

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

29 July 2019

CONTENTS

Case No.	Site Address	Parish/Town Council
18/01484/OUTM	Land South of Tamworth Road Lichfield	Lichfield
19/00294/FUL	355 Lichfield Street Fazeley	Fazeley

ITEM B

CONTENTS

Case No.	Site Address	Parish/Town Council
19/00260/FULM	Central Bus Station Birmingham Road Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

18/01484/OUTM
Land South of Tamworth Road
Lichfield

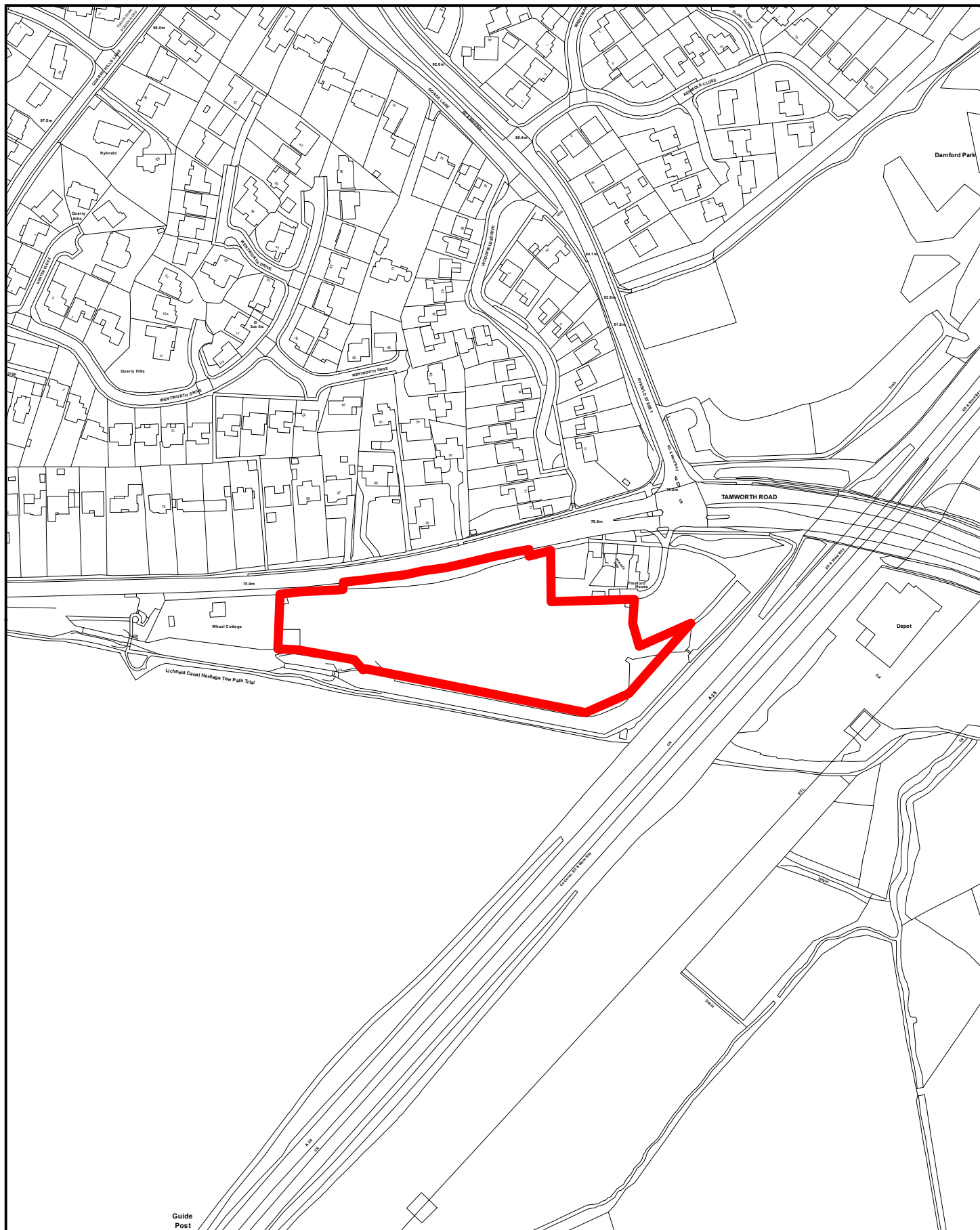
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Dated:
July 2019

Drawn By:

Drawing No:

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BLOCK PLAN

18/01484/OUTM
Land South of Tamworth Road
Lichfield

Scale:

Dated:

July 2019

Drawn By:

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18/01484/OUTM

**ERECTION OF 28NO DWELLINGS WITH ANCILLARY PARKING AND PRIVATE AMENITY SPACE;
PROVISION OF PUBLIC OPEN SPACE AREA; SITE INFRASTRUCTURE AND LANDSCAPING (OUTLINE
APPLICATION RELATING TO ACCESS)**

LAND SOUTH OF TAMWORTH ROAD, LICHFIELD

FOR J&J PROPERTIES

Registered on 18/10/18

Parish: Lichfield City

Note 1: This application is being referred back to Planning Committee following deferral of the application by members seeking further information on the following matters:

- Submission of an Air Quality Impact Assessment;
- Further information and clarification on the noise monitoring undertaken in relation to noise from the A38 and additional consideration on the impact on future residents;
- Clarification on impact on archaeological assets in the vicinity;
- Consideration of whether the speed limit on the Tamworth Road could be reduced from 40mph to 30mph;
- Consideration of the provision of a footpath from the development to nearby bus stop to ensure safe access thereto/from;
- To ensure limited impact on adjacent heritage building;
- Justification for the number of dwellings proposed in terms of impacts and all material planning consideration raised; and,
- Further assurance on landscape matters with regard to tree officer comments made.

Previous Reasons for referral to Planning Committee:

Note 2: This application is being reported to Planning Committee as significant planning objections have been raised by Lichfield City Council on the following grounds:

- The proximity of several houses to the A38 would create environmental detriment to the occupiers of those houses including pollution and noise.
- Access to the development is off a busy main road, increasing the risk of accidents; and

Furthermore this application is a major application which requires 3 or more obligations.

RECOMMENDATION: (1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:

- 1. 35% Affordable Housing;**
- 2. Education Contribution for Primary School Places;**
- 3. Travel Plan Contribution; and,**
- 4. The formation of a maintenance management company to maintain the Open Space**

(2) If the S106 legal agreement is not signed/completed by the 31 October 2019 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 require contributions and undertakings as outlined in the report.

Approve, subject to the following conditions:

CONDITIONS:

1. The development hereby approved shall be begun either before the expiration of two years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year 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 or subsequent approval of a reserved matters application.
3. This is an outline planning permission and no phase of development shall be commenced until details of the layout of the site including the disposition of roads and buildings; existing and proposed ground levels and finished floor levels; the design of all buildings and structures including pumping station; housing mix and tenure; the external appearance of all buildings and structures including materials to be used on all external surfaces; the means of pedestrian and vehicular access and parking layout; and the landscape and planting of the site shall be submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

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

4. Before the development hereby approved is commenced, a Traffic Management/Construction Management Plan (TM/CMP) shall be submitted to and approved in writing by the Local Planning Authority. The TM/CMP shall include the following;
 - a) Details of the routing of construction vehicles to and from the site;
 - b) Parking Facilities for vehicles of personnel, operatives and visitors;
 - c) Arrangements for the loading and unloading of plant and materials;
 - d) Areas of storage for plant and materials used during the construction of the proposed development;
 - e) Measures to prevent the deposition of deleterious materials on the public highway during the construction of the proposed development; and
 - f) A timetable for implementation.

The approved TM/CMP shall be implemented prior to the commencement of any works on the site and shall be maintained throughout the entire construction period.

5. Before the development hereby approved is commenced details of the 2.4m x 120m visibility splays at the site access shall be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development commencing.
6. The development hereby approved shall not be commenced until details of the following off site highway works have been submitted to and approved in writing by the local planning authority:
 - a) Pedestrian central refuge and associated road markings.

The off-site highways works shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of dwellings.

7. Before the development hereby approved is commenced, full details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to the first occupation / use of the part of the development to which it relates and shall thereafter be retained for the life of the development
8. Before the development hereby approved is commenced, full details for the disposal of surface water and foul drainage 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.
9. Before the development hereby approved is commenced a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be undertaken in accordance with the approved details and thereafter be retained for the life of the development.
10. Before the development hereby approved is commenced, a scheme of noise attenuation measures designed to protect nearby premises from noise nuisance shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise attenuation measures shall thereafter be installed prior to first use of the development and shall be retained as such for the life of the development.
11. Before any construction works hereby approved are commenced, a Construction Environmental Management Plan (CEMP) and a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Local Planning Authority and must detail:
 - 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 sulphur) as appropriate to the proposed habitats;
 - 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;
 - iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
 - iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
 - v) Assurances of achievability;
 - 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 and HMP.

12. Before the development hereby approved is commenced, full details of the proposed mitigation measures set out in the approved Flood Risk Assessment (FRA) ref 106620 dated 14/02/2019 produced by SYSTRA, shall be submitted to the Local Planning Authority for approval. The details shall include the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off generated by the 100yr + 40%CC critical storm so that it will not exceed 5.0l/s and not increase the risk of flooding off site;
- b) Provision of appropriately sized attenuation flood storage on the site to the above standard;
- c) The utilisation of sustainable drainage techniques with the incorporation of surface water treatment to help improve water quality;
- d) Confirmation of which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable;
- e) Final Plans to include site levels illustrating flooded areas and flow paths in the event of exceedance or blockage of the drainage system; and,
- f) Confirmation of permission to discharge to the canal.

The mitigation measures shall be fully implemented prior to first occupation of development in any phase approved and retained for the life of the development.

- 13. Before the development hereby approved is commenced, a site-specific Dust Management Plan must be submitted to and have been approved in writing by the Local Planning Authority setting out the measures that will be implemented to mitigate the potential impacts of dust during the construction phase. The Dust Management Plan shall include, but not be limited to the control measures set out in Table 6 of the air quality assessment undertaken by Hoare Lea (31st May 2019) and be consistent with the most up to date version of IAQM Guidance on the assessment of dust from demolition and construction.

- 14. (A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.

(B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).

(C) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation (WSI) identified in the condition above should consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA's archaeological advisor.

All other CONDITIONS to be complied with:

- 15. Before the first occupation of any of the dwellings, the access to the site within the limits of the public highways, as detailed in Appendix 7 of the approved Transport Statement (prepared by ADL), shall be completed.

16. Any tree, hedge or shrub planted as part of the approved landscape and planting 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.
17. Notwithstanding the submitted details, before the first occupation of any of the dwellings, full details of a scheme of Green Infrastructure, including details of materials and detailed topographic levels, for the area adjacent to the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide at least 1 no. pedestrian link up to the boundary of the site, which is to be developed through the delivery of the Lichfield and Hatherton Canal. The Green Infrastructure scheme including footpath shall be completed and installed in accordance with a scheme of delivery to be submitted to and agreed in writing by the Local Planning Authority.
18. There shall be no more than 28 dwellings provided on the site.

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 the National Planning Practice Guidance.
3. For the avoidance of doubt in that the application has been made for outline permission only; to ensure a satisfactory form of development; safeguard the character of the area and safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in 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. 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.
6. 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.
7. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

10. To safeguard the amenity of future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
11. 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.
12. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
13. To safeguard the amenity of current and future residents in accordance with the requirements of Core Policy 3 and Policies BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Policy Framework.
14. To safeguard archaeological interests in accordance with the requirements of Policy NR5 of the Local Plan Strategy and the National Planning Policy Framework.
15. 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.
16. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy and the National Planning Policy Framework.
17. To ensure the satisfactory integration of the development with the future route of the to be restored Lichfield Canal, in accordance with the requirements of Core Policies 6, 9, 10, 13 and Policies HSC1, NR6, Lichfield 1, 2 and 6 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
18. For the avoidance of doubt, in accordance with the applicants' stated intentions, to ensure that the development allows adequate provision for green open space and that it will be adequately served by infrastructure, in accordance with the requirements of Policies BE1, IP1 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) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) and Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016. A CIL charge will apply to all relevant applications determined on or after the 13th June 2016. 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.
4. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
5. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
6. The access and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/10>
7. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure that approval and agreements are secured before the commencement of development.
8. The applicant is advised that the minimum internal dimension of any garages should be 6.0m x 3.0m to ensure sufficient space to enable the secure storage of both vehicles and bicycles.
9. The applicant is advised that all site clearance works should be completed outside of the bird nesting season (March to September), unless otherwise agreed in writing by the Local Planning Authority.

PLANNING POLICY

Government Guidance

National Planning Policy Framework
National Planning Policy Guidance

Lichfield District 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 6 – Housing Delivery
Core Policy 10 – Healthy & Safe Lifestyles
Core Policy 13 – Our Natural Resources
Core Policy 14 – Our Built and Historic Environment
Policy SC1 – Sustainability Standards for Development
Policy SC2 – Renewable Energy
Policy ST1 – Sustainable Travel

Policy ST2 – Parking Standards
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy HSC1 – Open Space Standards
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development

Supplementary Planning Documents

Sustainable Design
Trees, Landscaping & Development
Biodiversity and Development
Rural Development
Developer Contributions

Lichfield City Neighbourhood Plan

Infrastructure Delivery Plan

RELEVANT PLANNING HISTORY

16/00006/FULM - Creation of a 54 berth canal community water activity centre together with associated infrastructure, car parking and facilities building – Approved 22.06.2016.

NOTE: The original committee report observations when considered by Planning Committee on 29 April 2019 read as follows:

CONSULTATIONS

Lichfield City Council - Recommend Refusal - the proximity of several houses to the A38 would create environmental detriment to the occupiers of those houses including pollution and noise. Access to the development is off a busy main road, increasing the risk of accidents. (08.03.2019 & 29.10.2018).

Conservation Officer – No objections. Following receipt of section drawings showing levels changes within the site it is considered that these levels changes will not cause any further adverse impact of the setting of adjacent Listed Building. (02.04.2019).

It is regrettable that the affordable housing is still shown as a single group. I do not consider that this complies with the Sustainable Design SPD, in particular paragraph 2.31 which states; 'The District Council will require development to incorporate and suitably integrate affordable and market housing with a consistent standard of design quality and public space, in order to create mixed and sustainable communities.' To this end I consider the affordable housing should be better integrated into the site.

Also there is still a long expanse of frontage parking with the majority of plots 6-21 being served by frontage parking. This concern was raised at pre-app stage and in my comments of the 14/11/18. Some trees in front gardens are shown but these need to be shown to be sustainable, some are shown covering parking spaces so there could be pressure for these to be removed in the future. It would be preferable to have street trees which are sited in land to be managed by a management company. The use of more tandem spaces as per plot 11 would break up the frontage parking, allow more space for landscaping and decrease the density of this part of the site.

As per my comments on the 14/11/18, while it is welcomed that the access road has been moved away from the canal, further landscaping should be shown adjacent to the canal. This was also raised at pre-app stage where it was advised that; 'As a minimum a hedgerow should be planted to provide screening and a natural boundary between the development and the canal.'

The amended plans and additional information does not appear to address my enquiry made in my comments of the 6/12/18 about the reference in the Heritage Statement to the raising of ground levels by 2.5m. As stated previously I do not recall this being addressed in the planning statement or design and access statement and while this may not result in the development having an adverse impact on the setting of the listed building it may have knock on effects that need to be fully addressed. (04.03.2019).

Previous comments: A Heritage Statement has been submitted. This is thorough and written in accordance with the relevant guidance. However, it does mention in the introduction that due to the sites topography and the risk of flooding, the proposals may include raising the ground level by up to 2.5m. I do not recall this being addressed in the planning statement or design and access statement and while this may not result in the development having an adverse impact on the setting of the listed building it may have knock on effects that need to be fully addressed.

Finally, amended plans have not been submitted to address the concerns raised in my comments on 14/11/18 regarding the affordable housing, parking and landscaping adjacent to the canal. (06.12.2018).

Previous comments: As the area is within the Cricket Lane SDA there is no objection to the proposals in principal. There are still a number of concerns regarding the appraisal layout and while this outline application has all matters reserved except for access it should be clear that the indicative layout needs further amendments.

From the appraisal layout it looks as though all the affordable housing is in a single cluster. The type A and B houses are fronted by a large extent of car parking. As per the pre-application comments; 'Expanses of parking in front of dwellings should be avoided. A greater variety of parking provision should be used to break this up.'

No heritage statement has been submitted. It was advised at pre-applications stage that 'Any full application should include a heritage statement to address the impact of the proposals on the adjacent Grade II listed building, Freeford House. This should be written in line with the Historic England GPA Note 3. The application will need to show that any harm to the setting of the listed building has been minimised and mitigated through the layout of the proposal as well as the design and landscaping.'

Also, while it is welcomed that the access road has been moved away from the canal, further landscaping should be shown adjacent to the canal. This was also raised at pre-app stage where it was advised that; 'As a minimum a hedgerow should be planted to provide screening and a natural boundary between the development and the canal.' (14.11.2018).

Housing Strategy & Enabling Manager – *The proposed development will include a mix of 2, 3 and 4 bedroom properties. It should be noted the proposal does not identify the property size split at this stage. In line with policy H1 of the Local Plan Strategy (LPS), the provision needs to reflect local housing needs as evidenced by the most recent Southern Staffordshire Districts Housing Needs Study and SHMA update 2012 which indicates a required property size split as follows:*

Size	Percentage
1 bed	5%
2 bed	42%
3 bed	41%
4+ bed	12%

The delivery of affordable housing is a strategic priority in Lichfield as set out in the Council's Strategic Plan, to enable our commitment to being a clean, green and welcoming space, and building healthy and safe communities to reduce homelessness. In line with the Local Plan Policy H2, we currently expect a proportion of housing delivered on site to be affordable; this is presently set at 35% in line with the dynamic model of viability, translating to 10 homes.

The Planning Statement proposes 9 affordable housing, however the appraisal layout appears to have 11 homes earmarked which will need to be clarified; we would expect to receive a minimum of 10 affordable homes on this site. The proposals state the affordable housing will be split in accordance with LP policies, the current housing requirements is a split of 65% rent and 35% intermediate housing. The aim on all new developments should be to create a mixed and sustainable community and so the affordable housing should be indistinguishable from and integrated amongst homes for sale. This is not reflected in the appraisal layout. In order to address housing need in Lichfield, all affordable rented accommodation within the district is let in accordance with the Council's Allocations Policy and any supplementary Local Lettings Plans. These set out the eligibility and qualifying criteria of applicants and prioritises them in accordance of housing need. The provider of affordable accommodation must hold 'Approved Registered Provider' status with the Council.

The specific details of the design will be finalised and submitted at the next planning stage, however the proposal identifies the need to deliver energy efficient homes and will be adopting energy efficient technology into its design.

The Planning Statement does not stipulate the provision of any properties to Lifetime Homes standards; we would encourage consideration of this throughout all homes delivered on the development to ensure the needs of our ageing population are met both now and in the future. The site is within walking distance of the city centre, providing access to amenities and travel services. An area of public open space has been included within the scheme, allowing views and access to the canal.

To conclude, the development is seen as a positive contribution to the local area. It is within a sustainable part of the district with many positive features. We would welcome further discussions in regard to the affordable housing mix to ensure it is reflective of local housing need and encourage consideration into the value added by incorporating Lifetime Homes principles. (12.11.2018 & 15.03.2019).

Staffordshire County Council (Highways) – No objections subject to conditions requiring the submission and approval of the site's internal road layout and composition, visibility splays, parking provision and turning areas and traffic management scheme. (9.11.18 & 08.03.19).

Spatial Policy & Delivery – The site is located adjacent to the settlement of Lichfield and forms part of the Cricket Lane, South of Lichfield Strategic Development Allocation as illustrated on Inset 1 of the Local Plan Strategy policies maps.

With regards to national guidance, the National Planning Policy Framework (NPPF) has a presumption in favour of sustainable development (paragraph 11) and this is echoed in Core Policy 2 of the Local Plan Strategy. Furthermore the NPPF advises local authorities that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Lichfield District Council adopted its Local Plan Strategy in 2015 and the proposal development forms a part of one of the Strategic Development Areas (South of Lichfield ' Cricket Lane) allocated for development as part of Policy Lichfield 6: South of Lichfield within the adopted Local Plan Strategy, as such the development of the site for residential use is clearly established within the adopted Local Plan.

The Local Plan Strategy for Lichfield District was adopted on 17th February 2015 and provides up to date policies relevant to the site. The Local Plan Strategy replaces a number of the saved policies of the

1998 Lichfield District Local Plan, the remaining saved policies will be updated through the Local Plan Allocations document (as set out in Appendix J of the Local Plan Strategy).

Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and priorities the use of previously developed land. The Policy goes on to identify the areas within the District that the majority of growth will be directed. The application site falls within one of these areas; Cricket Lane, South of Lichfield Strategic Development Allocation (SDA). Core Policy 6 Housing Delivery details that this is to provide for up to 450 homes. The Plan also includes a Key Diagram for Lichfield (Map 13.2) and a more detailed concept plan of the Cricket Lane South of Lichfield SDA (Maps I.1 and I.2). Appendix I of the Local Plan Strategy provides a Concept Statement for Dean Slade SDA. It is noted that an outline application for 520 dwellings on the balance of the Cricket Lane site is currently being determined by the Council [Application Reference: 18/01217/OUTFLM]. Whilst these applications in combination will result in an increase in the overall dwelling requirement, the figures set out within the Local Plan Strategy are minimums and therefore there is no objection in principle from a policy perspective to the increase in dwellings where this accords with other policies.

Policy Lichfield 6: South of Lichfield provides detailed policy and supporting infrastructure requirements for the three SDA's (South of Lichfield, Dean Slade South of Lichfield and Cricket Lane South of Lichfield) which combined deliver approximately 1,350 dwellings to the South of Lichfield. Notably, the site lies adjacent to the Lichfield Canal and Policy Lichfield 6 lists the integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network, therefore it will be expected to be demonstrated how the route is integrated as part of the scheme. Further, requirements are in some instances allocated to individual SDA's through Appendices C, H and I of the Local Plan Strategy.

Further development of this site would need to comply with the overall 'Vision for Lichfield City' (p.97) and with specific policies for Lichfield City ' Policy Lichfield 1: Environment, Policy Lichfield 2: Services and Facilities, Policy Lichfield 4 Housing together with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

The Council is currently progressing the second part of its Local Plan 'the Local Plan Allocations document. The document has recently been subject to examination hearing sessions by the Planning Inspectorate and we anticipate the examiner's report early next year. Given the advanced stage moderate weight can be attributed to the document and consideration should be given to Policy IP2: Lichfield Canal which states new development should recognise the advantages of supporting the delivery of the canal through a sensitively designed scheme. I note from the planning statement, the applicants have consulted with the Lichfield and Hatherton Canal Restoration Trust (LHCRT) and this dialogue is welcomed throughout the application process.

The Lichfield City Neighbourhood Plan was made on 17 April 2018 and as such now forms part of the development plan for this area. Of consideration for this application is Policy 3: Primary Movement Routes and Non- Policy Action B: Addressing Points of Pedestrian / Vehicular Conflict. Policy 3 seeks to ensure pedestrians can move easily and safely around Lichfield City and into the City Centre, and strongly supports proposals to enhance identified Primary Movement Routes. Non-Policy Action B states the City Council will with Staffordshire County Council and District Council to identify solutions to safe pedestrian and cycle movement across identified points of conflict.

For reference, Non-Policy Action A: Cricket Lane Strategic Development Allocation seeks to maximise local economic and employment benefits on the employment part of the Cricket Lane SDA, where this can be demonstrated to satisfy the sequential and impact tests; where good connections to adjacent residential areas and the City Centre can be achieved and where development would not prejudice the reinstatement of the Lichfield Canal.

Contributions: Community Infrastructure Levy: Lichfield District Council began charging the Community Infrastructure Levy (CIL) on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the Market Houses within Strategic Allocations defined in the Local Plan Strategy 2008-2029 as identified on the CIL Charging Schedule which is currently set at £14.

Affordable Housing: Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing which currently stands at 35% (AMR 2018). This would equate to 10 affordable dwellings based on the latest viable target. I note that applicant is proposing 35% affordable and calculates this to be 10 units based on 28 units in total.

In conclusion the application falls within an identified area for housing growth within the District and as such in general there is strong policy support for the application, subject clarification regarding affordable housing provision. (16.11.2018).

Staffordshire County Council (Education) – No objections, a financial contribution of £16,728.67 will be required through a S106 agreement for the funding of 9 primary school places (08.11.2018 & 20.02.2019).

Arboricultural Officer – The latest layout revision does not offer any improvement on the original layout in respect of landscaping provision opportunities to alleviate the long rows of parking spaces to the rear of the development.

It is appreciated that this is an outline application, however the provision of landscaping should, in principle, be considered as this may affect the number of car parking spaces or their location within the development. Additionally, planting in such restricted spaces as are indicated is likely to mean that engineered load-bearing tree pits of sufficient soil volume will be required. As their incorporation could be expensive, designing-in sufficient space for larger areas of soft landscaping to alleviate the runs of car parking may be preferable. Again, this may affect the final design and layout.

I note the drainage report and I recommend that consideration be given to how the suds ditch feature could be incorporated into the landscaping, so that it is part of a multifunctional space and not regarded primarily as a drainage feature separate to the open space. I recommend that the integration of this feature is highlighted and included at the outline stage, this is so that the principle of landscaping this feature as part of green infrastructure is brought through to a detailed design stage. (11.03.2019).

Previous comments: No objection to the principal of development. The majority of the on and off site vegetation appears to be retained in the outline proposal. The principal feature from Tamworth Road is the hedgeline, shown to be retained and outside sightlines. The retention of hedgerows is important within the Council's policy NR4 and the NPPF as a habitat of principal importance. The council's 'trees, landscaping and development' SPD recommends that existing hedgerows are not incorporated into private boundaries but included within open space. Therefore, should consent be granted, detailed design should provide for this hedgerow to be included as open space. The Council's 'Trees, Landscaping and Development' SPD aspires to 20% tree canopy cover for Lichfield and the development would be expected to contribute by on-site tree provision. The final design will need to incorporate greater tree provision than the layout currently shows- through supplementary planting in the hedgeline and the open space, and additional amenity tree planting within or close to the affordable housing, owing to the long runs of car parking. This may therefore alter the final design of the site. (25.10.18).

Staffordshire County Council (Flood Team) – No objections. Following the provision of additional information and clarification there are no objections subject to a condition relating to works in accordance with the Flood Risk Assessment and technical details as specified. (12.03.2019).

Previous comments: The submitted documents do not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted documents do not provide a suitable assessment to be made of the flood risks arising from the proposed development. (15.11.2018).

Canal and River Trust – No comment. (30.10.2018 & 20.02.2019).

Inland Waterways – No objections. (01.04.2019).

Previous Comments: Outstanding matters still need addressing in terms of layout and use of the canal by the Lichfield Hatherton Canal Restorations Trust. (12.03.2019).

Previous comments: Application is contrary to the Local Plan and the Cricket Lane SDA. (16.11.2018).

Lichfield and Hatherton Canals Restoration Trust –No objections to the revised proposals. As requested by IWA and by us the Appraisal Layout now shows the existing slipway and a 5m wide access track along the whole canal frontage, and the location of the existing canal bank in relation to the red line land ownership boundary. The Terms for Transfer of Land will transfer ownership of the 5m strip and that part of the 'winding hole' (bellmouth) section of the canal within the red line to LHCRT for the use and maintenance of the canal. The Heads of Terms for a Lease relate to the Retained Area site compound with its existing sheds which are to be leased to us for 25 years. (07.04.2019).

Previous comments: Object – the proposed application would not enable the require infrastructure for the restoration of the canal. (14.11.2018).

Architectural Liaison Officer – Concerns regarding the provision of an additional access route from The Shrubbery will provide more opportunities for crime. (12.11.2018 & 05.03.2019).

Ecology Officer – The Ecology Team are satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal. The Ecology Team concurs with the conclusions of the appraisal 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) 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).

The LPA is therefore in a position to demonstrate compliance with regulation 9(5) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal must be made a condition of any future planning approval. These should include:

- The provision of a minimum of four Schwegler 1FR bat tubes, or equivalent.
- The provision of a minimum of one Schwegler 2F bat box or equivalent recommended at the horse chestnut tree at SK 13188 08302.
- An appropriate lighting scheme that avoids harm to bats and otters is submitted.

- Any hedgerow/tree/ building are to be timed to occur outside the bird breeding season. In the event that works are required within this time period then inspections for nests should be undertaken by a suitably qualified ecologist immediately prior to the start of any works. Should any active nest be found, works shall cease and a 5m buffer is to be formed until subsequent checks by a suitably qualified ecologist prove the absence of nesting birds.
- A minimum of one (1) Kestrel nesting box, such as a Schwegler no. 28 Kestrel Box.
- A minimum of two (2) Schwegler Woodcrete (1B) boxes, or equivalent.

Quantitative assessment of Biodiversity Impact

The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Preliminary Ecological Appraisal.

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 2.52 Biodiversity Units (BU).

Equally the Ecology Team agrees that the Preliminary Ecological Appraisal is accurate in describing the likely achievable biodiversity value of the site post development, as 3 Biodiversity Units (BU). Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as per policy NR3 and para 6.33 of the Biodiversity and Development SPD.

The quantitative data submitted is sufficient to provide assurance to the LPA that the current development scheme as described by the Preliminary Ecological Appraisal is unlikely to result in a net-loss to biodiversity value and as such is deemed to conform to the guidance of the NPPF 2018.

The Ecology Team welcomes the applicant intention to deliver net gains of 0.5BU as part of the proposed development scheme. The Ecology Team approves of the new habitats proposed for creation as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD). As such the development scheme is view as likely to provide a 20% net-gain to Biodiversity Value and so complies with both policy NR3 and the requirements of the Biodiversity and Development SPD.

However, the applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof).

Within the combined CEMP/HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition.

Information submitted within the CEMP/HMP should expand upon the information provided within the Preliminary Ecological Appraisal and must detail:

- *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 sulphur).*
- *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 utilized for habitat creation.*
- *Details of both species composition and abundance (% within seed mix etc.) where planting is to occur.*

- *Proposed management prescriptions for all habitats for a period of no less than 25years.*
- *Assurances of achievability.*
- *Timetable of delivery for all habitats.*
- *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.*

This information can be submitted as part of the current planning application and so become incorporated within the development scheme or its submission to and approval by the LPA can become a pre-commencement condition of any future planning approval.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (28.11.2018 & 12.03.2019).

Environmental Health – *No objections subject to conditions relating to adherence with noise survey mitigation and the submission of a construction management plan. (08.11.2018 & 13.03.2019).*

Environment Agency – *No objections/comments. (24.10.2018).*

Natural England – *No objections. (03.12.2018 & 28.02.2019).*

Lichfield Civic Society – *Object – location is on a busy road and will impact the canal. (18.01.2019).*

Severn Trent Water – *No objections subject to conditions in respect of details for the disposal of foul and surface water flows. (30.10.2018 & 22.02.2019).*

Western Power – *No objections, advise the developer to contact WPD prior to works commencing. (11.10.17).*

Waste Management – *Refuse / recycling storage and collection - Each house needs to be provided with facilities for the storage of 1 wheeled refuse bin (larger families have may have 2 bins), at least 1 wheeled recycling bin (households may need another bin if they produce a lot of recycling) and at least 1 wheeled garden waste bin (depending upon garden size). On collection days these receptacles have to be left on the front boundary of the property adjacent to the adopted highway (not on the highway) for collection. The council does not encourage the use of bin collection points as these have the potential to cause nuisance such as bins being left out after collection, fly tipping, littering, contamination of recycling and preventing participation from being monitored. An individual property should present their waste at the curtilage of their property. The Council's refuse and recycling service does not normally take vehicles into private roads and courtyards unless indemnified to do so. The road surface should be sufficient to take a 32 tonne vehicle and there should be sufficient room to allow safe access and egress for an RCV. The refuse/recycling collectors should have a pull distance of no greater than 10m. No objections subject to bin storage provision for each dwelling. (29.10.2018 & 20.02.2019).*

Cadent Gas – *No objections, applicant is advised Cadent apparatus may be present within application site. (08.11.2018).*

LETTERS OF REPRESENTATION

Six letters of objection have been received from local residents, whose comments are summarised as follows:

- *Siting of dwellings on a busy road, concerns regarding impact on highways,*
- *Further congestion in a busy area,*
- *Impact on the canal redevelopment,*
- *Impact on wildlife within canal,*

- *Impact on wider infrastructure schools, doctors, dentists etc.,*
- *Site should be kept for marina development,*
- *Concerns regarding impact on adjacent listed buildings,*
- *Flooding and flood risk,*
- *Density of housing on the site is too high.*

OTHER BACKGROUND DOCUMENTS

The application is accompanied by the following supporting documents:

Topographical Survey

Heritage Statement

Flood Risk Assessment

Transport Statement

Acoustic Report

Framework Travel Plan

Ecological Appraisal

Design and Access Statement

Draft Heads of Terms

OBSERVATIONS

Site and Location

The site, which is 1.2 hectares in size, is located wholly inside the settlement boundary for Lichfield as defined within Lichfield Local Plan Strategy 2008-2029 and forms part of the designated Cricket Lane Strategic Development Allocation (SDA). The application site represents a linear plot which is parallel with the A51 to the north and Lichfield and Hatherton Canal to the south.

The site is generally free from development but includes a number of structures on the site including a porta cabin style building, a metal container style building and a large wooden building which has been used for storage. The site also includes a canal bell mouth from the L&H Canal. The site gently rises in gradient in a northerly direction from the canal towards Tamworth Road. It appears that the centre of the site has been hollowed out and the site is currently not a uniform level. The roadside boundary is defined by a mature hedgerow. The landscape and topography of the land surrounding the site is built development to the north of the site.

A group of houses are located to the east of the site while dwellings are also located on the northern side of Tamworth Road. One of the dwellings to the east is a Listed Building. To the south, beyond the canal, are agricultural fields. The A38 and open countryside is located to the east of the site.

Proposals

The application seeks outline permission for the erection of up to 28 dwellings. All matters are reserved for future consideration, with the exception of access. The scheme shows that access would be provided via the creation of a new point of access from Tamworth Road at the north of the site.

An illustrative layout has been submitted which shows how the site could be laid out to accommodate the proposed dwellings. The illustrative layout shows a variety of dwellings including detached, semi-detached and terraced properties with associated garden areas and off street parking. The indicative layout shows a landscaped buffer to the south adjoining the adjacent canal and indicates the retention of some existing vegetation and the provision of new vegetation. The scheme shows the provision of a “pump station” in the south east corner, and green buffers around the margins of the site, with areas of open space internal to the site and along the canal. Exact property sizes are not specified.

Determining Issues

1. *Policy and Principle of Development*
2. *Access and Highways*
3. *Housing Mix, including Affordable Housing*
4. *Design and Connectivity*
5. *Residential Amenity – Future and Existing Residents*
6. *Other Matters Arising*
7. *Planning Obligations / Community Infrastructure Levy*
8. *Human Rights*

1. Policy and Principle of Development

- 1.1 *Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.*
- 1.2 *The NPPF sets out a presumption in favour of sustainable development. Paragraph 14 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies should not be considered up to date if the Council is not able to demonstrate a 5 year supply of housing sites.*
- 1.3 *The Framework details that there are three dimensions to sustainable development and that these dimensions give rise to the need for the planning system to perform a number of roles:*
 - *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
 - *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
 - *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

This report will provide a balanced view in terms of these three strands of sustainable development.

- 1.4 *Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Lichfield city/Urban Area is a primary area for future development within the plan area. Core Policy 6 identifies that housing development will be focused upon the key urban and rural settlements, including Lichfield City. Core Policy 6 confirms that South Lichfield – Cricket Lane, is a Strategic Development Allocation (SDA) which will deliver 450 dwellings. The application site forms a small part of the Cricket Lane SDA. Policy Lichfield 4: Lichfield Housing states that approximately 38% of the Districts housing growth to 2029 will take place in and around Lichfield City with 54% delivered through the SDA sites to the south and east of the city centre.*

- 1.5 *The supply of housing land is regarded as having a social and economic role and in order to significantly boost the supply of housing, the NPPF requires that Councils should identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. The latest position identifies that LDC can demonstrate a 5.77 year supply of housing land within the District and it therefore falls for this scheme to be considered, in the first instance, against the Policies contained within the Development Plan.*
- 1.6 *As confirmed above, this site lies within the Cricket Lane Strategic Development Allocation (SDA), an identified site for housing development, and therefore the principle of residential development within this site is considered to be acceptable. However, it is necessary to consider, in detail, a range of other issues such as its potential impact on the character of the area and impact on the local highway network. These matters, amongst others, are examined in the following sections of the report.*
- 1.7 *In view of the above, it is considered that the scheme is an appropriate location within an allocated site within the Development Plan. Therefore from a policy perspective the development can be supported.*
2. *Access and Highway Safety Issues*
- 2.1 *This application is in outline, with all matters reserved with the exception of access. It is therefore necessary to consider whether the proposed means of access is acceptable. The scheme proposes the construction of a new point of access from Tamworth Road to the north of the site. The access includes the provision of a short section of pavements flanking the access and entering into the site. The scheme has been supported by a Transport Statement which confirms achievable visibility splays of 2.4m x 120m in both directions. The TS also assesses the likely impact of the proposed access arrangements and development upon the public highway.*
- 2.2 *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 effectively limit the impacts of the development. It goes on to state that development should only be refused on transport grounds where the residual cumulative impacts on the road would be severe. Core Policy 5 of the Local Plan Strategy states that new development will be accessible and that development will reduce the need to travel; widen travel choices; improve road safety; and reduce the impact of travel on the environment. Policy ST1 of the Local Plan states that the LPA will seek to secure more sustainable travel patterns by, inter alia, only permitting traffic generating development where it is or can be made compatible with the transport infrastructure taking into account number and nature of additional movements; the capacity of the local transport network; cumulative impacts with other developments; access and egress to the public highway; and highway safety.*
- 2.3 *The proposal is for the creation of a simple priority junction onto Tamworth road. The submitted TS indicates visibility of 2.4m by 120m in both directions. The TS indicates that the proposed development of up to 28 dwellings would generate 148 two way trips per weekday, 18 of which are likely to be during the a.m. peak hour, and 17 are likely to be in the evening peak hour. This would result in an approximately 1% increase in traffic at the site access, as a worst case scenario, during the AM and PM peak periods.*
- 2.4 *The scale of the proposed development is considered to be modest and the increase in vehicular movements from the development is small scale. The existing transport network would have the capacity to absorb the increase in vehicles resulting from the development. The junction is deemed to be appropriately engineered for the size of the development proposed and as such is considered to be an acceptable solution for access to the site. Furthermore, the proposed visibility splays which can be achieved complies with the relevant DMRB standards. The*

Highways Authority have considered the submitted information and have raised no objections to the scheme. SCC Highways have requested conditions to be attached to any permission including a plan showing the vehicular visibility splays from the site access; and the provision of parking, turning and servicing within the site. On this basis it is considered that the proposed development would not have a severe impact upon the highway network or result in any detrimental highway safety issues.

- 2.5 SCC Highways have however requested off-site works comprising the provision of a Pedestrian central refuge, and associated road markings being provided on Tamworth Road. These details are provided within the submitted plans and would be provided to the east of the proposed site access and would be accessed via a footpath within the existing highway verge. The provision of a pedestrian refuge will help to ensure pedestrian accessibility to/from the site from the north.
- 2.6 The comments received from local residents regarding highway safety and the impact on congestion within the local area caused by the development is noted. However, as set out above, it is considered by County Council Highways Authority that the proposed access and increase in vehicular movements to/from the site would be acceptable and would not have a detrimental impact on the highway network or highway safety. Given that this application is in outline, full details of parking provision will only be provided at the reserve matters stage and its acceptability will be assessed at that point.
- 2.7 Overall therefore, in terms of highways and transportation issues, the Local Planning Authority is satisfied that subject to appropriate conditions, the development is acceptable in highways terms, and the development would therefore be compliant with the requirements of both the Development Plan and NPPF.

3. Housing Mix, including Affordable Housing

- 3.1 Policy H1 of the Local Plan Strategy requires the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes, particularly in the rural areas. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 3.2 The submitted indicative layout sets out that it is proposed to provide a range of different housing across the site, in terms of size and mix. The indicative scheme shows 12 2-bedroom properties; 10 3-bedroom properties; and 6 4-bedroom properties. This mix is deemed to be appropriate and would provide an acceptable balance broadly in accordance with Local Plan Policy. Notwithstanding this, as scale and layout are reserved matters, these details are to be refined at the reserved matters stage.
- 3.3 Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing with a target of up to 40%. The on-site affordable housing provision should be in line with the dynamic model of viability which is currently a delivery of 35% affordable housing based on the most recent Annual Monitoring Report. Therefore the most up to date affordable housing target would be to achieve a total of 35% affordable housing within the site.

- 3.4 *The submitted scheme proposes that 10 dwellings of the total 28 dwellings proposed, would be affordable housing which equates to a provision of 35.7%. It is recommended that these will comprise 65% social rented and 35% intermediate affordable homes. The affordable housing should be secured through a Section 106 agreement as recommended. Therefore, the authority is satisfied that 35% of the dwellings on the site will be affordable which is appropriate in this instance and therefore the development will be policy compliant in terms of delivery of affordable housing.*
- 3.5 *The indicative layout shows the affordable housing grouped together which is not an ideal arrangement from a design perspective as such developments should be pepper-potted across developments. Notwithstanding this, the siting of the affordable units within the site to ensure suitable integration throughout the scheme can be addressed within the layout assessment of any reserved matters application.*
- 3.6 *Overall, in terms of housing mix, the authority is satisfied that a development which balances the strategic need, with the need to secure an appropriate design can be achieved and that the level of affordable housing proposed is policy compliant and therefore the development would help to achieve a social aspect of sustainable development through the delivery of affordable housing. Accordingly, it is considered that the relevant national and local housing policy requirements are satisfied and therefore the development will accord with the NPPF and Local Plan Strategy in this regard.*

4. Design and Connectivity

- 4.1 *The NPPF sets out that the Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:*
- function well and add to the overall quality of the area;*
 - establish a strong sense of place;*
 - create and sustain an appropriate mix;*
 - respond to local character and history, and reflect local surroundings and materials;*
 - create safe and accessible environments; and*
 - be visually attractive as a result of good architecture and appropriate landscaping.*
- 4.2 *Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.*
- 4.3 *No specific densities are set out in within policy H1 however it does state that where appropriate, higher density provision will be sought, focused around the most sustainable centres to assist in the provision of smaller units to meet a diverse range of housing needs.*
- 4.4 *The layout plan submitted with this application is wholly indicative and there would be some concerns, from an urban design perspective, with regard to the layout proposed such as grouping affordable housing units and large expanses of frontage parking. It would be important to ensure that there is a buffer and landscaped area adjacent to the canal basin to the south, which as shown in the indicative layout.*
- 4.5 *The indicative layout shows that the development would be sited behind the retained hedgerow adjacent to Tamworth Road and set back an appropriate distance from the back of*

the public highway due to the depth of the highway verge. With regards to the views of the site from the south, this land forms part of the wider SDA and therefore the development would be viewed in the context of future housing development. Therefore, based on the indicative layout it is considered that the development would not cause adverse harm on the character and appearance of the streetscene or wider landscape.

- 4.6 *The Design and Access Statement (DAS) however sets out how the plan has evolved, having regard to the character and context of the site. It is stated that it is entirely feasible at the Reserved Matters stage to secure a design for the proposed dwellings that will ensure that the development is respectful to and consistent with the character and appearance of the surrounding area. If approved and a Reserved Matters application submitted negotiations would take place between the officers and applicant to provide a scheme that was of an appropriate high quality design.*
- 4.7 *Within close proximity to the site to the east is a Grade II Listed Building, known as Freeford House. Development of this site is within the wider setting of the Listed Building, although not within its immediate setting. The application scheme indicates that there may be some raising of land levels required and sections of this have been provided. With the raising of the land levels there may be a possibility that the development and the Listed Building would be seen in the context of each other, however this would be from limited vantage points, while the existing vegetation between the Listed Building and the site provides a significant buffer. Furthermore, detailed design is not provided at this stage. Notwithstanding this, the harm to the setting of the Listed Building is likely to be limited, if any, and this must be weighed against the fact that the site is identified as for housing development in the Local Plan and the public benefits that would be brought with the proposals.*
- 4.8 *Clearly this is an outline application and as such, detailed design is not being considered at this stage. Given the proposals location, it is considered that any new-build development should be of a very high standard of design, construction and materials, which provide substantial benefits in terms of visual amenity. These matters would be addressed through the reserved matters application.*
- 4.9 *Based on the above, the Council is satisfied that even with amendments to the layout which are likely to be required, that the site can accommodate 28 dwellings whilst providing the appropriate levels of design quality. As such it is considered consistent with the Development Plan and the NPPF.*

5 Residential Amenity – Future and Existing Residents

- 5.1 *It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF emphasises that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.*
- 5.2 *As stated above, layout, appearance and scale are matters which are reserved for future consideration. Accordingly, the precise impact of the development on the amenities of existing and indeed future residents will be considered at a later stage. However, it is necessary to consider whether there would be any fundamental issues relating to the site which would result in significant amenity issues.*
- 5.3 *A number of properties have boundaries adjoining the application site which could be affected by the proposed development. However these properties are considered to be a sufficient*

distance away, while the site is large ensure, to ensure that any significant issues through loss of privacy or overlooking could be avoided at detailed design stage. Furthermore, it is considered that the development could provide sufficient distances from private amenity spaces and principal openings to ensure no adverse loss of daylight or overshadowing.

- 5.4 The increase in comings and goings to/from the site will inevitably result in a change in character. The increase in activity and vehicular movements is not considered to be so significant as to result in adverse harm to neighbouring amenity. The LPA is therefore confident that the site could be developed without causing undue harm to the amenity of neighbouring properties.
- 5.5 With regard to the amenity of future occupants, the application site lies adjacent to the A38 and Tamworth Road. These are potential sources of noise disturbance to future occupants of the development. A noise report has been submitted as part of the application which suggests mitigation methods could be incorporated to alleviate noise from these sources to ensure an appropriate level within habitable rooms. This has been reviewed by the Environmental Health team who have advised that the findings of the noise survey are acceptable and that these should be used to inform a detailed scheme of mitigation which should be secured by condition.
- 5.6 The dwellings would need to provide an appropriate level of private amenity space for each of the properties in accordance with the standards set out in the Sustainable Design Supplementary Planning Document. The indicative layout provides an appropriate level of private amenity space to serve the development. The LPA is satisfied, given the size of the site, and indication of the scheme presented, that future layouts for 28 dwellings could be provided with an appropriate level of amenity for future occupants in terms of private amenity space.
- 5.7 Accordingly, subject to conditions the development would not cause significant harm to the amenities of existing or future residents, and as such would accord with the NPPF and Local Plan Strategy.

6. Other Matters Arising

Flooding and Drainage

- 6.1 The application site lies within Flood Zone 1, and therefore an area at lowest risk of flooding. However, given the size of the site, it has been necessary for the application to be supported by a Flood Risk Assessment. The Environment Agency and Staffordshire County Council Flood Team have reviewed the submitted information and have raised no objection to the scheme, subject to a condition, which secures the measures as detailed in the Flood Risk Assessment. In the absence of any objection from statutory consultees, it is considered that development of this site does not pose any particular flood risk and would be safe from the risk of flooding.

Biodiversity

- 6.2 The Councils Ecologist is satisfied that there would be a net gain to biodiversity as part of the proposed development which would therefore be compliant with policy NR3. A condition has been requested relating to the submission of Construction Environment Management Plan and Habitat Management Plan, which will ensure a net gain to biodiversity.

Impact on Cannock Chase SAC

- 6.3 The application site lies within the zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until

satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC, as such a financial contribution is not required. The LPA has carried out an appropriate assessment under the Habitat Regulations, and have concluded that the development can be avoided or appropriately mitigated by financial contributions provided by developments in the 0-8km zone of payment. Natural England have concurred with the assessment conclusions. The LPA have satisfied their duties as a competent authority.

Lichfield and Hatherton Canal

- 6.4 The application site lies immediately adjacent to the Lichfield and Hatherton Canal. The Concept Statement for the Cricket Lane SDA states that it is expected that the development would deliver the integration of the route for a restored Lichfield Canal within an integrated open space and green infrastructure network. The route of the canal adjacent to this site has been delivered and the indicative plan demonstrates green infrastructure adjacent to the route. The delivery of this green infrastructure can be secured by condition. In addition to this it is understood that the applicant has agreed to engage with the Lichfield and Hatherton Canals Restoration Trust (LHCRT) in a Terms for Transfer of Land, which will transfer the ownership of a 5m strip and bell mouth section of the canal for use and maintenance of the canal. This is subject to a private legal agreement between the applicant and LHCRT. Given the above agreement, and the imposition of a condition, it is considered that the proposal would be in accordance with the current Infrastructure Delivery Plan for the provision of a continuous open space network must be provided along the course of the Lichfield Canal route giving access to future waterside recreation uses.

Open space provision

- 6.5 It is noted that based on the current indicative layout, open space provision within the site would accord with policy HSC1 providing approximately 0.4 hectares of amenity green space. However, final details of open space provision will form part of a future reserved matters application at which point a full assessment will occur. Notwithstanding this the site forms part of the larger Cricket Lane SDA, which will deliver larger areas of amenity green space for use by the new communities in the locality.

7. Planning Obligations/Community Infrastructure Levy

- 7.1 Although the development is liable to contributions under CIL it is identified that there will still be a need for a Section 106 agreement in respect of the following:

1. 35% Affordable Housing;
2. Education Contribution for Primary Provision;
3. Travel Plan Contribution; and,
4. The formation of a maintenance management company to maintain the Open Space

These contributions will be sought through a S106 agreement following consultation with the statutory consultees to contribute to local infrastructure provision. Primary school education contributions form part of the Infrastructure Delivery Plan (IDP) requirement for the SDA with secondary education provided via CIL. Lichfield District Council no longer seek to adopt Open Space, therefore the developer will be required to establish a maintenance company to maintain the open space. This will be secured via through a S106 agreement.

- 7.2 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. Lichfield District Council began charging the Community

Infrastructure Levy (CIL) on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the Market Houses within Strategic Allocations defined in the Local Plan Strategy 2008-2029 as identified on the CIL Charging Schedule which is currently set at £14.

- 7.3 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 generate New Homes Bonus, CIL funding for local infrastructure and Council Tax.

8. Human Rights

- 8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbours' 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 national planning policy and policies of the development plan.

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, socially, the proposal is sited ensuring no impact upon existing residents, whilst suitable conditions can secure the amenity of future residents within the site. In addition the scale of development is broadly compliant with the requirements of the Council's Local Plan Strategy. The development will support the delivery of Lichfield District Council's 2016-2020 Strategic Plan which recognises that a key issue for the district is the lack of affordable homes, especially for young people and the delivery of affordable housing is a strategic priority in the theme of clean, green and welcoming places.

Economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing village facilities. Environmentally the site would not elongate the form of development in Lichfield City, rather in-fill an area between existing built forms and occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space could be provided on site to meet the needs of the future and existing residents, whilst the number of dwellings and mix proposed, will provide a suitable density of development to integrate into the area, whilst also helping to meet the accommodation needs of the District. The proposed density of development would be of a similar level to that of properties within the locality. It is considered that, on balance subject to conditions, the benefits of the proposed development would provide much needed affordable housing.

With regard to transport and highways, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices are available in close proximity of the site. Acceptable details have been provided with regard to the vehicular accesses to ensure that the development can be safely and appropriately accessed without undue harm to the character and appearance of the area, existing or future residents and highway and pedestrian safety.

The Authority is satisfied, that subject to suitable measures that there will be no adverse impact on protected or priority species and ecological habitats. With regard to drainage, residential amenity and the development's impact on the surrounding landscape, it is

considered that adequate mitigation is provided and that, subject to appropriate conditions, no material harm will be caused.

It is therefore considered that the principle of residential development is acceptable and that no other material planning considerations exist to warrant the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement, the principle of development is acceptable, and accordingly, the recommendation is one of approval.

ADDITIONAL OBSERVATIONS

A.1 It was resolved at Planning Committee on 29 April 2019 to defer the application by members seeking further information on the following matters:

- Submission of an Air Quality Impact Assessment;
- Further information and clarification on the noise monitoring undertaken in relation to noise from the A38 and additional consideration on the impact on future residents;
- Clarification on impact on archaeological assets in the vicinity;
- Consideration of whether the speed limit on the Tamworth Road could be reduced from 40mph to 30mph;
- Consideration of the provision of a footpath from the development to nearby bus stop to ensure safe access thereto/from;
- To ensure limited impact on adjacent heritage building;
- Justification for the number of dwellings proposed in terms of impacts and all material planning consideration raised; and,
- Further assurance on landscape matters with regard to tree officer comments made.

A.2 The applicant has sought to address the concerns by submitting additional information including an Air Quality Impact Assessment and an additional guidance note in relation to noise.

ADDITIONAL CONSULTATIONS

On receipt of the above further consultation was carried out with the following consultees:

Environmental Health

Air Quality Comments: I have reviewed the Air Quality Assessment undertaken by Hoare Lea (dated 31st May 2019) for Land south of Tamworth Road, Lichfield (18/01484/OUTM).

Overall I accept the methodologies followed by Hoare Lea in the assessment. I am satisfied that air quality impacts from the proposed development will overall not be significant and that future occupant's exposure to air pollutants will be at levels well below government Objectives.

I would however recommend the following Condition in relation to dust during the construction phase:

Before the development hereby approved is commenced, a site-specific Dust Management Plan must be submitted to and have been approved in writing by the Local Planning Authority setting out the measures that will be implemented to mitigate the potential impacts of dust during the construction phase. The Dust Management Plan shall include, but not be limited to the control measures set out in Table 6 of the air quality assessment undertaken by Hoare Lea (31st May 2019) and be consistent with

the most up to date version of IAQM Guidance on the assessment of dust from demolition and construction.

To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution as described within paragraph 180 of the National Planning Policy Framework 2019. (18/06/2019).

Noise Comments: I can confirm that I've read the additional noise report and have no further comments to add. (19/06/2019).

SCC Archaeology

The applicant has made use of a Staffordshire Historic Environment Record (HER) search (including the Lichfield Historic Environment Assessment), historical mapping, and other relevant readily available sources of information. As such, this information won't be repeated in detail here. However, in summary, the author describes a proposal site where groundworks have the potential to encounter and impact upon significant archaeological remains, particularly remains associated with the Medieval Chapel of St Leonard (a 13th century leper hospital) and its associated graveyard (a burial ground identified during road widening in 1917), both of which are recorded on the HER as being in the vicinity of Freeford House, a Grade II listed house, of 16th or early 17th century date, located immediately to the northeast of the proposal site.

The HA does note that the location of the burial ground is unclear, and it may be, based on an analysis of historical mapping, that the northern side of the road was widened rather than southern side of the road where the proposal site and Freeford House are located. However, as noted in the HA, the potential for disturbing remains of the hospital and associated burial ground cannot be discounted, and if evidence of these was to be encountered they would be considered to be of a high archaeological significance. In addition, there is also potential for groundworks to encounter further remains associated with the remains of the Lichfield Canal (Wyrley and Essington Extension) located to the immediate south of the proposal site and perhaps the deserted medieval settlement of Freeford, which was mentioned in the Domesday Book (1086) but is suggested to have been deserted by the mid-16th century.

Taking the nature and scale of development, and the above, into account there is clear potential for the proposals, should they be consented, to impact upon potential buried archaeological features, potentially of a high significance. As such, should outline consent be granted, a programme of archaeological works will be required to establish whether any remains are present, and if so, these should be characterised, and further works undertaken to ensure their preservation by record or decisions made on preservation *in situ* if deemed appropriate. It is advised that undertaking this work at the outline stage would provide an opportunity for any significant archaeology uncovered to inform the design of the final scheme, should preservation *in situ* be deemed appropriate, and inform discussions concerning the need for and scope of any subsequent archaeological interventions, particularly considering proposals to heighten portions of the site by up to 2.5m.

Such a programme of archaeological works would involve a staged evaluation comprising:

- Geophysical survey followed by trial trenching

This approach is supported by NPPF para 189 while any works which stem from the evaluation are supported by NPPF 199. All archaeological works must be undertaken by an appropriately experienced archaeological organisation (with suitably experienced personnel) or historic environment professional/ archaeologist working to the requirements of a brief prepared by this office (or approved Written Scheme of Investigation (WSI), the Chartered Institute for Archaeologists (CIfA) Code of Conduct (or equivalent) and to a level commensurate with the relevant CIfA Standards and Guidance (2014).

The above works could be most satisfactorily secured via a condition attached to any planning permission for the scheme. This condition should read:

- A) *“Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation (‘the Scheme’) shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-fieldwork reporting and appropriate publication.*
- B) *The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).*
- C) *The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.”*

The Written Scheme of Investigation (WSI) identified in the condition above should consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA’s archaeological advisor.

Built Environment and Historic Landscape

It is noted from the submitted Appraisal Layout that hedgerows to the north, west and east of the site are to be retained/partially retained, it is recommended that retention and enhancement of such boundaries should be encouraged in order to maintain an understanding of past landscape use and reduced visual impacts. (20/05/2019).

Staffordshire County Council Highways

It was felt that given the quantum of development the provision of a central pedestrian refuse close to the new vehicular access would provide an adequate facility for any pedestrian to walk out of the proposed development using the internal footways and cross over the Tamworth Road to access the existing footway on northern side.

The Highway Authority acknowledges that there are two bus stop on the same side of the development (south side of Tamworth Road), however, one is approximately 190m to the east and one approximately 115m to the west of the proposed site access. Given the quantum of development the Highway Authority are satisfied that the requested new pedestrian refuse coupled with the existing crossing points to the east and the west of the site would prove adequate for anyone from the development who wished to use the local bus service heading into Lichfield. We acknowledge this would require them to cross Tamworth Road but not believe that the lack of a dedicated footway to the nearest bus stop(s) is a justifiable reason to refuse the application. (08/07/19).

OTHER BACKGROUND DOCUMENTS

Further Determining Issues

- i. Air Quality
- ii. Noise
- iii. Archaeology and Heritage
- iv. Highways
- v. Other Matters
- vi. Human Rights

Air Quality

- 1.1 As requested by Committee Members at the previous Planning Committee meeting on the 29th April the applicant has submitted an Air Quality Impact Assessment to the Authority. This report has been prepared by an appropriately qualified professional, and the document has been reviewed by the Council's Environmental Health team.
- 1.2 The report describes the potential air quality impacts associated with the proposals forming part of this application. As the site is for residential use, the annual mean objective for nitrogen dioxide (NO₂) and particulate matter 10 (PM¹⁰) micrometres or less applies.
- 1.3 A risk assessment of the potential impacts of the construction phase of the development subject to this application has been undertaken to identify appropriate mitigation measures which have been secured through a planning condition, the residual impacts are considered to be not significant.
- 1.4 The need to undertake a detailed assessment of road traffic emissions associated with the operation of the Proposed Development has been scoped out. This is because the traffic generated by the development is below the criteria set in the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) planning guidance and as such, the impact of traffic associated with the Proposed Development on local air quality, including the nearby A38 Air Quality Management Area (which is 2.7km from the site), will not be significant.
- 1.5 The assessment of pollutant exposure at the proposed development on proposed sensitive receptor locations has been undertaken qualitatively. Given the existing baseline conditions of the local area and location of the site set back from the A38, there is unlikely to be any exceedances of both NO₂ and PM objectives across the Proposed Development site. As such, no mitigation of operational phase impacts is required. The report concludes that the overall air quality impacts on the proposed development are judged to be not significant and should not be viewed as a constraint to planning consent.
- 1.6 Upon reviewing the report, the Environmental Health team accept the methodologies followed by Hoare Lea in the assessment. The team satisfied that air quality impacts from the proposed development will overall not be significant and that future occupant's exposure to air pollutants will be at levels well below Government Objectives for air quality.
- 1.7 The Environmental Health Officer has advised a pre commencement condition in relation to dust during the construction phase which has been added to the list of conditions as condition 13 within this report.

Noise Monitoring

- 1.8 During the previous Planning Committee meeting in April 2019 members raised comments regarding the climatic conditions of the noise survey and concerns that adverse weather conditions can affect the subsequent measured noise levels. Following guidance within BS 8233 control of noise in and around buildings. BS 8233 states that, *'Noise from wind and precipitation, including the wind-generated noise from trees, can also affect noise measurements.....The magnitude of these effects, i.e. variations in noise level and audibility, increases with increasing distance between source and receptor. The effects are asymmetrical and, for distances of 500 m to 1 000 m, typically range from increasing the level by typically 2*

dB downwind to reducing it by typically 10 dB upwind'. It is noted that in this instance, the distance between the A38 and the dwellings are all in the order of 60 to 250 metres where, in accordance with BS8233, the effect of meteorological effects would be significantly reduced.

- 1.9 With respect to the above, noise monitoring surveys are normally postponed when the wind speeds exceed 5m/s (~18 km per hour) (the limit of effectiveness of windshields), or when there is significant precipitation. Archived weather conditions for the monitoring periods are held at a weather station located at Netherstowe (Weather Station ID: ILICHFIE6), located approximately 2 miles to the north of the development site. This data confirms that there was no precipitation during this time and that wind speeds were predominantly below the maximum speeds indicated above.
- 1.10 On the basis of the above, weather conditions during the Tamworth Road noise monitoring survey are deemed to be appropriate for environmental noise monitoring and therefore, with normal levels of traffic volume, the measured noise levels are deemed to be representative of that of the development site. If, as suggested by BS8233, the effect of high downwind windspeeds could increase the overall noise levels by +2dB, it is noted that there is sufficient headroom in the submitted recommendations to accommodate this increase. However, due to the relatively small distances between the road and the development site, this increase is deemed to be a worst-case scenario.
- 1.11 Therefore, appropriate internal noise levels can be achieved within all habitable rooms at the development site, regardless of windspeed or direction. Within Lichfield District Councils Environmental Health Technical Planning Policy: Noise and Vibration Version 2019 states that 'When external levels increase above this level [55 dBLAF max, outside] it will be necessary to close the windows and provide alternative ventilation to ensure that the internal noise levels continue to be acceptable'. This suggests that the proposed mitigation (windows normally closed and trickle vents open) is acceptable and in line with LDC policy.
- 1.12 Given that the threshold for 'no requirement' is particularly low (day and night time noise levels below a level of 50dB and 45dB respectively), it is expected that the majority of development sites which overlook adjacent roads will recommend trickle vents to avoid the need for open windows for ventilation purposes. Therefore, this mitigation method is considered normal practice in these instances. It should be noted that all future occupants will have the opportunity to open windows if they so wish to do so. Environmental Health have stated that the mitigation proposed in the report is used to produce a scheme of noise mitigation for the development, to be required by condition.
- 1.13 It is recommended that the garden boundaries to those plots which overlook Tamworth Road to the north and the A38 to the south east be provided with solid barrier fencing of minimum height 2m above garden level. Any such fence should be continuous to ground level without any significant gaps and should have a minimum mass of 10kgm-2. In practice, these requirements can be achieved with close-boarded panels and gravel boards.
- 1.14 Therefore, it is considered that the amenity of future occupants would be acceptable in respect of noise disturbance.

Archaeology and Heritage

- 1.15 Following the deferral of the application by Members of the Committee, an additional consultation has been carried out with Staffordshire County Council Archaeology Team.

- 1.16 SCC Archaeology have advised that taking the nature and scale of development into account there is potential for the proposals to impact upon potential buried archaeological features, potentially of a high significance which includes groundworks have the potential to encounter and impact upon significant archaeological remains, particularly remains associated with the Medieval Chapel of St Leonard (a 13th century leper hospital) and its associated graveyard (a burial ground identified during road widening in 1917), both of which are recorded on the Historic Environment Register (HER) as being in the vicinity of Freeford House, a Grade II listed house, of 16th or early 17th century date, located immediately to the northeast of the proposal site.
- 1.17 As such, a programme of archaeological works will be required to establish whether any remains are present, and if so, these should be characterised, and further works undertaken to ensure their preservation by record or decisions made on preservation *in situ* if deemed appropriate.
- 1.18 SCC Archaeology have advised that undertaking this work at the outline stage would provide an opportunity for any significant archaeology uncovered to inform the design of the final scheme, should preservation *in situ* be deemed appropriate, and inform discussions concerning the need for and scope of any subsequent archaeological interventions, particularly considering proposals to heighten portions of the site by up to 2.5m. Therefore a programme of archaeology works are advised that such a programme of archaeological works would involve a staged evaluation comprising of a geophysical survey followed by trial trenching.
- 1.19 In light of the above, Staffordshire County Council Archaeology have provided an appropriately worded pre commencement condition to ensure appropriate archaeology investigations are implemented on site prior to the commencement of any further development. This is listed as condition 14 within the above list of conditions.
- 1.20 In terms of potential impact on nearby heritage assets, including the Freeford House, this has been assessed by the submitted Heritage Statement. Furthermore, section drawings have been provided to show the levels differences with the site and the adjacent Listed Building. The Conservation Officer reviewed this information and raised no objections to the proposed indicative layout in terms of the impact of the scheme on the Listed Building.
- 1.21 Further comments from the County Council noted that from the submitted Appraisal Layout that hedgerows to the north, west and east of the site are to be retained/partially retained, it is recommended that retention and enhancement of such boundaries should be encouraged in order to maintain an understanding of past landscape use and reduced visual impacts. These details are subject to the reserved matters application should the outline permission be approved.
- 1.22 Therefore, subject to appropriate conditions the development would not have an adverse impact on heritage assets, and would be compliance with Core Policy 14 and BE1 of the Local Plan Strategy, and Policy BE2 of the Local Plan Allocations.

Highways

- 1.23 Members raised comments regarding if consideration in reducing the speed limit on Tamworth Road could be reduced from 40mph to 30mph if the development were to be approved. Upon raising this with Staffordshire County Council it was considered that the scale of development would not facilitate the need for a reduction in the speed limit and that the proposal would not have a detrimental impact upon highway safety.
- 1.24 With regards to the comments relating to the bus stop provision and accessibility to the bus stops, it was the view of the Highways Authority that, given the quantum of development, the provision of a central pedestrian refuse close to the new vehicular access would provide an adequate facility for any pedestrian to walk out of the proposed development using the internal footways and cross over Tamworth Road to access the existing footway on northern side. The provision of pedestrian connectivity is therefore deemed to be appropriate for the scale of the proposed development proposed.
- 1.25 The Highway Authority acknowledges that there are two bus stops on the same side of the development (south side of Tamworth Road), one is approximately 190m to the east and one approximately 115m to the west of the proposed site access. Given the quantum of development the Highway Authority are satisfied that the requested new pedestrian refuse, which can be secured via a planning condition, in addition to the existing crossing points to the east and the west of the site would prove adequate for anyone from the development who wished to use the local bus service heading into Lichfield. The Highways Authority acknowledge this would require them to cross Tamworth Road but do not consider that the requirement for a dedicated footway to the nearest bus stop(s) is a justifiable request in this instance.
- 1.26 It is therefore considered that the proposed development is acceptable in terms of its impact on highway safety and, in the context of the scale of the development, would provide appropriate pedestrian connectivity. The development is therefore in compliance with the Local Plan Strategy.

Other Matters

- 1.27 The indicative layout shows that the proposed density of development would be of a similar level to that of properties within the locality and would also provide an appropriate level of land for open space provision. Within the indicative layout garden sizes meet the relevant standards as advised in the guidelines within the Sustainable Design Supplementary Planning Document. It is considered that restricting the number of units to a maximum of 28 would ensure the level of development on site is appropriate contextually and the LPA is satisfied that the site can be developed in a manner which would not cause harm to the character and appearance of the locality. It is appreciated that there are some concern with regard to the grouping of affordable housing, however this would be addressed at reserved matters stage where layout would be considered in detail.
- 1.28 It is noted that the Arboricultural Officer has highlighted some concern with regard to the layout of the scheme. Notwithstanding this, as the application is in outline where layout and landscaping are reserved for latter approval, it is not considered that the LPA can insist that landscaping comes forward at this stage. The LPA is comfortable that there is sufficient scope within the scheme to provide for appropriate landscaping, while the important hedgerow feature along Tamworth Road would be retained.

- 1.29 In conclusion the LPA is satisfied that, as a matter of principle, the site can be appropriately developed for the quantum of development proposed while providing appropriate levels of open space and retaining existing landscape features and providing the necessary additional landscaping on site.

Conclusion

- 1.30 In light of the above comments, officers remain of the view that the principle of residential development is acceptable and that other material planning considerations do not give rise to such harm to justify the refusal of the planning application. Thus, subject to conditions and the applicant entering into a Section 106 Agreement, it is considered that the principle of development is acceptable, and accordingly, the recommendation is one of approval.

Lichfield
district council

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enquiries@lichfielddc.gov.uk

LOCATION PLAN

19/00294/FUL
355 Lichfield Street
Fazeley

Scale: 1:1,000

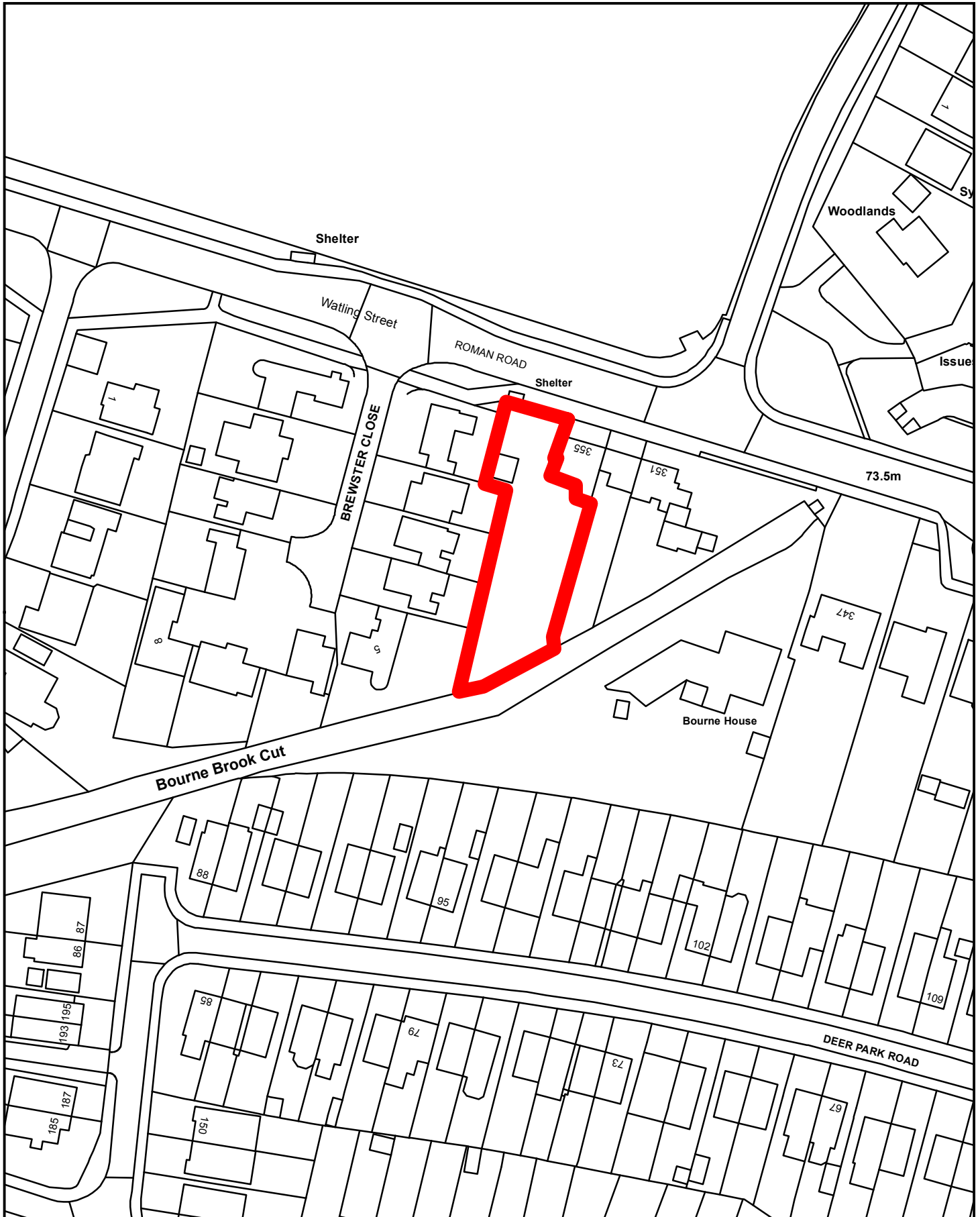
Dated: July 2019

Drawn By:

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BLOCK PLAN

19/00294/FUL
355 Lichfield Street
Fazeley

Scale:

Dated:

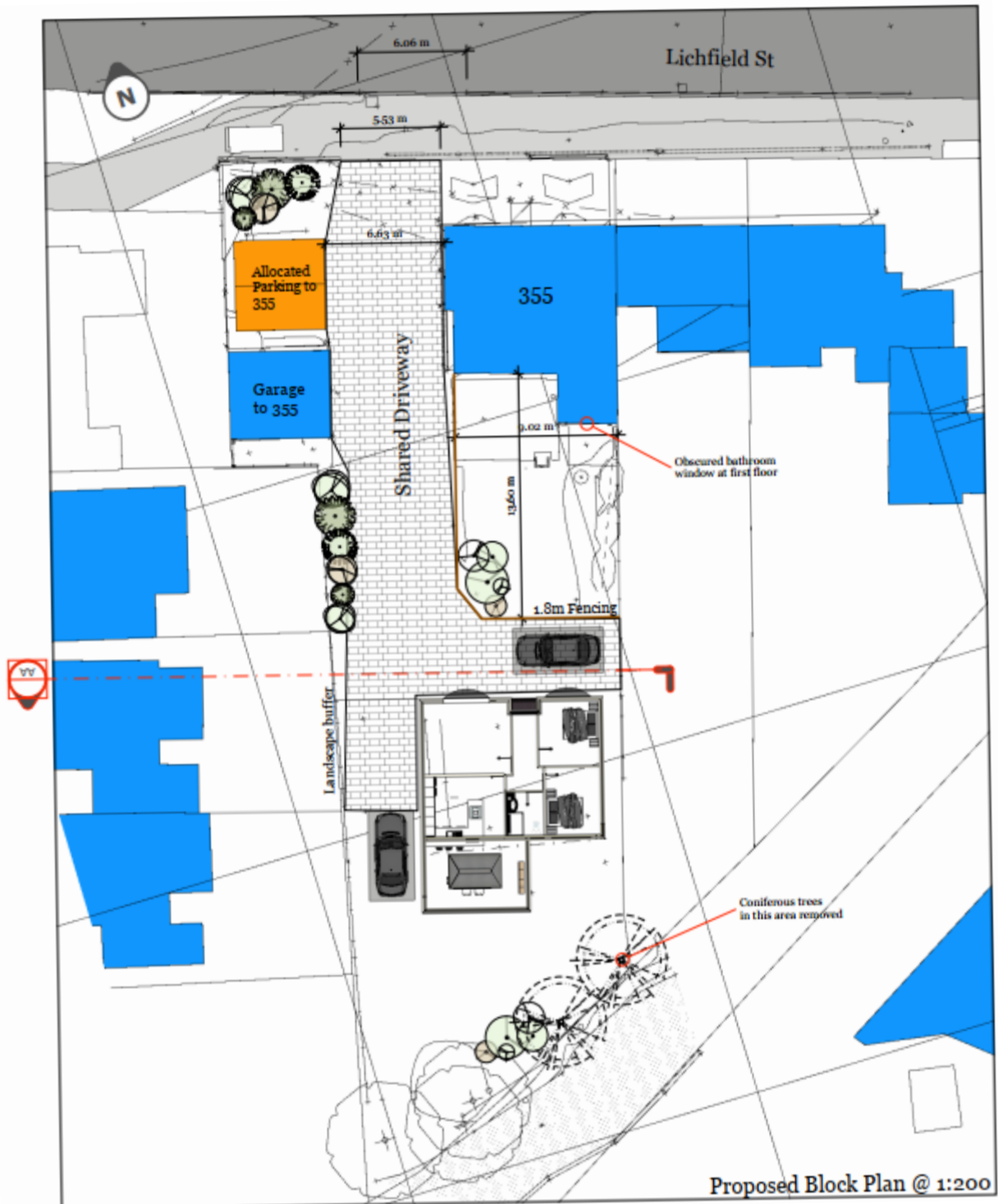
July 2019

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**ERECTION OF 1NO TWO BEDROOM SINGLE STOREY DWELLING
355 LICHFIELD STREET, FAZELEY, TAMWORTH, STAFFORDSHIRE
FOR MR D DAWSON**

Registered **01/03/2019**

Parish: Fazeley

Note: This application is being reported to the Planning Committee as it has deemed appropriate to do so by two senior officers, due to the nature and number of representations received from local residents.

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.

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

3. Before the development hereby approved is commenced, full details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development.
4. No phase of the development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
 - Arrangements for the parking of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Construction hours
 - Delivery routeing and hours
 - Recorded daily inspections of the private road/ adopted highway leading to the site access
 - Measures to remove mud or debris carried onto the private road/ adopted highway.
5. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority indicating methods of disposal for foul water and surface water to include details of drainage and outfall from the proposed parking and manoeuvring area. The development shall thereafter be provided and retained in accordance with the approved details prior to first use of the proposed development.
6. Before the development hereby approved is commenced, full details of the finished floor levels of the proposed dwelling, including its relationship to the existing ground levels, shall be submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be undertaken in accordance with these approved details.

All other conditions to be complied with:

7. The development hereby approved shall be carried out and in full accordance with all recommendations and methods of working detailed within the BS5837 Tree Survey and Arboricultural Impact Report produced by Peter Jackson dated 30th March 2019 including sheets 1, 2 and 3 as referenced in Appendix 2.
8. The development hereby approved shall be carried out in full accordance with all recommendations and methods of working detailed within the Extended Phase 1 Ecological Survey (Preliminary Ecological Assessment) dated May 2019.
9. Prior to the first occupation of the dwelling hereby approved, a Landscape and Habitat Management Plan, covering the construction period and a minimum of 5 years following the start of development, detailing all proposed landscaping, compensation and mitigation measures to be implemented in relation to the ecological interests, working methods and details of future management, including timings of management operations shall be submitted to and approved in writing by the local planning authority. The Landscape and Habitat Management Plan shall be fully implemented as approved, to the satisfaction of the Local Planning Authority.
10. Any tree, hedge or shrub planted as part of the approved habitat and landscape and planting 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.
11. Prior to first occupation of the proposed dwelling, the car parking and manoeuvring area indicated on approved plan entitled "Existing and proposed elevations and site plans" no 01 D shall be completed and surfaced in a porous bound material which shall thereafter be retained for the life of the development.
12. Prior to first occupation of the development the vehicle access crossing shall be increased to provide a minimum width of 4.8m.
13. Before the development hereby approved is first occupied, full details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall thereafter be implemented before the dwelling is first occupied and retained as such for the life of the development.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no development contained in Classes A, B, C or E of Schedule 2 (Part 1) of the Order shall be carried out without the prior written permission, on application, to the Local Planning Authority.
15. 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 written permission, on application, of the Local Planning Authority.
16. Notwithstanding the details shown on the approved plans, a 2.3m high fence shall be erected along the shared boundary between the residential curtilage of the hereby approved bungalow

and the rear garden of number 355 Lichfield Street. The fence shall be erected prior to the first occupation of the bungalow and be retained as such thereafter. Any replacement fencing or alternative means of enclosure in this location thereafter shall be replaced to the same height.

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 the National Planning Practice Guidance. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In the interests of highway safety and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure satisfactory drainage of the site and to avoid flooding in accordance with Core Policy 3 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
6. In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties, and that it accords with Policies BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. To protect the existing trees and hedges within the site in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping & Development Supplementary Planning Document and the National Planning Policy Framework.
8. To ensure no adverse impacts occur to protected and/or priority species or habitats in accordance with Policy NR3 of the adopted Local Plan Strategy.
9. To ensure the provision of amenity afforded by appropriate landscaping and adequate provision is made to ensure a net gain in biodiversity and habitats in accordance with Policy NR3 of the adopted Local Plan Strategy.
10. To ensure that a landscaping scheme to enhance the development is provided to encourage biodiversity improvements and to safeguard the character and appearance of the area in accordance with Core Policies 13 and 14 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, the Trees, Landscaping and Development and Biodiversity and Development Supplementary Planning Documents and the National Planning Policy Framework.
11. To ensure the provision of adequate access and egress to the site from Lichfield Street is provided in the interests of highway safety, in accordance with Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.
12. To ensure the provision of adequate parking and manoeuvring within the site and in the interests of highway safety, in accordance with Policy BE1 of the Local Plan Strategy, the NPPF and the Supplementary Planning Document: Sustainable Design.

13. To safeguard the visual amenities of the site and to safeguard neighbour amenity in accordance with Policies BE1 and Core Policy 3 of the Local Plan Strategy , the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
14. To safeguard the amenity of neighbouring premises in accordance with Policies BE1 and Core Policy 3 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
15. To safeguard the amenity of neighbouring premises in accordance with Policies BE1 and Core Policy 3 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
16. To safeguard the amenity of neighbouring premises in accordance with Policies BE1 and Core Policy 3 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and 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).
 2. The applicant's attention is drawn to The Town and County 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 19 April 2016. A CIL charge will apply to all relevant applications determined on or after the 13 June 2016. 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.
 4. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 5. Prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. The link below provides further advice relating to vehicle access crossings which includes a 'vehicle access crossing information pack' and an application form for a dropped kerb. Please complete and send to the address indicated on the application form which is Network Control Hub, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email to nmu@staffordshire.gov.uk <http://www.staffordshire.gov.uk/transport/staffshighways/licences>
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Lichfield District Local Plan Strategy 2008 - 2029

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 6 - Housing Delivery

Core Policy 13 – Our Natural Resources

Core Policy 14 – Our Built & Historic Environment

Policy ST1 - Sustainable Travel

Policy ST2 - Parking Provision

Policy H1 - A Balanced Housing Market

Policy NR3 - Biodiversity, Protected Species & their Habitats

Policy NR4 - Trees, Woodlands & Hedgerows

Policy BE1 - High Quality Development

Policy Faz1 – Fazeley, Mile Oak & Bonehill Environment

Policy Faz4 – Fazeley, Mile Oak & Bonehill Housing

Supplementary Planning Document

Sustainable Design (2015 – updated 2019)

Trees, Landscaping and Development (2016)

Biodiversity and Development (2016)

RELEVANT PLANNING HISTORY

99/00961/FUL – Proposed detached domestic bungalow – refused – 29/11/99. Appeal Dismissed.

The 1999 scheme shared many similarities to the current planning application in terms of its size, design and positioning. The appeal was dismissed on two grounds, namely the impact on neighbour amenity resulting from the movement of vehicles within the site and inadequate manoeuvring space for motor vehicles and insufficient junction width, both resulting in an unacceptable impact on highway safety. It is noted that the current application provides additional manoeuvring space within the site and the width of the junction is now compliant with the recommendations of the County Council Highways Officer.

CONSULTATIONS

Environmental Health Team – No comments (27/04/2019)

Tree Officer - Previous comments were issued on the 28th of March 2018. The contents of these comments have been addressed and there is no further objection to the proposal. The development should be conditioned to be in accordance with the arboricultural report and the tree protection measures conditioned to be installed prior to development commencing and retained thereafter. (13/05/2019)

Previous comment - It is noted that a number of trees on the southern boundary are impacted by the proposals. Whilst the site is outside the adjacent conservation area, it is directly abutting it and as such the tree cover is considered important. Whilst the voracity of the applicant's comments is in no way criticized in regards to the species of the tree, the council's policy in such matters is to require an Arboricultural Impact Assessment in accordance with the Trees SPD 2016. This will inform us of the impact of the development in a way that is in adherence with the current policies. Therefore, at this point we are unable to support this application for the reasons stated above. It is requested the

applicant submit a detailed tree survey to BS5837 standards, and this should include both tree protection measures and a shading map (the trees are on the south and much of the proposed garden is expected to be in shade) and if required planting plans to mitigate any trees felled for development (28/03/2019).

Staffordshire County Council (Highways) – No objection subject to the imposition of conditions. There is a widening/betterment of the existing access, adequate visibility splays are achieved. (02/07/2019).

Previous comment – No objection subject to the imposition of conditions (25/04/2019).

Previous comment – No objections on Highway grounds subject to the imposition of conditions (28/03/2019).

Previous comment – The application should be refused as the application fails to demonstrate an access of adequate dimensions for the proposed intensification of use and fails to show suitable vehicular and pedestrian visibility splays and that all parking spaces are accessible and are of adequate dimensions (21/03/2019).

Severn Trent Water – As the proposal would have minimal impact on the public sewerage system, I can advise that we have no objections to the proposal and do not require a drainage condition to be applied. (04/03/2019).

Fazeley Town Council – No comments received.

Canal & River Trust - The application site falls outside of the notified area for its application scale. There is no requirement to be consulted on this application. (15/04/2019).

Environment Agency - The proposed development poses low environmental risk, therefore we have no comments to make. (14/03/2019).

Ecology Team – The Ecology Team is satisfied with the methodology and the information provided within the submitted (preliminary ecological appraisal). The Ecology Team concurs with the conclusions of the appraisal in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2018); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, subject to accordance with the appraisal recommendations.

The LPA is therefore in a position to demonstrate compliance with regulation 9 (3) of the Habitat Regs. 1994 (as amended 2018), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its Biodiversity Duty (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, adherence by the applicant to all recommendations for mitigation, enhancement and methods of working detailed within the Preliminary Ecological Appraisal must be made a condition of any future planning approval (i.e. Trees and lighting, nesting birds, avoidance of pollution on development sites and construction sites, construction cautions, protected species). It is also advised that a Habitat and Landscape Plan be conditioned as part of the scheme.

In addition to the Ecology Teams comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (26/06/2019).

Previous comment - The Ecology Team currently does not have enough information in respect of the impacts to biodiversity to be able to provide adequate response to enable the LPA to make a planning decision.

Based on the sites location, the habitats adjacent and due to the high amount of protected/priority species records with 2km (as shown by SER) it will be required that the applicant submits a Full Ecological Appraisal (extended phase 1 habitat survey) for the site. (10/05/2019).

LETTERS OF REPRESENTATION

7 letters of objection have been received in respect of this application. The comments made are summarised as follows:

- Backland style development/Layout;
- Scale and design;
- Impact on streetscene;
- Impact on ecology;
- Highway safety/visibility;
- Increase in vehicular traffic;
- Unsatisfactory level of amenity for future occupiers;
- Harm to neighbour amenity (loss of light, overshadowing, overbearing impact);
- Loss of outlook;
- Loss of privacy;
- Noise disturbance;
- Odour disturbance/Air quality;
- Light pollution;
- Impact on sewerage network;
- Loss of trees and green space (including felling of trees prior to the submission of the application);
- Flooding;
- Potential for extension into the roofspace;
- Similar applications have previously been refused at the site;
- Right to light;
- Impact on property values.

2 letters of objection have been received from former Ward Councillors Shepherd and Hoults. Comments received are summarised as follows:

- Access and Egress to Lichfield Street;
- Lack of turning space within the site;
- Impact on ecology;
- Harm to neighbour amenity (overshadowing and loss of light);
- Loss of privacy;
- Flooding.

OTHER BACKGROUND DOCUMENTS

Planning Statement
Extended Phase 1 Ecological Survey
BS5837 Tree Survey & Arboricultural Impact Report

OBSERVATIONS

Site and Location

This application site relates to a parcel of land which lies within the curtilage of number 355 Lichfield Street. The parent property is an end of terrace two storey dwelling. The property and its garden are located within the settlement boundary for Fazeley as defined by inset 11 of the Local Plan Policies Map.

The existing detached dwelling lies within a relatively spacious level plot, measuring approximately 55m long x 20m wide. The property benefits from a large rear garden leading down to the Bourne Brook Cut watercourse at the southern end of the site.

Access to the site is from Lichfield Street. The surrounding area is predominantly residential, although open fields are found to the northern side of Lichfield Street, opposite the site. The wider streetscene contains a mix of two storey and single storey dwellings. The site is not within a Conservation Area and there are no listed buildings in close proximity. There are no TPO trees on the site. The site lies entirely within Flood Zone 1.

Background

The application originally proposed a three bedroom bungalow within the rear garden of the parent property. During the course of the application, amendments have been made which has seen the proposal reduced to a 2 bedroom bungalow, with an associated reduction in footprint and volume.

Proposals

This application seeks permission for the erection of 1 detached bungalow on the land to the rear of the parent property. The dwelling would be a single storey property with a width of 10.18m, a depth of 11.59m, a height to eaves of 2.4m and a height to ridge of 5.11m. The dwelling would be a 2 bedroom property. It would have a roofscape which is predominantly hipped alongside a small flat roofed element to the rear of the property.

The scheme includes allocated parking for two vehicles plus areas of garden to the rear. Further works include the widening of the access adjacent to the roadside, which would allow for a passing point within the site. The scheme includes the subdivision of the existing plot and the retention/creation of amenity space and parking for the existing dwelling.

The application has been amended during its lifetime to provide an improved access from Lichfield Street following concerns raised by the Highways Officer. There has also been a reduction in the number of bedrooms from 3 to 2 and associated reduction in footprint and volume. Additional information relating to trees and overshadowing has also been provided.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology
7. Flooding and Drainage
8. CIL / Planning Obligations
9. Human Rights
10. Conclusion

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 The application proposed the erection of a detached dwelling within the settlement boundary for Fazeley, as defined by inset 11 of the Local Plan Strategy Policies Maps. Core Policy 1 states that new rural housing will be directed mainly towards the five identified key rural settlements, including Fazeley. Core Policy 6, which relates to housing delivery, states that housing development will be focused upon the key urban and rural settlements. Fazeley is identified as a key rural settlement within Core Policy 6. Policy Faz4, relates to housing in Fazeley, Mile Oak and Bonehill, and states that between 280 and 350 homes will be provided in the settlement. The policy confirms that infill development and the reuse of existing buildings and brownfield land will be prioritised.
- 1.3 The principle of residential development within the settlement boundary for Fazeley is therefore considered to be acceptable. Notwithstanding this, the acceptability of any scheme is subject to compliance with other Policies within the Development Plan, and satisfying generic Development Management considerations.

2. Design and Impact upon the Character and Appearance of the Surrounding Area

- 2.1 Core Policy 3 of the Lichfield District Local Plan states that development should protect and enhance the character and distinctiveness of Lichfield District Council, while development should be of a scale and nature appropriate to its locality. Policy BE1 states 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.
- 2.2 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, taking into account any local design standards or style guides in plans or supplementary planning documents”*.
- 2.3 The proposal seeks to construct a single detached bungalow within the rear garden of No. 355 Lichfield Street. The proposed development would result in a tandem form of development, with the proposed bungalow set 15-17m to the rear of the parent property. Brewster Close, which runs perpendicular to Lichfield Street, borders the site to the west. It is noted that objections have been received relating to the visual harm caused by building within the rear garden of the property.
- 2.4 Whilst in many instances development within the back garden can be at odds with the urban grain of an area, in this instance the relationship of the site to the built form of Brewster Close, which borders the site immediately to the west, would mean that the development of this plot would not be at odds with the grain of development in the area. It is noted that the properties in Brewster Close are bungalows. The amended scheme has seen a reduction in the size of the proposed dwelling and it would not be dissimilar in scale and footprint to those found on Brewster Close, however it is acknowledged that the proposed roof would be taller and of different form to existing dwellings. Notwithstanding this, given its positioning to the rear of the parent property, approximately 30m from the highway, the actual visual prominence of the bungalow would be limited. It is therefore considered that the bungalow would not appear prominent within the public streetscene.

- 2.5 It is noted that the proposal is very similar in terms of its scale and design to a scheme at the site in 1999. The application was dismissed at appeal at which point the inspector considered the design and siting of the development within the rear garden. Of relevance, the inspector stated:

"The bungalow would be constructed in a secluded position. It would be largely screened by the existing development, with public views only available from the access. From this vantage point, it would not appear out of keeping with the existing development, given the bungalows on Brewster Close immediately to the west, which extend back from Lichfield Street. Although the garden area of No 355 would be significantly reduced in size, both the existing and proposed dwellings would have gardens comparable to other properties in the vicinity, and somewhat larger than those of the bungalows. Consequently, I do not find that the appeal proposal would disturb the existing balance of buildings and garden areas to any significant degree. The appearance of the bungalow would not be out of keeping with its surroundings. In particular, the scale, design and materials would be consistent with those of the existing bungalows, and the appeal proposal would thereby comply with the requirements of criterion 4 of Policy DC.1."

"I conclude ... that the proposed development would not be damaging to the character and appearance of this part of Fazeley."

- 2.6 In this instance, it is considered that the inspector's views would still be valid and whilst the design of the property would be different to the bungalows found in Brewster Close, the development would be discretely positioned and would have only limited prominence when viewed from public vantage points. The current proposal would be finished in render, which is not an uncommon material within the wider streetscene.
- 2.7 On balance, it is considered that the proposal would not adversely impact upon the visual amenities of the area and the development is considered to be acceptable and compliant with Core Policy 13 and Policy BE1 of the Local Plan Strategy and the guidance contained within the NPPF.

3. Residential Amenity

- 3.1 The NPPF emphasises that planning should seek a good standard of amenity for all existing and future occupants of land. Core Policy 3 of the Local Plan Strategy seeks to protect the amenity of residents and improve overall quality of life, while Policy BE1 states that development which causes disturbance through unreasonable traffic generation, noise, light dust, fumes or other disturbance should be avoided. The Sustainable Design Supplementary Planning Document sets out spacing standards, which seek to ensure a satisfactory standard of amenity for existing and future residents.

Impact on neighbour amenity

- 3.2 The application proposes the construction of a detached bungalow within the rear garden of the existing dwelling. The existing boundary of the garden is surrounded by a 1.8m tall fence and an additional section of 1.8m fencing is proposed to separate the plot from the host property. The property would be set 11m from the nearest bungalows in Brewster Close to the west and 14.5m from the rear elevation of the parent property. The proposed massing of the development complies with the 45/25 degree standards in relation to outlook from all neighbouring properties.
- 3.3 The proposed dwelling would be built perpendicular to the rear elevations of the bungalows in Brewster Close and would be set approximately 4m from the boundary. As no habitable windows are proposed on the side elevation of the proposed dwelling which would face Brewster Close, the SPD outlines that a minimum separation distance of 10m should be achieved. In this instance a separation of 11m would be achieved. The separation coupled

alongside the single storey nature of the dwelling with its roof hipped away from the boundary would avoid any undue overbearing impact upon the residential amenities of the properties in Brewster Close.

- 3.4 The proposed dwelling would be set approximately 14.5m from the nearest ground floor element at the rear of the host property. Given the single storey nature of the proposal and the proposed erection of a fence between the two properties, the SPD requires a minimum separation of 13m. The development complies with this spacing requirement in relation to ground floor separation distances in this respect and there would be no privacy issues arising in this respect. For the remaining first floor window relationships, the Sustainable Design SPD outlines that there should be at least 21 metres between dwellings where primary principal habitable windows face each other. This distance is met to one of the windows on the rear of the parent property. However, the parent property has a two storey rear projecting element with rear facing window, which is set 18m from the proposed bungalow. This window currently serves a bedroom and is clear glazed. The spacing is 3m below the recommended distance in the SPD for facing habitable windows. It is noted that the applicant intends to convert the room to form a bathroom with an obscure glazed window added. Whilst there are no guarantees that the bedroom would be converted to a bathroom, it is also important to consider the realistic opportunities for overlooking between the windows on the proposed bungalow and the existing first floor window. The ground floor to first floor relationship would result in an angle at which views between the windows would not be direct. Instead, views from the bungalow towards the existing dwelling would be angled up towards the ceiling with views towards the bungalow directed down towards the floor. As such greater flexibility should be offered to this 18m separation distance. In this instance, it is noted that a boundary fence would run across the proposed rear boundary of the parent property at a distance of 4.3m from the windows of the bungalow. The fence is currently indicated as being 1.8m tall, which would act as a barrier and restrict some views between the two windows. To further reduce opportunities for views between windows, officers are satisfied that imposing a condition requiring this fence to be 2.3m tall would realistically restrict all opportunities for harmful levels of overlooking to be achieved. This increased height of fence would not be overbearing in nature to future occupants of any of the surrounding properties.
- 3.5 The development would be set roughly 1m from the shared side boundary with the neighbour at No. 353 Lichfield Street and would align broadly with the central part of its rear garden. There are no windows proposed on the side elevation of the dwelling facing the neighbouring garden and the existing fence would provide some screening of the development. Whilst the proposed dwelling would come to within 1m of the boundary of the neighbour's garden, its roof design would hip away from the boundary, reducing the overall massing and dominance, alongside allowing more natural light to enter the garden space. The proposal would have an acceptable relationship with this property and would not adversely impact upon the residential amenities of the neighbouring property through loss of privacy, overbearing or overshadowing.
- 3.6 It is acknowledged that this neighbour has gained planning permission for a part single/part two storey rear extension under planning application 18/01624/FUL. Works on the extension have yet to commence. The separation distance between the bungalow and the nearest habitable windows in the ground floor element would be 15.5m and 16.5m to the nearest first floor habitable window. Whilst the separation to the first floor habitable window would fall below the recommended distances in the SPD, it is noted that the windows are offset and would not directly align with one another. Instead, views would be at an oblique angle and would not result in direct views between rooms. Additionally the proposed boundary fencing along the rear of the garden to be formed for the parent property would form a physical barrier between the two properties. This is currently shown at 1.8m in height, however, this could be increased to 2.3m to further screen the development and avoid likely opportunities for incidental views between windows. The development would satisfy the 45/25 degree standards from rear facing windows of the neighbouring extension scheme.

- 3.7 The proposed bungalow would have an outlook on to the Bourne Brook Cut and existing vegetation from its rear facing windows. Views directly from the rear windows or garden space would not be to key parts of the neighbouring gardens and would be well away from neighbouring habitable room windows.
- 3.8 The proposal would result in additional noise at the site, generated by day to day activities including vehicle comings and goings and the use of outdoor areas. Whilst this was identified as a reason for refusal in the previously dismissed appeal, I am mindful that the scheme is for a two bed property where the number of inhabitants would reasonably be expected to be low. The frequency of vehicle movements would therefore be expected to be limited throughout a typical day and any movements would be short in duration. To limit the amount of noise generated by vehicle comings and goings, a condition could be imposed requiring the material to be used in the driveway to be finished in a porous and bound material, as opposed to an alternative material such as gravel, which would generate a certain amount of noise. Additionally, given the close proximity of neighbouring dwellings, any additional noise generated from day-to-day use of private amenity space would not be significantly increased above existing levels experienced across the wider area. The Council's Environmental Health Officer has been consulted on the application and has not raised any objections to the proposal in this respect. Concerns have been raised relating to the opportunity for dormer windows and/or rooflights to be inserted into the bungalow in the future, which given the close proximity to neighbouring gardens, could allow for opportunities for overlooking to arise. It is therefore considered reasonable to remove permitted development rights removing the potential to make any enlargements or alterations to the roof of the property. On balance, subject to the imposition of relevant conditions, I am satisfied that the proposal would not adversely impact upon the amenities of neighbouring residents.

Future Occupants

- 3.9 The proposal is for a 2 bedroom detached bungalow with allocated parking space for two vehicles. The proposal shows an area of garden space to the side and rear of the property. The SPD outlines the minimum garden size required for a two bed dwelling as 45 square metres. The SPD also recommends that gardens are a minimum of 10m in length. This proposed garden area would be comfortably exceeded 45 square metres, however, given the tapered nature of the rear boundary, at its shortest point, it would be only 7m in length. As the plot width is relatively generous (15m) and at its longest point the garden would be roughly 15m beyond the rear elevation of the property, I am satisfied that adequate private amenity space would be provided. The outlook from the primary habitable windows in relation to the surrounding properties complies with the 45/25 degree standards.
- 3.10 The proposal would divide the plot and inevitably result in a reduction in the size of the garden to the existing property, which is a 3 bed dwelling. The Sustainable Design SPD outlines that 3 and 4 bed property should benefit from a minimum garden size of 65 square metres. The resulting garden space for the existing property would be 13.6m deep at its longest point and provide an enclosed rear garden measuring over 100 square metres. The property would also retain two parking spaces and its double garage. The LPA is therefore satisfied that adequate space would be retained to maintain a satisfactory amount of residential amenity for future occupants of the existing dwelling. The built form of the proposed dwelling would not exceed the 45/25 degree standards and an adequate outlook from rear facing windows would be retained.
- 3.11 In light of the above, it is considered that the proposal will not cause detriment to the neighbouring properties, and would provide acceptable standards of living for future and existing residents of the locality. As such the development would accord with the Sustainable Design SPD, Local Plan Strategy and the NPPF in this regard.

4. Access and Highway Safety

- 4.1 The scheme proposes to use the existing access from Lichfield Street. This would be shared with the occupiers of the parent property.
- 4.2 The Sustainable Design Supplementary Planning Document outlines that a two bed property should have 1 allocated parking space and a 3 bed property 2 allocation spaces. In this instance the parent property is a three bed and the proposed bungalow would have two bedrooms. The parent property would retain two parking spaces and also a double garage. The proposed bungalow would benefit from two parking spaces, which would be one more than required under the SPD standards. The scheme would therefore provide sufficient parking provision, which would be in accordance with the parking standards set out in the Sustainable Design SPD for both the proposed and existing property. An appropriate level of off street parking would therefore be provided. In any event there is sufficient space within the site for additional visitor parking.
- 4.3 The parent property benefits from a single access from Lichfield Street. The application proposes to use the existing access to serve both the parent property and the proposed bungalow, thus resulting in an intensification of its use. An initial survey drew an objection from the County Council Highways Officer on the grounds of the inadequate width of the access and drive for the intensified use and also queried visibility and parking space sizes.
- 4.4 The application was subsequently amended to increase the width of the access drive within the first 6m from the carriageway, thereby allowing sufficient space for vehicles to pass each other within the driveway and avoiding the need for vehicles to wait on Lichfield Street. The Highways Officer has reviewed the amended proposals and considers that there would be a betterment to the existing access and he has no objections on highways grounds, subject to the imposition of 4 conditions requiring the widening of the access crossing to 4.8m in width, details of surface water drainage and outfall, car parking and manoeuvring areas to be completed in a bound and porous material and a Construction Management Plan. An informative is also recommended outlining the requirement for the applicant to achieve a Section 184 Notice of Approval from SCC Highways in relation to any works to form the widened access.
- 4.5 Concerns have been raised by neighbours relating to the proximity of the access to an adjacent litter bin and bus stop sited on the pavement and the resulting impact on pedestrian and highway safety. The Highways Officer notes that the pavement in this location is relatively deep at approximately 3.6m with the litter bin and bus stop set at its rear. The Officer is also aware that the positioning of the bin has moved during the lifetime of the application, as it is not a fixed structure. Irrespective of this, the litter bin and cantilevered bus stop are set at the back of the pavement away from the carriageway. Traffic speeds on Lichfield Street are limited to 40mph and there is a speed camera close to the site. The Manual for Streets document would require 73m of visibility for the driveway junction. In this instance, the litter bin and bus stop are not located within the visibility splays (set at a point 2.4m back from the rear of the carriageway) and the recommended visibility splays are achieved.
- 4.6 In light of the above, the proposal is considered to achieve satisfactory levels of parking provision, would achieve a betterment to the existing access and would not adversely impact upon the functioning and safety of the local road network.

5. Impact on Trees

- 5.1 Policy NR4 (Trees, Woodland and Hedgerows) of the Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document both acknowledge that trees, woodland and hedgerow are important visual and ecological assets in the District's towns, villages and countryside. They also seek to ensure that trees are retained, unless their removal is necessary.

- 5.2 The site is not within a Conservation Area and there are no TPO protected trees on the site. Several trees were felled from the land prior to the submission of the application. A line of mature trees runs along the rear boundary of the site adjacent to the Bourne Brook Cut Watercourse.
- 5.3 An arboricultural assessment has been undertaken on the remaining trees at the site, which grow along the southern boundary. Of the remaining line of trees, two are considered to be Category U (trees unsuitable for retention) and none are considered to be of such merit to warrant protection by TPO.
- 5.4 A small group of conifers would be felled in the south eastern corner of the site, with the remainder of the remaining trees retained and their root protection zones enclosed by protective fencing. Additional landscaping could be achieved across the site through the imposition of the landscaping condition.
- 5.5 The Council's Arboriculture Officer has reviewed the proposal and raises no objections subject to the imposition of conditions requiring the development to be in accordance with the arboricultural report and recommended tree protection measures for the duration of the development.

6. Ecology

- 6.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 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. Due to the Local Planning Authority's 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, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measureable net-gain to biodiversity is also a requirement of all developments under Policy NR3 of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.
- 6.2 A detailed ecological survey of the site has been undertaken combining a desk based assessment and a site visit by a qualified Ecologist. The report acknowledges that the site consists primarily of hardstanding (driveway and paths), amenity grassland, non-native trees and a stream which is outside of the red line site. The report outlines that the ecological value of the land within the red line site itself (which excludes the watercourse) is low to negligible.
- 6.3 The report outlines a number of recommendations which would ensure no net loss of biodiversity from the site, which includes measures to protect biodiversity for the duration of construction works, control of external lighting and measures to encourage new ecological habitats for a range of animal species including birds, bats and insects.
- 6.4 The Council's Ecologist is satisfied with the methodology, findings and recommendations of the report. The Ecologist recommends adherence by the applicant to all recommendations for mitigation, enhancement and methods of working detailed within the Preliminary Ecological Appraisal must be made a condition of any future planning approval (i.e. Trees and lighting, nesting birds, avoidance of pollution on development sites and construction sites, construction cautions, protected species). It is also advised that a Habitat and Landscape Plan be conditioned as part of the scheme. A further condition could be imposed requiring details of measures to protect the nesting site for a ground nesting bird (swan), which regularly nests on the banks of the stream within the adjacent garden. This could be satisfactorily achieved by extending the area of protective fencing (surrounding the root protection area of trees) to span the full width of the plot.

- 6.5 Subject to the imposition of the relevant conditions, I am satisfied that the proposal would provide a net gain in biodiversity across the site and the development would therefore comply with Policy NR3.
7. Flooding and Drainage
- 7.1 The site lies in Flood Zone 1 where it is at the lowest risk of flooding from surface or river flooding. Concerns have been raised relating to potential flooding problems as a result of the development. Whilst there are issues relating to surface water in the wider locality, the site itself is not identified as suffering from such issue on the Environment Agency's flood maps. The Environment Agency's Planning Advisor is satisfied that the proposed development poses low environmental risk and raises no objection to the proposal.
- 7.2 It is noted that foul water would be disposed of to mains sewer and surface water to soakaway. Severn Trent water raise no objection regarding sewerage disposal. The scheme proposes large expanses of hardstanding which would link the dwelling to the highway. A garden would be left to the rear of the property. It is noted that the highways officer has requested the imposition of a condition relating to surface water drainage and outfall from the proposed parking and manoeuvring area. The Officer has also requested that the surface being completed in a porous and bound surface. Such conditions would ensure the satisfactory drainage of the site.
8. CIL / Planning Obligations
- 8.1 The Council's Supplementary Planning Document 'Developer Contributions' details the Council's CIL requirements for development. Lichfield District Council began charging the Community Infrastructure Levy (CIL) on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. The application would result in the construction of an open market dwelling located within the lower rate charging zone, which is currently set at £25 per square metre of habitable floor space.
9. Human Rights
- 9.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.
10. Conclusion
- 10.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.
- 10.2 The scheme would allow for small scale economic benefits through the construction of the dwelling. Socially, the scheme is considered to have an acceptable impact upon residential and neighbouring amenity, subject to the imposition of conditions and environmentally it can be demonstrated that there would be measures in place to ensure a net gain to biodiversity. Subject to the imposition of conditions as outlined above, the application is therefore recommended for approval.

LOCATION PLAN

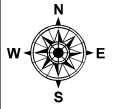
19/00260/FULM
Central Bus Station
Birmingham Road
Lichfield

Scale: 1:2,000

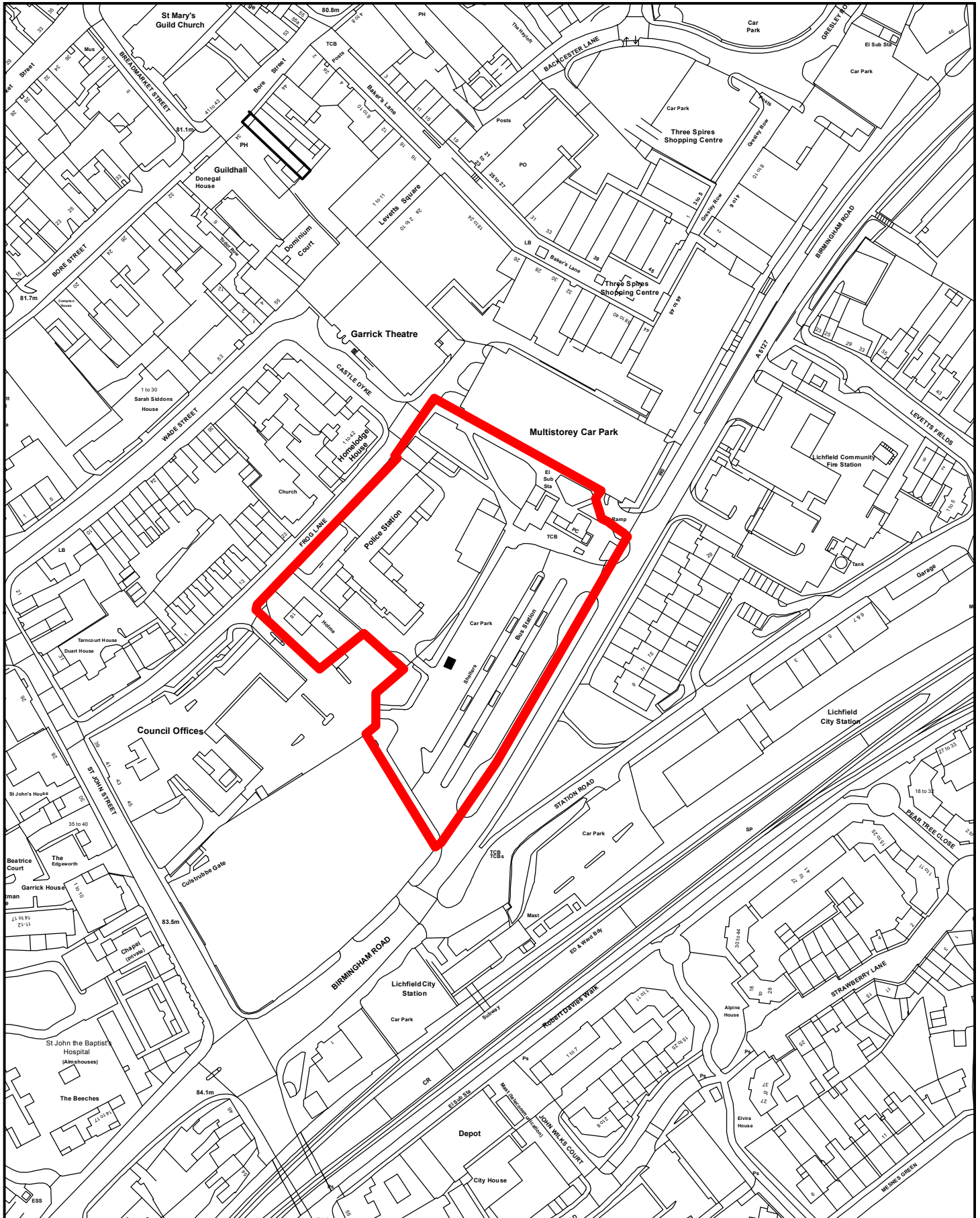
Dated: July 2019

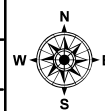
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19/00260/FULM

DEMOLITION OF EXISTING POLICE STATION BUILDINGS AND BUS STATION KIOSK / TOILET BUILDINGS, REMODELLING OF BUS STATION INCLUDING PROVISION OF COACH PARKING, CREATION OF CAR PARK, REPLACEMENT BUS SHELTERS, TEMPORARY TOILET FACILITIES AND ASSOCIATED LANDSCAPING WORKS

CENTRAL BUS STATION, BIRMINGHAM ROAD, LICHFIELD, STAFFORDSHIRE

FOR MR C JORDAN Registered 12/03/2019

Parish: Lichfield

Note: This application is being reported to the Planning Committee due to the land subject of this application being owned by Lichfield District Council and the applicant also being an employee/on behalf of Lichfield District Council.

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 otherwise be required by other conditions to which this permission is subject.
3. The surface level car parking authorised by this permission shall be removed on the expiration of 5 years from the date of this permission and the land thereafter altered, in accordance with a scheme of works to be first submitted to and approved in writing by the Local Planning Authority, 6 months prior to the 5 year deadline.

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

4. Before the development hereby approved is commenced, excluding demolition, full details of the following shall be submitted to and approved in writing by the Local Planning Authority;
 - i) The colour of bus shelters;
 - ii) Details of car park information signage (including any illumination);
 - iii) New boundary treatments (including the proposed timber rail fence) or alterations to existing;
 - iv) Details of the footpath finish;
 - v) All facing materials for WC block; and,
 - vi) Details of street furniture including any seating, lighting, bollards, lamp posts, parking meters, CCTV structures and interpretation or other panels/plaques.

The development shall thereafter be carried out in accordance with the approved details.

5. Notwithstanding the submitted details, before the development hereby approved is commenced, excluding demolition, a detailed landscape and planting scheme to include a minimum of 8 trees (as shown on plan 3413-02 Revision L), a watering schedule and details of landforms over the in-situ building slabs and how landscaping will be established, shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the completion of demolition work.

6. Notwithstanding the submitted details, before the development hereby approved is commenced, including any site clearance and demolition works, a Construction Environmental 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, cabins, material storage areas and vehicular access point;
 - ii) Specify the delivery and working times;
 - iii) Specify the types of vehicles;
 - iv) Specify noise, air quality and dust control;
 - v) The management and routing of construction traffic;
 - vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - 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 throughout the demolition and construction period.

7. Before the development hereby approved is commenced, protective fencing and other protective measures to safeguard existing trees on the site, shall be provided in accordance with 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 from the site.
8. Before the development hereby approved is commenced, excluding demolition works, drainage plans for the disposal and treatment of foul sewage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use or first occupied and thereafter be maintained for the life of the development.

All other CONDITIONS to be complied with:

9. Before any works begin on the widened vehicular access off Frog Lane, an arboriculture method statement, detailing any work to be undertaken within the root protection area of the adjacent Hornbeam tree, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in full accordance with the approved method statement.
10. Before the car park hereby approved is first brought into use, the site access road, footway, and parking areas as shown on the approved plan 3413-02 Revision L, shall be provided and surfaced in a bound material, with the individual parking bays clearly delineated and thereafter retained for the life of the development.
11. Before the development hereby approved is first brought into use, the revised access and egress arrangements for the site, as shown on approved plan 3413-02 Revision L, shall be provided and thereafter retained for the life of the development.
12. 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.

13. The development hereby approved shall only be carried out in broad accordance with the approved Flood Risk Assessment, report number 71842R1 dated 12.06.19 and the approved Drainage Strategy, detailed within the report number 71842.0181, dated 28.06.2019, both prepared by Geosmart Information Ltd and the following mitigation measures:
- i) Confirmation of the results of percolation testing to determine if infiltration is a suitable method for disposal of surface water.
 - ii) If infiltration is ruled out limiting the surface water run-off generated by the 100 year + 20% critical storm so that it will not exceed 5.0 l/s (minimum recommended to reduce the risk of blockage) and not increase the risk of flooding off-site.
 - iii) Provision of an appropriate volume of attenuation flood storage on the site to a 100 year + 20% climate change standard.
 - iv) The provision of linear drains along the Site boundary to limit flooding on the site and to mitigate against the risk associated with the identified surface water flow route.
 - v) The implementation of two treatment trains for the adequate treatment of surface water run-off in accordance with CIRIA C753 Simple Index Approach.
 - vi) Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule that is achievable.

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

14. Before the car park hereby approved is first brought into use, the vehicular access and associated visibility splays shown on approved plan 3413-02 Revision L, shall be provided and thereafter, the visibility splays shall be kept free of all obstructions over a height of 600mm above the adjacent carriageway levels for the life of the development.
15. Before the car park 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, 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.
16. 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, or a time period to match the requirements of condition 3, 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.
17. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the Preliminary Bat Roost Assessment and Bird Survey, produced by S. Christopher Smith dated 27th September 2018.
18. Within a maximum of 8 months following the demolition of the police building, the gates to the rear of the existing police station site shall be removed and the footpaths across the proposed grassed area, shown on approved plan 3413-02 Revision L, shall be completed in the material approved under the requirements of condition 4, and shall thereafter be maintained as such throughout the life of the development.

19. The replacement toilet facilities hereby approved shall be erected and completed within 2 months of the demolition of the existing public toilet facilities and shall thereafter be retained 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 the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development, to encourage the site's wider redevelopment and to safeguard the character and appearance of the Lichfield City Centre Conservation Area, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development, to safeguard the character and appearance of the Lichfield City Centre Conservation Area and in the interests of highway safety, in accordance with Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development, to safeguard the character and appearance of the Lichfield City Centre Conservation Area and to secure biodiversity enhancements within the development, in accordance with Core Policy 14 and Policies BE1, NR2 and NR3 of the Lichfield District Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment, Biodiversity and Development and Trees, Landscaping and Development Supplementary Planning Documents and the National Planning Policy Framework.
6. To safeguard the amenity of existing residents during the construction phase of development and in the interests of highway safety, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
7. To ensure that adequate measures are taken to preserve trees and their root systems, whilst work is progressing on site. in order to protect the character and appearance of the Lichfield City Conservation Area, in accordance with Core Policy 6, Policies BE1 and NR4 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.
8. To ensure that the development is provided with a satisfactory means of drainage, to minimise the risk of pollution and to ensure that a suitable surface water drainage solution is produced, in accordance with Core Policies 3 and 4 and Policies BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. To ensure that adequate measures are taken to preserve trees and their root systems, whilst work is progressing on site. in order to protect the character and appearance of the Lichfield City Conservation Area, in accordance with Core Policy 6, Policies BE1 and NR4 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and

Development and Historic Environment Supplementary Planning Documents and the National Planning Policy Framework.

10. In the interests of highway and pedestrian 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.
11. In the interests of highway and pedestrian 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.
12. To protect the amenity of future users, in accordance with the requirements of Policy BE1 of Local Plan Strategy and the National Planning Policy Framework.
13. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce creating or exacerbating a flooding problem and, to minimise the risk of pollution in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained in the National Planning Policy Framework.
14. In the interests of highway safety, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
15. To ensure the satisfactory appearance of the development, to safeguard the character and appearance of the Lichfield City Centre Conservation Area, to safeguard the amenity of existing residents and to preserve the ecological interests of the site, in accordance with Core Policy 14 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Policy BE2 of Local Plan Allocations Document, the Historic Environment and Biodiversity and Development Supplementary Planning Documents and the National Planning Policy Framework.
16. 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 Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
17. In order to protect protected species, nesting birds and their habitat, in accordance with Core Policy CP3 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
18. To ensure that pedestrian connectivity through the site is enhanced and to deliver public benefits through the development, in accordance with the requirements of Policy ST1 of the Local Plan Strategy, Policies 3, 5 and 8 of the Lichfield City Neighbourhood Plan, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
19. To ensure that this key community service is provided in a timely manner, in accordance with the requirements of Core Policy 4 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 the Lichfield Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and County 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 19 April 2016. A CIL charge will apply to all relevant applications determined on or after the 13 June 2016. 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.
4. The applicant is advised to note and act upon as necessary the comments of Western Power Distribution dated 15/03/19.
5. The applicant is advised to note and act upon as necessary the comments of the Environment Agency dated 02/04/19.
6. The applicant is advised that when seeking to discharge condition 6 the following hours of works, including delivery times, are likely to be considered acceptable:

07.30 to 19:00 Monday to Friday;
08:00 to 13:00 Saturday; and
No working on Sundays, Bank and Public Holidays.
7. The applicant is advised to consider the installation of electric charging points within the car park.
8. The off-site highway works will require a Highway Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Highway Works Information Pack and an application form for the Highway Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>.
9. The Council has sought a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

PLANNING POLICY

National Government Guidance

National Planning Policy Framework

National Planning Practice Guidance

Lichfield District Local Plan Strategy 2008-2029

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 4 – Delivering Our Infrastructure

Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 7 – Employment and Economic Development
Core Policy 8 – Our Centres
Core Policy 9 – Tourism
Core Policy 10 – Healthy & Safe Lifestyles
Core Policy 11 – Participation in Sport & Physical Activity
Core Policy 14 – Our Built & Historic Environment
Policy IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy

Lichfield District Local Plan Allocations (Focused Changes)

Policy ST4: Road and Junction Improvements – Lichfield City
Policy BE2: Heritage Assets
Policy Lichfield 3: Lichfield Economy
Policy LC2: Lichfield City Mixed-use Allocations
Site L26: Friarsgate, Birmingham Road

Lichfield City Neighbourhood Plan

Policy 3: Primary Movement Routes
Policy 5: Pedestrian Linkage of Friarsgate with the rest of Lichfield City Centre
Policy 7: Tourism and Cultural Industry Employment
Policy 8: Linkages with Lichfield Cathedral
Policy 9: Views of Lichfield Cathedral
Policy 11: City Centre Redevelopment Sites

Supplementary Planning Documents

Historic Environment
Sustainable Design
Trees, Landscaping and Development
Developer Contributions
Biodiversity and Development

Other Relevant Documents

Staffordshire and Stoke on Trent Joint Waste Local Plan
Tamworth and Lichfield Business and Economic Partnership (BEP) Strategic Plan 2014 -2018
Lichfield City Conservation Area Appraisal
Natural Environment and Rural Communities Act 2006
The Conservation of Habitats and Species Regulations 2017
Lichfield City Conservation Area Appraisal

RELEVANT PLANNING HISTORY

17/00906/FUL – Erection of 1 no. trolley bay in connection with retail store approved under
16/01294/FULM – Approved – 24.08.17.

16/01294/FULM – Variation of condition no.3 (approved plans) of application 15/01365/FULM to allow for the submission and approval of the siting and appearance of any external plant and outdoor seating – Approved – 04.05.17.

15/01365/FULM - Proposed demolition of existing multi-storey car park, car showroom, garage, semi-detached houses, police station, retail kiosks and partial demolition of a wall and erection of new mixed use retail-led development, known as Friarsgate, comprising 14,376 sq.m (gia) flexible units to be occupied for A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaway) purposes, 2,070 sq.m (gia) cinema (use class D2), 1,648 sq.m (gia) gym (use class D2), 81 apartments and 11 townhouses (use class C3) and relocated bus station and replacement multi-storey car park, together with associated landscaping, public realm, servicing, access and highways improvement works – Approved – 27.05.16.

11/00188/LBC – Demolition of part (13.5m) of the Grade II listed wall adjacent Council Offices (Extension of time for application 06/00607/LBC) – Approved – 08.04.11.

11/00187/CON – Demolition of buildings and structures including newsagent kiosk, Lichfield Mobility shop, Fusion Credit Union, Public toilets and electricity substation, unlisted portion of boundary wall to east of Friarsgate garage site and boundary wall around police station (Extension of time for application 07/00090/CON) – Approved – 08.04.11.

11/00184/CON – Demolition of 5 no. shops (36-44) Bakers Lane, Multi Storey car park, Police Station and associated buildings and 2 no. residential buildings (Holme & Little Croft), Frog Lane, bus shelters, garage and associated buildings, Birmingham Road, and garage and associated buildings, St John Street (Extension of time for application 06/00554/CON) – Approved – 08.04.11.

11/00098/FULM – Variation of conditions 2 and 40 of permission 11/00084/FULM to allow for a minor material amendment to the approved drawings and to allow up to 1,000 sq m of gross internal food retail (Class A1) floor space in unit R1, the use of units R29 and R41 for Class A3 purposes only and the use of the kiosks for Class A1 (food and non-food) and Class A3 purposes – Approved – 09/05/11.

11/000/84/FULM – Extension of time for the implementation of permission 06/00555/FULM – Approved – 08.04.11.

09/01270/CON – Demolition of timber valeting shed [at Tempest Ford St John Street] – Approved – 24.12.09.

08/00326/FUL – Variation of Conditions 11, 12, 13, 17, 30 and 49 of permission 06/00555/FULM to allow phased submission of details – Approved – 12.06.08.

08/00107/FUL – Alterations to permission 06/000555/FULM, comprising the reconfiguration of some of the retail units (R29, R30, R31, R32, R33 and R35A) to form a large single retail unit, together with associated amendments to car parking and servicing – Approved – 28.03.08.

08/00106/FUL – Variation of Condition 39 of permission 06/00555/FULM to allow food goods retail and additional Class A3 uses within three retail units – Approved – 28.03.08.

08/00105/FUL – Alteration to planning permission 06/00555/FULM to provide access ramp to Lichfield Railway Station from station car park – Approved – 28.03.08.

07/01061/FUL – Alterations to roof of 46-48 Bakers Lane (TJ Hughes) to accommodate revised lift core – Approved – 13.11.07.

07/01060/FUL – Amendment to planning permission 06/00555/FULM to include revised service area and lift core, pedestrian bridge link and redesign shop units and non-compliance with condition 47 of 06/00555/FULM – Approved – 19.11.07.

07/00090/CON – Demolition of buildings and structures including newsagent kiosk, Lichfield Mobility Shop, Fusion Credit Union, Public Toilets and electricity sub-station, unlisted portion of boundary wall to east of Friarsgate garage and boundary wall around police station – Approved – 06.03.07.

06/00607/LBC – Application for Listed Building Consent to “demolish part of (13.5 metres length) of the Grade II listed wall adjacent to the Council Offices” and to rebuild this on a different alignment – Approved – 21.12.07.

06/00555/FULM – A mixed use development comprising retail; restaurant/bars; hotel and other leisure floor space; offices and police facility; 56 residential apartments; public squares; public transport interchange, car parking and associated landscaping, servicing and access – Approved – 21.12.06.

06/00554/CON – Application for Conservation Area Consent to demolish all existing buildings within the application site which lie within the Lichfield City Centre Conservation Area specifically to, “Demolish 5 No. Shops (36 to 44 Bakers Lane), multi-storey car park, Police Station and associated buildings, 2 No. residential buildings (Holms and Little Croft) in Frog Lane, bus shelters, garage and associated buildings on Birmingham Road and garage and associated buildings, St John Street – Approved – 21.12.06.

CONSULTATIONS

Lichfield City Council – No objection. However raise concerns regarding the access and egress both being onto Frog Lane resulting in unacceptable additional traffic at the junction with St Johns Street. The replacement toilets should be completed before the existing ones are demolished. When permanent toilets are proposed they must be sufficient for tourist needs (28.06.19).

Previous Comments: No objection. Welcomes site progress. Surprised at the lack of reference to the fuel tanks under the police station and recommends that the toilet facilities be erected prior to the existing toilets being demolished (05.04.19).

Lichfield Civic Society – Notes that this is likely an interim plan for the site but consider the proposal to be timid and a more ambitious project should be attempted. Too much lawn is proposed, which should be relieved through appropriate landscaping. Attractive signage is recommended to welcome visitors and improve wayfinding. There should be a clear statement from the District Council as to their long term intentions regarding this important site (13.05.19).

Ecology Team – LDC – No objection. Happy with the methodology and information provided within the submitted Bat Survey. Concurs that the development is unlikely to impact upon European Protected Species. However, adherence of the applicant to all recommendation and methods of working detailed within the Bat and Bird Survey, should be secured via condition.

A further condition is recommended to ensure that if the demolition works are not undertaken outside of the bird nesting season (March to September) then prior to the commencement of any site clearance works, the site should be checked by a suitability qualified ecologist. If nesting birds are found to be present then clearance works cannot commence (05.07.19 & 18.04.19).

Conservation Team – LDC – No objection. The amended plan has addressed previous concerns regarding this development. The footpath through the site will improve permeability, as well as providing safe pedestrian access to the car park. The five new trees to the front of the site will help to create a sense of enclosure to Frog Lane. Noted that the Heritage Statement Addendum advises that a temporary 5 year permission is being sought. Therefore, the works have been designed to mitigate harm and offer clear public benefits (09.07.19).

Previous Comments: Object. The amended scheme fails to address any of the concerns previously expressed, namely the need to provide a sense of enclosure to Frog Lane, provide suitable pedestrian linkages across the site and provide evidence that landscaping can be successfully established. The removal of the seating area and closure of the vehicular and pedestrian access from the bus station, removes any of the positives previously offered by the development. The development therefore, fails to preserve the character and appearance of the conservation area, causing less than substantial harm. To address this issue, the applicant must therefore evidence demonstrable public benefit arising from the development, which it currently fails to do. The argument presently provided that the demolition works will open views of the Cathedral, needs to be evidenced within the submission, but should be noted that such will lead to the loss of these views being weighed in the balance against any future planning application to development the site at a later date. To further address the harm arising from the scheme, the applicant should demonstrate that all reasonable steps are being taken to ensure new development will proceed after the loss of existing built form occurs. As such the scheme should be amended to a temporary permission to ensure the wider redevelopment comes forward in a timely manner (18.06.19).

Whilst there are no objections in principle to the removal of the 20th Century buildings within the site, in this case their demolition is not accompanied by wider site redevelopment. It is for the applicant therefore to demonstrate that the proposal will either preserve or enhance the character and appearance of the conservation area. Presently, the scheme through failing to provide any pedestrian linkages through the site and a lack of landscaping to create any street scene enclosure, would have a harmful impact upon the character of the conservation area.

Recommended that consideration also be given the creating a second pedestrian access from within the site out into the bus station. Notes that any benefit derived from demolishing the police station, to open up views of the Lichfield Cathedral, will be of a temporary nature and will have to be weighed in the balance when a future redevelopment project is submitted for this site (01.04.19).

Environmental Health Team – LDC – The alteration to the bus station access arrangements, whereby all users of the public car park will access and exit the site from Frog Lane, will lead to further traffic queuing at the junction of Birmingham Road and St John Street. Pollution levels at this junction need to be reduced, where possible, in order to reduce Nitrogen Oxide emissions, which is leading to poor air quality in this area. Therefore, recommends a rethink of the proposal to revert back to that originally proposed, with dual access from both Frog Lane and Birmingham Road.

Previous Comments: No objection, subject to conditions requiring that, prior to the commencement of development details of a Construction Environmental Management Plan be submitted to and approved in writing by the Local Planning Authority. In addition, recommends suitable construction hours and a further pre-commencement condition to require the submission and approval of a contaminated land report, given that there are records of a discussed petrol station within the Police Station site (11.04.19).

Tree Officer – LDC – No objection, subject to conditions requiring details of any work to be undertaken within the root protection area of the Hornbeam, located adjacent to the widened vehicular access off Frog Lane, details of the planting and watering schedule for the landscaped areas shown on the submitted plans, including how the grassed areas will be established over the infilled building slabs and finally details of tree protection measures. Notes some concern regarding the siting of 3 trees within the area adjacent to the existing toilet block and whether sufficient soil capacity will be available to accommodate these specimens (08.07.19).

Previous Comments: The widening of the vehicular access onto Frog Lane could impact upon a substantial Hornbeam. The applicant is to provide details to ensure any impact upon this tree as a result of this development will not impact upon its health. The applicant needs to provide details of how the grass over the retained Police Station slab will be established. The proposed chain link fence to Frog Lane is visually harsh and should be replaced with shrub and tree planting. The amendments have resulted in a reduction to the number of trees to be felled, which has been

reduced to three. The 3 replacement trees are all shown within an island bed adjacent to retained foundations of the demolished former retail units. No details of soil volumes have yet been provided to demonstrate that this number of trees can be successfully accommodated in this location (03.06.19).

The application proposes the removal of 13 trees from within the Lichfield City Centre Conservation Area. The majority of these removals are not required for arboriculture reasons. Further justification is therefore required. In order to provide no net loss of trees, any which are to be removed need to be replaced. Additionally the site can achieve 20% canopy cover by planting the green area shown adjacent to Frog Lane. The applicant needs to provide additional information regarding the seating area proposed within the root protection area of protected trees and finally the landscaping scheme should be amended to increase the number of trees (15.03.19).

Staffordshire Historic Environment Officer (Archaeology) – The additional information does change our previous advice which stands. The submitted Building Recording Report is suitable and removes the need for a condition specific to this matter (17.06.19).

Previous Comments: No objection subject to a condition requiring the submission and approval, prior to the commencement of development of details relating to an Archaeological Watching Brief (05.04.19).

Staffordshire County Council (Highways) – No objections subject to a condition requiring that prior to the commencement of development details of a Construction Method Statement be submitted to and approved by the Local Planning Authority. Further conditions requested requiring, prior to the first use of the development that the revised access and egress, car parking, turning areas and pedestrian route arrangements be implemented. Finally request details of car park signage be agreed and implemented prior to the first use of the site (16.07.19).

Previous Comment: The Construction Environment Management Plan notes that the bus station is to be resurfaced but provides no detail of how this will be implemented and managed. Further details of HGV routing strategies for during construction is required. The statement also needs to provide details of site hours, the duration of works, details of the number of HGV movements etc. (01.07.19).

Object. The application fails to provide suitable pedestrian connectivity within the site and also fails to provide any cycle parking facilities (15.05.19).

Object. The application fails to provide a swept path analysis showing coaches entering, parking and leaving the site and also fails to provide suitable pedestrian connectivity. Additional comments made specific to seeking improvements to the scheme, including the provision of cycle parking facilities and internal parking layouts (12.04.19).

Staffordshire County Council (Flood Risk Officer) – No objection, subject to a condition requiring the development be carried out in accordance with the approved Flood Risk Assessment (12.07.19).

Environment Agency – No objections subject to a condition requiring the submission of a contaminated land report, should contamination be found during the course of development (04.07.19 / 02.04.19).

Western Power Distribution – Advise that there may be WPD assets in the vicinity of the development works (15.03.19).

Historic England – No comment (20.03.19).

Severn Trent Water – No response received.

Greens & Open Spaces Strategic Manager – LDC – No response received.

Spatial Policy & Delivery Team – LDC – No response received.

Central Networks – No response received.

Leomansley Area Residents Association – No response received.

LDC Estates Manager – No response received.

LETTERS OF REPRESENTATION

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

- Pedestrians will walk across the grassed area within the site as a short cut from the train station to the city centre, which will form a muddy track. Consideration should be given to forming a formal path now.
- Mature tree planting should be introduced along Frog Lane to screen the car park and bus station from residents.
- Will Frog Lane be resurfaced?
- People will picnic or play football on the grassed area leading to littering and anti-social behaviour.
- Zebra crossings should be formed across the car park and Lichfield Council's vehicle access points.
- The provision of 2 unisex toilets to serve the bus station / coach parking and public car park is inadequate.
- Will there be sufficient benches available to meet the needs of the site's future users and will all or only some of the bus shelters be replaced?
- Will electronic real time information be available within the bus shelters and National Express Coach stop?
- Have funding partnerships been sought with the bus companies, National Express and other relevant authorities?

OTHER BACKGROUND DOCUMENTS

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

Arboricultural Survey
Bat and Bird Survey
Building Recording of Lichfield Police Station
Design and Access Statement
Flood Risk Assessment
Heritage Statement
Heritage Statement (Addendum)
Surface Water Drainage Strategy

OBSERVATIONS

Site and Location

The application site comprises an area of 1.22 hectares located on land between Frog Lane and Birmingham Road. The site stretches from Frog Lane, to the North West to Birmingham Road to the south east. The site contains the former shop mobility unit, public toilets, two retail kiosks, the Lichfield Police Station and associated land and buildings, two now demolished residential units, formerly 18-20 Frog Lane and the bus station and its associated surface public car parking.

The whole of the site lies within Lichfield City Centre as identified by both Map 13.1 within the Local Plan Strategy and the Lichfield City Neighbourhood Plan and is also within the Lichfield City Centre Conservation Area.

There are a number of trees within the site, primarily located in the green space found between the multi-storey car park, found to the north of the site and Police Station; in the grounds of the Police Station; the 2 former dwellings on Frog Lane; and, also within a landscaping belt to the front of the existing Bus Station, adjacent to Birmingham Road.

In terms of neighbouring properties, along Birmingham Road, the development extends up to near Debenhams at its northern end and on the opposite side of Birmingham Road at this point, are a row of 10 two-storey residential properties (Numbers 9 to 29 Birmingham Road) with the Staffordshire Fire Station at the corner of Birmingham Road and Levetts Fields. Moving south along Birmingham Road is the Lichfield City Railway Station and a public car park, with a funeral directors toward the corner of Birmingham Road and Upper St John Street. Along St John Street on the opposite side of the road to the proposed development is the St Johns' Hospital, which is a Grade I listed building, currently occupied as separate residential units. District Council House abuts the site to the south west corner, situated on the corner of St John Street and Frog Lane. Part of District Council House is Grade II listed and part of the boundary wall (approximately 47 metres length), to the rear of the Council buildings is also Grade II listed. Along Frog Lane, opposite the site, are a series of two-storey dwelling houses, Wade Street Chapels' Church Hall and at the corner of Frog Lane and Castle Dyke is Home Lodge House, which contains residential units for the elderly.

Background

The original planning permission, which approved the redevelopment of the wider site, reference 06/00555/FULM, comprised a mixed use scheme containing retail (Class A1), restaurant and bars (Class A3/A4), a hotel (Class C1), cinema and other leisure floor space (Class D2), office (Class A2/B1), 56 residential units (Class C3), police facility, public squares, public transport interchange, car parking and associated landscaping, servicing and access. This permission was renewed in 2011 and subsequently expired in 2014.

This permission was revised in 2011 by application reference 11/00098/FULM, which sought the variation of conditions 2 and 40 to allow up to 1,000 square metres of gross internal food retail (Class A1) floor space in unit R1, the use of units R29 and R41 for Class A3 purposes only and the use of the kiosks for Class A1 (food and non-food) and Class A3 purposes.

The size of the wider development site was reduced following approval of the above identified application, in order to exclude an area of land outside of the railway station, which was historically proposed to form part of the redesigned bus station, along with alterations to the quantum of retail floorspace (a reduction of approximately 33%).

Application 15/01365/FULM permitted in May 2016, allowed for the demolition of all of the buildings within this site, namely the existing multi-storey car park, car showroom, garage, two semi-detached dwellings, the police station, retail kiosks and the partial demolition of the wall to the rear of the Council's offices. To replace these buildings and structures it was proposed to erect a new mixed use retail led development, comprising 15,031 square metres of flexible units to be occupied for retail (Class Use A1), financial and professional services (Class Use A2), restaurant and cafes (Class Use A3), drinking establishments (Class Use A4) and hot food takeaway purposes (Class Use A5). In addition, it was proposed that the development would contain a 2,070 square metre cinema (Use Class D2), a commercial gym (Use Class D2), 81 apartments and 11 townhouses, a relocated and re-modelled bus station and a replacement multi-storey car park. Associated with these works would have been alterations to the site's landscaping, public realm, servicing and access arrangements and highway improvement works.

A minor material amendment application to vary condition 3 (approved plans) of approved application 16/01294/FULM was approved in May 2017, which enabled the addition of two further

conditions to the 15/01365/FULM decision notice. The first condition permitted the siting, scale and screening parameters for plant associated with the commercial units, on the roof of Blocks A, B, C, E, F and T. The second condition enabled the future submission of details relating to the location and operational hours of any future outdoor seating, associated with an on-going commercial unit.

A further application reference 17/00906/FUL was permitted in August 2017 for the erection of a trolley bay to the front of Block E, whilst application 17/01132/FULM permitted a minor material amendment to approval 15/01365/FULM, to allow for the variation of condition 3 to amend the car parking layout and vehicular access to the proposed multi-storey car park.

Under the allowances of the above noted permissions 18-20 Frog Lane and the former Ford Garage were demolished.

Proposals

This application seeks permission for the demolition of the existing police station building and associated garage structure, along with the bus station kiosk, which includes public toilets. A temporary permission of 5 years is thereafter sought for the creation of a new car park within the current Police Station site. In addition permission is sought for the remodelling of the existing bus station, to include the provision of additional coach parking, the erection of replacement bus shelters, temporary toilet facilities and associated landscaping works.

The demolition elements of the proposal would see the removal of the police station and its associated former garage, along with the kiosk building, which contains two empty retail units, a food kiosk and public toilets. It is proposed to replace the demolished toilets with a new toilet block, which is proposed on the site of the current retail units and is shown to be 3.4 metres wide, with a depth of 3.1 metres and a height to ridge of 4.0 metres. The building would contain 2 unisex toilets.

The existing bus station currently provides 8 bus stops, as well as an area for coach parking, which usually accommodates 2 large coaches. To the rear of the site there are two rows of off street car parking, which accommodate 50 spaces. The proposed revised station area will accommodate 10 coach bays, with 7 new bays formed in the location where the off street car parking is currently provided, with 1 new shelter shown to the rear of the police station site for this use. The bus area is to be resurfaced and altered through the addition of 1 further shelter. The shelter type proposed to be erected within the site matches in scale and appearance those already in situ, namely a Glasden Carleton or similar structure.

To enable the development, it is proposed to widen the existing vehicular access off Frog Lane, into the former police station site, to facilitate two way traffic movement, close the existing vehicular access from the police station into the bus station, where a pedestrian link, via a raised footway, would be introduced and provide a new pedestrian link between the bus station and Frog Lane. In addition, new tree planting is proposed, along with a timber knee rails to Frog Lane, the vehicular access from Birmingham Road into the Council Office's car park is to be altered to an 'in' only, with exit via Frog Lane.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Conservation Area
3. Archaeology
4. Residential Amenity
5. Highway Impact and Sustainable Travel
6. Arboriculture
7. Ecology
8. Flood Risk and Drainage
9. Other Issues
10. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District, relevant to this application, comprises the Local Plan Strategy 2008-2029, the Local Plan Allocations Document 2008-2029 and the adopted (made) Lichfield Neighbourhood Plan. Thus, full regard will be had to these documents and the relevant policies therein, in the determination of this application.
- 1.2 Paragraph 10 of the NPPF sets out a presumption in favour of sustainable development stating *“so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”*. Therefore, consideration has to be given to whether this scheme constitutes a sustainable form of development and whether any adverse impacts would significantly and demonstrably outweigh the benefits it would deliver.
- 1.3 The spatial strategy for Lichfield District, as set out in Core Policy 1 of the Local Plan Strategy, includes development focused in Lichfield City, including sites within the existing urban area. Core Policy 6 further supports the focus of development on key urban and key rural centres, with Lichfield City considered as the most sustainable settlement within the District. Strategic Policy 9 seeks to create a prestigious strategic city centre to serve Lichfield and beyond.
- 1.4 Core Policy 3: Delivering Sustainable Development states that the District Council will require development to contribute to the creation and maintenance of sustainable communities, and sets out key issues which development should address.
- 1.5 Core Policy 4 seeks to protect and where appropriate improve services and facilities that provide a key function in the operation of existing communities.
- 1.6 Core Policy 8 seeks to focus retail, leisure, office and cultural facilities within the commercial centre of Lichfield. This is further reinforced in the Vision for Lichfield City contained within Chapter 13 of the Local Plan, which states that *“by 2029 Lichfield City will be strengthened as a prestigious strategic centre... New retail, office and cultural, mixed-use developments will be delivered and through regeneration of the City Centre and its fringe”*.
- 1.7 Policy Lichfield 3: Lichfield Economy advises that the City Centre *“will be promoted as a strategic centre by improving its range of shopping, leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified in the City Centre whilst retaining the special architectural and historical character of the city”*.
- 1.8 Core Policy 9 of the Local Plan Strategy advises that Lichfield City will be promoted as a centre from which to access tourist attractions. The Lichfield City Neighbourhood Plan (Paragraph 5.1), which was made in 2018 and therefore carries full material planning weight, states *“one facility currently lacking in the City is coach parking. The provision of facilities in appropriate areas, such as adjacent to the University would be supported”*.
- 1.9 The economic impact of this scheme can be quantified within the report ‘Lichfield City Coach Tourism’ dated 31st May 2016, which highlights that there are in excess of 1,100 coach visits to the city every year, which directly contribute between £1.12 million to £1.39 million into the local economy. A growth in the number of coach spaces available to 9 would see this figure increased to between £1.5 – £1.85 million. If 30% of the coach stays could be

converted into overnight stays this would directly contribute to a spend of between £2.3 - £2.9 million.

- 1.10 Policy Lichfield 3 of the Local Plan Allocations Document states *“Lichfield City Centre will be promoted as a strategic centre by improving its range of shopping leisure, business, cultural, education and tourist facilities whilst sustaining and enhancing the significance of its historic environment and heritage assets and their setting. This will be achieved by exploiting redevelopment opportunities identified in the City Centre whilst retaining the special architectural and historical character of the City”*.
- 1.11 Policy LC2 of the Local Plan Allocations Document advises that *“The Friarsgate mixed used scheme (L27) (sic.) will be the focus of new retail development in the city centre and accounts for its retail floorspace requirement in the short and medium term. The delivery of Friarsgate is a strategic priority for the Council and is vital to the future vitality of the city centre”*.
- 1.12 Site L26: Friarsgate, Birmingham Road identifies that the site will yield approximately 95 dwellings along with comparison and convenience retail uses. The key development considerations detailed for the site are:
- Design and scale of development to be considered in the context of the site's location within the conservation area and proximity to heritage assets.
 - Mixture of uses should be provided including residential and retail given the sites location within the City Centre - development should comply with Policy Lichfield 3.
 - Consideration of how mixture of uses can be incorporated into the development and the City Centre and adjacent development sites.
 - Completion of appropriate investigation works to establish the extent of any ground contamination and whether mitigation measures are required.
 - Design should consider setting of Lichfield Cathedral including historic views or skylines.
 - Design of scheme should consider the operational needs of the Garrick Theatre, including maintaining heavy vehicle access.
- 1.13 Policy 11 of the Lichfield Neighbourhood Plan advises that redevelopment schemes will be supported within Lichfield City Centre, which deliver high quality design that demonstrates full regard for the historic environment of the City Centre, and demonstrate that any main town centre and residential uses proposed will positively contribute to the viability and vitality of the City Centre.
- 1.14 Policy 7 of the Lichfield Neighbourhood Plan advises that *“Development proposals that will create additional local jobs or protect existing jobs in the tourism or cultural industries will be supported”*.
- 1.15 The relevant policies within the Development Plan, as detailed above therefore, support the continued expansion of facilities, including coach parking, in order to enhance Lichfield's tourism offer. Thus, the works proposed to the existing bus station to create the additional 8 coach parking bays, in principle terms, are supported. The provision of replacement and enhanced car parking facilities to enable and facilitate this facility can also be deemed to be in accordance with the development plan.
- 1.16 The retail units lost to enable the development are not considered to be important in context of the centres' vitality and viability. The toilet facilities could be considered, in the context of Core Policy 4 of the Local Plan Strategy, to be a key service for the community, but they will be replaced with temporary facilities that will subsequently, likely be replaced and enhanced within the subsequent wider redevelopment scheme. A condition is however recommended to ensure that the temporary toilet facilities are provided within a timely manner, following the demolition of the existing. The loss of the Police Station has been

addressed through replacement facilities, which have been erected at the junction of Eastern Avenue and Stafford Road (planning reference 15/00391/FULM).

- 1.17 It should be noted, notwithstanding the above initial policy considerations, that this site, which forms part of the wider 'Friarsgate Development', is allocated within the Development Plan to deliver both housing and commercial development, which is considered to be vital to securing the future vitality and viability of Lichfield's City Centre. The Heritage Statement Addendum submitted with this application advises that the applicant is currently in the process of procuring consultants to prepare an overarching Masterplan for the redevelopment of the wider site, which is scheduled to be completed by the end of 2019. A planning application for the site is proposed to follow in 2020/2021. These works therefore are considered to be an interim solution, whilst a new redevelopment plan is sought, hence the request for a temporary permission only.
- 1.18 Overall, on balance, it is considered, in principle terms that the scheme will offer short term tourism benefits, which through the application of a condition limiting the use of the site to such for 5 years only, would not restrict in any way the wider redevelopment of the site, which remains vital for securing the Local Plan Strategy's vision for Lichfield City Centre.
- 2.0 Design and Impact upon the Character and Appearance of the Conservation Area
- 2.1 The character of this application site and its immediate surroundings is varied, as it includes part of the medieval street plan and archaeological digs have confirmed the location of the historic city ditch, but much of the area currently consists of large municipal buildings and spaces constructed in the 1960's and 1970's and smaller buildings constructed in the late twentieth century.
- 2.2 Due to the nature of this area there are relatively few buildings of special character compared to other sites within the city. The buildings within this part of the conservation area as a whole do not have the same wealth of architecture of many of the other focal points of the conservation area within Lichfield. In particular it is noted that the Lichfield City Conservation Area Appraisal notes that the police station is "unsightly", whilst the bus station kiosk is also of little architectural merit.
- 2.3 Whilst the buildings within the site do not in themselves offer architectural merit, they do, in the case of the Police Station, perform a valuable built form function in enclosing the street scene, with the pattern of development along Frog Lane, being created through buildings being sited immediately, or near immediate, to the rear of the footpath. Given this assessment, the site's location within the City's Conservation Area and proximity to a number of listed buildings, including the Grade II Listed Council Offices, careful consideration of the scheme's visual impact, along with its compliance with the Development Plan is required.
- 2.4 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"*.
- 2.5 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"*.
- 2.6 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;
 - establish a strong sense of place;
 - respond to local character and history, and reflect local surroundings and materials;
 - create safe and accessible environments; and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 2.7 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”*.
- 2.8 Policy BE2 of the Local Plan Allocations Document states that *“Development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting...”* Clear and convincing evidence will be required for any harm or loss to the significance of a heritage asset.
- 2.9 The Policy continues to state that, *“the loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuing harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF”*.
- 2.10 Paragraph 192 of the NPPF advises that *“In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 2.11 Paragraph 190 states, *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”*.
- 2.12 Paragraph 16.117 of the Lichfield Conservation Area Appraisal states that within Character Area 13: Birmingham Road *“the area contains both pedestrianised sections and areas where vehicles have clearly been given priority. The use of extensive surface car parking and service and access areas is of great detriment to the character and appearance of the area. While there are a number of pedestrian routes through the area there are also areas where the requirements of vehicles dominate what would otherwise be a positive public space”*.
- 2.13 The loss of built form in this site and the loss of the building line along Frog Lane will result in an erosion of the urban grain of this area. Where the building line is absent elsewhere within the city centre, this is predominantly for civic spaces, such as around the Market Square, The Friary and the Garden of Remembrance. The Lichfield Conservation Area Appraisal marked these buildings as having a negative impact on the appearance of the Conservation Area. This does not mean however that the area should be cleared and left undeveloped, rather that the re-development of this area has the potential to enhance the

Conservation Area. Thus, the removal of the built form from this site would cause less than substantial harm.

- 2.14 Paragraph 196 of the NPPF advises that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 2.15 The proposal would not represent the optimum viable use for the site, given its allocation as part of a far larger redevelopment project and in addition, would bring further surface level car parking into the Conservation Area, when the City Centre Appraisal considers such to be of ‘great detriment to the character and appearance of the area’. However, as noted above, permission is solely being sought for a temporary 5 year period, whilst plans for an optimum viable use are progressed. The scheme, following revision and the submission of a Heritage Statement Addendum, is now considered to offer public benefits, through the provision of an informal area of public open space, the creation of additional coach bays and the potential economic windfalls of such, an enhanced bus station offer, modernised toilet facilities and primarily, through the creation of enhanced pedestrian routes, which will link the train station to the city centre, improving wayfinding in the area. Lastly, the planting scheme now proposed, with 5 trees shown along Frog Lane, will help to reintroduce a sense of street scene enclosure along this route that will be lost, through the demolition of the police station.
- 2.16 The structures proposed to be erected within the site, following the demolition of the buildings, include the replacement public toilet facilities, the low level timber rail fence proposed to the site’s boundary with Frog Lane, lamp posts, CCTV, parking meters and bollards. Only details of the toilet block have currently been provided. This structure is of utilitarian architectural style, given it is temporary in form, but given its scale and discrete siting is considered to be an appropriate street scene addition. The remaining structures are all appropriate paraphernalia associated with a car park and bus / coach station use and subject to the agreement of exact specification, recommended to be secured via condition, will integrate acceptably within the character of the street scene and surrounding Conservation Area.
- 2.17 The visual harm to the Conservation Area arising from the demolition of these building and the formation of surface level car parking is considered to be less than significant. To address these issues, the redevelopment of the site will have to be encouraged through the use of a time limited permission, the mitigation measures offered by the applicant will have to be provided, following the demolition of the buildings, notwithstanding whether the car park is provided or not. Subject to these measures being implemented, the harm arising is considered to be less than substantial and the public benefits further lesson this harm. The resultant harm will have to be weighed in the planning balance to determine the acceptability of the development as a whole and its compliance with the Development Plan.

3. Archaeology

- 3.1 Paragraph 189 of the NPPF states that, “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.
- 3.2 The County Council’s Archaeologist has requested that a watching brief be conditioned for this development given the noted archaeological potential of the site. In this case however, given that only minimal ground works are to be undertaken, namely the formation of areas of hardstanding to form the car park, widened access points and footpath, such a condition is considered to be onerous and rather this matter will be addressed via condition within the wider redevelopment scheme.

4. Residential Amenity

- 4.1 Paragraph 109 of the NPPF advises that *“the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability”*.
- 4.2 In order to ensure that existing residents are not adversely impacted by the demolition works, a Construction Environment Management Plan has been submitted as part of this application. The document has been considered by both the Highways Authority and the Council’s Environmental Health team. Presently, both consultees are requesting amendments to document to ensure residential amenity is protected and therefore a condition to ensure this document is agreed, prior to the commencement of development is recommended.
- 4.3 The Council’s Environmental Health Manager has advises that the routing of all traffic using the car park via Frog Lane will have an air quality consequence for the junction formed by St Johns Street and Birmingham Road. Evidently any traffic exiting the car park and heading south will have to use this junction. In 2018, the bias adjusted average for nitrogen dioxide at this junction was around 35 microgrammes per cubic metre. This is against a limit of 40 microgrammes. Therefore, pollution levels need to be reduced where possible.
- 4.4 To address the above issue, it is recommend that the scheme be amended so that there is vehicular access to and from the car park, through the bus station and out onto Birmingham Road. Whilst it is acknowledged that this would likely reduce vehicle movements at the aforementioned junction there are two factors to consider. Firstly, this revised layout has been encouraged by the Highways Authority to improve highway safety and secondly, any movements associated with the use of the car park are likely to be of a similar or decreased level to those associated with the permitted use of the site as a police station. Thus, it cannot be argued that there is sufficient vehicular movement uplift associated with this development, so as to warrant its refusal on air quality impact grounds.
- 4.5 It is noted that there is a disused petrol station on the Police Station site. Such installations result in an increased likelihood of land contamination. As a consequence, the Environmental Health officer has recommended a contaminated land report be provided by the applicant, prior to the commencement of development. As discussed above in the archaeology section of this report the nature of the groundworks required to deliver this development are such that there will be minimal land disturbance and therefore to require this condition would be unreasonable and unnecessary. However, a condition will be utilised to secure contamination details if, in the unlikely event such is found when these works are being undertaken.
- 4.6 Finally, it is noted that new lamp posts are proposed throughout the proposed car park. A lighting scheme to evidence that the provision of such will not impact upon the amenity of neighbouring residents is yet to be provided and as such, is recommended to be secured via condition.
- 4.7 Given the above assessment, the development is considered to have an acceptable impact upon the amenity of existing residents and therefore comply with the requirements of the Development Plan in this regard.

5. Highway Impact and Sustainable Travel

- 5.1 Paragraph 103 of the NPPF and Strategic Policy 5 of the Local Plan Strategy both seek to ensure that development which generates significant movement, is located where the need to travel can be minimised and the use of sustainable travel maximised. Paragraph 106 of

the NPPF states that *“In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists”*.

- 5.2 In terms of movement of traffic, it is evident that this scheme will replace a 50 bay car park with a 56 bay car park and therefore, given that the scheme will also result in the removal of buildings which historically employed a significant number of people, overall, as a consequence of this development, there is likely to be a reduction in vehicular movements in the surrounding area.

Vehicular Access

- 5.3 The applicant is seeking to alter a number of vehicular routes through and into this site as a result of this development. Specifically, the access into the Council's car park from Birmingham Road is proposed to be altered to an in only entrance, with the access from Frog Lane remaining unaltered as a two way facility. Elsewhere the currently closed rear access into the Police Station is to be permanently closed to vehicles with a raised footway introduced to link the existing footpaths. The new car park is to be served via a single existing widened point of access off Frog Lane.
- 5.4 The acceptability of these access alterations have been considered and recommended by the Highways Authority, in order to rationalise vehicular movements around the site and seek to separate bus and coach movements from general vehicular movements. This will offer improved vehicular safety through the site, ensuring the development's compliance with the requirements of the Development Plan and NPPF in this regard.

Car Parking

- 5.5 The proposal would improve the quality of parking offer within the city centre, as promoted by the NPPF, through separating such from the bus station, improving vehicular safety and also providing a further 6 spaces to meet existing demand.
- 5.6 The parking bays within the site all comply in terms of scale, being 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the Sustainable Design SPD and Manual for Streets Guidance. Similarly, appropriate levels of motorcycle and disabled bay provision have been identified.
- 5.7 Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development, will have regard to the *“provision for alternative fuels including electric charging points”*. To address this point, a note to applicant to advise that they consider the implementation of Vehicle Recharging Points is recommended for the decision notice.

Cycle Parking

- 5.8 Policy ST2 of the Local Plan Strategy requires provision of sufficient, safe, weatherproof, convenient and secure parking and associated facilities within all new developments to assist in promoting cycle use. The need for cycle parking has been raised by the Highways Authority in their consultation response, in order to encourage the use of sustainable transportation to access bus services. Whilst the provision of cycle parking would be beneficial to the scheme and community, to require such is provided through this application, which seeks to solely amend the layout of the bus station would be disproportionate to the scale of development.

Pedestrian Connectivity

- 5.9 Policy 3 of the Lichfield Neighbourhood Plan states that, “To ensure that pedestrians and, where practical, cyclists, can move easily and safely around Lichfield City and into the City Centre, the Primary Movements Routes shown on the Policies Map will be protected from development. Proposals to enhance the identified Primary Movement Routes will be supported”.
- 5.10 Policy 5 of the Neighbourhood Plan states that *“In order to ensure that the economic geography of Lichfield City Centre is enhanced through strong connectivity, proposals to improve pedestrian linkages between any new retail and cultural uses at Friarsgate and the rest of the City Centre will be supported”*.
- 5.11 Policy 8 of the Neighbourhood Plan states *“Proposals to improve linkages between Lichfield Cathedral and Lichfield City Centre will be supported where they do not have a detrimental impact upon the context and setting of the Cathedral and other heritage assets”*.
- 5.12 Paragraph 3.20 of the Sustainable Design SPD states that *“Multi-functional green spaces that incorporate sustainable drainage within landscaped areas and, where possible, provide pedestrian or cycle routes and informal play, are particularly encouraged”*.
- 5.13 The development will deliver improved pedestrian connectivity, through allowing for access for pedestrians through the former police station site, which is currently closed off. Thus, for visitors exiting the train station, there will now be a direct route into the city centre, enhancing the linkages between this area and the Lichfield Cathedral. Thus, subject to a condition to secure this route, the development will comply with the requirements of the Development Plan and the NPPF in this regard.

6. Arboriculture

- 6.1 Following revisions to the scheme the number of trees proposed to be felled in order to facilitate the proposal is 3.
- 6.2 Core Policy 14 of the Local Plan Strategy states that, “the skyline of Lichfield City, characterised by the 5 spires emerging above the roofs and tree canopy will be protected... High-quality design, tree planting, landscaping and green spaces will be required as part of new development and elsewhere, to improve quality of place reduce the urban heat island effect...”
- 6.3 Policy NR4 states that, *“sufficient space within developments must be reserved for the planting and sustainable growth of large trees in order to retain the important tree canopy cover in conservation areas and the built environment, and to improve tree canopy cover in the district as a whole.”*
- 6.4 Core Policy 13 states that the Local Planning Authority will, *“maximise opportunities to protect and enhance biodiversity, geodiversity and green infrastructure and utilise opportunities to facilitate urban cooling.”*
- 6.5 The Trees, Landscaping and Development Supplementary Planning Document states, in respect of landscape and climate change, that *“introducing trees to areas of hard surfacing and sites with a high proportion of hard vertical surfaces such as car parks and public spaces... Will reduce the locally high temperatures that can be uncomfortable for people. The use of trees within hard surfaces can increase rain and stormwater interception and retention”*. The SPD also gives an aspiration to increase large tree provision in urban areas to achieve at least 20% tree canopy cover as part of mitigation and adaptation to climate change (section 1.6).

- 6.6 The latest site plan indicates that 8 new trees are proposed within the site, 5 to the frontage with Frog Lane and the remaining 3 within a pit area adjacent to the current access to the public toilets. Elsewhere within the site existing trees are shown to be retained.
- 6.7 The architectural importance of the trees to the Frog Lane frontage has been discussed above, but evidently these trees are also of importance in order to secure both urban cooling and to establish tree canopy cover in the area. It is noted that the Arboriculture Officer has advised that there may be insufficient capacity within the pit adjacent to the existing public toilets to accommodate 3 trees and a condition to require further details of this area is recommended. In addition, further details are required of the species proposed to be planted within the site, a watering schedule for the landscaping and how the grassed area will be successfully established over the existing police station and bus station building slabs. Finally, the applicant needs to provide details of how the existing trees within the site are to be protected through both the demolition and building phases of development. Subject to compliance with these conditions, the development will comply with the requirements of the Development Plan and NPPF, in this regard.
7. Ecology
- 7.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 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 net-gain to biodiversity value is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.
- 7.3 The net gain in biodiversity arising from this development will be secured via the proposed landscaping scheme. The site's existing biodiversity value is low, given it is mostly covered by either building or hardstanding and therefore the introduction of additional planting and amenity grassland will secure the biodiversity uplift, as required by the Council's Biodiversity and Development Supplementary Planning Document.
- 7.4 In terms of protected species, it is noted that a Bat and Bird Survey has been submitted with the application, which concludes that there is no evidence of any of the buildings, within the site, being utilised by bats as either a place of shelter or roosting. There is however potential for the ivy on the western elevation of the police building being used by birds for nesting. To that end it is recommended that if demolition occur during the bird nesting season, then this area should be checked prior to such works being undertaken. Thus, subject to a condition requiring that the development being carried out in accordance with the requirements of the Survey (which includes the nesting bird consideration, negating the need for a separate conditions as recommended by the Council's Ecology Manager), the impact of the development upon protected species is considered acceptable.
- 7.5 The net gain in biodiversity should be attributed appropriate material weight as per the guidance of Paragraph 188 of the NPPF. Subject to compliance with the abovementioned conditions, the development accords with the requirements of the NPPF and Development Plan with regard to ecological considerations.

8. Flood Risk and Drainage

- 8.1 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.
- 8.2 Staffordshire County Council Flood Team have offered no objection to the development, subject to a condition requiring that surface water drainage be undertaken in accordance with the measures identified within the submitted Flood Risk Assessment and Drainage Strategy. Thus, subject to the abovementioned condition, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

9 Other Issues

- 9.1 The concerns raised by residents have also been largely addressed within the above report. Of those that remain it is evident that, the potential for introducing real time bus updates, via screens within the bus station is currently being considered by Staffordshire County Council. The provision of such could not however, be considered to be a material planning consideration. The matter of resurfacing Frog Lane is for the County Council to consider and does not form part of this application. It is not envisaged that the green space provided will be utilised as formal open space as no benches etc. are shown. However, should this area be utilised as such, any harm to neighboring amenity would not be sufficient to warrant the refusal of the proposals. Finally, the matter of funding partnerships does not form part of the planning balance considerations.

10. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively when assessing the suitability of development proposals. With reference to this scheme, socially the development has been designed in a manner to ensure that subject to the application of reasonable and necessary conditions, there will be no significant impact upon the amenity of existing residents. Furthermore, the application promotes the use of sustainable transportation modes, whilst also catering for private vehicular usage. Environmentally, whilst the development would, through the loss of built form within the site, have a less than significant impact upon the character of the Lichfield City Conservation Area, this has been successfully balanced through establishing sufficient public benefit that will be derived from the scheme and through limiting the site's use for what is proposed for a maximum of 5 years in order to encourage the submission of an application and commencement of development on a wider redevelopment project. Economically the development will secure, an on-going and expanded coach facility, which encourages valuable tourist income into the City.

On balance, given the lack of social and environmental harm arising and, due to the temporary nature of part of the permission, when weighed against the economic benefits, it is recommended that this application be approved, subject to the conditions outlined above.