPF in this matter.

## 8. Archaeology

- 8.1 Paragraph 189 of the NPPF places a duty on Local Planning Authorities to "*require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*".

8.2 The County Council's Archaeologist has not provided a consultation response to this application. The applicant's Archeological Desk Based Study which accompanies this application, advises that there is only a low potential for Prehistoric, Roman, Anglo Saxon and Post Medieval remains to be located within this site. There is a high potential for Modern remains, likely associated with the areas use by RAF Lichfield. These remains however are considered to be of limited evidential value and of no more than local significance. On the basis of this assessment, it is therefore recommended that no further archaeological work be undertaken. Given this advice, no condition is required for further archaeological works and therefore, the scheme as submitted will comply in this regard with the requirements of the Development Plan and the NPPF.

## 9. Sustainability

9.1 Paragraph 150 of the NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that major non-residential development should achieve the BREEAM Excellent standard from 2016. The applicant has advised within their submission that sustainable building techniques will be achieved within this site, along with other sustainable operational practices.

9.2 It is considered reasonable to require that all 3 buildings achieve BREEAM Very Good rather than Excellent given that the evidence base for the abovementioned Policy (Camco Staffordshire County-wide Renewable/Low Carbon Energy Study 2010) is based on 2006 Building Regulations and BREEAM 2008 specifications and therefore do not take into account the latest changes to national policy and Building Regulations.

9.3 There have been two further iterations of BREEAM since the evidence base was collated and as a general rule a 2014 BREEAM Excellent requirement is now equivalent to a current BREEAM Very Good requirement. In this context, it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM Very Good would effectively deliver the level of sustainable built form that the policy seeks to capture.

9.4 The above argument has been discussed with the Council's Spatial Policy and Delivery Team, who advise that this should be a matter of planning judgement. Given that this is the case, it is felt that the abovementioned arguments are persuasive and successfully evidence that a change in guidance has occurred since the evidence base for the Policy was gathered. In addition, the wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition to secure the provision of these matters, the development is considered to be compliant with national policy in terms of sustainable building techniques.

9.5 In respect of more general sustainability concepts, as discussed above in the policy section of this report, the site itself and its development promotes good sustainable principles. Firstly, this is a redevelopment scheme, located on the edge of the community, in close proximity to public transport provision and existing and future communities. In respect of promoting the use of sustainable means of public transport the development is sustainable and accompanied by a Travel Plan, the monitoring sum for which shall be secured via the S106 agreement, and furthermore, in providing job opportunities, the development could reduce the need for local residents to travel by car to other areas of employment.

9.6 In view of the above, the development is considered to promote sustainable forms of development. However, conditions are recommended to ensure that the developer achieves suitable BREEAM levels within its construction. Subject to the application and

compliance with these conditions, the proposal will comply the Development Plan and National Planning Policy Framework in this regard.

## 10. Other Matters

10.1 The concerns raised by the Parish Council have largely been considered within the above report, of those that remain it is evident that Highways England have provided no requirement to ensure enhancements through this development for the Hilliard's Cross junction. Similarly, the concerns raised by neighbours to the site have also been addressed above. Of those outstanding comments, it is apparent Wellington Crescent is sufficiently large so as to not warrant widening in order to facilitate HGV movements. Noise levels and hours of construction works will be agreed via the Construction Management Plan, whilst use or otherwise of an existing substation will be determined by the electricity provider. Finally, no details of the likely occupants of the units have yet been provided.

## 11. Financial Considerations

11.1 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including for local companies, in the construction industry during construction. The development would also upon completion generate business rates.

## 12. Human Rights

12.1 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 and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

## **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. With reference to this scheme, economically the proposal will enable viable the redevelopment an existing employment site, which through bringing additional employees and commercial activity into the area will have wider benefits. Socially, the proposal has been designed and would be operated to ensure no significant impact upon the reasonable amenity of neighbouring residents and established businesses. Environmentally, the design of the building, whilst somewhat utilitarian is appropriate for its setting and context. The scheme would have an acceptable ecological and arboricultural impact. Whilst concerns have been raised by the Highways Authority regarding the acceptability of the development, their concerns are not considered sufficiently serve as to warrant the refusal of this proposal. Thus, given the material weight attributable to the need to support sustainable development offering employment opportunities and the lack of evidenced harm resulting from the development, subject to the abovementioned conditions, it is recommended that this application be approved.

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# LOCATION PLAN

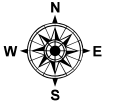
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Rugeley

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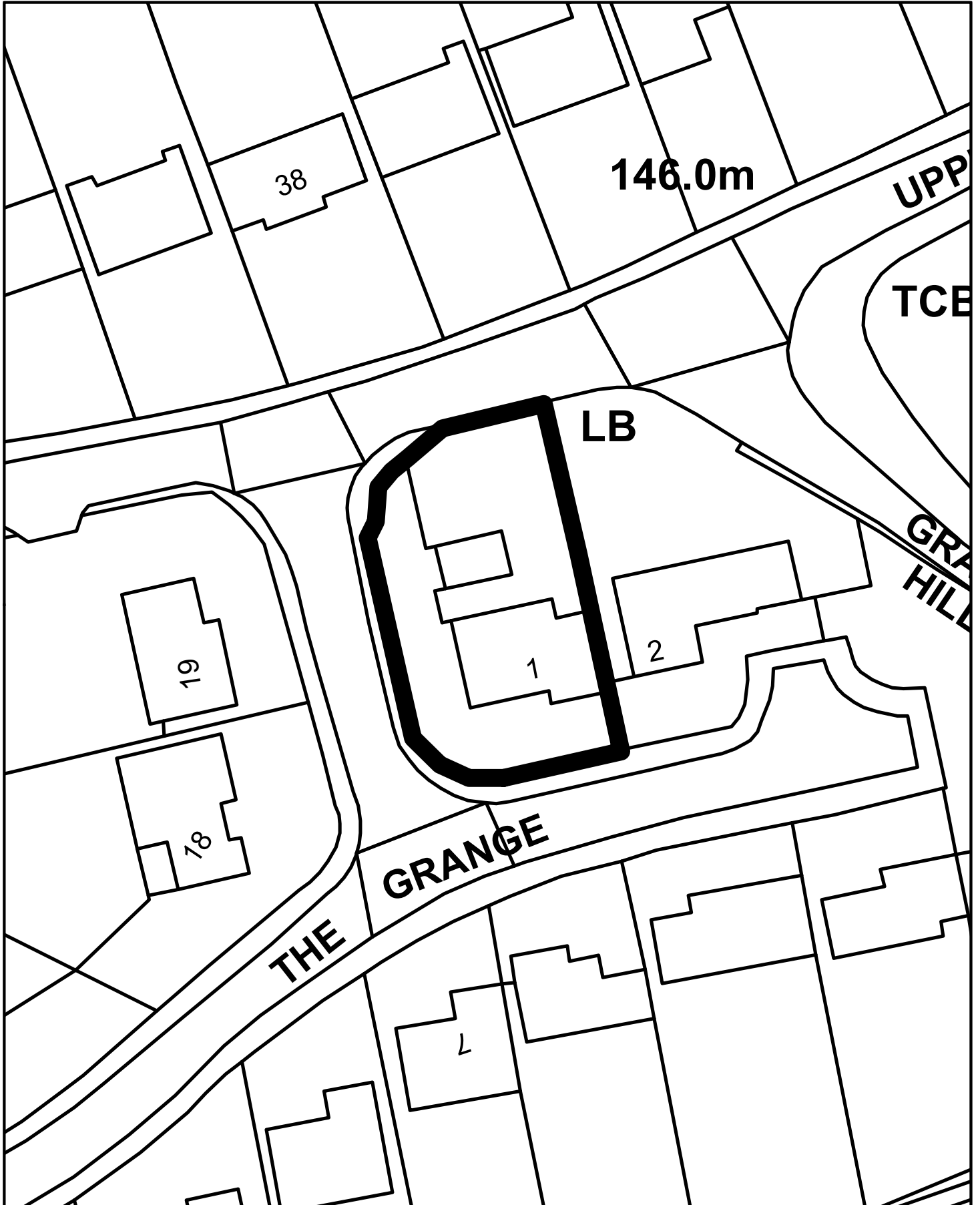
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# BLOCK PLAN

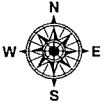
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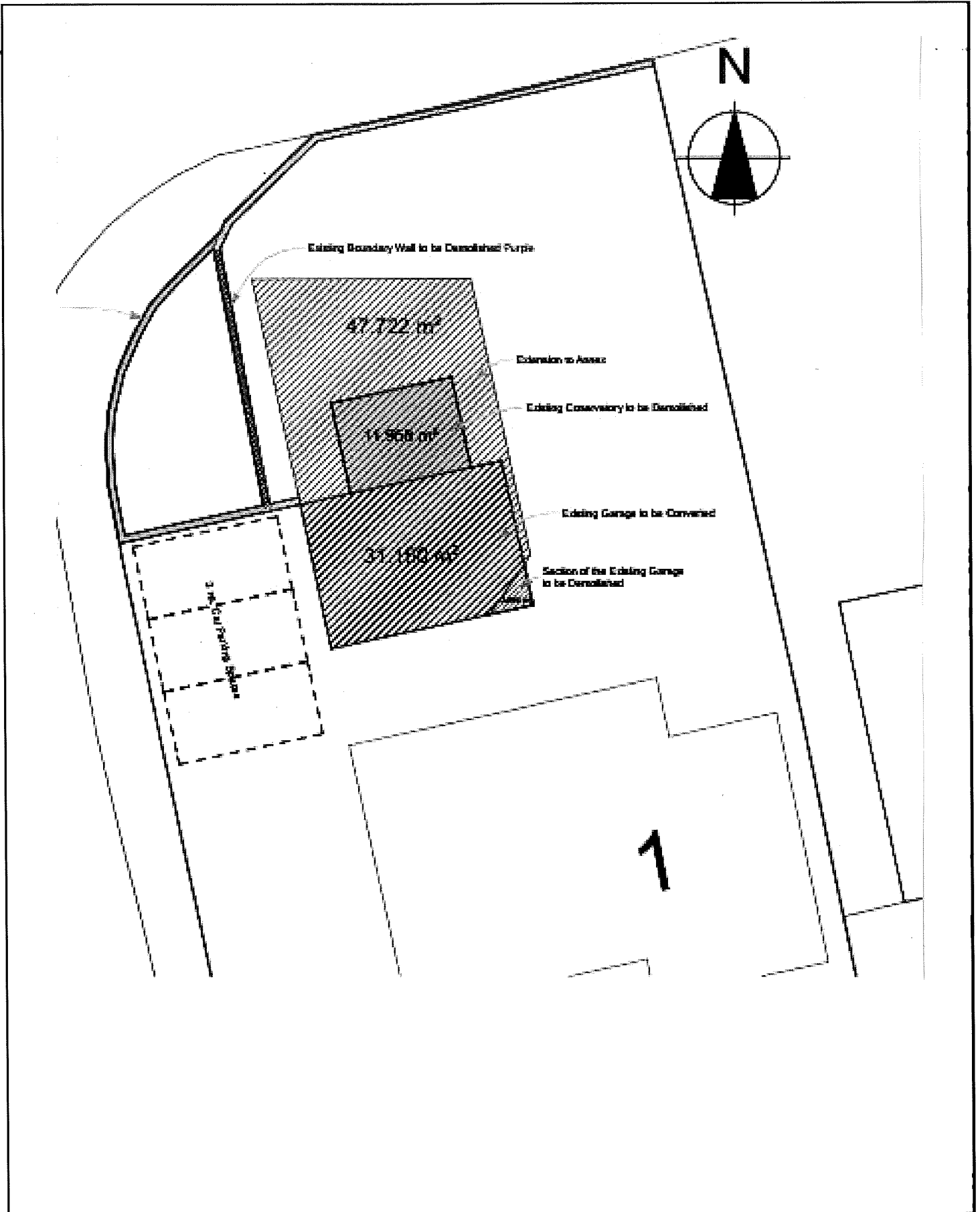
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**18/00979/FUL**

**RETENTION OF ALTERATIONS TO EXISTING OUTBUILDING/ANNEX  
1 THE GRANGE, UPPER LONGDON  
FOR MRS A STEVEN  
Registered 29<sup>th</sup> June 2018**

**Parish: Longdon**

**Note:** This application is being reported to the Planning Committee due to significant objections from Longdon Parish Council relating to the scale and massing of the outbuilding recently completed.

**RECOMMENDATION: Approve, subject to the following conditions,**

**CONDITIONS:**

1. The development authorised by this permission shall be retained 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.
2. The outbuilding hereby approved shall be occupied in a manner which is wholly ancillary to the residential use of the dwelling known as 1 The Grange, Upper Longdon; and shall not be used, sold or let as a separate dwelling unit without prior permission, on application to the Local Planning Authority.

**REASONS FOR CONDITIONS:**

1. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
2. To ensure an acceptable form of development that would not cause detriment to the amenities of neighbouring occupiers by reason of noise and disturbance, in accordance with Policy BE1 of the Local Plan Strategy.

**NOTES TO APPLICANT**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015).
  2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions in a timely manner, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
  3. During the course of the application, the Council has sought amendments to the proposals to ensure a sustainable form of development, which complies with the provisions of paragraph 38 of the National Planning Policy Framework (2018).
-

## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

### **Local Plan Strategy**

Core Policy 3 – Delivering Sustainable Development  
Policy BE1 – High Quality Development

### **Supplementary Planning Documents**

Sustainable Design

## **RELEVANT PLANNING HISTORY**

16/01423/FUL – Conversion of bungalow into a two storey dwelling with a single storey extension to the kitchen and garage block (Amendment to application 16/01134/FUL: addition of balcony to front)  
– Approve 20.01.17

16/01134/FUL – Conversion of bungalow into a two storey dwelling with a single storey extension to the kitchen and garage block – Approve 08.12.16

07/00488/FUL – Conservatory to rear – Approve 17.07.07

06/00222/FUL – Single storey rear dining room extension and new pitched roof – Approve 12.04.06

## **CONSULTATIONS**

**Longdon Parish Council** – Object to retrospective planning application. The proposed extension, by reason of its size, siting and density, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect.

The development would be out of keeping with the design and character of the existing dwelling, and would have an adverse effect on the visual amenity of the area as a whole, especially the spatial aspect originally perceived on entering the Grange.

The application is in contravention of policy 5 of the Neighbourhood Plan, (for the reasons given above) this "extension" is overbearing and has little regard for the original building nor does it fit in with the local rural vernacular.

The garage is being converted therefore affecting the parking and the plans show space for three vehicles on the front curtilage, upon viewing the location this would be difficult to envisage in the space available. (24.07.18)

## **LETTERS OF REPRESENTATION**

13 letters of objection have been received and 3 letters of support have been received.

The letters of objection can be summarised as follows:

- Property is out of keeping with style required for area,
- This is an Area of Outstanding Natural Beauty,
- Approved plans not adhered to,
- The building is bigger than original planning permission,
- The plans must not be deviated from,
- This development has a 3 year commencement, others haven't,



- Games and hobbies room originally approved which is now a dwelling,
- No site notice posted,
- Too big, too long, too wide,
- Absolute eyesore,
- Planning permission seems to be a 'fait accompli',
- Opinions of the residents do not matter,
- Our lives have been affected for over 18 months,
- Permission was not for an annex,
- Ugly design for a corner plot,
- Precedent will be set on approving this,
- Village nature ruined,
- The footprint is exceeded,
- No reference to dwelling in last application,
- Not in keeping with Upper Longdon,
- Ambience of village spoilt,
- Site management non-existent,
- Health and safety hazard,
- Does not blend in well,
- Loss of property value,
- Badly designed,
- Not subservient.

The letters of support can be summarised as follows:

- Much needed modernisation,
- Stunning modern architectural design,
- Contributes to a diverse range of housing,
- Fits in with surrounding area,
- Gives a young family a chance to bring new life into the property,
- In keeping with newer additions to village,
- Provides its own level of character.

## **OBSERVATIONS**

### **Site and Location**

This application relates to a property situated on the corner plot at the entrance to The Grange, Upper Longdon. The property is located within the Cannock Chase Area of Outstanding Natural Beauty but also within the Upper Longdon settlement boundary. The surrounding area is predominantly residential in nature with a variety of designs of dwellings along The Grange and Upper Way. There is no vegetation or trees screening the site.

### **Background**

The property benefits from planning permission under application ref: 16/01134/FUL for the conversion of a bungalow into a two storey dwelling along with a single storey extension to the kitchen and an extension to the detached garage block to form a games room, gym and studio.

Since planning permission was granted in December 2016 work has commenced on site. However the works to the garage has resulted in the dimensions being slightly different to what was approved previously and the use has changed from a games room, gym and studio to a residential annex.

### **Proposal**

This application seeks retrospective consent to retain the dimensions of the outbuilding which has been built and to retain its use as a residential annex. The outbuilding measures 0.2m longer on the

northern elevation, 0.75m on the eastern elevation, 0.33m on the southern elevation and 0.61m on the western elevation. The height at 5.1m is unchanged.

## **Determining Issues**

1. Principle of Development
2. Design and Appearance
3. Residential Amenity
4. Other Matters
5. Human Rights

### **1. Principle of Development**

- 1.1 This current application relates only to the retention of the alterations to the outbuilding and its main use as a residential annex. As such it is not necessary to consider the overall principle of development as permission for a similar development is extant having been accepted under application ref: 16/01134/FUL. Notwithstanding this, the principle of such development is acceptable in this sustainable location.
- 1.2 Although the outbuilding has not been built in accordance with the approved plans (ref: 16/01134/FUL), the increase in dimensions is considered minimal in terms of the overall impact on site. It is also noted that there is a material fall-back in place which is the approval of this outbuilding and its overall design.

### **2. Design and Appearance**

- 2.1 The NPPF (Section 12) attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 2.2 Although the outbuilding is visible to the streetscene on The Grange and Upper Way, the previous garage was visible and the principle of this extended outbuilding is already established. The increase in size of the outbuilding is not considered significantly larger to the consented scheme in 2016 whilst the height remains the same. As such the proposal is considered acceptable.
- 2.3 The roof design has altered with the overhang being replaced with a curved edge. It is acknowledged that the overhang allowed a degree of softening to the building but as this is now no longer proposed the walls appear more prominent, however it is considered the view created is not overbearing.
- 2.4 The design of the outbuilding is almost identical to what was previously approved and the outbuilding has been finished in white render with the stone cladding and window detail to be completed at a later date.
- 2.5 Therefore, overall it is considered the small increase in dimensions are not harmful to the character and appearance of the streetscene and accord with the Development Plan in this regard.

### **3. Residential Amenity**

- 3.1 Number 1 The Grange is positioned on a corner plot adjacent to Upper Way and is detached and set within its own curtilage. The previous outbuilding was a single storey detached garage

which benefitted from an extension to the north elevation to accommodate a single storey glazed conservatory. The 2016 planning consent gave permission for the extension and redesign of this building to form a games room, gym and studio along with a small bathroom.

3.2 Upper Way is to the north of the site and the nearest dwelling, with direct sight of the development, is approximately 30 metres away on Upper Way, although Number 2 The Grange is adjacent. To the west of the site is 19 The Grange approximately 22.4 metres away, who also have direct sight of the development. Given these distances, the outbuilding meets the separation distances as advised in the Sustainable Design SPD guidelines. It is noted that due to the location of the outbuilding and proximity to neighbours, there is no loss of light to neighbouring properties.

3.3 The use of the outbuilding has now changed to a residential annex and now comprises of a living room, kitchen, bedroom, ensuite and dressing room. It is considered that the building would not affect any loss of light to neighbouring properties due to its relative position. Furthermore, it is considered that the proposal will not have a detrimental impact upon neighbouring amenity with regards to noise as the proposed annex will be utilising the existing access via the main dwelling and the car parking provision is still to be implemented. Therefore, it is considered that the use as an annex is unlikely to affect the amenity of neighbouring residents as it would be ancillary to the main dwelling. Overall, the proposals would accord with the NPPF and Development Plan.

#### 4. Other Matters

4.1 The previous approval included 3no off road parking spaces on the site. The total number of bedrooms being provided will be 4 which requires 2no off road parking spaces to meet parking standards as set out in Appendix D of the Sustainable Design SPD. As 3no off road parking spaces are included on the site, it is considered there is an over provision of parking. As such, the above accords with the Development Plan and NPPF in this regard.

4.2 The comments from Longdon Parish Council are noted. They refer to a proposed extension and matters that have already been established through the previous planning permission so matters relating to size, siting, density and an un-neighbourly form of development cannot be considered. In terms of an overbearing impact, the dimensions have been discussed and it is considered that although the size is marginally larger, this change would not result in an adverse impact on surrounding residential properties.

4.3 Reference to contravening Policy 5 (Housing Policy) of the emerging Longdon Neighbourhood Plan is noted. The policy states *“to reinforce local distinctiveness, the size, scale and density of any new development (in terms of their individual or collective appearance) must respect the traditional local rural vernacular and be fully integrated into the village’*. Longdon Neighbourhood Plan is pre referendum and as such is not adopted, therefore this policy holds little weight in determining this application.

4.4 With regards to the comment relating to the garage being converted, the principle of this was established under the 2016 application, so this issue cannot be reconsidered.

4.5 Finally, the comments from the neighbours are noted. Many follow the same theme which are mainly relevant to the previous planning permission. The focus here is on the use of the outbuilding as a residential annex and as discussed above, it is considered there will be no adverse impact to neighbouring residents through the use of this as an annex linked to the main dwelling.

#### 5. Human Rights

5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour’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 and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

## **Conclusion**

As the development is in situ and the principle of an outbuilding in this location has previously been accepted, it is possible to assess first-hand the impact of the development on the locality. Consequently, it is considered that the minimal changes and proposed use do not have a detrimental impact on neighbouring amenity or result in an adverse impact on the streetscene. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, the application is recommended for approval.

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# LOCATION PLAN

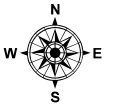
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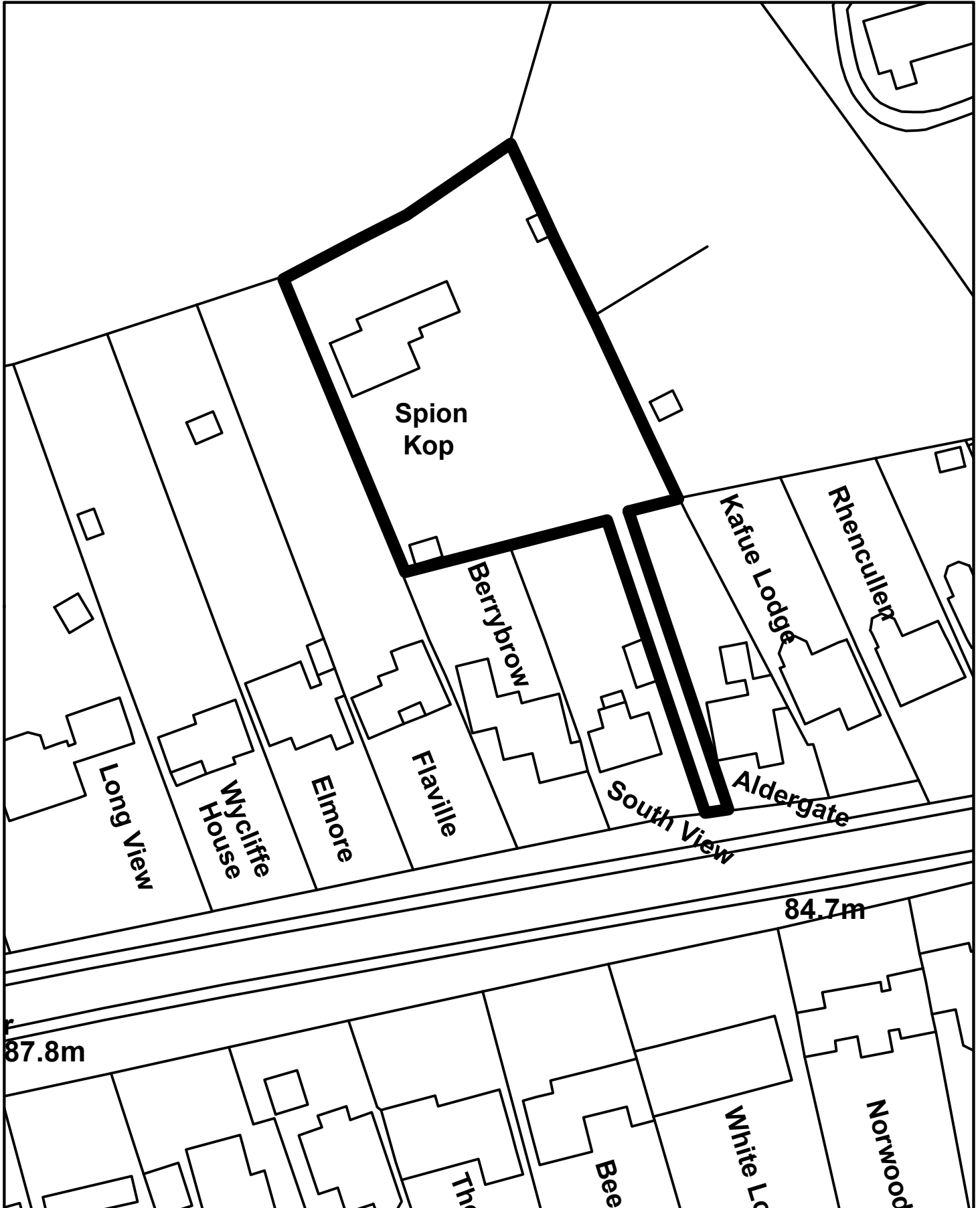
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18/00983/FUL  
Spion Kop  
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Hopwas

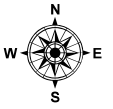
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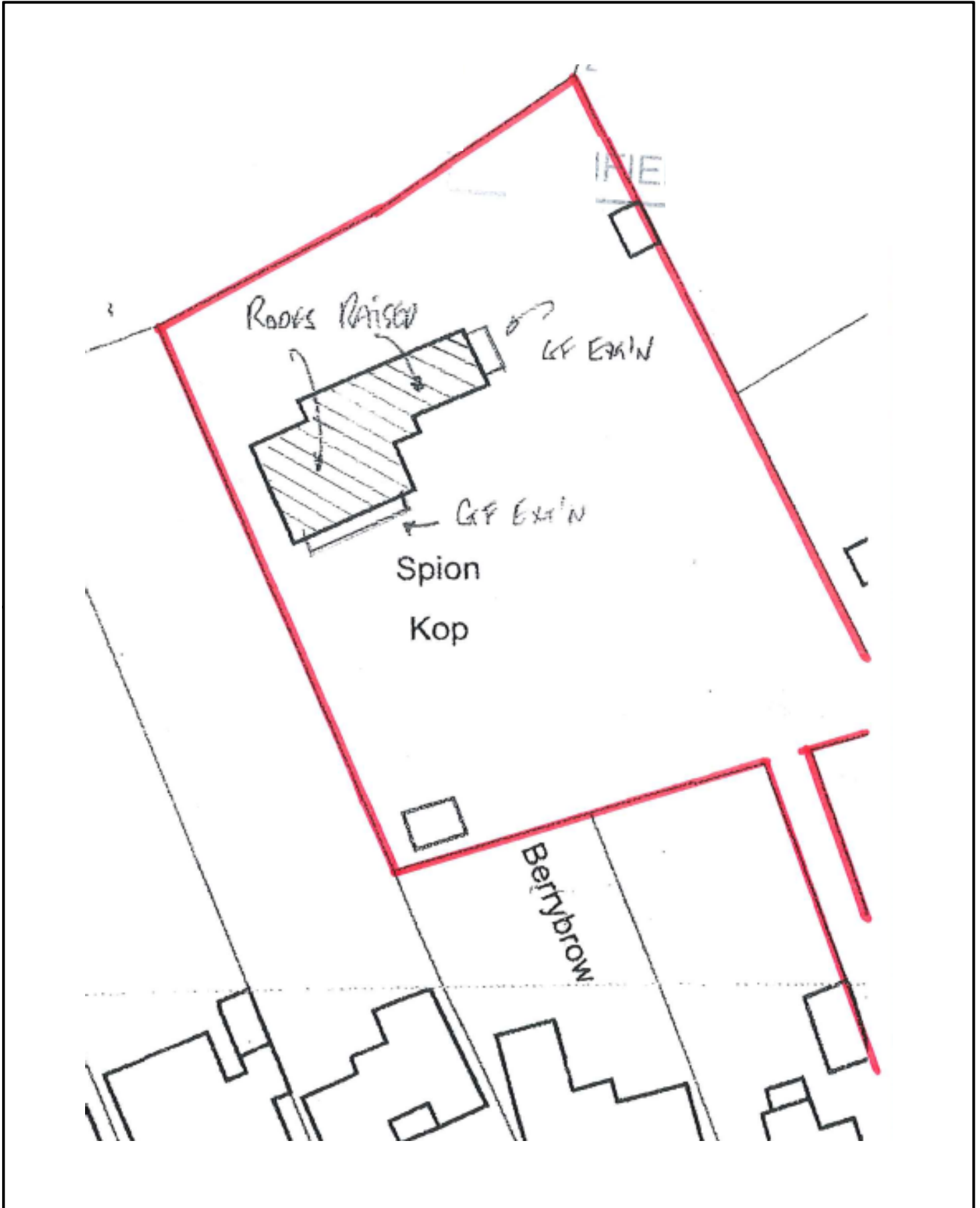
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## **18/00983/FUL**

**RAISING OF ROOF TO FIRST FLOOR SECTION INCLUDING 4NO BEDROOMS AND ENSUITES, SINGLE STOREY EXTENSION TO SIDE TO EXTEND FAMILY ROOM  
SPION KOP, LICHFIELD ROAD, HOPWAS  
FOR MR PAUL GRAY**

Registered 29<sup>th</sup> June 2018

**Parish: Wigginton and Hopwas**

**Note:** This application is being reported to the Planning Committee due to significant objections from Wigginton and Hopwas Parish Council regarding potential overlooking of adjacent dwellings and its impact on the neighbouring Grade II listed church.

**RECOMMENDATION: Approve, subject to the following conditions,**

**CONDITIONS:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
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.
3. The development hereby approved shall be carried out and thereafter retained in accordance with the following materials:
  - i) 'Mid Stone' render by Sandtex Paint; and
  - ii) 'Natural Stone Cladding', Multi Colour by Tier Systems; and
  - iii) 'Marley Modern Antique Brown Granular Finish' clay tiles.
4. The development hereby approved shall be carried out in strict accordance with all the recommendations and methods of working, which are detailed within Appendix 2 of the Preliminary Bat Roost Assessment and Emergence Surveys last dated 4<sup>th</sup> June 2018 by Garry Smith of Chase Ecology and Conservation Consultants.
5. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

**REASONS FOR CONDITIONS:**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Policy WHC3 of the Wigginton, Hopwas and Comberford Neighbourhood Plan and the National Planning Policy Framework.
4. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

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

## **NOTES TO APPLICANT**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and the Wigginton, Hopwas and Comberford Neighbourhood Plan (2016).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions in a timely manner, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
3. This permission does not absolve the applicant/developer from complying with the relevant law safeguarding protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Planning Circular 06/2005.
4. It is important to note that this decision has been made without a foundations survey that would confirm that this dwelling can achieve a second floor. This permission applies only to the development listed above. If the foundations cannot support this proposal the applicant will need to submit a new planning application for the creation of a new dwelling.
5. The proposal is considered to be a sustainable form of development, which complies with the provisions of paragraph 38 of the NPPF.

---

## **PLANNING POLICY**

### **Government Guidance**

National Planning Policy Framework  
National Planning Policy Guidance

### **Local Plan Strategy**

Core Policy 3 – Delivering Sustainable Development  
Policy BE1 – High Quality Development  
Policy NR3 – Biodiversity, Protected Species & their Habitats

### **Supplementary Planning Documents**

Sustainable Design  
Historic Environment  
Biodiversity and Development

### **Wigginton, Hopwas and Comberford Neighbourhood Plan**

Policy WHC3 - Heritage Assets

## **RELEVANT PLANNING HISTORY**

17/01146/FUL - Raising of roof to first floor section including 4no bedrooms and ensuites; single storey extension to side to extend family room – Withdrawn 02.11.17

97/00299/FUL - Pitched roof – Approve 16.05.97



## **CONSULTATIONS**

### **Wigginton & Hopwas Parish Council – Object (30.07.18)**

Although the Parish Council did not object when the previous application was made, it has now become aware of local concerns about lack of privacy for neighbouring properties. The proposed development is for a much larger property than that currently on the site, situated to the rear of several properties and at a higher elevation, from which it will look down onto the neighbouring dwellings. It is also out of scale with St Chad's Church and will dominate views of the listed building.

The Parish Council would also request that if permission were to be granted on this site for a building with several bedrooms that it should be used as a family dwelling and not for a care home or house of multiple occupancy. This is due to concerns about limited parking and poor access on to the busy Lichfield Road. The request for a construction vehicle plan made when responding to the previous application is once again put forward.

**Conservation and Urban Design Officer** – No objection subject to the use of render, natural stone cladding and Marley modern roof materials (08.08.18).

Previous comments - The new application has taken on board the comments made against the previous application. The creation of a hipped roof on the side facing towards the church will reduce the amount of rendered wall that will be visible from the churchyard. This has also been addressed by the addition of stone cladding to the upper portion of the building. Further details of this will be needed prior to the determination in order to ensure that the proposed cladding will blend sufficiently well with the backdrop and minimise the visual impact of the building.

Whilst the principal of the proposed works are now acceptable, the detail of materials will need to be submitted prior to the determination of the application, to ensure that adequate control of the appearance is maintained with regard to the setting of the Grade 2 listed church (26.07.18).

**Arboriculture Officer** – No objection (12.07.18).

**Ecology Officer** – No objection. The methodology and the information provided within the submitted Preliminary Bat Roost Assessment and Emergence Surveys are acceptable and concur with the conclusions of the surveys in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) (bats) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

It is noted that the detailed visual assessment demonstrated that there was a low probability of bat roosting and was insufficient to ascertain a likely bat usage of a building (full access of the roof void wasn't possible), however as per best practice guidance full emergence surveys were then conducted. The emergence surveys showed bats foraging in the area but none emerging from the building hence demonstrating that there is unlikely to be an impact on roosting bats.

No further ecological survey effort is required from the applicant at this time. Adherence by the applicant to all recommendations and methods of working detailed within Appendix 2 of the Preliminary Bat Roost Assessment and Emergence Surveys must be made a condition of any future planning approval (02.08.18).

## **LETTERS OF REPRESENTATION**

Four letters of objection have been received from local residents which can be summarised as follows:

- First floor will be a dominating feature,
- Complete new build,
- Loss of privacy due to higher elevation of site,
- Overlooking issues,
- Not a family home,
- Access issues,
- Bats need further investigation.

## **OBSERVATIONS**

### **Site and Location**

This application relates to a detached bungalow located in an elevated position approximately 78 metres north of Lichfield Road, Hopwas. The property is set within its own grounds behind the residential built up frontage of Lichfield Road and is accessed via a private driveway between two properties known as South View and Aldergate. Approximately 71 metres to the east is St Chad's Church which is Grade II listed. The site has off road parking for a number of cars and the private garden extends across the front of the site due to the topography of the area high level banking at the rear of the site. The dwelling is sited to the south of Hopwas Wood and is approximately 43 metres away from the closest neighbour to the south.

### **Background**

Similar proposals were submitted previously under application ref: 17/01146/FUL. There were originally concerns raised by the Conservation Officer with the view facing St Chad's Church, so the application was withdrawn in order to update the elevation design facing the church. This current application now seeks consent for the revised scheme.

### **Proposal**

This application seeks to raise the roof of the bungalow by 2 metres to provide a first floor to accommodate 4no bedrooms along with a single storey side extension to extend the family room.

As a consequence of the works, the maximum height of the front elevation of the property will be 7.6m with an eaves height of 4.6m. The remaining part of the property set towards the rear of the site will measure 6.6m in height with an eaves height of 5m. These elements of the property will remain the same footprint as existing. The proposed single storey side extension will measure 1.8m in width, 4.1m in length by 2.9m in height with a flat roof. The roof will incorporate a balcony with a glazed balustrade. The proposed new floor area amounts to 7.38m<sup>2</sup>.

The front elevation will have 2no new dormer windows at first floor level which will each measure 2.1m in width, 2.1m in height and 1.9m in depth, which will be set within the new proposed eaves. The front elevation at ground floor will have full length glazed windows and there will be porch set back from the principal elevation measuring 2.1m in depth, 2.5m in width, and 4.5m in height and will have an eaves height of 3m.

This application seeks to overcome the previous concerns with regards to the view from St Chad's Church. The previous render on this elevation has been changed to natural stone at first floor level and render at ground floor. The previous gable design has been changed to a hipped roof.

The property has an existing driveway and a large drive for the parking of several cars, no changes are proposed to the parking layout and provision.

## Determining Issues

1. Principle of Development
2. Design and Appearance
3. Heritage Assets
4. Residential Amenity
5. Ecology
6. Other Matters
7. Human Rights

### 1. Principle of Development

- 1.1 The site is located within the sustainable settlement of Hopwas, where the principle of residential development including extensions is considered acceptable.

### 2. Design and Appearance

- 2.1 The NPPF (Section 12) attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires that extensions and alterations to existing buildings to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views. Neighbourhood Plan Policy WHC3 seeks to minimise the impact of new development on the historic environment. In particular, new development should be of a scale, mass and built form that responds to the site and its surroundings and that building heights should not disrupt the visual amenities of the streetscene.
- 2.2 The property is an unlisted bungalow style building of the inter-war period (dating to between 1917 and 1938 based upon map evidence). The property is set back approximately 79 metres from the main road, and is not readily visible from the street scene.
- 2.3 The current design features white render with white UPVC windows and doors. The design put forward continues to use white render with a contemporary design for the front elevation with full length glazing along the ground floor along with small pitched dormer windows to the first floor. The existing brick quoins are also mirrored on the proposed design which retains some of the dwellings original character and design. The majority of the footprint remains unchanged, apart from the small 7.4m<sup>2</sup> single storey side extension and the overall volume increase from the increase in roof height is not considered overbearing at 2m. In terms of the scale, massing and built form of the proposal, it is not considered that that this would have adverse impact on the dwelling due to the reduced height of the eaves and the ridge when compared with other extended dwelling in the area, or on streetscene due to the dwelling screened location.
- 2.4 The existing bungalow has a hipped roof and this design element is proposed on the east elevation roof. This design was a recommendation from the Conservation and Urban Design Officer and it is considered the hipped roof will reduce the impact of the development on views from St Chad's Church. The gable/hipped roof on the east elevation allows for the incorporation of the first floor, and this design is not considered to have a detrimental impact on the street scene as the dwelling is screened from Lichfield Road by existing dwellings. It is considered that the hipped roof is less dominant and has less of an impact on the heritage asset.
- 2.5 The separation distances that exist are sufficient to maintain privacy of properties closest to the site. The increase in roof height of 2m is not considered overbearing as the main roof is

pitched with 2no small dormers and the hipped roof to the rear of the property is set back so there is further separation from existing properties.

- 2.6 The east elevation facing St Chad's Church will use a mix of natural stone and render along with a hipped roof on the projecting elevation. This is considered acceptable as it softens the appearance on the wider area and is unlikely to detract from wider views from the church. As such, the proposal would accord with the Development Plan and NPPF in this regard.

### 3. Heritage Assets

- 3.1. Paragraph 193 of the National Planning Policy Framework (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Neighbourhood Plan Policy WHC3 seeks to minimise the impact of new development on the historic environment. In particular, new development should be of a scale, mass and built form that responds to the site and its surroundings and that building heights should not disrupt the visual amenities of the streetscene. Further new development should not detract from heritage assets.
- 3.2 The site is located approximately 71m west of St Chad's Church which is a Grade II Listed Building. It is considered the materials will reflect those of the existing bungalow, with the addition of the natural stone on the east elevation and the existing brick quoin design will be retained. As such it is considered that the proposals will not have a detrimental impact upon the view from the church.
- 3.3 In addition, the Conservation and Urban Design Officer has confirmed that the Mid Stone render, natural stone cladding and Marley Modern Antique Brown clay tiles proposed are acceptable. As such the proposal is considered to accord with the Development Plan, the Historic Environment SPD and NPPF in this regard.

### 4. Residential Amenity

- 4.1 The property is located on slightly higher ground than the properties fronting Lichfield Road. Due to the relative locations of the neighbouring dwellings to the south, the separation distances between the property and the rear boundaries of Berrybrow and South View ranges from approximately 44 metres to Berry Brow; to 62 metres to South View.
- 4.2 Note 9 in Appendix A of the Sustainable Design SPD guidance states that increased separation distances will be required where there are significant variations in ground level between new and existing development. The guidance advises separation distances should be increased by 2m for every 1m rise in ground level. The properties on Lichfield Road vary in land level and the dwelling is set on the hillside slightly higher than the road level. However the land level does not rise sufficiently steeply such that the proposals does not meet note 9. Notwithstanding this, the footprint is not coming any closer in terms of its footprint to the existing properties on Lichfield Road.
- 4.3 The site is also heavily screened by mature trees on the south and west boundaries so this offers screening throughout the year. There are 2no dormer windows proposed on the first floor front elevation, however due to the separation distances, there will not be any undue overbearing impact as the minimum distance requirements are 21 metres for new development and the dwelling has a separation distance of at least three times this distance to the closest neighbours.

### 5. Ecology

- 5.1 The applicant has submitted a Preliminary Bat Roost Assessment and Emergence Surveys which have been accepted by the Ecology Officer. The applicant is advised that all

recommendations and methods of working detailed within Appendix 2 of the Preliminary Bat Roost Assessment and Emergence Surveys must be adhered to and this forms a condition for any approval. Therefore the application accords with the development plan and NPPF in this regard.

## 6 Other Matters

- 6.1 The comments from the neighbours are noted. The applicant intends for the property to remain a residential dwelling. Any change to this would require planning permission. Building regulations matters relating to the property's ability to support a second floor have been considered. As such a note to applicant has been included that recommends that following commencement of construction, if the property cannot support a second floor a new planning application will be required for a replacement dwelling.
- 6.2 The access issues are noted. The property has an existing driveway access and this is not altering. There is also sufficient off road parking at the front of the site for construction vehicles so it is considered that during construction there will be no impact to the highway.

## 7. Human Rights

- 7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour'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 and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

## **Conclusion**

Overall, it is considered that due to the location of the development, the proposals will not have a detrimental impact on neighbouring amenity or cause any adverse impact on the streetscene. The design put forward reflects elements seen on the existing bungalow. As such, the development would accord with the requirements of the Local Plan Strategy and the NPPF. Accordingly, subject to conditions, the application is recommended for approval.