

# Planning Committee

9 March 2020

## 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**

9 March 2020

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/01334/FULM	Land South East Of Ryknild Street Lichfield	Fradley And Streethay

### **ITEM B**

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

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/01637/FUH	30 Fecknam Way Lichfield	Lichfield

# LOCATION PLAN

19/01334/FULM  
Land South East Of  
Ryknild Street Lichfield

Scale: 1:1,250

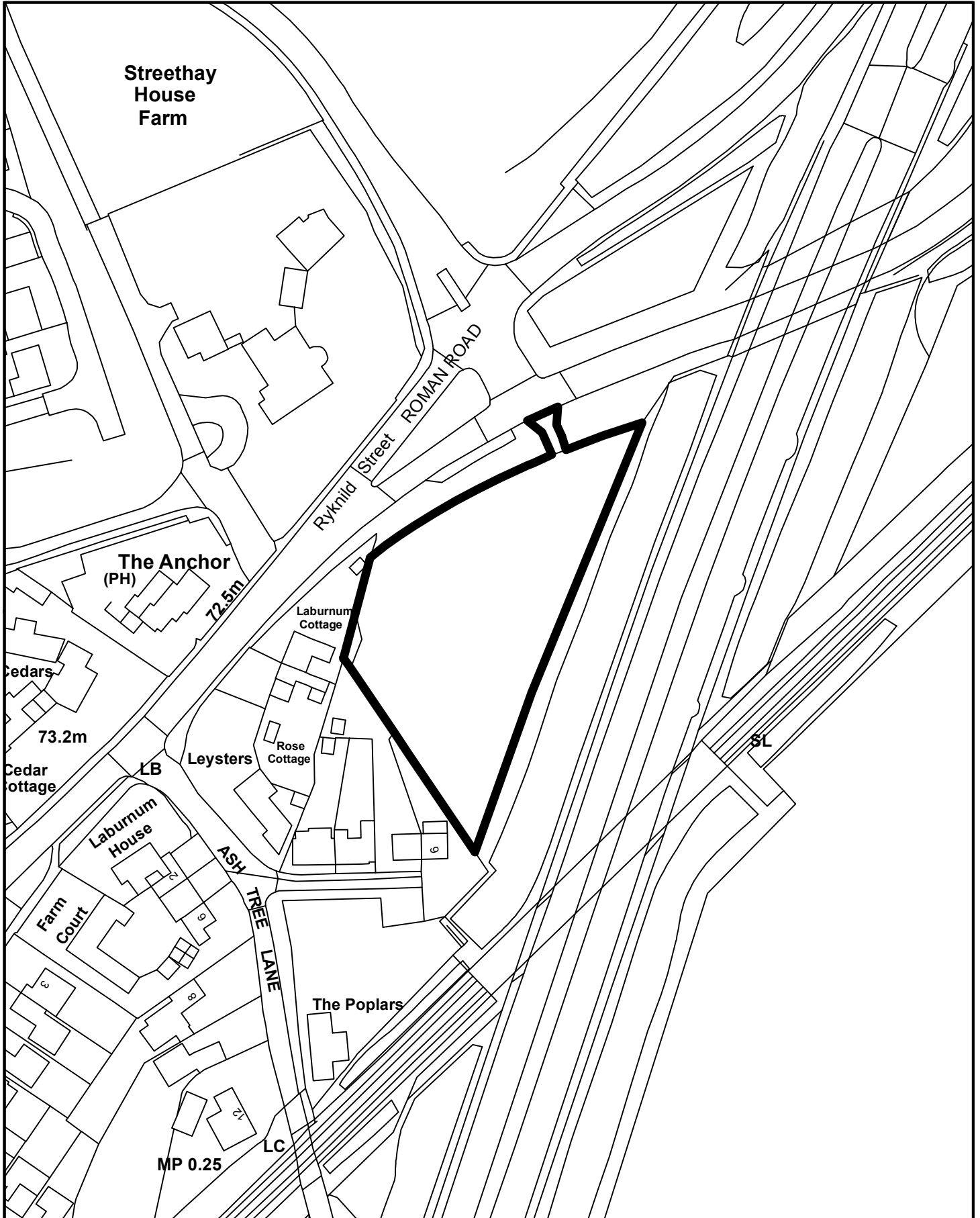
Dated: March 2020

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# 19/01334/FULM

**Erection of 20 affordable homes, including alterations to existing access and associated works  
Land South East Of, Ryknild Street, Lichfield, Staffordshire  
FOR Mr W Bolton**

Registered **30/09/2019**

**Parish: Fradley And Streethay**

**Note:** This application is being reported to the Planning Committee due to the need to complete a Section 106 Agreement containing three obligations.

**RECOMMENDATION: Approve, subject to the following conditions, and subject to the negotiation and completion of a Section 106 Agreement to secure 37% affordable housing in perpetuity, off-site highway works, and on-going maintenance of the private access road. Delegation to the Head of Economic Growth and Development to agree the final terms of the Section 106 Agreement:**

## **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 Prior to commencement of the hereby approved development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved details before any dwelling within the development is first brought into use.
- 4 Prior to commencement of the hereby approved development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The construction phase shall thereafter be undertaken in full accordance with the approved details.
- 5 Prior to commencement of the hereby approved development a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
  - Surface water drainage system(s) designed in accordance with the Non statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
  - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical storm to 5.0l/s.
  - Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Runoff Management for Developments'.
  - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system

for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

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

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

C) The development shall not be occupied until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

7 Notwithstanding the submitted details, prior to commencement of the hereby approved development, 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 first being brought into use.

8 Notwithstanding the submitted details, prior to commencement of the hereby approved development including any site clearance works is commenced or any equipment, machinery or materials is brought onto site, full details of protective fencing and/or other protective measures to safeguard existing (trees and/or hedgerows) on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed (tree / hedge) protection measures shall thereafter be provided and retained for the duration of construction (including any site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

9 Prior to commencement of the hereby approved development, a method statement, including materials to be used and construction details for a 'minimum-dig' approach to hard surfaced areas beneath the canopies of mature trees along the eastern embankment (G2), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in strict accordance with the approved method statement.

10 Notwithstanding any description/details of external materials in the application documents, no development shall take place above slab level of the hereby approved development, until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i. external facing materials, including colour, size and texture
- ii. boundary treatments
- iii. materials and appearance of bin store and bin collection point

The development shall be constructed using the approved details and thereafter retained as such for the life of the development.

- 11 Prior to the laying of any floor slabs within the hereby approved development, details of cycle storage and electric vehicle charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of any of the hereby approved dwellings and thereafter retained for the life of the development.
- 12 Prior to the laying of any floor slabs within the hereby approved development, full details of a biodiversity scheme, including locations, to provide 10 x bird boxes (of assorted types), 10 x bat boxes/bricks and hedgehog nesting and gaps within fences across the development site, shall be submitted to, and approved in writing by the Local Planning Authority. These measures shall be in addition to those required by condition No.14 below. The approved details shall be fully implemented prior to the first occupation of any of the hereby approved dwellings and thereafter retained for the life of the development.
- 13 The hereby approved development shall be carried out in strict accordance with the recommendations of the noise assessment 'REP 1091225-AM-R1' and additional statement 'DOC-1091225-05-AM-20191209'. The measures, including the erection of a 2.4m high acoustic fence to the rear of Plot 20 to the eastern boundary, along with the use of acoustic windows and vents to habitable rooms fronting adjacent roads in Plots 1 through to and including 7, Plots 10 through to and including 18 and Plot 20, shall be fully implemented prior to first occupation of each dwelling and thereafter retained for the life of the development.
- 14 The hereby approved development shall be carried out in strict accordance with the methods of working, which are detailed in the Ecological Impact Assessment – '2018-10(05)' by Ecolocation dated 5th November 2018. The measures shall be implemented prior to first use of the dwellings hereby approved and shall thereafter be retained for the life of the development.
- 15 The parking and turning facilities as shown on Site Layout '2223-03-01 Rev H' shall be provided prior to the first occupation of any of the hereby approved dwellings and thereafter retained at all times for their designated purposes for the life of the development.
- 16 During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 07:30am to 19:00pm hours Monday to Friday and 08:00am to 13:00pm hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
- 17 Notwithstanding the submitted details, no windows or other openings at first floor shall be included in the rear elevation of Plot 19 and Plot 20 facing No.9 Ash Tree Lane at any time.
- 18 Prior to the installation of any external lighting, full details of its appearance, and light spill, shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed, and retained, in full accordance with the approved details.
- 19 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
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification) the hereby approved Plot 10, and Plots 13 through to, and including Plot 20, as shown on Site Layout '2223-03-01 Rev H' shall not be enlarged or extended and neither shall any windows, dormers or other openings be created in the

dwelling in addition to or as enlargements of any which may be hereby approved, nor any gates, fences, walls or other means of enclosure or buildings, enclosures or other structures required for a purpose incidental to the enjoyment of the dwelling houses be erected within the curtilage of the approved dwellings without the prior written permission, on application, to 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 National Planning Practice Guidance.
- 3 To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 4 To safeguard neighbours amenity and in accordance with Policy BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 5 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 6 To protect any potential archaeological remains of historic importance in accordance with Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework.
- 7 To ensure a satisfactory landscaping scheme in accordance with Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.
- 8 To safeguard existing important trees in accordance with Policy NR4 of the Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.
- 9 To safeguard existing important trees in accordance with Policy NR4 of the Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.
- 10 To ensure satisfactory appearance of the development in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
- 11 To encourage sustainable transport modes in accordance with Policies ST2 and Core Policy 3 of the Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.
- 12 To achieve qualitative biodiversity gains in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
- 13 To safeguard amenity of existing neighbours, and provide a satisfactory living environment for intended occupiers of the development in accordance with Policies BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 14 To protect and enhance important habitat in accordance with Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

- 15 To provide satisfactory on-site parking and access and ensure safe operation of the local highway network in accordance with Policy ST2 of the Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.
- 16 To safeguard neighbours amenity and in accordance with Policy BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 17 To safeguard neighbours amenity and in accordance with Policy BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 18 To safeguard neighbours amenity and in accordance with Policy BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
- 19 To ensure a satisfactory landscaping scheme in accordance with Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.
- 20 To safeguard amenity of existing neighbours and future occupiers of the development in accordance with Policies BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and 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).
5. Please refer to the advice and recommendations set out in the published response from Network Rail dated 7<sup>th</sup> October 2019.
6. Please refer to the advice and recommendations set out in the published response from Central Networks dated 9<sup>th</sup> October 2019.
7. Please refer to the advice and recommendations set out in the published response from the Architectural Liaison Officer dated 3<sup>rd</sup> January 2020. Please note that the provisions set out in conditions attached to this permission take precedence over any of these recommendations in the event of any potential conflict.



8. Please refer to the advice and recommendations set out in the published response from the Joint Waste Service dated 8<sup>th</sup> October 2019.
  9. The Written Scheme of Investigation (WSI) identified in the condition above should consider all appropriate aspects of archaeological work including post excavation and reporting. Any subsequent archaeological mitigation must be the focus of a separate WSI produced after the evaluation stage and following detailed discussions with the LPA's archaeological advisor.
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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 6 – Housing Delivery  
Core Policy 13 – Our Natural Resources  
Policy BE1 - High Quality Development  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy NR3 – Biodiversity, Protected Species & their habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 4 – Lichfield Housing

### **Local Plan Allocations**

Policy LC1 - Lichfield City Housing Land Allocations  
Policy BE2 - Heritage Assets

### **Supplementary Planning Document**

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

### **Other**

No Adopted Neighbourhood Plan

## **RELEVANT PLANNING HISTORY**

No relevant history.

## **CONSULTATIONS**

**Highways England** - No objection (25th October 2019).

**Planning Case Officer** - No Comments Received - (N/A)

**Ecology Team – LDC:**

No objection subject to an enhanced on-site habitat scheme to provide 10 bird boxes (of assorted types) 10 bat boxes/bricks and hedgehog nesting and gaps within fences across the scheme (26<sup>th</sup> February 2020)

Previous comments remain (5<sup>th</sup> February 2020).

Previous comments remain (23<sup>rd</sup> December 2019).

Biodiversity Offsetting Scheme may be required (24<sup>th</sup> October 2019).

**Environmental Health Team – LDC:**

No further comments to make (21<sup>st</sup> December 2019).

No objection subject to conditions for Construction Environmental Management Plan, restricted hours of construction and noise mitigation scheme (26<sup>th</sup> October 2019).

**Housing Manager – LDC:**

No objection and would prefer a tenure mix of 9 x affordable rent and 11 x shared ownership units (9<sup>th</sup> January 2020).

No objection subject to securing affordable housing provision (8<sup>th</sup> November 2019).

**Spatial Policy and Delivery Team** – No objection (25<sup>th</sup> October 2019).

**Waste Management:**

No further comments to make (23<sup>rd</sup> December 2019).

Makes a number of recommendations for waste / refuse (8<sup>th</sup> October 2019).

**Tree Officer – LDC:**

Previous comments remain (30<sup>th</sup> January 2020).

Previous comments remain and require revised information to reflect amended layout (9<sup>th</sup> January 2020).

Object on grounds of inadequate tree planting, shadowing to amenity areas serving the two southern plots and to the north, require further details on root protection areas, a tree protection plan and minimum 20% canopy density (10<sup>th</sup> October 2019).

**Staffordshire County Council (School Organisation):**

No objection and no education contribution required (30<sup>th</sup> December 2019).

No objection and no education contribution required (8<sup>th</sup> October 2019).

**Staffordshire County Council (Highways):**

No objection subject to conditions to secure the parking and turning areas, footway connection to existing network and cycle storage. Also recommends a number of notes to applicant (3<sup>rd</sup> February 2020).

No objection subject to conditions to secure the parking and turning areas, footway connection to existing network and cycle storage. Also recommends a number of notes to applicant (7<sup>th</sup> January 2020).

No objection subject to conditions to secure the parking and turning areas, footway connection to existing network and cycle storage. Also recommends a number of notes to applicant (28<sup>th</sup> October 2019).

**Architectural Liaison Officer:**

Recommends a number of security measures (3<sup>rd</sup> January 2020).

Recommends a number of security measures (23<sup>rd</sup> October 2019).

**Cadent Gas Limited** - No Comments Received - (N/A)

**Central Networks** – Advise that assets may be in the vicinity of the proposed development and sets out a number of notes to applicant regarding this (9<sup>th</sup> October 2019).

**South Staffs Water** - No Comments Received - (N/A)

**Severn Trent Water** – No objection subject to drainage condition (11<sup>th</sup> October 2019).

**Fradley & Streethay Parish Council:**

No comments to make (22<sup>nd</sup> January 2020).

No comments to make (14<sup>th</sup> October 2019).

**Conservation Team – LDC:**

No objection subject to condition to secure cycle storage for Units 1-5 (3<sup>rd</sup> February 2020).

Some improvements have been made but concerns remain regarding design and layout (30<sup>th</sup> December 2019).

Concerns regarding cramped layout and design (24<sup>th</sup> October 2019).

**Staffordshire County Council (Flood Risk Officer):**

No objection subject to condition to secure surface water drainage scheme and flood-related measures (3<sup>rd</sup> January 2020).

No objection subject to condition to secure surface water drainage scheme and flood-related measures (29<sup>th</sup> October 2019).

**HS2 Safeguarding Consultation** – No objection and recommends a note to applicant regarding proximity to HS2 works (28<sup>th</sup> October 2019).

**Network Rail** – Recommends that noise and vibration from railway is taken into account and mitigated and sets out a number of notes to applicant regarding development in close proximity to the railway (7<sup>th</sup> October 2019).

**Staffordshire Historic Environment Officer (Archaeology)** – No objection subject to condition to secure a programme of archaeological works and note to applicant (5<sup>th</sup> November 2019).

### **LETTERS OF REPRESENTATION**

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

- Unclear of intention regarding trees and shrubs which currently offer screening, noise and air quality benefits.
- Disputes boundary and land ownership.
- No further houses needed in Streethay.
- Land was said to remain as POS when our house was purchased.
- Overlooking of private amenity space from Plots 19 and 20.
- Proposal does not meet the Council's adopted separation distances.
- Additional shadowing from sunrise until 10am.
- Concerns over additional impacts from future extensions and works.
- Would hinder opportunity to extend our home in future.
- Impacts to our existing conservatory to be considered.
- Increased noise and light pollution and urbanising effect.
- Wildlife and bats to be protected.
- Impacts of proposal, and construction, on mental wellbeing.

### **OTHER BACKGROUND DOCUMENTS**

Planning Statement – 'WAB/JAG/5275' by CT Planning dated 13th September 2019  
Additional Noise Statement – 'DOC-1091225-05-AM-20191209' by Hoare Lea  
Report on Existing Noise Climate – 'REP 1091225-AM-R1' by Hoare Lea dated 2<sup>nd</sup> November 2016  
Air Quality Assessment – '19-1736.01' by Delta Simons dated October 2019  
Arboricultural Assessment – by FPCR dated August 2019  
Design and Access Statement – by White Ridge Architecture  
Drainage Strategy – by Mayer Brown dated August 2019  
Ecological Impact Assessment – '2018-10(05)' by Ecolocation dated 5<sup>th</sup> November 2018

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

2223-21 - Shadow Study, 2223-03-01 - Site Layout, Rev H, 2223-10 - PLOTS 2-8-B, Rev B, 2223-751-A - HOUSETYPE 751, Rev A, 19170-C01 - Drainage Plan, Rev B, 2223-11-532 - HOUSETYPE 532, 2223-13-868 - HOUSETYPE 868, 2223 - BLOCK PLAN, Rev A, 2223 - LOCATION PLAN, Rev A,

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### **OBSERVATIONS**

#### **Site and Location**

The application site relates to a 0.34 hectare triangular parcel of land off Ryknild Street, Streethay and adjacent to existing residential properties along the shared south-west site boundary. The new signalised road junction serving the residential development under construction at Roman Heights lies directly opposite the application sites vehicle access. The A38 runs parallel with the eastern site boundary beyond a tree lined embankment, which falls outside of the application site, and the railway line runs to the south and south-east, along with the proposed HS2 route in this location. The area is made up of a mix of small to large modern / traditional houses of overall simple design.

The site does not fall within the West Midlands Green Belt, or within, or close to a Conservation Area, but does fall within the 8-15km zone for the Cannock Chase Special Area of Conservation (SAC) and is in close proximity to designated heritage assets in the form of Streethay House Farm on the opposite

side of Ryknild Street to the north-west (Grade II Listed) and Cedar House, on Burton Road around 78m to the south-west (Grade II Listed).

The site falls within the Streethay village settlement boundary, and is allocated for housing development in the adopted Local Plan Strategy and Local Plan Allocations Document.

## Proposals

The original application was for the erection of 22 dwellings, which has been reduced to 20 dwellings following negotiations with the applicant. This application now seeks permission for the erection of 20 x affordable homes, including alterations to the existing vehicle access to provide a 6m wide access, with footpath to the western side extending onto frontage land to connect onto a pedestrian crossing at the existing traffic lights.

The residential development is comprised of:

- 9 x one bedroom apartments;
- 7 x two bedroom terraced houses; and
- 4 x three bedroom terraced houses.

The apartment block at 2.5 / 3 storey height would be sited along the north-west boundary close to the vehicle access, and the 2 storey houses would be sited in a central row, and to the west and south sections of the site. A shared outdoor amenity space measuring 36m<sup>2</sup> to serve the apartments is located directly to the west of the apartment block, with more informal outdoor space also located in the northern corner of the site.

A total of 33 x parking spaces are provided within the site, including 18 x spaces and 7 x visitor spaces to serve the one and two bedroom apartments / houses and 8 x spaces serving the 4 x three bedroom houses.

## Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Impact on Heritage Assets
4. Residential Amenity
5. Access and Highway Safety
6. Impact on Trees
7. Ecology
8. CIL / Planning Obligations
9. Flooding and Drainage
10. Cannock Chase SAC
11. Other Issues
12. 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 Local Plan Strategy 2008-2029 and Local Plan Allocations Document 2008-2029.

1.2 The spatial strategy for the District, set out in Core Policy 1 of the Local Plan Strategy states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy, including East of Lichfield (Streethay) Strategic Development Allocation which the application site is located adjacent to, and within the sustainable settlement of Streethay. Core Policy 6 of the Local Plan Strategy seeks to direct much of the new housing required to key urban and rural settlements, and the Local Plan

Allocations Document allocates the application site for housing development for around 20 dwellings under Policy LC1 (site reference 'L9'). The current proposal is therefore acceptable in principle.

- 1.3 A neighbour questioned the need for further housing development in Streethay, on land that was said to be retained as POS when their house was purchased. Whilst it is unclear as to what is meant by POS, it is assumed that this stands for Public Open Space. Notwithstanding any advice the neighbour may have previously received, the actual, and current, planning policy position for this application site is that it is allocated for residential development, and counts towards the Council's housing need over the plan period. The principle of residential development cannot therefore be disputed at this time.
- 1.4 Policy H1 of the Local Plan Strategy encourages smaller (2-3 bedroom) homes, along with a preferred housing mix at Table 8.2 as identified in the Council's Strategic Housing Market Assessment. Whilst the overall proposed mix doesn't precisely match the policy required mix, with a greater provision of one bedroom units (45%), it is considered that the proposal would offer an acceptable mix of smaller homes which would be proportionate to the relatively modest scale of development, and therefore meets the aims of this policy. Furthermore, a greater housing mix is achieved in the immediate locality from the development of the nearby Strategic Development Allocation site at Roman Heights which will help to deliver the policy aims. No objection has been made by the Council's Housing Strategy Team, or Planning Policy Team.
- 1.5 Policy H2 of the Local Plan Strategy sets out the requirements for affordable housing, and seeks an on-site provision of 37% in line with the Council's latest Authority Monitoring Report. This application proposes 100% affordable housing on this site and is therefore acceptable, subject to the policy compliant level being secured in perpetuity via a Section 106 Agreement, and this is discussed in further detail in section 8 below. The Housing Strategy Team's preferred tenure mix of 9 x affordable rent units and 11 x shared ownership units would also be secured through the Section 106.
- 1.6 Overall, the proposal is considered to comply with the requirements of the development plan in terms of the principle of development.

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

- 2.1 Policy BE1 and Core Policy 3 of the Local Plan Strategy requires new development to be of an appropriate scale and design which respects the character of the area. The proposed overall simple and modern design, and density, would reflect the character of the area, and the external materials and boundary treatment details would be secured by condition to ensure satisfactory appearance. There is no prevailing single development pattern in the area, with examples of cul-de-sacs and linear built form fronting Burton Road with varying set-backs and building lines. The proposed layout is therefore considered to make the most efficient use of the land, and is considered acceptable.
- 2.2 The apartment block (Plots 1-7) would be sited along the north-west boundary close to the vehicle access. Whilst at 2.5 / 3 storey height, the fenestration details along with a pitched gable and dormer features are considered would help to break up the mass and provide interest to the street scene. Overall, it is considered that the apartment block would not appear incongruous or overbearing in the street scene.
- 2.3 Conditions would be included to secure the design and appearance of proposed bin store and bin collection point to ensure satisfactory appearance and the recommended security measures by the Architectural Liaison Officer would be added as a note to applicant.

- 2.4 Overall, the proposal is considered acceptable subject to the conditions set out and accords with Policy BE1 and Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
3. Impact on Heritage Assets
- 3.1 Core Policy 14 of the Local Plan Strategy, and Policy BE2 of the Local Plan Allocations Document seek to protect the historic environment, and expect the significance of heritage assets to be considered, and given significant weight in determining new development proposals which have the potential to affect them.
- 3.2 The nearest part of the proposed development would be over 40m away from the Grade II Listed Streethay House Farm, which itself is subject to permission to provide residential apartments in a conversion scheme, along with 3 x new residential dwellings within the curtilage. Furthermore, significant mature planting exists to the front of, and effectively screening, this heritage asset and overall, the proposal subject of this current planning application is considered would not result in any significant harm to this designated heritage asset which now sits within a residential context.
- 3.3 The presence of existing neighbouring properties along the south-west section of the site is considered to create a visual separation between the proposed development and the nearby Grade II Listed Cedar House, and the proposal is therefore considered would not result in any significant harm to this designated heritage asset.
- 3.4 Overall, the proposal is considered acceptable and accords with Core Policy 14 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment SPD and the National Planning Policy Framework.
4. Residential Amenity
- 4.1 Policy BE1 and Core Policy 3 of the Local Plan Strategy seeks to protect the amenity of existing occupiers when considering new development proposals and the Sustainable Design SPD sets out residential standards including recommended separation distances and garden sizes to provide a satisfactory level of amenity for existing residents, and intended occupiers of new residential developments. This is echoed in the National Planning Policy Framework at Paragraph 127(f).
- 4.2 The applicant confirmed that the first floor rear elevations of Plots 19 and 20 would have no openings to ensure no overlooking arises to occupiers of neighbouring property No.9 Ash Tree Lane, however the submitted plans (House Type 532) still show a single rear facing first floor window serving bedrooms. Whilst not directly facing, due to a separation of around 12.5m between neighbours first floor habitable windows and those mentioned above, and around 3.2m to the shared boundary, it is considered that some loss of privacy and overlooking is likely to arise from Plot 19 and would fall below the required separation distances of 21m and 6m in the Sustainable Design SPD. A condition would therefore be included on any permission to ensure the first floor rear elevation of Plot 19 does not contain any openings to safeguard this neighbour's amenity. Further side facing windows to the same bedroom of Plot 19 would be between 6-8m from the neighbour's boundary and would face the heavily planted and narrow section of the neighbour's garden which is likely to be less used than the remainder of the garden and is therefore considered acceptable. Due to the central position of ground floor patio doors serving Plot 19, these would not directly face the north elevation of the conservatory serving No.9 Ash Tree Lane which is considered to provide the main source of outlook to this living space. When combined with the presence of intervening screening along the shared boundary, on balance this is considered acceptable and meets the aims of the Sustainable Design SPD.

- 4.3 In terms of Plot 20, the required separation of 6m from the first floor bedroom window to shared boundary would be achieved, and due to the orientation of the plot at right angles to the nearest neighbour, it is considered that no direct overlooking would arise. However, it is appreciated that at the distance of around 13m between rear facing habitable bedroom windows this has the potential to result in a sense of / perceived overlooking and loss of privacy to No.9 Ash Tree Lane. It is therefore considered necessary and reasonable to add a further condition to ensure no openings are provided in the rear first floor elevation of Plot 20 to safeguard this neighbours amenity. Further front and side facing windows would remain to this same bedroom in Plot 20 which would provide a satisfactory level of outlook and light source.
- 4.4 Rear facing habitable windows serving Plot 18 would achieve the 6m separation distance to the nearest shared boundary, and Plots 15-18 would also exceed the recommended separation to nearest neighbours' habitable windows at around 23m. This is considered acceptable and meets the requirements of the Sustainable Design SPD.
- 4.5 The applicant has submitted shading diagrams to represent potential shadowing occurring from the development at different times of day during December and June i.e. winter and summer months, which demonstrate that the proposal would not result in significant additional harm to adjoining neighbours during these times. Given the orientation of Plots 19 and 20, and their modest scale and height, it is considered that any shadowing falling outside of the times, and seasons, mentioned above is likely to be limited and would not warrant a refusal in this instance.
- 4.6 Turning to the amenity of intended occupiers of the development itself; whilst some of the garden sizes fall below the recommended sizes set out within the Sustainable Design SPD, the overall provision is considered to provide a satisfactory level of outdoor amenity, with further informal space also located in the northern corner of the site for shared use. This would reflect the broad mix of garden sizes in the locality. Furthermore, occupiers would also benefit from easy access to the high quality parks and green spaces within nearby Lichfield City and to the Coventry canal towpath to the east. Overall, this is considered acceptable and meets the aims of the SPD.
- 4.7 A condition would be included to remove permitted development rights for outbuildings, extensions and roof alterations to Plots 10 and Plots 13 - 20 which may otherwise result in unacceptable remaining garden sizes, and adverse amenity impacts to intended, and neighbouring, occupiers. Whilst it is noted that Plots 19 and 20, with house type '532' is stated to be a duplex apartment, it is considered there is potential for an argument to be made in future that these units could in fact be a small dwelling, thus have been included above for the avoidance of doubt.
- 4.8 In terms of internal separation distances within the development itself, there would be no direct facing habitable windows between plots. Plots 12 and 13 would face the side elevation of Plot 9 at a distance of around 12m falling just 1m short of the recommended SPD distance which taking account of the constraints of the site, on balance, is considered acceptable. Plots 5 – 7 would be between 10 and 12.5m to the side elevation of Plot 10, but are not directly facing thus affording a satisfactory level of outlook to habitable rooms. It should be noted that potential occupiers would rent / purchase each plot as seen, including the relationship with other plots, and some greater flexibility can be given to new development proposals where it can be demonstrated to provide an overall satisfactory living environment, which is the case in this instance.
- 4.9 The submitted noise assessment concludes that the main noise source affecting the development is from traffic movement along the A38 to the east. The noise assessment also confirms that any railway noise is masked by A38 traffic noise which addresses Network Rail's comments. The layout has been designed to effectively use the built form to create a barrier to gardens from noise arising from the A38 to the east and therefore makes the best use of



the site taking account of constraints. Conditions would be included to provide a 2.4m high acoustic fence to the rear of Plot 20, along with the use of acoustic windows and vents to habitable rooms fronting adjacent roads in Plots 1 – 7, Plots 10 – 18 and Plot 20 in line with the recommendations of the noise assessment, and as accepted by the Council's Environmental Health Team. Further conditions would also be included to secure a Construction Environmental Management Plan and restricted hours of construction to safeguard neighbours amenity in line with the recommendations of the Environmental Health Team.

- 4.10 The submitted Air Quality Assessment concludes that the proposal would not result in any adverse impacts on local air quality, and would not therefore result in any significant additional harm to existing or future occupiers.
- 4.11 Neighbours' concerns regarding overlooking, loss of privacy, separation distances and shadowing have all been assessed in detail above, and found to be acceptable subject to conditions as set out. The removal of permitted development rights to certain plots would also help to address further concerns about additional potential future harm arising. A further condition would be included to require the submission of any external lighting to safeguard neighbours' amenity which would also address a concern raised by objectors. Future applications to extend existing adjacent properties would be considered on their own merits, and limited weight can be afforded to hypothetical schemes in the determination of this current application.
- 4.12 Neighbours' concerns regarding additional noise pollution, and disturbance, can be addressed insofar as it relates to the construction phase of development by way of conditions to secure a Construction Environmental Management Plan and restricted hours of construction in line with the recommendations of the Environmental Health Team. More general noise and disturbance impacts relating to the future residential use of the site are unlikely to result in any significant additional amenity impacts to neighbours over and above the existing surrounding residential uses, and nearby noise generating infrastructure. In some way, it is considered that the creation of built form and additional perimeter boundary planting and treatment is likely to offer a betterment by creating a 'noise buffer'.
- 4.13 Overall, the development is considered would not result in significant additional impacts on neighbours' amenity, and would provide a satisfactory level of amenity for intended occupiers, subject to the conditions set out and therefore accords with Policy BE1 and Core Policy 3 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

## 5. Access and Highway Safety

- 5.1 Policy ST2 of the Local Plan Strategy seeks to ensure a satisfactory level of parking is provided within new development to avoid potential on-street parking and impacts on highways safety, and encourages the use of electric vehicle charging points and cycle parking to promote more sustainable transport modes, something which is also reflected in Core Policy 3. Appendix D of the Sustainable Design SPD sets out the necessary maximum residential parking standards.
- 5.2 The adopted parking standards require 16 spaces plus 6 visitor spaces for the 16.No one and two bedroom apartments / houses, and 18 spaces and 7 visitor spaces are proposed which complies with this requirement. The 8 spaces to serve 4.No three bedroom houses is also compliant with the parking standards and is acceptable. It is considered that the overall layout makes the best use of the site taking account of constraints, and aims to locate parking to the front of dwellings wherever possible and therefore provides a satisfactory overall level of natural surveillance. A condition would be included to secure the parking and turning areas in line with the recommendations of the Highway Authority.

- 5.3 Further conditions would be included to secure the provision of cycle storage and electric vehicle charging points to encourage sustainable transport modes and in line with the recommendations of the Highway Authority and Conservation and Urban Design Team.
- 5.4 The proposed widened vehicle access point includes a footpath to the western side which is to extend onto frontage land to connect onto a pedestrian crossing at the existing traffic lights opposite the Roman Heights development entrance. As these works fall outside of land within the application site, this would be secured by Planning Obligation via a Section 106 Agreement and this is discussed further in section 8 below.
- 5.5 The Highway Authority has confirmed that the access road serving the development would not be adopted, and would therefore be private, with the exception of any areas of the access rear of Ryknild Street which would contain any equipment or installations relating to the signalised junction. However, the applicant has confirmed the driveway would be built to adoptable standards and the tracking demonstrates that a refuse vehicle can access, and turn within the site. The applicant has indicated their preference for the driveway to be adopted. It is considered that flexibility can be built into the Section 106 Agreement to accommodate either option, and to secure a management and maintenance company if necessary.
- 5.6 In terms of vehicle trips, it is considered that the resulting traffic movements generated from this proposal, given the modest scale of development, would not result in any severe impacts on the road network.
- 5.7 Overall, the proposal is considered would not result in any unacceptable impacts on highways safety, or severe impacts on the road network and is acceptable subject to the conditions, and Planning Obligations set out above. The proposal accords with Policy ST2 and Core Policy 3 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

## 6. Impact on Trees

- 6.1 Policies BE1 and NR4 of the Local Plan Strategy, and the Trees, Landscaping and Development SPD, seek to protect visually important and protected trees, and seek to ensure an appropriate landscaping scheme which enhances the locality.
- 6.2 The application site is bound by a number of trees and hedgerows, with the largest group of trees on the eastern embankment falling outside of the application site boundary and on third party land. None of these are protected, and the developable area of the application site itself is void of any significant planting. The submitted Tree Survey shows the part removal of a short section of hedgerow to accommodate the necessary widened vehicle access, along with the retention of all other perimeter planting including the large group of trees to the east. The submitted details show that a minimal-dig construction technique would be used beneath the canopies of mature trees along the eastern embankment (G2) and this would be secured by condition, along with securing an Arboricultural Method Statement and Tree Protection Plan to safeguard retained trees.
- 6.3 The latest site layout plan '223-03 Rev H' shows an indicative landscaping scheme to provide additional hedgerow planting to the southern site boundary, along with internal landscaping in the form of low-level planting to plot frontages and structural trees. This is considered acceptable in principle and full landscaping details, along with its future maintenance, would be secured by condition.
- 6.4 Whilst the comments made by the Tree Officer are noted regarding the proposal not achieving the additional 20% coverage of large trees as intended by the Trees, Landscaping and Development SPD, it is considered that the level of proposed planting reflects the constrained nature of the site, which is allocated for housing development in the Development Plan. The provision of new homes is a key thrust of the National Planning Policy Framework and on

balance, the benefits of achieving 20 new affordable dwellings on this sustainable allocated site is considered to outweigh a lower level of large tree planting within the site in this instance. Matters around retained, and proposed planting is already set out above and on balance, found to be acceptable.

- 6.5 Further comments made by the Tree Officer regarding shadowing of Plots 19 and 20 are noted, however, submitted shading diagrams show that any shading arising from the group of trees to east (G2) would be limited to during the morning. This demonstrates that a sustainable relationship can be maintained between these trees and Plot 20 and is acceptable. Plot 1 in the northern section of the site has since been removed and no longer presents any potential shading issues.
- 6.6 Neighbours raised concerns regarding uncertainty around which trees and shrubs are to be retained, and this has been fully set out and considered above, and found to be acceptable subject to conditions. In particular, the hedge and group of trees along the shared south-west boundary is shown to be retained on the submitted tree retention plan which addresses points made by objectors.
- 6.7 Whilst taking account of a lower level of large tree planting within the site than usually expected, the proposal would retain the majority of existing mature perimeter planting and proposes a proportionate indicative landscaping scheme, with a full scheme to be secured by conditions as set out. The provision of 20 affordable homes tips the balance in favour of the proposal in this instance. The proposal is considered to meet the aims of Policies BE1 and NR4 of the Local Plan Strategy, and the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

## 7. Ecology

- 7.1 Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework require new development proposals to safeguard protected species and achieve no net loss of biodiversity along with biodiversity gains, or to provide a biodiversity offsetting scheme where this cannot be achieved.
- 7.2 The submitted Ecological Impact Assessment concludes that the application site currently offers limited scope for protected species with opportunities being limited to foraging mammals and nesting birds. The recommendations contained within the assessment, such as use of appropriate external lighting and protection of nesting birds, would be secured by condition.
- 7.3 Following negotiations with the applicant, and a revised layout, the net loss has been reduced to 0.25 Biodiversity Units and it has been agreed between the applicant and Ecology Team that this loss can best be mitigated through the provision of bat and bird boxes, and hedgehog fences within the development itself which would provide qualitative gains and would be secured by condition in line with the recommendations of the Ecology Team.
- 7.4 A neighbour's concerns regarding impacts on wildlife and protected species has been assessed above, and found to be on balance acceptable subject to conditions.
- 7.5 Overall, the proposal is considered to meet the aims of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

## 8. Planning Obligations

- 8.1 The following matters are to be secured through a Section 106 Agreement and are considered to meet the tests set out in the Community Infrastructure Levy Regulations 2010 (as amended), and as referred to in the National Planning Policy Framework, that being; necessary to necessary to make the development acceptable in planning terms; directly related to the

development; and fairly and reasonably related in scale and kind to the development. The Section 106 Agreement would contain three obligations, and this is the reason for this current planning application being reported to Planning Committee.

- 8.2 The first obligation relates to securing the policy compliant level of affordable housing for this development in perpetuity at 37%, which equates to 8 x dwellings. The Housing Strategy Team's preferred tenure mix of 9 x affordable rent units (equating to 45%) and 11 x shared ownership units (equating to 55%) would also be secured.
- 8.3 The second obligation relates to off-site highway works to connect the new footpath at the sites access continuing adjacent to the western site frontage, and leading on to the nearby signalised junction as requested by the Highway Authority.
- 8.4 The third and final obligation would relate to the potential need for the management and maintenance of the access road, in the event it is to be private and not adopted by the Highway Authority, by an appropriate management company, excluding any areas of the access rear of Ryknild Street which would contain any equipment or installations relating to the signalised junction.

## 9. Flooding and Drainage

- 9.1 Core Policy 3 of the Local Plan Strategy encourages the use of sustainable drainage measures to manage surface water run-off, which reflects the provisions contained within the National Planning Policy Framework.
- 9.2 The application site falls within the lowest area of potential flooding (Flood Zone 1), and the submitted Drainage Strategy concludes that the restricted run-off of 5 l/s and underground attenuation scheme would ensure that the development would not result in any increased flooding elsewhere. These measures would be secured by condition, along with the need to secure a detailed surface water drainage scheme in line with the recommendations of the Flood Risk Team.
- 9.3 A further condition would be included to secure a foul and surface water drainage scheme in line with the recommendations of Severn Trent. The proposal is considered to accord with the above mentioned policies and is acceptable subject to conditions.

## 10. Cannock Chase Special Area of Conservation (SAC)

- 10.1 Policy NR7 of the Local Plan Strategy seeks to mitigate any harmful impacts arising from new development on the Cannock Chase Special Area of Conservation, particularly from net increases in residential dwellings within the 8km zone of influence which are most likely to lead to a direct increase in footfall at the SAC. The use of commuted sums within the 8km zone provides the necessary level of mitigation in this regard, and accounts for new residential development within the wider 8-15km zone, which this site falls within. No further mitigation is therefore necessary for this current planning application and Natural England have not objected to this proposal, and concur with the conclusion of the Local Planning Authority's Appropriate Assessment.

## 11. Other Issues

- 11.1 Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework requires special regard to be had for the historic environment, including sites of archaeological importance.
- 11.2 Taking the nature, location and scale of development into account there is a potential for the proposals to impact upon potential buried archaeological features, potentially of some significance. As such, a programme of archaeological works would be required to establish

whether any remains are present, and if so, these should be characterised, and further works undertaken to ensure their preservation by record or decisions made on preservation in situ if deemed appropriate. It is advised that undertaking this work as early as possible in the process would provide an opportunity for any significant archaeology uncovered to inform discussions concerning the need for and scope of any subsequent archaeological mitigation. This would be secured by conditions in line with the recommendations of the Archaeology Officer.

- 11.3 A neighbour queried whether the site boundary has been correctly drawn, and that the site may be encroaching onto third party land. The applicant has submitted title deeds and plans which appear to reflect the submitted site boundary. Any further land ownership dispute would therefore fall outside of the planning process, and is a private matter.
- 11.4 The Council's Joint Waste Service has advised that bin / refuse collections do not usually take place on private roads unless indemnified, and made a number of recommendations, which would be referred to in a note to applicant.
- 11.5 Comments made by Central Networks regarding proximity to assets, and HS2 regarding proximity to HS2 works would also be referred to in a note to applicant.

## 12. Human Rights

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

## **Conclusion**

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. The provision of 20 x affordable homes on this sustainably located, and allocated site, is considered would provide significant social and economic benefits, and would provide qualitative environmental improvements thus demonstrating a sustainable development overall.

The development has been found to provide a satisfactory level of amenity in relation to existing neighbours, which accords with the Council's policies and guidance, and is acceptable subject to safeguarding conditions as set out. Whilst some internal separation / residential standards are not fully complied with in terms of a small number of the proposed plots within the development itself, it has been found that the proposals provide an acceptable living environment for future occupiers across the whole of the site, and on balance when taking account of the constraints of the site, and the provision of 20 affordable homes on this allocated site, the proposal is considered acceptable.

The proposed indicative landscaping scheme shows an acceptable level of planting given the site constraints, and significant weight is given to the delivery of 20 affordable homes on this allocated site which is considered to outweigh the under provision of new larger trees in this instance as usually required by the Trees, Landscaping and Development SPD.

It has also been demonstrated that this development would not result in significant harm to the built, natural and historic environment and is acceptable subject to the conditions as set out.

Overall, the delivery of 20 affordable homes on this sustainably located, and allocated development site, is considered to weigh in favour of this proposal. Consequently, it is recommended that this application be approved, subject to conditions and a Section 106 Agreement, as set out above.

## **ITEM B**

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

**9 March 2020**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/01637/FUH	30 Fecknam Way Lichfield	Lichfield

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

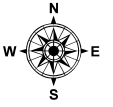
19/01637/FUH  
30 Fecknam Way  
Lichfield

Scale: 1:1,000

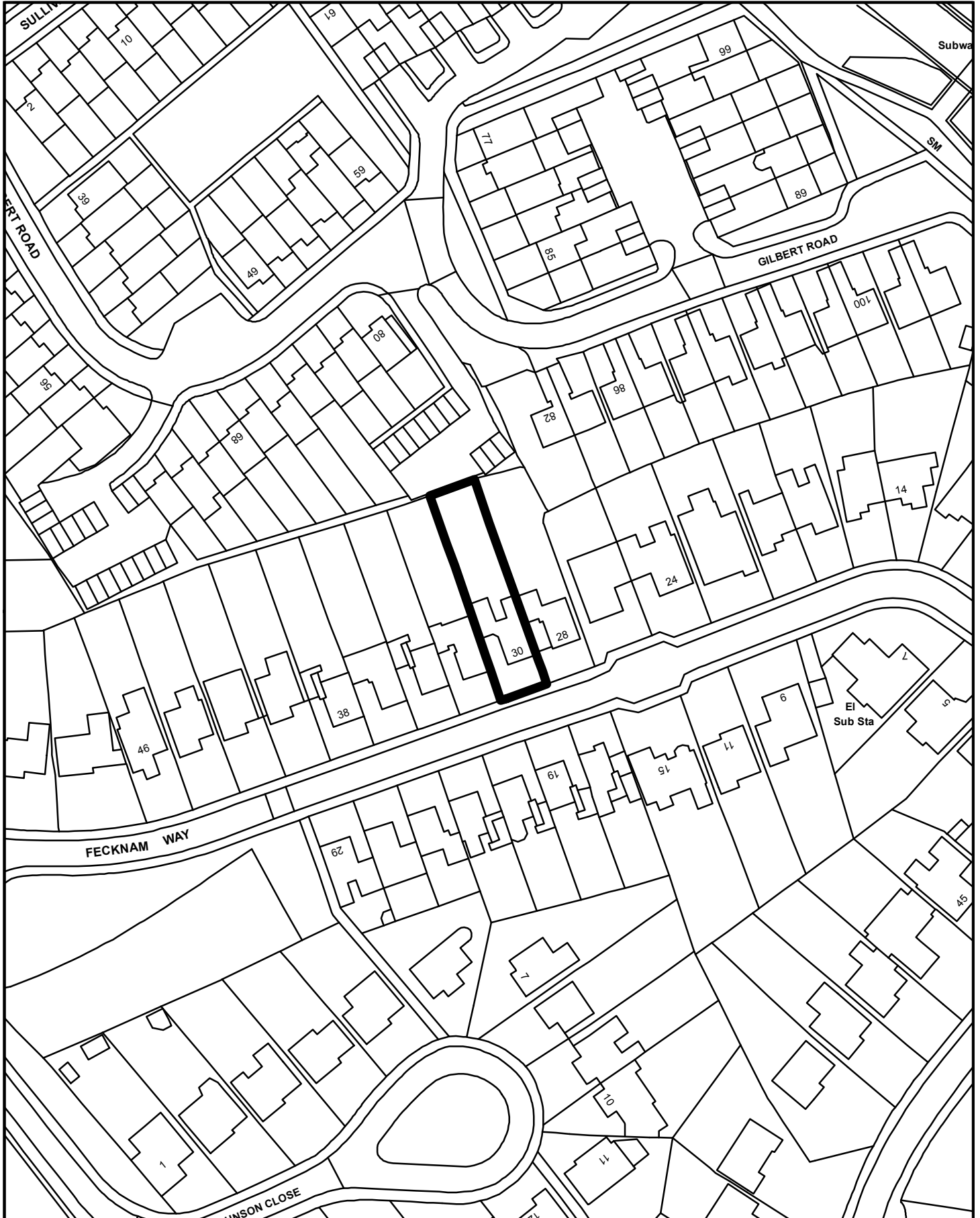
Dated: March 2020

Drawn By:

Drawing No:



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# 19/01637/FUH

**Single storey rear extension to form kitchen**  
**30 Fecknam Way, Lichfield, Staffordshire, WS13 6BY**  
**FOR Cllr Mark Warfield**

Registered **26/11/2019**

**Parish: Lichfield**

**Note:** This application is being reported to the Planning Committee as Councillor Mark Warfield, is the owner of the property.

**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 Notwithstanding any description/details of external materials in the application documents, the external brickwork and roof tiles shall match in colour and texture those of the existing dwelling.

## **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.

## **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. 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. Severn Trent Water advise that there may be a public sewer located within the application site. Although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Policy BE1 - High Quality Development  
Policy CP2 - Presumption in Favour of Sustainable  
Policy CP3 - Delivering Sustainable Development  
Policy NR3 - Biodiversity, Protected Species & their  
Policy ST2 – Parking Provision

### **Supplementary Planning Document**

Sustainable Design SPD

### **Other**

Lichfield City Neighbourhood Plan (2018)

## **RELEVANT PLANNING HISTORY**

L880751	Porch sloping roof with side entrance door front window	Approve	02/09/1988
L5851	Kitchen extension	Approve	25/07/1979

## **CONSULTATIONS**

**Lichfield City Council** - No Objections (13th December 2019)

**Severn Trent Water - South Staffs** – No Objections and advise a public sewer may be present within the site (2<sup>nd</sup> December 2019)

## **LETTERS OF REPRESENTATION**

No letters of representation have been received in respect of this application.

## **OTHER BACKGROUND DOCUMENTS**

N/A

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

Location Plan

Block Plan

1612/1

1612/2

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## **OBSERVATIONS**

### **Site and Location**

The application relates to a detached property located on the north side of Fecknam Way, Lichfield. The property is situated in a residential area made up of similar two storey residential properties. There is garden to the front and rear and off road parking for 2 or 3 cars. The property is clad and brick work. To the northern rear elevation there is a conservatory, WC, store and adjacent garage. The boundary treatments are 1.8m fencing with shrubbery screening.

### **Proposals**

This application seeks permission for a single storey rear extension to form kitchen. The proposed extension would project 3.3m from the rear wall of the original dwelling and have a width of 4.3m. It would reach a maximum height of 3.9m with an eaves height of 2.4m with a mono pitch roof including 2 no roof lights. The proposal will replace the existing conservatory and will infill the space resulting with the extension being flush with the rear of the WC and adjacent garage on the northern rear elevation. There would be bi-fold doors and a window looking out onto the rear garden. The extension would be constructed of brick, tile and UPVC windows and doors to match the existing dwelling.

### **Determining Issues**

1. Policy & Principle of Development
2. Design
3. Amenity
4. Parking
5. Biodiversity
6. Human Rights
7. Conclusion

#### **1. Policy & Principle of Development**

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan Strategy 2008-2019, and the Allocations Document (2019).

1.2 The site is located within the sustainable settlement of Lichfield, where the principle of householder development is considered to be acceptable.

## 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”.
- 2.2 The extension is sited to the rear of the property and has been designed with a mono pitch roof with matching materials to ensure it is in keeping with the style of the main dwelling and this would be secured by condition to ensure satisfactory appearance.
- 2.3 From a design perspective it is considered that the development is acceptable, subject to the condition set out above, and is in accordance with 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 proposal 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 and 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. Therefore, on this basis, no further off-road provision is required while there is existing off street parking to meet the demand of the property. Consequently, the proposal meets the requirements of Policy ST2 of the Local Plan Strategy and guidance within the Sustainable Design Supplementary Planning Document.

## 5. Biodiversity

- 5.1 Given the scale of the development, it’s not considered necessary to impose a net gain for biodiversity (Local Plan Strategy NR3).

## 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.

7. Conclusion

- 7.1 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 area, the amenity of neighbouring properties; or highway safety.
- 7.2 Consequently, it is recommended that this application be approved, subject to conditions.