

# Planning Committee

28 October 2019

## Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

### Report of the Director of Place and Community

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

#### FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

**ITEM 'A'** Applications for determination by Committee - **FULL REPORT**

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

**ITEM 'C'** Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

## **AGENDA ITEM NO. 4**

### **ITEM A**

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

**28 October 2019**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/00351/FUL	Boney Hay Working Mens Club 22 North Street Burntwood	Burntwood
19/01198/COU	Cowhill Cottage Cowhill Lane Fradley	Fradley And Streethay

### **ITEM B**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/00872/FUL	Burntwood Leisure Centre High Street Chasetown Burntwood	Burntwood
19/01189/FUH	8 Littlehay Manor Colton	Colton

**Lichfield**  
district council

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

District Council House  
Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

# LOCATION PLAN

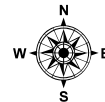
19/00351/FUL  
Boney Hay Working Mens Club  
22 North Street  
Burntwood

Scale: 1:1,000

Dated: October 2019

Drawn By:

Drawing No:



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**19/00351/FUL**

**ERECTION OF 3NO TWO BEDROOM DWELLINGHOUSES  
BONEY HAY WORKING MENS CLUB, 22 NORTH STREET, BURNTWOOD, STAFFORDSHIRE  
FOR MRS MADDOX**

Registered **09/01/2019**

**Parish: Burntwood**

**Note:** This application is being reported to the Planning Committee due to significant planning objections raised by Burntwood Town Council on the following grounds;

- Design of the properties; and
- Loss of amenity and loss of light to neighbouring property;

**RECOMMENDATION:**

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

**1. Cannock Chase Special Area of Conservation Mitigation**

**(2) If the Unilateral Undertaking is not signed/completed by the 30<sup>th</sup> January 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 required contributions and undertakings as outlined in the report.**

**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 commencement of development hereby approved:**

3. Notwithstanding any description/details in the application documents, before the development hereby approved is commenced full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - i) Full details of all external facing materials;
  - ii) Full detail of the exterior roof materials;
  - iii) Full details of all external fenestration and doors including all materials and exterior finishes;
  - iv) Full details of all eaves and verge detailing;
  - v) Full details of the height, type and position of all boundary treatments including walls, fences and gates to be erected on the site;
  - vi) Full details of all visible external fixtures and fittings including, but not restricted to flues, vents, lights, alarms, satellite dishes and antennae;

- vii) Full details of rainwater goods including rainwater ducts, their materials and siting and design; and,
- viii) Full details of hardsurfacing materials

The development shall thereafter be carried out in accordance with the approved details and thereafter retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

4. Before the development hereby approved is first commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority for:
  - i) Parking of vehicles of site personnel, operatives and visitors;
  - ii) Loading and unloading of plant and materials;
  - iii) Storage area of plant and materials used during the construction of the development;
  - iv) Measures to prevent the deposition of deleterious material on the public highway.

The development shall thereafter be carried out in accordance with the approved details and thereafter be provided and maintained during the construction of the development.

5. Before the development hereby approved is first commenced, full details indicating a communal bin collection point shall be submitted to and approved in writing by the Local Planning Authority. The communal bin collection point shall be located on land within the Applicant's control and provided prior to first occupation and thereafter retained as such for the life of the development.

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

6. Before the development hereby approved is first occupied, all side facing windows shall be fitted with obscure glazing (to a minimum level 3) and top hung above 1.7m from floor level. The windows shall thereafter be retained as such for the life of the development.
7. Before the first occupation of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
8. Before the first occupation of the development hereby approved, a detailed landscape and planting scheme (incorporating the retention of existing trees if required) 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 development being brought into use.
9. 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.
10. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 1900 hours Monday to Friday and 0800 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
11. Before the first occupation of the development hereby approved, the site access, within the limits of the public highway shall be completed.
12. Before the first occupation of the development hereby approved, details of the parking areas in a porous bound material shall be submitted to and approved in writing by the Local Planning

Authority. The approved parking areas shall thereafter be retained as such for the life of the development.

13. Notwithstanding the provisions of Classes A, B, D and E of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order, the dwellings hereby permitted, shall not be altered or extended and no buildings or structures shall be erected within the curtilage of the new dwellings, unless planning permission has first been granted by the Local Planning Authority.

#### **REASONS FOR CONDITIONS:**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the guidance contained within the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the surrounding area, in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. To avoid indiscriminate parking and obstruction of the highway in the interests of highway safety and 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 and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
6. To protect neighbour amenity and to limit potential overlooking, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
7. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development, in accordance with the provisions of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
10. To safeguard neighbour amenity, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and National Planning Policy Framework.
11. In the interests of highway safety and to comply with Staffordshire County Councils requirements for access in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.
12. In the interests of highway safety and in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy and the National Planning Policy Framework.

13. To safeguard the appearance of the development, 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.

## NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and the Lichfield District Local Plan Allocations Document (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess)
4. A developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the Lichfield District Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the Lichfield District Council Ecology Team) as to how to proceed.
5. Please note that prior to the access being constructed, a Section 184 Notice of Approval from Staffordshire County Council is required. The link below provides a further link to Vehicle access crossings' which includes a Vehicle access crossing information pack 1 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](mailto:nmu@staffordshire.gov.uk). <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
6. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
7. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery

Core Policy 13 – Our Natural Resource

Core Policy 14 – Our Built & Historic Environment

Policy ST1 – Sustainable Travel

Policy ST2 – Parking Provision

Policy H1 – A Balanced Housing Market

Policy NR3 – Biodiversity

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR7 - Cannock Chase Special Area of Conservation

Policy BE1 – High Quality Development

Policy Burntwood 1 – Burntwood Environment

Policy Burntwood 4 – Burntwood Housing

### **Local Plan Allocations**

N/A

### **Supplementary Planning Document**

Sustainable Development

Trees, Landscape and Development

Biodiversity and Development

Developer Contributions

## **RELEVANT PLANNING HISTORY**

08/00224/FUL - Retention of smoking shelters to side and rear – Refused - 28.04.2008

05/00853/FUL - Single storey rear office extension and alteration to kitchen and store room – Approved - 13.09.2005

L6469 - Side Extension to form Secretary's Office Committee Room and Artistes changing room and rear extension to enlarge existing concert room – Approved - 28.01.1980

L6018 - New Committee Room and Secretary's Office – Approved - 16.10.1979

## **CONSULTATIONS**

**Burntwood Town Council** – Objection as the proposed terraced houses would not be aesthetically in keeping with the current dwellings that are three bed link detached. The location of the dwellings would result in loss of light to neighbouring properties (26/04/2019 & 06/09/2019).

**Severn Trent Water** – No objection. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied (16/04/2019).

**Environmental Health** – No objection subject to condition in relation to working/delivery hours during the period of construction (07/05/2019).

**Staffordshire County Council Highways** – No objections subject to conditions in relation to parking, access and communal bin details being provided (12/09/2019).

Initial Comments: Object. There is insufficient information for the Highway Authority to determine an outcome. The submitted application fails to demonstrate that the loss of parking to Boney Hay Working Men's Club will not have a severe impact on the local highway network (21/05/2019).

**Natural England** – No objection, the proposed development will not have significant adverse impacts on designated sites (14/05/2019).

### **LETTERS OF REPRESENTATION**

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

- Not aesthetically in keeping with the current dwellings;
- Location of dwellings will result in shadows being cast over 8, 10 and 12 Sandown Close at sunrise and for much of the morning;
- Access from Sandown Close;
- Deeds for Boney Hay working men's club are lost, therefore there could be restrictions that developers would be in breach of. No permission should be granted until these are available;
- Area used on a regular basis for parking, contrary to what the application claims. Car park also used by a caravan club;
- Loss of privacy and overlooking;
- Overshadowing and loss of light;
- Highway safety, inadequate parking and access;
- Noise from the build;
- Ground stability and sewage;
- Any excavation work could have a serious adverse impact upon the stability of existing structures;
- Development would block TV aerial/sky dish signal;
- Development could impede future installation of solar panels;
- Development does not reflect local context /street pattern;
- Not in keeping with scale and proportions of surrounding buildings;
- Concern over the safety of children who play in Sandown Close;
- An open access via Sandown Close will affect human rights as a close family community;
- Loss of spaces in Sandown Close via the proposed access;
- The parking survey is not sufficient;
- Concern for access by emergency services as there doesn't seem to be room for a fire engine to manoeuvre and turn around safely.

### **PLANS CONSIDERED AS PART OF THIS APPLICATION**

1963/03 D

1963/04

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## **OBSERVATIONS**

### **Site and Location**

The application site is located to the rear of the Boney Hay Working Mens club which is located on North Street within the settlement of Burntwood as defined by the Local Plan Policies Map. The site is currently laid to hardstanding/parking and is used in association with Boney Hay Working Mens Club. The site is located within a predominantly residential area and is bounded by residential dwellings to the north, west and south.

### **Proposals**

Permission is sought for the erection of a terrace of 3no two storey dwellings on the rear most section of the existing car park of Boney Hay Working Mens Club. Each property would have 2 bedrooms and would benefit from an enclosed rear garden. Access to the site would be from Sandown Close to the north, with 2 allocated parking spaces per property and additional landscaping to the front of the terrace.

Each property would be constructed of red brick walls and tiled roofs. The endmost dwellings would have half hipped roofs. Each dwelling would be of similar size, with footprints measuring 4.5m x 8.9m, each with a canopy porch. The eaves and ridge heights would be 5m and 7.7m respectively.

The central and southernmost dwelling would be built sharing a flush building line, whilst the northern most dwelling in the terrace would be set back from this building line by 1m.

### **Determining Issues**

1. Policy and Principle of Development
2. Housing Mix
3. Design and Appearance
4. Residential Amenity
5. Access and Highway Safety
6. Biodiversity and Landscaping
7. Cannock Chase Special Area of Conservation
8. Community Infrastructure Levy / Economic Benefits
9. Other Issues
10. 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 Local Plan Strategy and the Local Plan Allocations Document (2008-2029).
- 1.2 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles.
- 1.4 Paragraph 73 of the NPPF requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. The latest five year housing land supply position for Lichfield District is contained within the Five

Year Housing Land Supply Paper dated June 2019, which states that a supply of 7.2 years can be demonstrated within the District.

- 1.5 Given that the Council can demonstrate a 5 year housing land supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, and the Local Plan Allocations Document.
- 1.6 The site lies within the settlement of Burntwood and is therefore considered to be in an accessible and sustainable location as outlined in Core Policies 1 and 6. Policy Burntwood 4 of the Local Plan Strategy notes that much of the new housing required in Burntwood is to be located within the existing urban area. The principle of development within existing settlements is supported by the NPPF and the Policies of the Local Plan Strategy.
- 1.7 In light of the above, it is considered that the development, would comply with the requirements of Development Plan Policy in terms of the principle of development. Matters related to the general development management criteria are discussed below.

## 2. Housing Mix

- 2.1 Policy H1 of the Local Plan Strategy seeks 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. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 Policy Burntwood 4: Burntwood Housing identified that Burntwood will play an important role in accommodating new housing, with approximately 13% of the Districts housing growth to 2029 taking place here. This application seeks consent for 3 no 2 bed homes and the Council is of the view that the application meets the policy requirements of the Local Plan Strategy.

## 3. Design and Appearance

- 3.1 The NPPF (Section 12) advises that, *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*. 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"*.
- 3.2 Local Plan Strategy Policy BE1 advises that new development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. Policy BE1 continues to expand on this point advising that good design should be informed by an appreciation of context, as well as plan, scale, proportion and detail. Core Policy 3 states that development will protect and enhance the character and distinctiveness of Lichfield District, and that development should be of a scale and nature appropriate to its locality.
- 3.3 The proposal will be sited within the rearmost section of the existing car park to Boney Hay Working Men's Club. The land is currently covered in a gravel surface and enclosed by 1.8m timber fences on three sides. It is somewhat functional in appearance and does not make a

positive contribution to the character of the area. The remainder of the site is surrounded by residential development of varied character, including a mix of bungalows and two storey dwellings of varied form, dating predominantly from the mid part of the C20.

- 3.4 The proposed development is for erection of a terrace of three two-storey dwellings. The terrace would have a staggered building line, with the northern most property set back from the central and southern most dwellings. Whilst this would provide a less harmonious and slightly contrived appearance, the resulting harm to the character of the streetscene is considered to be limited given its positioning and relationship with the public highway. Properties to the north and south are constructed in blocks of three units and the proposed development would continue this pattern of development in terms of grain. There are a mix of property types in the immediate area including bungalows and link detached two storey properties. Given that there is variety and lack of uniformity in building form, it is considered that the site can accommodate the proposed development without causing undue harm to the character and appearance of the area.
- 3.5 The scheme proposes half hipped roofs on each end of terrace property. Whilst this roof shape is not characteristic of the immediate area, it is noted that there is clear variation in roof form found in neighbouring Sandown Close. Taken in the context of its immediate surroundings, which includes a mix of symmetrical and asymmetrical dual pitched roofs at varying angles of roof pitch, it is considered that the development would not result in any demonstrable harm to the character of the area.
- 3.6 The site is on a gentle gradient running from north to south. Two storey dwellings border the northern and western boundaries of the site, whilst bungalows are located beyond the southern boundary. The large open expanse of the remaining section of car park is to the east. Each property would be 7.7m to ridge and 5m to eaves. Whilst taken individually, the properties would be taller than the neighbouring properties in Sandown Close to the north, they would be built on a lower land level, which would help to limit the impact in changes of roof heights. The difference between ridges would mean the proposed dwelling would be approximately 75cm higher than the neighbouring property at 12 Sandown Close with a 3.8m intervening gap and roofs hipped away. In this context, the Council is satisfied that the development would not appear overly large or dominant when viewed against the properties in Sandown Close.
- 3.7 The proposed development would sit on a higher land level than the bungalows in Mountbatten Close to the south of the site (which are sited perpendicular to the proposed development). The closest of the three dwelling would be set 5m off the southern boundary with a separation of over 15 to the bungalows themselves. It is considered that this separation distance would retain a sense of spaciousness across the wider streetscene and would not appear overly cramped or out of character.
- 3.8 The proposed density would equate to approximately 42 dwellings per hectare which would be the same density of immediate neighbouring plots which also equate to approximately 42 dwellings per hectare. It is considered that the density of development would be acceptable and would reflect that of the surrounding area. Whilst it is noted that the proposed terrace would sit forwards of the building line of the neighbouring properties in Sandown Close, it would be read as a separate entity and would have a tapering effect at the end of the cul-de-sac. Nevertheless, it is considered that the positioning largely respects the existing building line on Sandown Close and would not cause harm to the character of the wider streetscene.
- 3.9 Given the variation of form and sizes of properties found in the wider area, no objections are raised to the general size and design of the properties and the spacing around the terrace would retain a sense of spaciousness in its context with landscaping softening its overall appearance. The applicant has only provided indicative details of materials to reflect the

surrounding dwellings, as such a condition is recommended to secure full details of suitable materials.

- 3.10 The Town Council's and neighbours' comments regarding the proposal being out of keeping with linked-detached style of properties are noted. However, as set out above, given the variety in building style and form, it is not considered that the introduction of the proposed dwelling types would appear unduly out of context with the surrounding development or cause undue harm to the character and appearance of the area.
- 3.11 It would be necessary to ensure that the development is appropriately designed in terms of materials use, surfacing materials and areas of landscaping. These could be secured by condition, as recommended.
- 3.12 For the reasons outlined above, it is considered that the design, appearance and spacing of the properties would be acceptable and will not detract from the character and appearance of the surrounding area. Therefore, it is considered that the proposal accords with the policies in the development plan and NPPF in this regard.

#### 4 Residential Amenity

- 4.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's requirements for space about dwellings within Appendix A.
- 4.2 The Sustainable Design Supplementary Planning Document sets out a minimum distance to which facing habitable windows should be separated. The document advises that there should be a minimum of 6m distance between principle habitable room windows at first floor and the private amenity space of neighbouring residential property. The SPD states that there should be a minimum of 21m where principle habitable room windows directly face each other. The SPD also states that two bedroom dwellings should seek to provide a private amenity space at a minimum of 10m length and that a garden should be at a minimum 45m<sup>2</sup>.
- 4.3 The proposed rear gardens would range between 7.5m-8.5m in length, which would be shorter than the 10m as recommended in the SPD. Additionally, the rear garden of the central property would measure 42sqm, which is slightly less than the guidance. This suggests that the garden spaces would be relatively small, however they are contextually similar to the surrounding existing dwellings and, on balance, the development is considered to be acceptable. However, it is considered appropriate that Permitted Development Rights for extensions and outbuildings be removed so as to retain a sufficient level of private amenity space for these properties.
- 4.4 To the west the rear gardens of the properties in Lymington Road are approximately 24m in length, resulting in a total rear-to-rear separation distance of over 30m to the proposed dwellings. This would exceed the recommended minimum distance of 21m. Furthermore, the dwellings would also fall below the 25 degree vertical test outlined in the SPD. It is therefore considered that the development would not adversely impact upon the amenities of these properties in relation to overshadowing, overlooking or overbearing impacts.
- 4.5 The site lies in a more elevated position compared to the bungalows in Mountbatten Close to the south. The rear windows of the neighbouring bungalows would have an outlook to the side elevation of the southernmost dwelling in the terrace. The SPD requires a minimum separation of 13m. As the proposed dwellings would sit on land 1m higher than the bungalows an additional 2m of separation would be required, therefore 15m in total. In this instance a

15.7m of separation is achieved. Additionally, the design of the half hipped roof reduces some of the bulk and massing of the development near this boundary and ensures compliant with the 25 degree sightline tests. The Council is therefore satisfied that the proposal would have an acceptable relationship to the neighbouring bungalows in Mountbatten Close in relation of light levels and outlook.

- 4.6 Concerns have been raised from residents in Sandown Close in relation to loss of light and overlooking of private garden space. The nearest property to the development is number 12 Sandown Close which is to the north of the site. Its side elevation would be set 3.8m from the nearest part of the development (over 5m to the central point of its ground floor bay window). It is acknowledged that the development would extend forwards of this neighbouring property. In this instance the development would not extend beyond the 45 degree point from its habitable room windows and would be compliant with the SPD, therefore having an acceptable relationship in terms of loss of light/overshadowing. It is noted that the rear garden of no 12 Sandown Close wraps around the rear garden of the northernmost proposed dwelling. The Council is conscious that there is a patio with seating area currently positioned just beyond the rear fence. The SPD requires there to be at least 6m between a primary principal habitable room window and a neighbour's private amenity space. In this instance, there would be a separation of 7.5m and a 1.8m timber fence running along the boundary. The spacing between the proposed dwellings and neighbour's patio is therefore compliant with the SPD.
- 4.7 The Town Council's and neighbours' comments relating to loss of light are noted, however, the proposal is considered to comply with the aforementioned light standards (45 and 25 degree standards), and would not cause substantial loss of light to the surrounding neighbouring properties to result in an adverse impact on residential amenity. There are two windows proposed on each of the side elevations, each would serve a bathroom. To avoid opportunities for overlooking, it is considered reasonable to impose a condition requiring these windows to be obscure glazed and top hung.
- 4.8 Consequently, it is considered that the proposal would have an acceptable relationship to neighbouring properties and garden spaces, 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.

## 5. Access and Highway Safety

- 5.1 Local Plan Strategy Policy ST2 states that appropriate off-street parking should be provided by all developments, the Council's off street car parking standards are defined within Appendix D of the Sustainable Design SPD. The SPD outlines that two bedroom dwellings are required to provide 1no allocated off-street vehicle parking space. The proposal would exceed the standards outlined in the SPD by providing two allocated spaces per dwelling.
- 5.2 The site is located in what is currently part of the car park to the Boney Hay Working Men's Club. A parking survey has been undertaken as requested by Staffordshire County Council Highways. The survey demonstrates that 27 car parking spaces will remain for the Working Men's Club and that these spaces are more than sufficient for the clubs requirements. Neighbouring residents do not consider the survey to be sufficient however following re-consultation with Staffordshire County Council Highways, they are satisfied that the overall provision of parking retained to serve the existing use is sufficient.
- 5.3 The site would be accessed via a new point of access from Sandown Road, from the cul-de-sac turning head. Staffordshire County Council Highways have reviewed the proposed access arrangements and have raised no objection. It is therefore considered that the access proposed would provide safe and convenient access and egress to serve the proposed development.

- 5.4 It is noted that residents have raised concerns regarding the safety of children who play out in Sandown Close. Whilst the scheme will introduce a further 3 dwellings, and consequently more vehicles to the area it is not considered the impact upon existing residents would be severe in order to sustain a reason for refusal on pedestrian safety. There will be pavements available within the cul-de-sac and vehicle movement should be generally slow within the site.
- 5.5 Comments have been raised that the proposal, by way of the proposed access via Sandown Close, will see the loss of parking spaces. Whilst residents may use the highway to park, these are not formal or designated parking spaces therefore cannot be considered as a reason for refusal.
- 5.5 Therefore, it is considered that, subject to conditions, the proposal accords with the development plan with regard to access/egress and parking provision. As such the development would accord with the Local Plan Strategy and the NPPF in this regard.

## 6. Biodiversity

- 6.1 Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. The proposal would create gardens and offer small scale opportunities for landscaping, amounting to an enhancement in terms of ecological potential. It is therefore recommended that a bat/bird box could be incorporated within the development and gaps provided in boundary fencing to allow the free movement of hedgehogs. Full details of landscaping and ecological enhancement measures shall be secured by condition.
- 6.3 Subject to the imposition of the abovementioned conditions, the development would accord with Policy NR3 of the Local Plan Strategy and the NPPF in this regard.

## 7. Cannock Chase Special Area of Conservation

- 7.1 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. As the proposal lies within the 8km buffer of the Cannock Chase SAC, as such a financial contribution is required. The financial contribution can be secured by CIL, however there are instances where CIL payments are not required/cant be secured. Therefore, a Unilateral Undertaking will be necessary to ensure payment of the financial contribution where CIL is not paid. 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 concur with the assessment conclusions. The LPA have satisfied their duties as a competent authority.

## 8. Community Infrastructure Levy

- 8.1 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the lower levy charging area for residential development and as such will have a fee calculated at £25 per square metre. An informative noting the need to resolve CIL payment for this development will be attached to the decision.

## 9. Other Issues

- 9.1 Through their representations residents have brought to light that the deeds for Boney Hay Working Mens club are not available to view from Land Registry, and therefore there could be restrictions that developers would be in breach of and state that no permission should be granted until these are available. The matter of what is contained in the Title Deeds, and any potential restrictions, would be a civil matter, outside of any planning legislation. Therefore the Local Planning Authority cannot refuse a planning application on this basis.
- 9.2 Concerns regarding noise and general disturbance during the construction process are duly noted however as with all development it is expected that there will be a degree of disruption. Environmental Health have imposed a condition regarding working/delivery hours, and any noise/disturbance issues are also covered under separate legislation under Environmental Health Regulations.
- 9.3 Concerns regarding ground stability and the impact any excavation work could have on neighbouring structures are also duly noted. Any issues regarding excavation works etc. are covered under separate Building Regulations legislation.
- 9.4 A resident has raised an objection on the basis that the development would interfere/block their tv/satellite signal. This is not a material planning consideration. Nor is the impact the development could have on any future solar panels which may be installed on neighbouring houses.

## 10. Human Rights


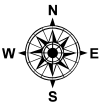
- 10.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family 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 and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

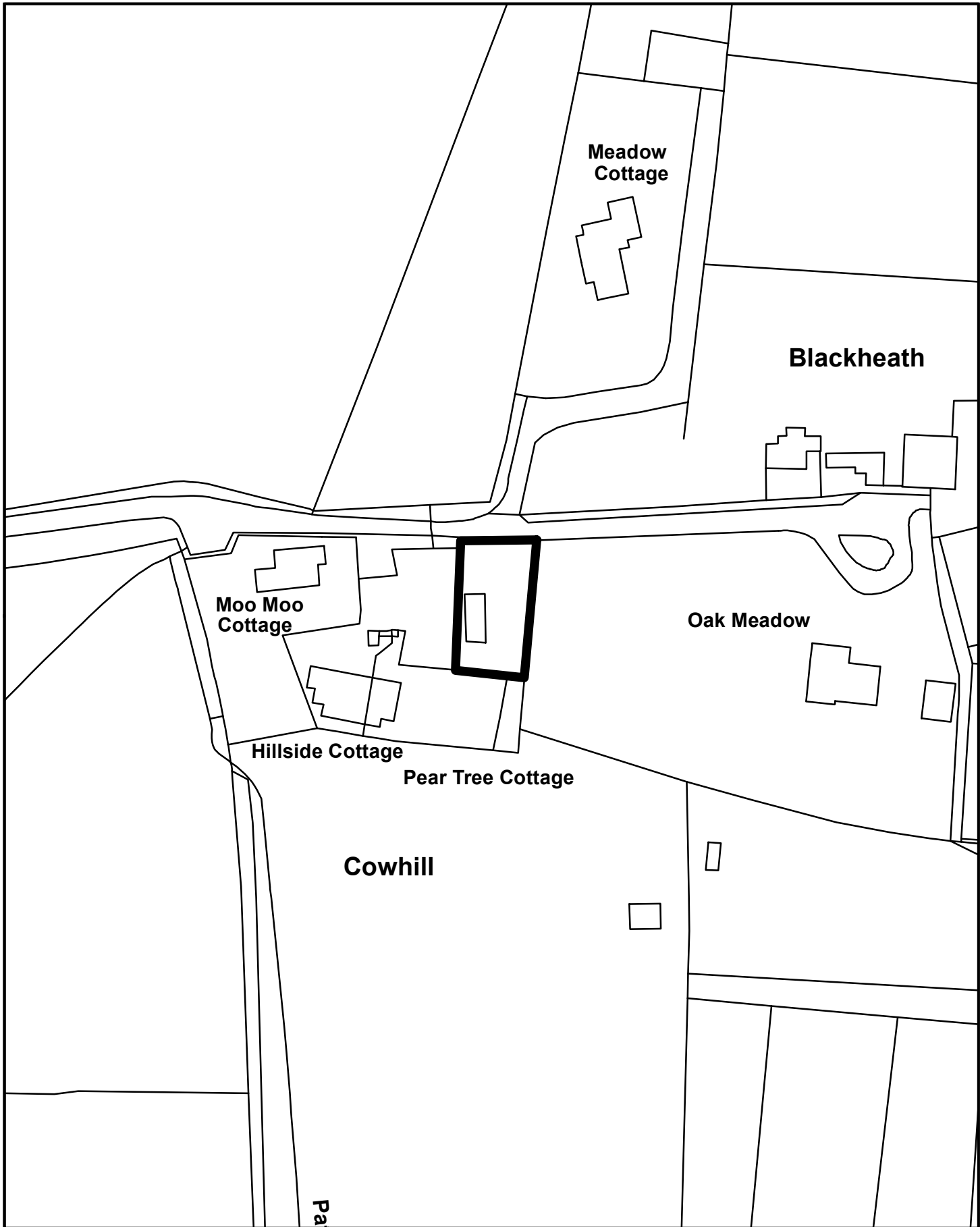
## **Conclusion**

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

With reference to this scheme, economically the development will provide a small scale development project. Socially, the development would create three additional 2 bedroom dwelling within a sustainable location, which would not have detrimental impact upon the residential amenity of neighbouring properties. Environmentally, the development due to its scale, design, siting and materials will sit well within the plot and the surrounding street, and will also deliver a net gain to biodiversity within the site.

Therefore, it is considered that the proposals accord with the Development Plan and NPPF. Consequently it is recommended that this application be approved, subject to conditions.

<div><p><b>Lichfield</b> district council <a href="http://www.lichfielddc.gov.uk">www.lichfielddc.gov.uk</a> District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 <a href="mailto:enquiries@lichfielddc.gov.uk">enquiries@lichfielddc.gov.uk</a></p></div>	<b>LOCATION PLAN</b> 19/01198/COU Cowhill Cottage Cowhill Lane Fradley	Scale: 1:1,000	Dated: October 2019	
		Drawn By:		
		Drawing No:		
			© Crown Copyright Database Rights 2015 Lichfield District Council Licence No: 100017765	



**19/01198/COU**

**CHANGE OF USE OF OUTBUILDING TO FORM 1NO SINGLE STOREY ONE BEDROOM DWELLING  
COWHILL COTTAGE, COWHILL LANE, FRADLEY, LICHFIELD  
FOR MRS J TOMASIK**

Registered **16/09/2019**

**Parish: Fradley And Streethay**

**Note:** This application is being reported to the Planning Committee due to a call-in by Councillor Wilcox on the following grounds:

- to consider the social benefits of the scheme allowing elderly father to live closer to daughter; freeing up a dwelling in the District; and,
- previous application not considered suitable for conversion and now have a structural survey confirming it being capable of conversion.

**RECOMMENDATION: Refuse, for the following reasons:**

1. The proposed development seeks the conversion of a timber outbuilding which is not considered to be of permanent or substantial construction, and is not considered to be worthy of retention or suitable for conversion to a residential dwelling. The proposed development lies outside the settlement of Fradley within a rural area and would result in the creation of an isolated dwelling in the countryside. The proposed development is therefore considered to constitute unsustainable development and would conflict with Core Policy 1 (The Spatial Strategy), Core Policy 3 (Delivering Sustainable Development), Core Policy 6 (Housing Delivery), Policy BE.1 (High Quality Development), and Policy Rural 1 (Rural Areas) of the Lichfield District Local Plan Strategy, Policy FRANP1 (Fradley Village Settlement Boundaries) and Policy FRANP6 (Character and Design) of the Fradley Neighbourhood Plan (2019), the guidance set out within the Rural Development Supplementary Planning Document, and the National Planning Policy Framework (2019).

**NOTES TO APPLICANT:**

1. The development is not considered to be of a sustainable form which complies with the provisions of paragraph 38 of the NPPF.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Policy CP1 - The Spatial Strategy

Policy CP2 - Presumption in Favour of Sustainable

Policy CP3 - Delivering Sustainable Development

Policy CP5 - Sustainable Transport

Policy CP6 - Housing Delivery

Policy CP13 - Our Natural Resources

Policy CP14 - Our Built & Historic Environment

Policy ST1 - Sustainable Transport

Policy ST2 - Parking Provision

Policy H1 - A Balanced Housing Market  
Policy BE1 - High Quality Development  
Policy NR1 – Countryside Management  
Policy NR3 - Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy Rural1 - Rural Areas

### **Supplementary Planning Document**

Sustainable Design SPD  
Rural Development SPD  
Biodiversity and Development SPD

### **Fradley Neighbourhood Plan (2019)**

FRANP1 – Fradley Village Settlement Boundaries  
FRANP6 – Character and Design  
FRANP8 – Minimising the Landscape Impact of Development

### **RELEVANT PLANNING HISTORY**

19/00444/COU	Change of use of outbuilding to form a single storey one bedroom dwelling	Withdrawn	17/07/2019
L6875	Erection of porch garage bathroom	Approve	08/05/1980

### **CONSULTATIONS**

**Environmental Health Team - LDC** - No Comments Received at time of writing report

**Staffordshire County Council (Highways)** – The proposed development would not result in an unacceptable impact on highway safety and the residential cumulative impacts on the road network would not be severe (8<sup>th</sup> October 2019).

**Severn Trent Water** - As the proposal has minimal impact on the public sewerage system so it is advised that there are no objections to the proposals and the team does not require a drainage condition to be applied (20<sup>th</sup> September 2019).

**Fradley & Streethay Parish Council** - Fradley and Streethay Parish Council made no comment (9<sup>th</sup> October 2019).

### **LETTERS OF REPRESENTATION**

No comments received

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### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Existing and Proposed Floor Plans and Elevations  
Existing Block Plan  
Proposed Block Plan  
Site Location Plan

## **OBSERVATIONS**

### **Site and Location**

The application site relates to a standalone outbuilding associated with Cowhill Cottage, Cowhill Lane, Fradley. The site is located to the north of Fradley and extends to an area of 43.7 sqm. The site lies outside the defined village settlement boundary for Fradley as defined by the Local Plan, and Neighbourhood Plan Policies Maps. A small cluster of dwellings are located along Cowhill Lane, the majority of these being detached properties sited within substantial plots.

Cowhill Lane is not a through road, with a boarding kennels and equestrian retail premises located where the lane terminates. The application site is separated from Cowhill Cottage by a fence and so when viewing the property from Cowhill Lane the plot on which the outbuilding lies appears physically detached from the main property.

The outbuilding is set on a concrete block with a timber structural frame, wooden panelling and a low pitched felt roof. A double door is located at the eastern elevation, this being the only access point to the outbuilding, and a window is located at the northern elevation. The site is enclosed by a wooden panel fence and double gates that front onto Cowhill Lane.

### **Proposals**

This application seeks permission for the change of use of an ancillary outbuilding to form a one bedroom dwelling.

In terms of external appearance, the proposals would retain the current form of the building, with horizontal timber cladding and a felt tiled roof. The main additions will comprise two new windows within the eastern elevation, redesigned doorway, and internal partition walls to create a kitchen, a bedroom and a lounge and bathroom.

The scheme also includes the creation of residential curtilage with the provision of two parking spaces and associated turning head allowing vehicles to enter and leave the site in a forward gear. The proposals would also include the creation of private amenity space to serve the dwelling.

### **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
6. Ecology
8. Other Issues
9. 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 comprises the Lichfield District Local Plan Strategy 2008-2019, the Lichfield District Local Plan Allocations (2019) and the adopted (made) Fradley Neighbourhood Plan (2019).

1.2 Core Policy 1 of the Local Plan states that new rural housing will be directed mainly towards the key rural settlements. This is reiterated within Core Policy 6 which states that housing development will be focused upon the Districts key urban and rural settlements, which includes the settlement of Fradley. The site, however, lies outside of the village settlement

boundary as indicated in Local Plan Policies Map and also Policy FRANP1 of the Fradley Neighbourhood Development Plan.

- 1.3 Core Policy 6 states that in the remaining rural areas residential development will be permitted in a number of scenarios including changes of use and conversion schemes. In this instance the proposal seeks to change the use of an existing timber built outbuilding to create a single dwelling. The NPPF at paragraph 79 states that isolated homes in the countryside should be avoided unless the development meets specific criteria including the development re-using redundant or disused buildings, and enhancing its immediate setting.
- 1.4 The Rural Development SPD outlines that not all buildings would be regarded as suitable for re-use. Some buildings which were designed to be temporary or which harm the character and appearance of the area may not be worthy of retention. The SPD poses a number of questions to help decide whether a rural building is worthy of retention and re-use, this includes:
- Is it a permanent solid construction?
  - Is it in good condition?
  - Does it look as though it fits in with surrounding buildings and the landscape?
  - Does it have any historic or architectural significance?
  - Is it in a sustainable location?
- 1.5 The building in question is a timber shed/outbuilding primarily used for storage by the occupants of Cowhill Cottage. During the course of the previous application, the LPA considered the building to be unsuitable for conversion. To support this application a letter outlining the findings of a “visual inspection” has been prepared by ASP Consulting (Melbourne) Ltd, dated 31 January 2019. This letter is not a detailed structural survey or report. The letter concludes that, following on from a visual inspection, structurally the building is “suitable for domestic use”, although it does not expand in any great detail on what works would be necessary to the walls and roof to make the building habitable or suitable as would ordinarily be expected. Furthermore, the report is ambiguous in its wording by saying the building is suitable for “domestic use”. The building is currently in use for domestic purposes as a domestic outbuilding, and the report does not state that the building is suitable for use as a residential dwelling or for habitable accommodation. The report also notes defects in the structure, observing that there are *“Cracks in the blockwork upstand along the north elevation were observed, indicative of settlement resulting from the tree removed. This movement will in all likelihood continue until the ground has recovered from the decaying roots and dehydration, having the tree removed”*.
- 1.6 Notwithstanding whether the structure can or cannot be converted and the extent of works necessary, consideration ought to be had to whether the structure, and the nature of the structure, is a suitable building for conversion and whether it should be retained as a dwelling. The structure is of relatively modern construction and takes the form, appearance and construction of a lightweight garden outbuilding. The structure has no substantial construction above ground level (i.e. no brickwork or blockwork) and is primarily of timber construction. The building does not have any significant degree of permanence in terms of its design nor is the structure of any substantial construction. The building is not designed to be a permanent feature and would inevitably have a shorter lifespan than a more substantially constructed building. Furthermore, the building has no historic or architectural significance to demonstrate that its retention would provide any heritage benefits or result in the retention of a building which is of traditional agrarian character. It is considered that the policy for conversion is not intended for buildings of this nature which is not considered to be a suitable building for re-use.
- 1.7 Therefore, it is considered that the outbuilding is not worthy of retention and its re-use as a dwelling is not considered to be policy compliant. It is therefore considered that the proposed

development would be contrary to Core Policies 1 and 6 of the Local Plan and, the guidance set out in paragraph 2.4 of Appendix B of the Rural Development SPD, and the NPPF.

- 1.8 Furthermore, the building is positioned outside of the Fradley village boundary, where there would be a reliance on private motor vehicles for day to day activities. The site is therefore considered to be in an unsustainable location and the creation of a dwelling as proposed would be contrary to the principles of delivering sustainable development.
- 1.9 Comment has been made that there have been examples of similar conversions in the area. The buildings cited are/were more substantial brick or concrete block outbuildings, which are clearly more substantial, permanent and appropriate for conversion compared to the timber structure sought for conversion under this application. Therefore, it is not considered that these have set a precedent to allow the conversion of timber structures to dwellings.
- 1.10 Whilst the conversion of buildings outside of settlement boundaries can comply with the exceptions listed in Core Policy 6, the building in question is not of permanent or substantial construction or a building which the Policy is geared towards. It is not a structure or building which is considered to be worthy of retention. Therefore the proposed development is not considered to be acceptable in principle, and would be contrary to the Development Plan, Supplementary Planning Documents, and guidance contained within the NPPF.

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

- 2.1 Core Policy 3 of the Local Plan lists a number of key issues that development should address in order to ensure sustainable development. The following key issues are relevant to this application:
  - Protect and enhance the character and distinctiveness of Lichfield District and its settlements;
  - Be of a scale and nature appropriate to its locality; and to,
  - Encourage the re-use of previously developed land in the most sustainable locations.
- 2.2 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 2.3 NDP Policy FRANP6 states, *'Proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Fradley. They should demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design. Development should respect the residential amenity of neighbouring occupiers and have regard to the Fradley Character Area Assessment.'*
- 2.4 The existing building which is to be converted is not considered to be of any considerable architectural merit and has the appearance and construction of a domestic shed. There would be no extensions proposed however, as the building only have two openings at present, a further two openings would be required to enable the building to provide appropriate light for the proposed rooms. While new openings are proposed, it is not considered that this cause any undue harm to the character and appearance of the building itself. In terms of the retention of the building as a dwelling on a permanent basis, as set out earlier, it is considered that the building is not one which is considered to be appropriate to retain on a permanent basis (unlikely more traditional agrarian buildings). The permanent retention of the building is likely to have some impact on the character of the area, although the harm to the character of the area is unlikely to be significant.
- 2.5 As that the site lies towards the end of a private track and therefore has only limited public visibility, it is considered that the proposal would not significantly detract from the visual

amenities of the rural landscape, although some minor harm would be created through the retention of the building and associated works.

### 3. Residential amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. The Sustainable Design SPD includes recommendations for space about dwellings and amenity standards in order to ensure privacy is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings.
- 3.2 The proposed new dwelling would be sited approximately 12m to the north east of the nearest residential property and is largely screen behind this neighbour's outbuilding. The overall bulk and massing of the application building would remain as existing and all windows would face away from this property. Due to the mass of the building remaining as existing, no increased overbearing, overshadowing, or loss of daylight would arise. The proposed habitable windows on the front and rear of the dwelling would not face directly towards this neighbour. The primary habitable windows would face towards the property known as Oak Meadow, but would be at a distance of approximately 60m and as such would not result in any significant loss of privacy or overlooking.
- 3.3 The proposal would create a one bedroom dwelling with residential curtilage wrapping around its front and two sides. Parking space for two vehicles would be provided. The Sustainable Development SPD outlines minimum standards for residential properties. In this instance a minimum garden size of 45sqm is recommended.
- 3.4 Given the orientation of the building and its positioning adjacent to the site boundary, there would be no rear garden. The majority of the private garden space would be to the side of the property, which would be secluded. This section of the garden would range between 5.5 – 9.5m in depth. The level of garden provision would be sufficient to meet minimum standards set out in the SPD.
- 3.5 In terms of the amenity for future occupiers, all habitable room windows would be all provided with sufficient light and outlook and adequately sized private amenity space would be provided in accordance with the requirements set down in the sustainable design SPD.
- 3.6 It is considered therefore that the proposed development would not result in an unacceptable detrimental impact on the users and occupiers of surrounding properties and would provide future users with an adequate level of amenity in accordance with the Sustainable Design SPD. As such the development would accord with Policy BE1 and the NPPF and development plan in this regard.

### 4. Access and Highway Safety

- 4.1 Policy ST2 of the Local Plan Strategy sets out that parking should be in accordance with the Sustainable Design SPD, which states that dwellings with 1 bedroom should be provided with 1 car parking space.
- 4.2 The development would provide 2 car parking spaces to serve the development and as such would exceed minimum parking standards.

- 4.3 Vehicular and pedestrian access to the site would be via Cowhill Lane as it is at present and a driveway created. Staffordshire County Council Highways have advised that they have no objections to the proposal and it is considered that the development would not trigger an unprecedented amount of additional impact on the surrounding road network and therefore the development is acceptable in highway terms.

5. Ecology

- 5.1 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 satisfactory 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. Whilst the site lies within the 15km zone of Cannock Chase SAC, there is no requirement for contributions in this instance as the site lies outside the 8km limit.
- 5.2 Policy NR3 of the Local Plan Strategy and the Biodiversity and Development SPD seek to achieve an ecological net gain as part of any development proposals.
- 5.3 The existing outbuilding consists of single skinned wall and roof, which makes it unsuitable located as a bat roost. Given the building's construction, the District Council Ecologist is satisfied that an ecological survey is not required and bats or nesting birds are unlikely to be impacted by the development.
- 5.4 A positive ecological impact would be achieved within the site through the installation of bat or bird boxes which can be secured by condition.

6. Human Rights

- 6.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. Article 1 of the first protocol may be of relevance as it provides for every natural and legal person to be entitled to the peaceful enjoyment of their possessions. However it is specifically stated that this right shall not impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The interference likely to occur here has been fully assessed in this report. It is considered that any interference can be justified in the general interest, as defined by national planning policy and policies of the Development Plan, and is proportionate. The applicant has a right of appeal in accordance with Article 6.

**Conclusion**

The site lies outside of any identified settlement boundary and is in an isolated location, physically distanced from local services and public transport. The proposal would not satisfy the requirements for housing development in rural areas as outlined in Core Policy 6 as the creation of a dwelling would not amount to infill development within an identified village boundary, would not be occupied as affordable housing, is not supported through the Fradley Neighbourhood Plan and has not been identified as being for a rural worker.

The proposal seeks the conversion of an existing building, however the building itself is not considered to be permanent or substantial due to its timber construction and would not be worthy of retention under the tests outlined in the rural development SPD. The proposal would therefore amount to a form of development which is not considered to be in accordance with the Development Plan or the National Planning Policy Framework and therefore the proposal is recommended for refusal.

## **ITEM B**

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

**28 October 2019**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/00872/FUL	Burntwood Leisure Centre High Street Chasetown Burntwood	Burntwood
19/01189/FUH	8 Littlehay Manor Colton	Colton

**Lichfield**  
district council

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

District Council House  
Frog Lane  
Lichfield  
Staffs  
WS13 6YY

Telephone: 01543 308000  
enquiries@lichfielddc.gov.uk

# LOCATION PLAN

19/00872/FUL

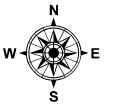
Burntwood Leisure Centre  
High Street  
Chasetown

Scale: 1:1,750

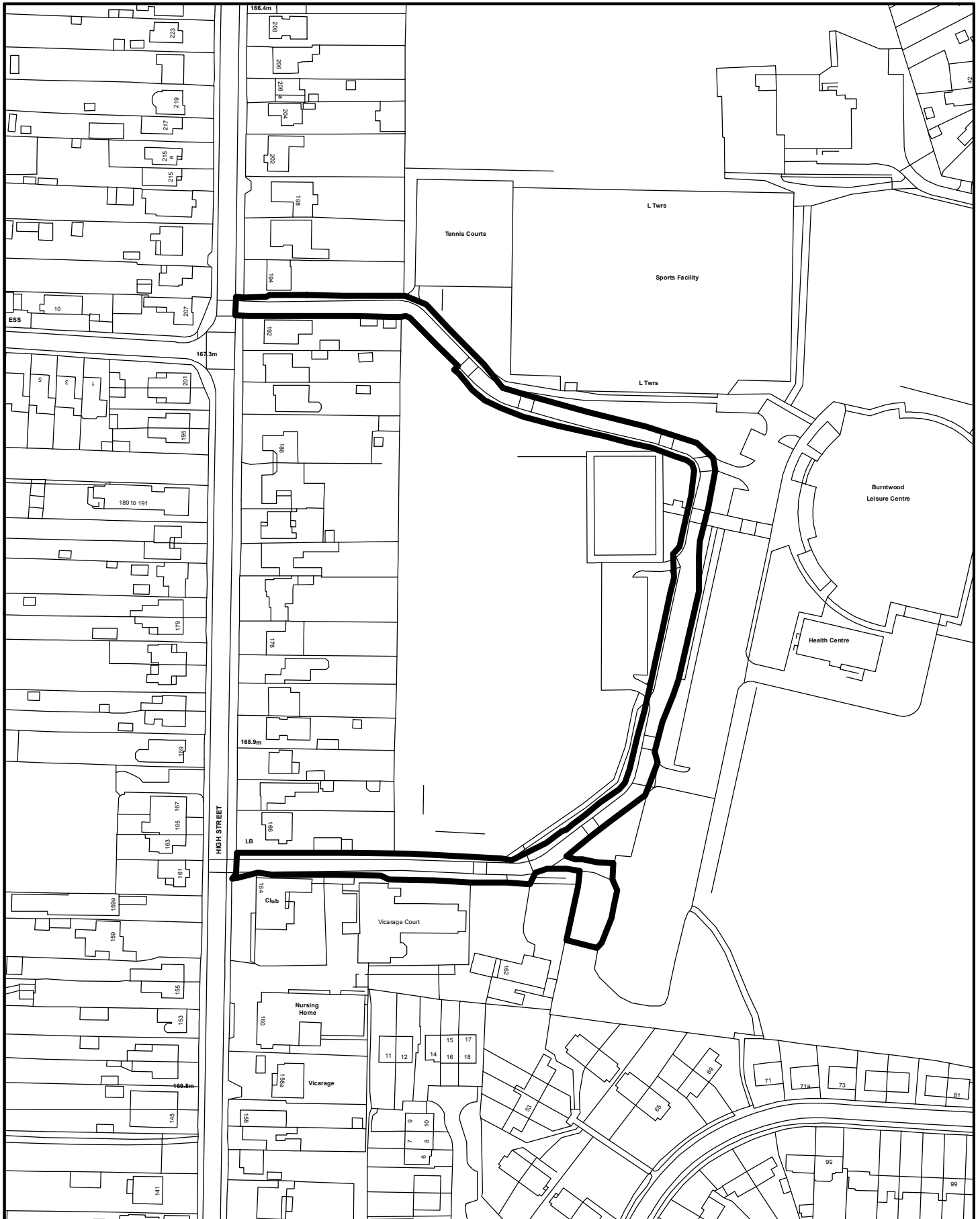
Dated: October 2019

Drawn By:

Drawing No:



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**19/00872/FUL**

**ERECTION OF 1NO STORAGE BUILDING  
BURNTWOOD LEISURE CENTRE, HIGH STREET, CHASETOWN, BURNTWOOD  
FOR BURNTWOOD SUB AQUA CLUB**

Registered **12/08/2019**

**Parish: Burntwood**

**Note:** This application is being reported to the Planning Committee as the land is owned by 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 be otherwise required by other conditions to which this permission is subject.
3. The development hereby approved shall be constructed of buff bricks, green coloured cladding and roofing and a green matte roller shutter door. The development shall thereafter be retained as such for the life of the development.
4. Within one month of completion of the development hereby approved, a bat box shall be installed within the site. The bat box shall thereafter be retained as such for the life of the development.

**REASONS FOR CONDITIONS**

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
4. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

**NOTES TO APPLICANT:**

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

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 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. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
  4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 10 – Healthy & Safe Lifestyles

Core Policy 11 – Participation in Sport & Physical Activity

Policy NR3 – Biodiversity, Protected Species & their Habitats

Policy NR4 – Trees, Woodland & Hedgerows

Policy NR7 – Cannock Chase Special Area of Conservation

Policy BE1 - High Quality Development

### **Local Plan Allocations**

N/A

### **Supplementary Planning Document**

Sustainable Design SPD

Trees Landscaping and Development SPD

Biodiversity and Development SPD

## **RELEVANT PLANNING HISTORY**

N/A

## **CONSULTATIONS**

**Burntwood Town Council** - No objections to the principle of the works, Members asked that the Local Planning Authority ensures that the sub aqua equipment is correctly stored accordingly to legislation. (12th September 2019)

**Environmental Health Team (LDC)** - No comments. (9th September 2019)

**Tree Officer (LDC)** – No objections on arboricultural grounds. The site is not within any designated conservation nor are there any TPO' trees on site. Whilst there are a number of trees lining the access roads for construction these are all hard standing and there is little likelihood of any damage occurring. (14th August 2019)

**Directorate Of Leisure And Parks (LDC)** - This area is not managed by Parks and Open Spaces. Any alterations to the grounds maintenance regime will be as per Freedom Leisure's service level agreement. (15th August 2019)

**Spatial Policy & Delivery Team (LDC)** - The impact on Cannock Chase SAC will need to be understood and resolved in regard to the application and policies seek to ensure the quality, quantity and accessibility of existing facilities and the Plan seeks to protect and enhance the facilities available to encourage participation in physical activity. As the leisure centre is a key site which delivers the leisure provision for the Burntwood settlement it is important to establish the impact of the proposal upon the quality, quantity and accessibility of the leisure provision for the settlement. If the proposal results in a loss it should be resisted unless alternative facilities of an equivalent or better standard in terms of quantity are being provided in accordance with Core policies 10 and 11. (3<sup>rd</sup> September 2019)

**Sport England** - No response received.

#### **LETTERS OF REPRESENTATION**

None received.

#### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Location Plan  
Block Plan  
1472.1.

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#### **OBSERVATIONS**

##### **Site and Location**

The application site relates to an area of unused land within the Burntwood Leisure Centre site which lies within the settlement of Burntwood as defined by the Local Plan Policies Map. The Leisure Centre is sited to the east of High Street in Burntwood. The area of land subject to this application is sited to the southwest of the Leisure Centre. The area of land is currently unused and is grassed. To the west of the site is a nursery and nursing home, to the south are residential properties and to the north and east are car parking and sports fields.

##### **Proposals**

This application seeks to erect a storage building to serve the Burntwood Sub Aqua Group which trains at Burntwood Leisure Centre. Currently the group remove all equipment from the site between training sessions.

The storage building will measure 8.0m in width and 9.8m in depth, occupying a footprint of 78.4sqm. The building will have a dual pitched roof with an eaves height of 3.6m and a ridge height of 5.6m. The building will be constructed of buff brick and green coloured cladding and sheeting roof. The building will have a roller shutter to the front elevation, coloured green. 2m high mesh fencing will also be erected around the building.

## **DETERMINING ISSUES**

1. Policy & principle of development
2. Cannock Chase SAC
3. Siting, design & appearance
4. Residential amenity
5. Other matters
6. Human Rights

### **1. Policy & principle of development**

- 1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.”* Furthermore, paragraph 177 states that *“the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”*. In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 2 of this report.
- 1.2 Core Policy 1 of the Local Plan states that support will be given to maintaining and improving the health and wellbeing of residents including improvements to existing facilities. Core Policy 3 seeks to improve the overall quality of life through the provision of appropriate infrastructure, services and facilities. Core Policy 10 states that the Council will facilitate access to a range of high quality and well maintained sports and recreational facilities and new facilities will be designed to maximise accessibility. Core Policy 11 states that initiatives to enhance and increase accessibility to sports facilities will be supported (including relevant infrastructure) where this does not conflict with other policies within the Plan. Policy Burntwood 2 states that the range of services and facilities will be improved, while access to services and facilities will be enhanced.
- 1.3 The policies within the Local Plan support the provision of sport facilities and encourage the participation of physical activities. The proposal will support the ongoing activities of an established sports club which utilises the pool at Burntwood Leisure Centre and would be ancillary to that existing function. The proposal will not result in the loss of any sports pitches or playing fields. As such the principle of the proposed development is considered to be acceptable, subject to the development being of appropriate design; not giving rise to any amenity or highway issues; and, any other development management consideration.

### **2. Cannock Chase SAC**

- 2.1 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 satisfactory avoidance and/or mitigation measures have been secured. The site is located within the 0-8km zone of the SAC however the proposal does not include the provision of dwellings. As such, given the nature of the proposal, it is not considered that this scheme would have an adverse impact upon the Cannock Chase SAC, and is acceptable in this regard.

### 3. Siting, design & appearance

- 3.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. Core Policy 3 states that development will protect and enhance the character and distinctiveness of Lichfield District, and that development should be of a scale and nature appropriate to its locality.
- 3.2 The building will be sited to the southwest of the leisure centre adjacent to the site boundary which is defined by a substantial coniferous hedgerow. The land on which the development would be sited is currently unused and is adjacent to an informal parking area. The building would not be sited immediately adjacent to existing buildings within the complex. However, due to the position of the building within the site, and its proximity from public highways, the building would not be visible from the streetscene and therefore would not be prominent from public vantage points. Views of the building may be available from private areas, however it is not considered that any significant harm would arise in this respect. The siting of the building is considered to be acceptable given its ancillary use to the function of the leisure centre use and its discrete positioning. The proposed siting is considered to be acceptable and would not impact upon the sports or parking provision of the leisure centre.
- 3.3 The proposed design is simplistic and functional and is relatively modest. The design and appearance of the building is therefore considered to be appropriate. The proposed materials are considered to be acceptable given the surrounding context.
- 3.4 Overall it is considered that the design and appearance of the development would be acceptable. The development is therefore considered to comply with the requirements of the Development Plan and NPPF in this regard.

### 4. Residential amenity

- 4.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's requirements for space about dwellings within Appendix A.
- 4.2 The building will be sited approx. 25m from the nearest residential property which is sufficient distance to ensure that the development would not have an overbearing impact, appear visually intrusive or result in any loss of daylight or overshadowing. The development will be utilised in association with the existing activity at Burntwood Leisure Centre. It is not considered that the proposed storage building will cause any further impact upon the amenity of neighbouring properties through noise and disturbance. It is also noted that Environmental Health have raised no objections to the scheme in this respect.
- 4.3 The proposal is considered to be acceptable with regards to residential amenity and would be in accordance with the Policies of the Development Plan and guidance contained within the NPPF.

### 5. Other matters

- 5.1 The proposed development would not result in the loss of any designated on site parking while access arrangements to the site would remain unaltered. Given the ancillary nature of the building it is not considered that the proposal would give rise to any significant increased movements to and from the site from High Street, or result in any significant additional demand for off street parking within the site. No highway safety issues would therefore arise as a result of the development proposed.

- 5.2 The storage building will be sited adjacent to existing boundary trees. The Council's Arboricultural Officer has raised no objection to the scheme.
- 5.3 The proposal is not considered to negatively impact upon protected or priority species or habitats. Policy NR3 of the Local Plan Strategy states that a net gain to biodiversity should be delivered through all developments. A condition is imposed to ensure that a bat or bird box is installed in order to deliver a net gain to biodiversity.
6. Human Rights
- 6.1 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 proposal will support the ongoing activities of an established sports club which utilises the pool at Burntwood Leisure Centre and is acceptable as a matter of principle. The building is considered to be appropriately designed and located and the proposal would not cause a detrimental impact upon the amenity of neighbouring residents. The proposal is therefore considered to be acceptable and complies with the Development Plan and NPPF and is recommended for approval.

# LOCATION PLAN

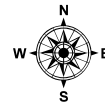
19/01189/FUH  
8 Littlehay Manor  
Colton

Scale: 1:1,000

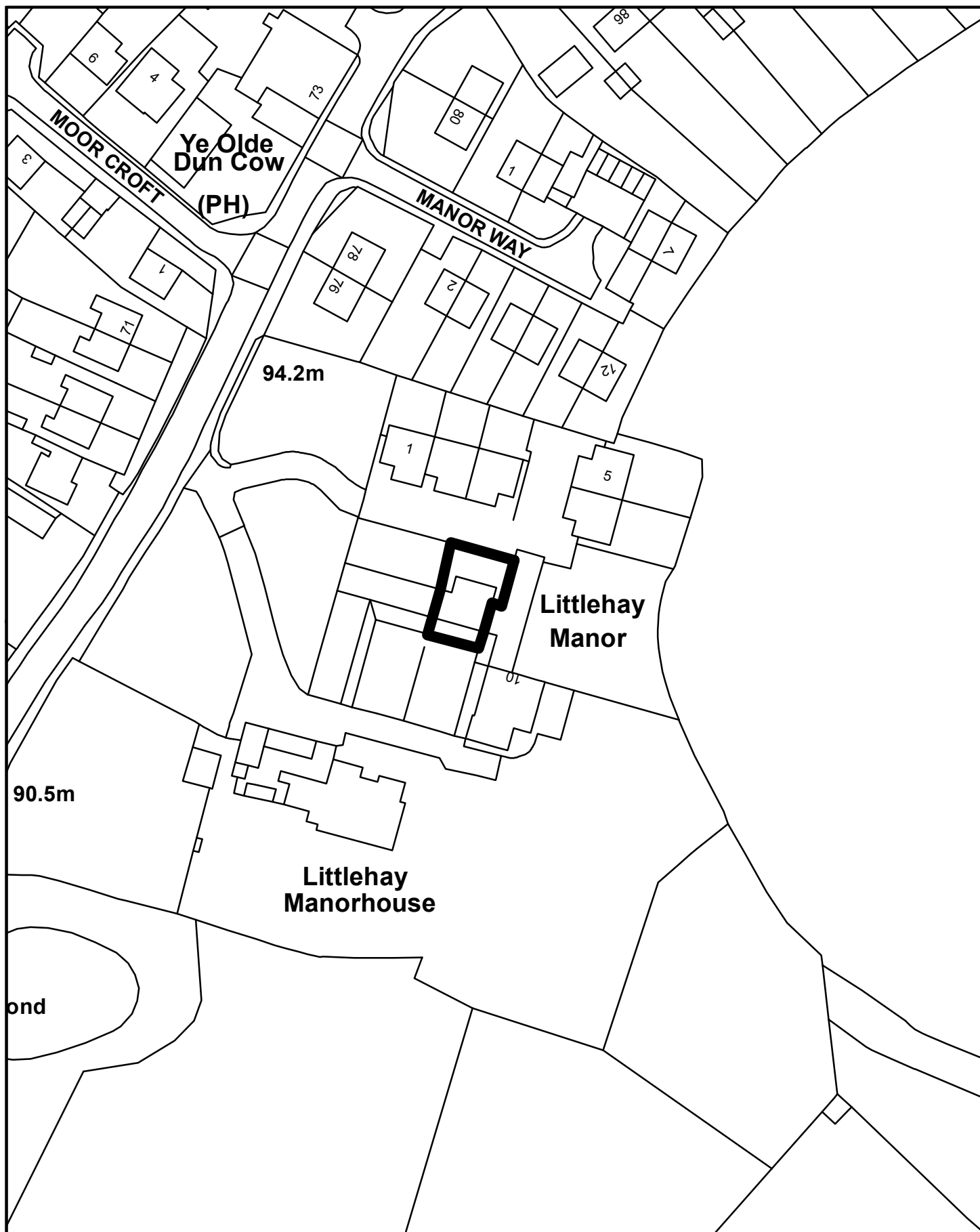
Dated: October 2019

Drawn By:

Drawing No:



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# 19/01189/FUH

## CREATION OF REAR OUTBUILDING (APPROX. 2X2M) WITHIN EXISTING ALCOVE 8 LITTLEHAY MANOR, COLTON, RUGELEY, STAFFORDSHIRE FOR MR WAIT

Registered: 19/08/2019

**Parish:** Colton

**Note:** This application is being reported to the Planning Committee as the joint owner of the property is a Lichfield District Council employee.

**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.

### REASONS FOR CONDITIONS:

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.

### NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 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. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

### PLANNING POLICY

#### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 2 – Presumption in Favour of Sustainable Development

Core Policy 3 – Delivering Sustainable Development

Core Policy 14 – Our Built & Historic Environment

Policy BE1 – High Quality Development

Policy ST2 – Parking Provision

Policy NR3- Biodiversity, Protected Species and their Habitats

Policy NR2- Development in the Green Belt

### **Local Plan Allocations**

BE2

### **Supplementary Planning Document**

Sustainable Design

Biodiversity and Development

Historic Environment

Rural Development.

### **RELEVANT PLANNING HISTORY**

03/01176/COU	Conversion of agricultural style outbuildings to form 5 No. residential units, including demolition, extensions, formation of access roads and car parking	Approved	22/12/2003
03/01177/LBC	Conversion of agricultural style outbuildings to Form 5 No. residential units, including demolition, extensions, formation of access road & car parking	Withdrawn	23/12/2003
13/00976/FUL	Installation of rooflight	Approved	22/10/2013

### **CONSULTATIONS**

**Colton Parish Council**- No objection (10/09/2019).

**Severn Trent Water** – No comment received.

**Conservation Team- LDC**- No objection (18/09/2019).

**Tree Officer-LDC**- No objection (04/09/2019).

### **LETTERS OF REPRESENTATION**

0 letters of representation have been received in respect of this application.

### **OTHER BACKGROUND DOCUMENTS**

N/A

### **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Site / Location Plan	Existing Site Location Plan
Block Plan	Existing Block Plan
Block Plan	Proposed Block Plan
Existing Elevations / Plans	Existing plans and elevations- 01

**OBSERVATIONS****Site and Location**

This application relates to a dwelling which is located on the southern side of Littlehay Manor which is located within the village settlement boundary for Colton as defined by the Local Plan Policies Map. The dwelling is a converted barn and is located within a complex of converted barns and dwellings. The surrounding area is predominantly residential with a mix of converted barns and dwellings of a mixed variety in design, type and age. The dwelling has a single storey projection to the rear and garden. Designated parking to serve the dwelling is sited within a parking courtyard to the front of the property. The application site lies within the 0-8km Cannock Chase Special Area of Conservation buffer zone.

**PROPOSAL:**

This application seeks permission for creation of a rear outbuilding which would be located within an existing alcove. While described as an outbuilding within the application, it would be attached to the existing building and as such would be considered to be an extension. The extension would measure 2m in width and 2m in depth. It would reach a maximum height of 3.1m with a lean to roof with eaves of 2.3m. It would be constructed of Staffordshire Blue plain clay roof tiles to match the existing dwelling, with oak weather boards to the elevations and an oak door.

**Determining Issues**

1. Policy & Principle of Development
2. Design
3. Amenity
4. Parking
5. 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 comprises the Lichfield District Local Plan Strategy 2008-2019 and the Allocations Document (2019).
- 1.2 The site is located within the settlement of Colton, where the principle of householder development, including extensions, is considered to be acceptable. The application building is a converted barn, therefore the main consideration in this instance are whether the development is of appropriate design in this context. It is also necessary to consider whether the development would give rise to any amenity issues; or whether any other development management issues would arise including impact upon car parking.

**2. Design**

- 2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy which requires new development in terms of layout, size, scale, 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". Core Policy 3 states that development will protect and enhance the character and distinctiveness of Lichfield District, and that development should be of a scale and nature appropriate to its locality.

- 2.2 Due to the age and history of the building, it is considered that the building could be considered to be a non-designated heritage asset. Paragraph 197 of the NPPF requires that the effect of an application on the significance of a Non-designated Heritage Asset should be taken into account when determining an application and states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*. Policy BE2 of the Allocations Document states that development will be supported where the development does not result in harm to the significance of heritage assets (including non-designated assets).
- 2.3 The extension would be sited to the rear of the property and would be positioned within an alcove between the adjacent property, No.9, and an existing rear projection of the host property. The extension is designed with an eaves and ridge height which is subservient to the existing single storey extension. It is proposed that the extension would use Staffordshire blue clay tiles to match the existing building, while timber would be used to finish the wall and doors.
- 2.4 The existing dwelling is a former agricultural building of some age which has been converted to a complex of dwellings. Permission 03/01176/COU granted the conversion of the agricultural style outbuildings and included some extensions to the building. When considering applications which relate to barn conversions, the Rural Development SPD states that every effort should be made to retain the original simplicity of scale and form and to alter the building as little as possible, this includes when considering applications for alterations post conversion. Given the modest nature of the proposals, its use of appropriate materials, and its discrete siting, it is not considered that the proposed development would cause any undue harm to the character and appearance of the host property as a non-designated heritage asset which would remain the dominant and prominent element of the building.
- 2.5 It is noted that the application building has a previous extension to the rear which includes a large amount of glazing. The existing building has already been altered with the previous extension. It is considered that the addition of a small scale extension, as proposed, would not be a detriment to the character and appearance of the property in this instance. Furthermore, it is noted that other larger extensions have been carried out to other properties within the complex.
- 2.6 Views of the proposed extension may be available from within the housing complex, from Littlehay Manor, however, by reason of its limited scale and discrete siting, the proposals would not be prominent or represent an incongruous addition to the streetscene. The proposals would not be visible from High Street.
- 2.7 From a design perspective it is considered that the development would not cause any adverse harm to the character and appearance of the existing building or surrounding streetscene and, as such, would be in accordance with the Policies set out within the Development Plan.

### 3. Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of

life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design SPD. Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive sunlight and daylight.

- 3.2 Due to the modest scale of the outbuilding, and its siting, it is not considered that the development would give rise to any amenity issues relating to loss of daylight; overbearing or overshadowing on the neighbouring property or any impact on adjoining private amenity spaces. No adverse amenity issues would arise as a result of the proposed development.

#### 4. Parking

- 4.1 Local Plan Policy ST2 states that appropriate provision should be made for off street parking in development proposals in accordance with the maximum parking standards set out in the Council's Sustainable Design Supplementary Planning Document.
- 4.2 The proposal would not affect the on-site parking provision in terms of erosion of existing provision or demand for new spaces. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document.

#### 5. Human Rights

- 5.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with 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 proposed development is an acceptable form of development as a matter of principle. In this instance, it is considered that the development would not cause harm to the character and appearance of the host property or wider area, the amenity of neighbouring properties; or highway safety.

Consequently, it is recommended that this application be approved, subject to conditions.