

# Planning Committee

24 August 2020

## Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

### Report of the Head of Economic Growth and Development

#### 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**

**24 August 2020**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
20/00332/FUL	Spion Kop Lichfield Road Hopwas Tamworth	Wigginton And Hopwas
20/00674/FUL	8 Blythe View Lichfield Road Hamstall Ridware	Hamstall Ridware

# LOCATION PLAN

20/00332/FUL

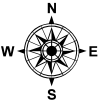
Spion Kop Lichfield Road  
Hopwas Tamworth

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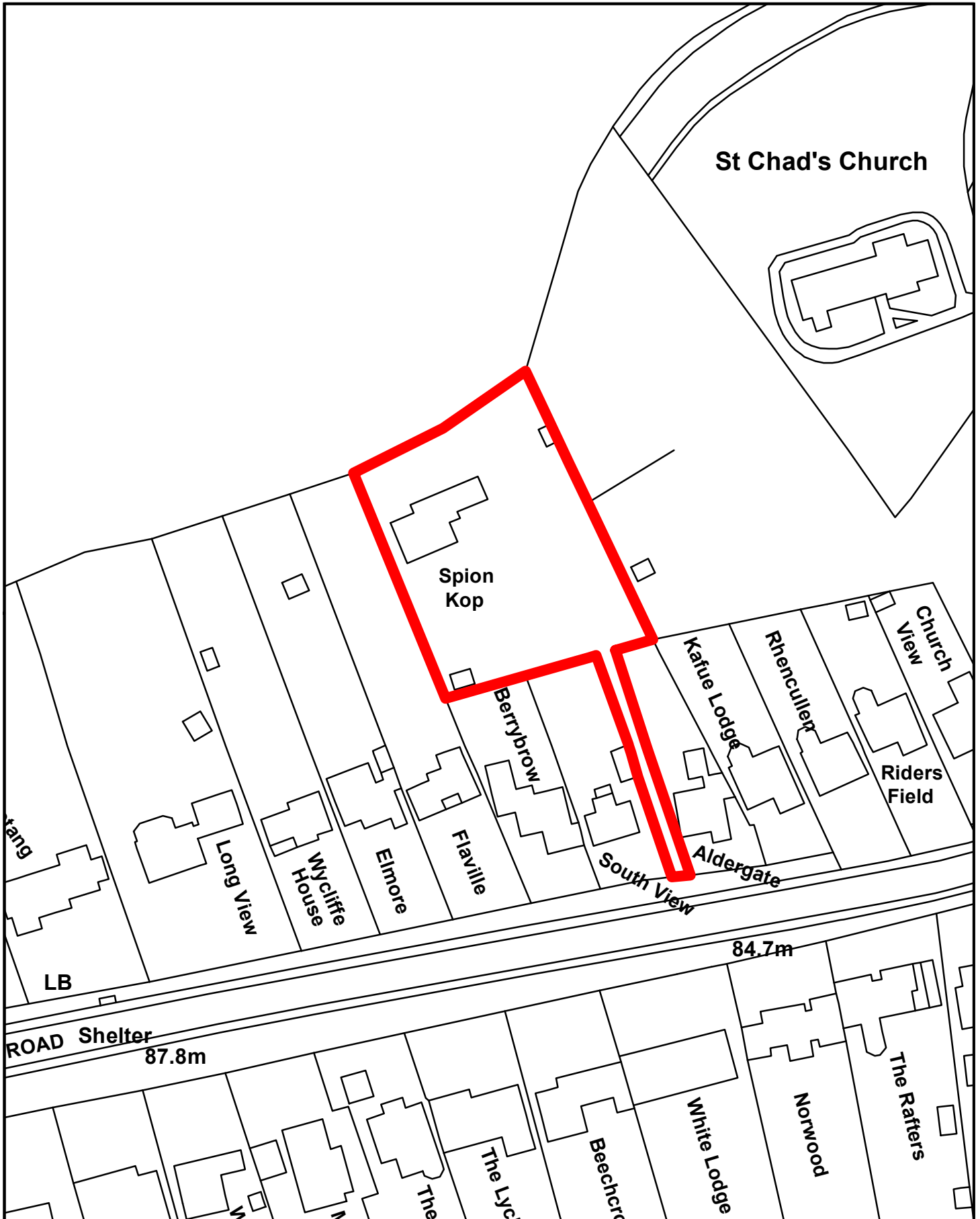
Dated: August 2020

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## 20/00332/FUL

**Erection of a replacement dwelling.  
Spion Kop, Lichfield Road, Hopwas, Tamworth  
For Mr P Gray & Mrs S Foley**

Registered **15/04/2020**

**Parish: Wigginton and Hopwas**

**Note:** This application is being reported to the Planning Committee due to a significant objection being received from the Wigginton and Hopwas Parish Council and also given the number of third party ('neighbour') objections received. The Parish Council's objections relate to:

- Access
- Disruption during construction
- Impact on Landscaping
- Loss of privacy

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

### **CONDITIONS**

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

3. Before the development hereby approved is commenced (including any site clearance and demolition), a Construction Vehicle Management Plan (CVMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CVMP shall be implemented and adhered to throughout the demolition and construction period. The CVMP shall include details of:
  - Arrangements for the parking of site operatives and visitors vehicles.
  - Loading and unloading of plant and materials.
  - Storage of plant and materials used in constructing the development.
  - Construction and delivery hours (not exceeding those in Condition 10 of this permission).
  - Delivery routeing.
  - Recorded daily inspections of the highway adjacent to the site access.
  - Wheel washing or other measures to remove mud or debris carried onto the highway.
4. Before the development hereby approved is commenced, including any site clearance and/or demolition or any equipment, machinery or materials is brought onto site, full details of tree/hedge protection measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be provided in accordance with the British Standard 5837:2012 before the development commences (including any site clearance and/or demolition or any equipment, machinery or materials is brought onto site) and be retained for the duration of construction phase, unless otherwise first 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.

5. Notwithstanding the stated details, before the development hereby approved is commenced, details of all external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
6. Before the development hereby approved is commenced, details of a suitable scheme for the prevention of ground gas ingress shall be submitted to and approved in writing by the Local Planning Authority, or alternatively the site shall be monitored for the presence of ground gas and a subsequent risk assessment (to be completed in accordance with a scheme to first be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. Before the dwelling hereby approved is first occupied the approved gas prevention measures (if any) shall be completed and a verification details of the correct installation of such gas prevention measures (if any) shall be submitted to and approved in writing by the Local Planning Authority.
7. Before the development hereby approved is commenced (including demolition), a Demolition Method Statement, including details of demolition method/s, dust suppression and the storage and removal of related materials, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to throughout the demolition period.

**CONDITIONS to be complied with prior to the first occupation of development:**

8. Before the dwelling hereby approved is first occupied, two bat boxes, as detailed within Appendix 3 of the submitted 'Preliminary Bat Roost Assessment and Bat Emergence Surveys' produced by Chase Ecology and Conservation Consultants and updated on 7<sup>th</sup> July 2020, shall be installed. The bat boxes shall thereafter be retained/maintained as such for the life of the development.
9. Before the dwelling hereby approved is first occupied, the parking and turning areas shall be provided in accordance with approved plan. The parking and turning shall thereafter be retained as such for the life of the development.

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

10. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working, detailed within the submitted 'Preliminary Bat Roost Assessment and Emergence Surveys', produced by Chase Ecology and Conservation Consultants and updated on 10<sup>th</sup> July 2020.
11. During the period of construction of any phase of the development, including demolition, no works including deliveries shall take place outside the following times: 07.30 – 19.00 Monday to Friday and 08.00 – 13.00 on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
12. The first floor window on the western elevation (serving an ensuite) shall be permanently obscure glazed (to a minimum of level 3 using the Pilkington scale) and the side hung opening part shall be hinged on the right (as viewed externally) only, as shown on the approved elevation, and be physically restricted to open no more than a 45 degrees other than in an emergency.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any order revoking or reenacting the Order with or without modification), no development contained within Classes A, B, C, D or E of Schedule 2, Part 1 (including no extensions or alterations, no additions or alterations to the roof, no windows, dormers or other openings being created, no buildings, enclosures or other structures required for purposes incidental to the enjoyment of the dwellinghouses being erected) shall be carried out without prior written permission, upon 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 Lichfield District Local Plan Strategy and the guidance contained within the National Planning Policy Guidance.
3. In the interests of highway and pedestrian safety and the amenity of neighbours in relation to construction traffic during the demolition and construction phases, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy and the National Planning Policy Framework.
4. To ensure that existing trees within and adjacent to the site are safeguarded during the demolition and construction phases, in the interests of the long term health of the trees and the visual amenities of the area, in accordance with Policies BE1 and NR4 of the Local Planning Strategy, Policy H1 of the Wigginton, Hopwas and Comberford Neighbourhood Plan, the Trees, Landscaping and Development Supplementary Planning Document, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development, to safeguard the character and the appearance of the area and setting of the Grade II Listed church and war memorial, in accordance with Core Policies 3 and 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, Policy WHC3 of the Wigginton, Hopwas and Comberford Neighbourhood Plan, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework and the National Design Guide.
6. In ensure suitable living conditions for the occupiers of the dwelling in terms of health in relation to potential gas ingress, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
7. In the interest of the amenity of neighbouring residents, in accordance with Core Policy 3 and Policy BE1 of the Local Planning Strategy and the National Planning Policy Framework.
8. To ensure that the development secures an appropriate level of biodiversity net gain, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure sufficient parking provision within the site in the interests of highway safety, in accordance with the requirements of Policies BE1, ST1 and ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. To safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity Supplementary Planning Document and the National Planning Policy Framework.

11. To protect the amenities of occupiers of nearby properties from excessive noise and disturbance during the demolition and construction phase, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. To protect the privacy of the occupiers of the neighbouring dwelling 'Flavelle' in terms of any direct overlooking of this property's rear garden, in accordance with Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
13. To safeguard the character and appearance of the completed development and its setting and the setting of the Grade II Listed church and war memorial and the amenity of neighbouring occupiers, in accordance Core Policies 3 and 14 and Policy BE1 of the Local Plan Strategy, Policy WHC3 of the Wigginton, Hopwas and Comberford Neighbourhood Plan, the Historic Environment Supplemental Planning Document, 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 Lichfield District Local Plan Allocations (2019), the Wigginton Hopwas and Comberford Neighbourhood Plan (2016).
2. The applicants' 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. The use of energy and water efficient materials and methods within the design is encouraged by the Local Planning Authority subject to compliance with the approved plans and the requirements of the various conditions of this permission (e.g. Condition 5 regarding external materials). Options for grey water recycling should be explored and a sensitively located electric charging point for vehicles is also encouraged.
6. The applicants are advised to consider fire risk in relation to Building Regulations in terms of the practicalities of the Fire Service being able to reach the site with a water supply in the event of a fire. Any likely inability to do so may necessitate the provision of a sprinkler system within the fabric of the new dwelling.
7. Severn Trent Water advises that there may be a public sewer located within the application site. It states that although its statutory sewer records do not show any public sewers within the area 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 states that it would seek to assist in obtaining a solution which protects both the public sewer and the building, but there is no guarantee of being able to build over or close to any Severn Trent sewers. Further, where diversion is required, there is no guarantee that this work could be undertaken on a self-lay basis. It confirms that every approach to build near to or divert its assets has to be assessed on its own merit and the decision of what is or is not permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital, therefore, that you Severn Trent at the earliest opportunity to discuss the implications of its assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent.

8. The applicants are advised that even though ecology issues have been considered as part of the Local Planning Authority's assessment of the application, there remains the possibility that protected species may be encountered once work is commenced, including any site clearance works. 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. The applicant/developer should also consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to the development.
9. All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any site clearance works should occur outside of bird nesting season (March-September inclusive). If, site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works. This issue is detailed within the 'Preliminary Bat Roost Assessment and Emergence Surveys' to which Condition 8 of this permission relates.

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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 12: Our Natural Resources  
Core Policy 14: Our Built & Historic Environment  
Policy ST1: Sustainable Travel  
Policy ST2: Parking Provision  
Policy H1: A Balanced Housing Market  
Policy NR3: Biodiversity, Protected Species & their Habitats  
Policy NR4: Trees, Woodland & Hedgerows  
Policy BE1: High Quality Development

### **Local Plan Allocations**

Policy BE2: Heritage Assets



## Supplementary Planning Document

Historic Environment SPD

Sustainable Design SPD

Trees Landscaping and Development SPD

Biodiversity and Development SPD

Rural Development SPD

Developer Contributions SPD

## Other

Wigginton , Hopwas and Comberford Neighbourhood Plan (2016)

Policy WH2: Hedgerows and Trees

Policy WH3: Heritage Assets (and character of the area)

Policy H1: Hopwas Wood

## Local Plan Review: Preferred Options (2018-2040)

### RELEVANT PLANNING HISTORY

97/00299/FUL	Pitched roof	Approved	20/05/1997
17/01146/FUL	Raising of roof to first floor section including 4no bedrooms and ensuites; single storey extension to side to extend family room	Withdrawn	02/11/2017
18/00983/FUL	Raising of roof to first floor section including 4no bedrooms first floor bedrooms and ensuites; single storey extension to side to extend family room	Approved	05/09/2018
L7154	Erection of New Lounge Bedroom and Provision of WC	Approved	20/08/1980

### CONSULTATIONS

#### Conservation Team – LDC -

#### Final comments - (01.06.2020)

No objections and no harm identified to the significance of any heritage asset subject to a planning condition to secure:

- The submission and approval of exact external materials to ensure that the new dwelling would *'fit comfortably against its backdrop, and within the setting of the listed church and war memorial'*.

The Conservation Officer comments that the submitted details now demonstrate that the proposed replacement dwelling is *'virtually identical to the previously approved scheme in both design and scale'*. Additionally, it is noted that the revised scheme shows a brick finish (rather than a mix of materials including render), which will soften the visual impact of the new dwelling, with this being described as *'an improvement upon the previously approved scheme'*.

#### Initial comments - (06.05.2020)

- Confirmation needed that the new dwelling would not be higher than the previously approved scheme of extensions and alterations.
- A revised Heritage Statement required to show that the potential impact upon both heritage assets within the immediate setting of the property have been considered (i.e. the listed church and the war memorial).
- The scheme as a new build would be better as facing brick [rather than the mix of render and stonework of the previous scheme] to better blend with the tree lined hill beyond and lessen the dwelling's impact on the heritage assets, particularly the church.

**Staffordshire County Council (Highways) - (06.05.2020)**

No objections subject to planning conditions to secure:

- A construction environmental management plan (CVMP) for the demolition and construction phase (in relation to use of the access drive).
- The provision and retention of the parking shown on the proposed site plan.

It comments that adequate parking is shown for the proposed dwelling and that there are no records of personal injury collisions on the Lichfield Road within 43 metres of either side of the access in the past five years.

**Ecology Team – LDC Ecology (LDC) -**

Final comments - (23.07.2020):

No objections, subject to a condition to ensure:

- Compliance with the recommendations and methods of working detailed within the updated Preliminary Bat Roost Assessment and Emergence surveys (i.e. Appendix 3: Protection and Enhancement [which includes 2 bat boxes to be installed])

It also requests that the applicant be advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice which may relate to their application

The Ecology Team confirms that the above view is reached as it is satisfied with the methodology and the information in the updated Preliminary Bat Roost Assessment and Emergence surveys and agrees with its findings that it is unlikely that the proposal would have a negative impact on a European Protected Species in a manner defined as an offence nor on protected habitats and species in general.

Original Comments - (06.05.2020):

Considered that the submitted bat survey was out of date such that an up to date survey required, as there are a number known bat roosts within the proximity of the development; known bat presence within 2km of the site; the quality of the surrounding adjacent suitable commuting/foraging habitat; and the existing building have some features that may allow bats to create a roost by way of providing ingress opportunities (e.g. slipped or raised roof tiles, cracks).

**Tree Officer - LDC - (16.04.2020)**

No objections, as the proposal could be achieved without harming any existing trees subject to a planning condition to secure:

- Suitable tree protection measures by way of a Tree Protection Plan that accords with the relevant British Standard (i.e. BS5837).

**Environmental Health Team - LDC - (11.05.2020)**

No objections subject to planning conditions to:

- Limit the timing of work on site during the construction phase, including deliveries, to 0730 - 1900 Monday to Friday, 0800 - 1300 on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

- Secure a suitable scheme for the prevention of ground gas ingress (with verification of the correct installation of such being submitted to and approved by the Local Planning Authority (LPA) OR alternatively, the site shall be monitored for the presence of ground gas and a subsequent risk assessment completed in accordance with a scheme to be agreed with the LPA. Also, upon completion of either, verification of the correct installation of gas prevention measures (if any) shall be submitted to and approved in writing by the LPA prior to the occupation of the development

#### **Severn Trent Water - South Staffs - (24.04.2020)**

No objections, as it is considered that the proposal would have minimal impact on the public sewerage system. Therefore, a condition to secure a drainage scheme is not required. A standard note to applicant regarding public sewers is requested.

#### **Wigginton & Hopwas Parish Council - (07.05.2020)**

Objects to the application on the following ground:

*'Access*

*Disruption during construction*

*Impact on Landscaping*

*Loss of privacy*

*Wigginton, Hopwas & Comberford Neighbourhood Plan States:*

*POLICY WHC3 New development throughout the Plan Area should protect assets of the historic environment and enhance and reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the Plan Area's environment. In particular: (i) New development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings, care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. (ii) Due regard shall be had of all identified heritage assets to ensure that new development does not detract from the designated and undesignated components of the historic environment, particularly where heritage assets are part of the visual character of the area.*

*There is concerns regarding a lack of privacy and loss of light for neighbouring properties. The proposed development is situated to the rear of several properties and at a higher elevation will look down onto neighbouring dwellings and overshadow them. Due to the current situation a full site inspection has not been carried out so we would request more time to do this so we can ascertain the level of privacy to be lost by the neighbouring residents.*

*The previous application refers to the property being set against a backdrop of trees, the Parish Council has been made aware some significant chestnut trees have been removed since this application but again as we cannot currently carry out a site visit we have not been able to see the impact of the tree removals. We would ask that the Tree Conservation team looks at this matter*

*The proposed development will be out of scale with St Chad's Church a relatively low building with a short spire and will dominate views of the listed building and will detract from the historic environment by the proposed development being more visually apparent in the setting of the church.*

*There is concerns that if permission is granted for a property with 6 bedrooms all with en-suites that the property may be earmarked for a house of multiple occupancy or a care home. If permission was granted then it needs to be expressly for the purpose of a residential family dwelling as there are concerns about limited parking, increased traffic and poor access onto the A51. It would also be essential that a Construction Vehicle Plan is made as the driveway is considered too narrow for HGV's to safely manoeuvre but any parking on the highway would cause significant inconvenience to residents and thoroughfare. The current application is for a total demolition of the existing building*

*and a rebuild. This is a much larger project than was suggested in the previous application. The existing access is probably not wide enough to allow large lorries to remove the debris or to deliver building materials. Parking such vehicles on the A51 to be serviced by smaller vehicles will be a serious traffic problem.'*

## **LETTERS OF REPRESENTATION**

11 letters of representation have been received from 9 different addresses in respect of this application. The comments made are summarised as follows:

- This is a new build rather than the previously approved extension and alterations scheme.
- The claim that the existing house suffers from damp is incorrect as the previous owners had a damp proof membrane fitted.
- The dwelling would sit in an elevated position and it would be a blot on the landscape, an eyesore and be out of keeping with the village.
- The street scene would totally change and a large dwelling would be out of character.
- It may affect views from Hopwas Conservation Area to the east.
- The aspect from the woods, nearby field, the church and houses along Lichfield Road would be affected.
- There will be a visual impact of cars being parked to the front and side of the dwelling
- There would be limited access width for a fire engine and/or an ambulance to attend Spion Kop in an emergency. A fire engine could only get to around 75m from the property.
- In the event of a house fire, the proposed dwelling is higher than the existing bungalow such that it would bring fire closer to the canopy of trees at Hopwas Wood.
- The access drive is not wide enough for HGVs. Its use for such during a rebuild would be a highway and pedestrian danger and could result in damage to the neighbouring fencing.
- A larger dwelling would result in extra use of the narrow access drive which is not wide enough for a 2 way flow.
- A larger dwelling would result in extra use of the drive which would affect noise and nuisance for local residents.
- Why are 6 bedrooms required for a house for 2 people?
- The house could end up in a different use, as there would be 6 bedrooms e.g. a bed and breakfast.
- Having lighting on at the dwelling may affect the bat survey.
- Part of the roof space behind an internal partition should be checked for bats.
- The dwelling including the balcony would overlook other dwellings, including those on Church View, and result in a loss of privacy.
- The overlooking includes direct lines of sight from proposed first floor windows and the balcony to bedrooms and main living spaces of nearby dwellings.
- The balcony would overlook the church and graveyard.
- The view from neighbouring dwellings should be a consideration.
- Some site trees have been removed previously, including a mature chestnut tree which has affected privacy for nearby residents.

## **OTHER BACKGROUND DOCUMENTS**

Heritage Statement  
Preliminary Bat Roost Assessment and Emergence Surveys  
Planning Statement

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

19/009/01, -A, 19/009/02, 19/009/03, -B, 19/009/04, -E, 19/009/05,

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## **OBSERVATIONS**

### **Site and Location**

Spion Kop is a mid-1930s detached 4-bedroom bungalow set in an elevated position approximately 78 metres north of Lichfield Road, Hopwas. The plot is set behind the residential built up frontage of Lichfield Road and is accessed via a private driveway between two properties known as South View and Aldergate. It is a white painted rendered dwelling with brick detailing on its corners.

The dwelling is sited immediately to the south of Hopwas Wood and is approximately 43 metres away from the closest dwelling to the south. Hopwas Wood is within the West Midlands Green Belt but the application site is not.

The property is within the setting of the Grade II Listed Church of St. Chad (approximately 70m to the east) and the Hopwas War Memorial, which is also Grade II Listed. Church Drive links Lichfield Road with the church and the dwellings on the western side of Church Drive are around 85m to the east of the application site, with a field in between.

The site has off road parking for a number of cars and the private garden extends primarily across the front of the site due to the topography of the area, with high level banking at the rear of the site. The site includes a number of small outbuildings including 2 garages and a shed close to the southern boundary.

### **Background**

Planning permission was granted in 2018 (18/00983/FUL) to extend and alter the existing bungalow, including the raising of its roof height and the installation of front dormer windows and a side balcony. The current scheme seeks the same but as a complete rebuild and in brick rather than the approved mix of render and stonework.

### **Proposals**

This application seeks permission to demolish the existing bungalow and replace it with a dwelling in the same form as the extended and altered dwelling approved in 2018, and with the same siting. A small section of new retaining walling would also be erected to the rear in place of the existing treatment, which the planning agent suggests would be likely to be disrupted during the build.

The replacement dwelling would have an L-shaped footprint. The western 2 storey section would have a roof ridge running roughly parallel with Lichfield Road. Its southern and western elevations would be around 10.2m and 9.2m wide respectively, and it would have a maximum eaves and ridge height of 4.6m and 7.6m respectively. There would be two dormer windows in its south facing front roof slope.

The lower 5.1m by 8.5m (approx.) two storey eastern section would be set back from the western section of the dwelling. It would have an eaves and ridge height of 5m and 6.6m respectively. Its pitched roof would be hipped at the eastern end facing the church. A balcony supported by brick columns with a glazed balustrading would lead off the eastern elevation with a covered area below.

The main front elevation would be almost fully glazed at ground floor level and there would be a porch set back from the principal elevation. The latter would measure around 2.2m in depth and 2.6m in width.

The dwelling would provide 4 first floor en suite bedrooms in addition to 2 ground floor bedrooms, as per the scheme approved in 2018. It would be of brick and tile, including brick quoin detailing on the corners, as per the existing rendered bungalow. The use of UPVC or powder coated aluminium windows is also stated. The existing outbuildings are shown as being retained.

## Determining Issues

1. Policy & Principle of the Development
2. Design & Impact on the Character & Appearance of the Surrounding Area & Heritage
3. Residential Amenity
4. Access, Parking & Highway Safety
5. Impact on Trees
6. Ecology
7. Other Issues

### 1. Policy & Principle of the 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, Local Plan Allocations 2008-2029 and the adopted Wigginton, Hopwas and Comberford Neighbourhood Plan.
- 1.2 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.'*
- 1.3 Core Policy 6 of the Local Plan Strategy expands upon Core Policy 1 with regard to the provision of housing within the District. The policy identifies key urban and the key rural settlements as the focus for residential development. Hopwas is not identified as such a settlement and is instead classed as a 'remaining rural area' where residential development will only be permitted in a limited range of circumstance. One such circumstance is 'infill development within the defined village settlement boundary'. This application site is within the settlement boundary of Hopwas.
- 1.4 The proposed development will deliver a replacement dwelling within the settlement boundary of the village on an existing residential plot. Such a development is acceptable in principle.
- 1.5 Policy H1 of the Local Plan Strategy encourages smaller (2-3 bedroom) homes, the need for which is identified in the Strategic Housing Market Assessment. The policy does not set out a minimum threshold for the housing mix requirement. In this case the proposal is for a single dwelling and the proposed scale and internal layout (i.e. including up to 6 bedrooms) would replicate the dwelling that could be established under the extant planning permission to alter and extend the existing 4 bedroom dwelling. It is not, therefore, considered appropriate to instead require a new 2-3 bedroom dwelling on the plot.

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

- 2.1 Core Policy 3 of the Local Plan Strategy states that development should protect and enhance the distinctiveness of the District and its settlements, and development proposals should be of a scale and nature appropriate to its locality. This is echoed by Policy BE1 of the Local Plan Strategy, which requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views.
- 2.2 As detailed above, the proposed dwelling is within the setting of the listed church and war memorial. S16 (2) and S66 (1) of the Planning (Listed Building and Conservation Area Act) 1990, require the Local Planning Authority to *'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'*.

- 2.3 Core Policy 14 of the Local Plan Strategy states that the District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment. Policy BE2 of the Local Plan Allocations states that *'Development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting'*, and that *'The loss of, or harm to, a heritage asset will only be permitted where it can be demonstrated that the ensuing harm and loss of significance of the heritage asset is necessary to achieve public benefits that outweigh that harm or loss in accordance with the NPPF'*.
- 2.4 The NPPF states that when that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to or loss of the significance of a designated heritage asset (including development within the setting of such an asset) should require a clear and convincing justification. Even where a development will lead to 'less than substantial harm' to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal.
- 2.5 Policy WHC3 of the Neighbourhood Plan seeks to ensure that development is in keeping with and enhances its surroundings and protects the historic environment. It states:
- New development throughout the Plan Area should protect assets of the historic environment and enhance and reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the Plan Area's environment. In particular:*
- (i) New development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings, care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views.*
  - (ii) Due regard shall be had of all identified heritage assets to ensure that new development does not detract from the designated and undesignated components of the historic environment, particularly where heritage assets are part of the visual character of the area.'*
- 2.6 The existing dwelling sits in an elevated position relative to Lichfield Road. However, views from this main road are limited given the position of the dwellings that front the road. Glimpses that are achieved are of a white painted bungalow set against a backdrop of trees (Hopwas Wood). The dwelling is visible from the listed church and its grounds to the east and from parts of the more distant road known as Church Drive.
- 2.7 The demolition of the existing dwelling is not objected to. It is not listed and the scheme of alterations and extensions approved under the 2018 planning permission extend would have changed its current appearance. It is considered that the loss of the existing bungalow will not harm the setting of the listed church and war memorial.
- 2.8 The proposed dwelling would, other than in external materials, replicate the siting, scale and design of the remodelled dwelling that could still be achieved on site if the extant planning permission were implemented. In 2018 the Local Planning Authority accepted that such a finished scheme would not harm the character and appearance of the area and not harm the setting of the heritage assets subject to the elevation facing the church being of stone (rather than render to match the existing dwelling). This extant planning permission is a material consideration in the assessment of the current application.
- 2.9 It must be acknowledged that the scheme now proposed, as a rebuild, would be no larger or higher than the previously approved scheme and the Conservation Officer raises no objections to it subject to condition (see below). Importantly, the submitted plans still show the proposed ridge height of 7.6m relative to the existing land level. The footprint would be exactly the same

as the previous scheme other than the area under the side balcony being an open sided covered area rather than being internal living space.

- 2.10 The new dwelling is now proposed as having a comprehensive brickwork finish (i.e. all elevations), in accordance with the recommendation of the Conservation Officer. It is considered that this finish would allow the new dwelling to blend even more so with its backdrop of trees than the previously approved scheme and sit comfortably within the setting of the listed church and war memorial. The exact choice of brick and tile, and all other external materials, can be secured by a planning condition, as recommended by the Conservation Officer. Subject to this condition, no harm to the setting of the heritage asset is identified by the Conservation Officer. This view is accepted.
- 2.11 Permitted development rights to extend and alter the new dwelling and/or to erect outbuildings should be removed to prevent further enlargement of the building or the erection of additional outbuildings in order to protect the character and appearance of the finished dwelling and the setting of the listed church and war memorial. This will replicate the extant permission, as records indicate that the existing bungalow has had its permitted development rights removed previously.
- 2.12 In spite of any tree removal that may have occurred since the previous application (as mentioned by the Parish Council and various objectors), it remains the case that views of the new dwelling from the main road would be limited given the dwellings to the south and the dwelling would sit against a backdrop of trees at Hopwas Wood when viewed from public roads, including Church Drive. Additionally, as detailed above, the use of brick rather than render would also soften any public views relative to the extant scheme.
- 2.13 It is not considered that a landscaping scheme is required as the existing garden is well established and the proposed scheme does not necessitate the removal of any existing such. The concerns about the visual impact of any additional parked cars to the new dwelling are noted but it is not considered that such would differ greatly from the current situation nor, in any event, cause material harm to the visual amenities of the area.
- 2.14 Overall, it is concluded that the proposed development would respect the character and appearance of the area, represent an improvement to the development of the extant permission (by virtue of the amended external materials) and cause no harm to the setting of the heritage assets subject to the stated conditions. As such, the proposal would suitably accord with the Development Plan, Policy WHc3 of the Neighbourhood Plan, the Historic Environment SPD and NPPF in these regards.

### 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. This policy is supplemented by the Council's adopted Sustainable Design Supplementary Planning Document (SPD), which sets out the Council's requirements for space about dwellings within Appendix A.
- 3.2 The Parish Council and a number of neighbours have raised concerns regarding overlooking and a resulting loss of privacy from both windows and the proposed balcony on the eastern elevation.
- 3.3 Firstly, it must be stressed that the siting of the dwelling, the position and height of windows (including the front dormers) and the proposed side balcony would be the same as the dwelling extension and alteration scheme approved under the extant planning permission. As noted above, this extant permission is a material consideration in the assessment of the current application.



- 3.4 The SPD requires a separation distance of 21m between principle habitable rooms which face each other. The SPD also requires there to be a 6m separation distance between primary principle habitable room windows and the garden area of neighbouring property. Additionally, balconies should be at least 10m from neighbouring gardens unless other mitigation is proposed (e.g. screens). However, where there is a difference in land levels, the SPD requires the interface distance to be increased by 1m for every 2m change in levels. The submitted topographic survey and sections identify a change of level between the elevated application site and neighbouring dwellings, which, in this instance, requires the window to window interface distance to be increased by 14m to 35m.
- 3.5 The proposed two storey western elevation would be around 2.5m from the far end of Flaville's rear garden. The proposed ground floor windows in this elevation would be secondary habitable room windows, as per those at the existing bungalow, and such would face existing vegetation. No material impact on the neighbours' privacy would, therefore, occur relative to the current situation. The proposed first floor window in the western elevation would serve an ensuite. The proposed elevations show this as an opening window hinged to the right, as viewed externally. Subject to this being adhered to, the level of opening being restricted and the window being permanently obscure glazed, this window would not result in any direct overlooking of the neighbours' rear garden. This can be secured by a planning condition.
- 3.6 The proposed south and west facing windows and balcony would be further from neighbouring gardens and windows, including facing primary habitable room windows, than the distances required by the SPD for this case (as detailed above). Indeed, the rear garden boundaries of Berrybrow and South View would be around 24m from the new dwelling and their rear elevations would be around 43m and 60m from the proposed dwelling. Other dwellings are even further away. This level of separation more than satisfies the SPD even after taking account of the difference in levels. Such will prevent any material overlooking of neighbouring private amenity space or between windows. Therefore, there will be no material loss of privacy for neighbours based on the Council's standards. In response to a specific neighbour objection, it is noted that balcony would be over 80m from any dwellings to the east on Church Drive and the SPD requires a separation distance of 10m.
- 3.7 The proposed height of the dwelling and the separation distances involved also means that the proposed dwelling would not have an overbearing impact on the neighbouring dwellings nor cause any loss of light to any windows. Any impact on views from neighbouring gardens is not a material planning consideration.
- 3.8 The SPD sets out the required private amenity space for dwellings based on the number of bedrooms. A dwelling with 5+ bedrooms should have around 100m<sup>2</sup> of garden space. This would be greatly exceeded, such that sufficient space would be provided for future residents. Whilst the garden would remain to the side and front, as per the existing dwelling, suitable privacy is already achieved by boundary treatment including vegetation.
- 3.9 Neighbours' concerns regarding disturbance during construction is noted. A condition to limit the construction and delivery hours is considered reasonable and necessary, in accordance with the comments of the Environmental Health Officer. The EHO has not raised any concerns regarding any increase in cars along the access drive once the new dwelling is occupied in terms of neighbours' amenity. Whilst this issue has been raised by objectors it is not considered that the likely increase would have a material noise or disruption impact. It is noted that the new dwelling would be the same size as the dwelling of the extant permission, such that the access usage would be likely to be the same. There are no noise or disruption grounds, therefore, upon which to refuse this application in relation requirements of Policy BE1 of the Local Plan Strategy and the NPPF.

- 3.10 The issues raised by the Parish Council and various objectors regarding a potential alternative use of the proposed dwelling has no weight in the consideration of this application but such is addressed below in paragraph 7.7.
- 3.11 It is accepted that the demolition phase is likely to generate dust. This will be a relatively short term amenity issue, the impact of which can be suitably controlled by a Demolition Strategy secured by a planning condition. The strategy would need to relate to demolition methods, dust suppression and the storage and removal of materials, with hours of working being covered by other conditions.
- 3.12 Given the above, it is considered that the proposal complies with the Local Planning Authority's standards regarding residential amenity and will, therefore, provide acceptable standards of living for future and existing residents of the locality. As such the development would accord with the Development Plan, Appendix A of the Sustainable Design SPD and the NPPF in this regard.
4. Access, Parking & Highway Safety
- 4.1 Policy BE1 of the Local Plan Strategy requires development to protect public safety and Policies ST1 and ST2 of the same document both refer to highway safety in relation to various issues including access and parking provision. Paragraph 109 of the NPPF highlights the point that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* .
- 4.2 The proposed dwelling would be accessed by the current private access drive from Lichfield Road, as per the existing dwelling and the previously approved scheme. No alterations are proposed to this access. The proposed site plan shows a sizable parking areas for the dwelling.
- 4.3 The Parish Council's and objectors' comments regarding highway safety are noted. However, as Members will see from the comments received, SCC Highways considers the proposed access to be acceptable for the proposed dwelling and raises no issues regarding its ability to safely accommodate the expected level of residential traffic. The number of bedrooms would increase by a maximum of 2, the width of the drive is as per the current situation and there is clear visibility along it from both entry points.
- 4.4 The Parish Council's and neighbours' concerns regarding construction traffic are also noted. In terms of this issue SCC Highways has recommended that a Construction Vehicle Management Plan be secured. Given the narrow nature of the access drive between the main road and the development site and the impact that parked vehicles could have on the highway, and also the amenities of neighbours, a condition to secure a CVMP is considered reasonable and necessary.
- 4.5 Local Plan Strategy Policy ST2 states that appropriate off-street parking should be provided by all developments and refers to the Council's off street car parking standards, which are defined within Appendix D of the Sustainable Design SPD. The parking standards are set according to the number of bedrooms within a dwelling, with up to 3 spaces being sought for 5+ bedroom dwelling. The proposed scheme demonstrates this level of provision, which SCC Highways supports subject to its provision and retention. This can be secured by a suitably worded planning condition.
- 4.6 Overall, it is considered that, subject to conditions, the proposal accords with the development plan with regard to access/egress, parking provision and highway safety, in accordance with Policies BE1, ST1, and ST2 of the Local Plan Strategy, the Sustainable Design SPD and the NPPF in these regards.

## 5. Impact on Trees

- 5.1 Policy NR4 of the Local Plan Strategy seeks to retain trees and design out any long term conflict between retained trees and development. This is also stressed in the Trees, Landscaping and Development SPD. Policy WHC2 of the Neighbourhood Plan similarly seeks the retention of trees and hedges where possible, which are considered to be an integral part of the character of the area.
- 5.2 The site contains a number of mature trees and there are trees beyond the site boundary to the north. The latter are part of Hopwas Wood. Policy H1 of the Neighbourhood Plan notes the ecological and visual importance of this Ancient Woodland, as defined by Natural England.
- 5.3 The application details that the development would not require the removal of any further trees and would not harm retained trees. This is accepted by the Arboricultural Officer who raises no objections to the scheme subject to tree protected measures, which can be secured by a planning condition.
- 5.4 The existing residential plot contains a number of trees and the Arboricultural Officer does not seek any additional tree planting. This view is agreed with.
- 5.5 Neighbours suggest that some trees have been removed since the previous planning permission but this has not breached any planning requirements and the site retains a good number of trees. In spite of any tree loss, as detailed above, there are no material privacy issues based on the Council's standards given the separation distances achieved.
- 5.6 The issue raised by a local resident regarding fire risk in terms of Hopwas Wood are noted. The Tree Officer has, however, raised no issues in this respect. Additionally, fire risk is a Building Control matter where the ability for the Fire Service to access the site would be fully assessed. Any assessed inability to reach the site by a fire appliance or fire service hose would be addressed at the Building Regulation stage, possibly by a requirement for a sprinkler system within the fabric of the dwelling. This can be mentioned to the applicant by way of a 'Note to Applicant'. There is no reason to believe that the proposed development would constitute an inherent fire risk to Hopwas Wood and, indeed, the completed dwelling would be sited as per the development approved in 2018.
- 5.7 Overall, the scheme is acceptable in relation to trees subject to a condition regarding tree protection measures during the demolition and construction phases.

## 6. Ecology

- 6.1 To comply with the guidance contained within Paragraphs 8c, 108 and 118a of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of biodiversity value across the site. Due to the Local Planning Authority's obligations to '*reflect and where appropriate promote relevant EU obligations and statutory requirements*', the applicant must display a net gain to biodiversity as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measureable net-gain to biodiversity is a requirement of all developments under Policy NR3 of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.
- 6.2 Neighbours have raised concerns about a potential impact on bats and other wildlife. Queries have also been raised as to whether the bat survey will be influenced by lighting at the dwelling and whether all of the roof space will be checked. The Council's Ecology Manager was made aware of these queries.

- 6.3 An updated Preliminary Bat Survey and Bat Emergence Surveys has since been undertaken by a qualified Ecologist and duly submitted, as requested by the Council's Ecology Team.
- 6.4 The Council's Ecology Manager has assessed the submitted details and is satisfied with both the method used and the findings. Whilst the survey identified bat activity in the area including across the site (e.g. foraging), it did not identify bats utilising the existing dwelling's roof space. The Ecology Manager considers, therefore, that it is unlikely that the development will have an impact of European Protected Species or the habitats, subject to strict adherence to the methods of working detailed in the report. This can be secured by condition.
- 6.5 With regard to the provision of mitigation/biodiversity net gain, the submitted report proposes the provision of two bat boxes in trees towards the plots southern boundary. The Ecology Manager requests that such be secured by a planning condition. This is considered to be an appropriate type and level of biodiversity net gain for a single new dwelling within an area known to support bat activity.
- 6.6 Additionally, a 'Notes to Applicant' can highlight the requirements of wildlife legislation and the contents of the Biodiversity and Development SPD to the applicant (as requested by the Ecology Team).
- 6.7 It is considered that the overall scheme, including the biodiversity net gain, will suitably comply with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD, the NPPF and the wildlife legislation stated above.

## 7. Other Issues

- 7.1 The Council's Developer Contributions SPD details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. An informative noting the need to finalise the CIL requirements for this development would be attached to an approval decision.
- 7.2 A financial contribution towards education provision is not required in this instance as the threshold for such is set by SCC Education at 10 dwellings. Notwithstanding this, the scheme is for a replacement dwelling only.
- 7.3 Severn Trent Water has not raised any objections and advised that a drainage condition is not required as the proposal will have a minimal impact upon the public sewerage system. The site is not within a high flood risk area nor a flood hotspot.
- 7.4 The existing dwelling benefits from outbuildings that would be retained. Therefore, the provision of a shed (or similar) for covered cycle storage to encourage the use of suitable mode of transport (as required by the Policy ST2 of the Local Plan Strategy and the Sustainable Design SPD) is not considered necessary in this instance.
- 7.5 The proposed scheme would be built to modern standards and the Planning Statement details how this would achieve an energy efficient dwelling. Energy and water efficient design accords with the aims of the Development Plan and the Sustainable Design SPD. Such can be encouraged by way of a 'Note to Applicant'. The applicants can also be encouraged to include a sensitively sited electric charging point for vehicles as part of the replacement dwelling scheme.
- 7.6 The site is in a 'gas buffer zone'. Suitable mitigation in this respect, as required by the Environmental Officer to protect human health, can be secured by a planning condition, in accordance the Policy BE1 of the Local Planning Strategy and the NPPF.

- 7.7 The Parish Council's and various neighbours' comment about the possibility of the dwelling being used as a B&B are noted. The same issue was raised in relation to the previous application to extend and alter the existing dwelling, which included 2 ground floor bedrooms plus 4 en suite bedrooms on the new first floor. The Committee Report for that application detailed how any future use as a B&B would constitute a material change of use, which would require planning permission from the Local Planning Authority. This remains the case with the current application with the same internal layout. It is also noted that the ground floor bedrooms could equally be used as living space such as a play room and home office. In any event, the current application must be assessed on the basis of that applied for (a dwelling) rather than assuming any future potential change of use that would require planning permission in its own right (i.e. where issues such as parking and any potential material disturbance would be duly assessed by the Local Planning Authority).
- 7.8 The balcony would be around 50m from the start of the church's grounds and, therefore, it is not considered that any views from the balcony would cause material harm to the privacy enjoyed at the church or within its graveyard.

## 8. Human Rights

- 8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with 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 will deliver one replacement dwelling within the settlement boundary of Hopwas. The layout of the development will accord with that of the existing dwelling and, moreover, the scheme approved in 2018. Subject to conditions regarding external materials and permitted development rights, the scheme will not harm the character and appearance of the area or the setting of the nearby listed church and war memorial.

The continued use of the existing access is considered to be acceptable on highway safety grounds and the development would also provide sufficient parking provision for the size of dwelling proposed. The impact of demolition and construction traffic on highway safety and amenity could be suitably controlled by condition.

The development would also meet (indeed exceed) the separation distances for residential development set out in the Council's Sustainable Design SPD such that no material harm to neighbours amenity in terms of any overlooking, loss of privacy, overbearing impact or loss of light to principal habitable room windows can be established. Additionally, the use of the existing access in association with the dwelling will not material impact on neighbours in terms of noise and disruption and future occupants will have suitable outdoor amenity space and suitable protection from any potential gas ingress. Subject to adhering to conditions protected and priority species and existing trees will not be harmed and/or be suitably protected.

Finally, appropriate biodiversity net gain would be achieved. Overall, the proposal is considered to comply with the requirements of the Development Plan, the relevant Supplementary Planning Documents and the NPPF.

In view of the above, it is recommended that this application be approved, subject to conditions, as set out within the report.

# LOCATION PLAN

20/00674/FUL

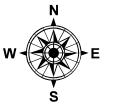
8 Blythe View Lichfield Road  
Hamstall Ridware

Scale: 1:1,000

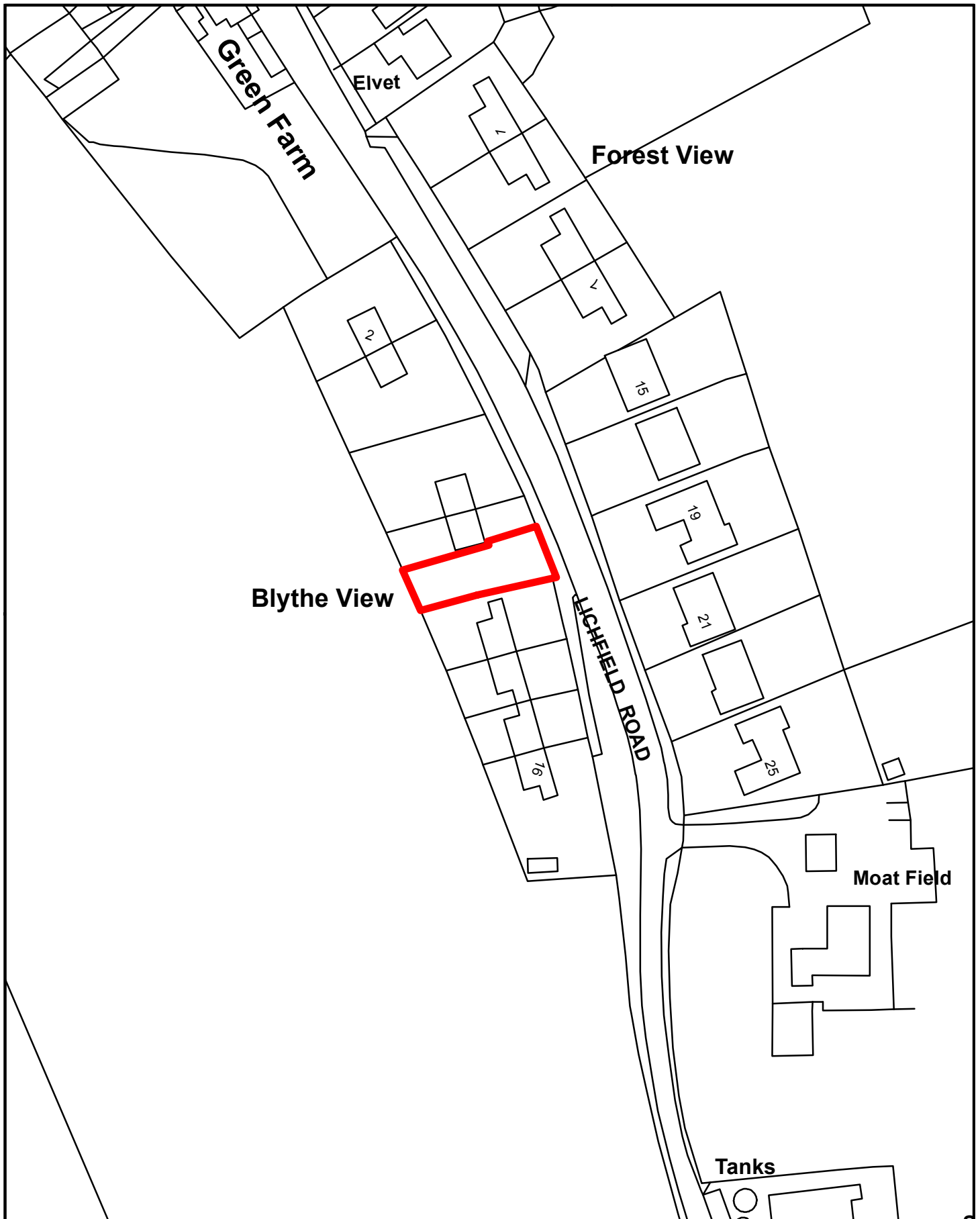
Dated: August 2020

Drawn By:

Drawing No:



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**20/00674/FUL**

**Erection of a detached 4 bedroom dwelling with associated works  
8 Blythe View, Lichfield Road, Hamstall Ridware, Rugeley  
For Mr J Greenway**

Registered **29/05/2020**

**Parish: Hamstall Ridware**

**Note:** This application is being reported to the Planning Committee due to a number of neighbour objections and an objection from the Hamstall Ridware Parish Council. The Parish Councils objection relate to:

- Concerns relating to character and appearance
- Potential flooding issues
- Highway concerns including on street parking.

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

**CONDITIONS**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

3. No works hereby approved shall be commenced, until full details of the following have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
  - Full details including samples of all facing materials
  - Full details of the exterior roof materials
  - full details consisting of all external fenestration and doors including proposed exterior finish
  - full details of the eaves and verge detailing
  - full details of rainwater goods, their materials and designs
4. Notwithstanding any description/details of the combined chimney and flue in the application documents, No works hereby approved shall be commenced, until full details of the chimney or flue have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details, and retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
5. Notwithstanding any details shown on the approved plan (drawing no. 011 Rev C), no development shall be commenced until revised details indicating the following have been submitted to and approved in writing by the Local Planning Authority:
  - surface water drainage including all outfall;



- surfacing materials for the proposed parking areas;

This shall thereafter be carried out in accordance with the approved details, be completed prior to first occupation and thereafter retained for the lifetime of the development.

6. The development hereby permitted shall not be commenced until details of 2m x 43m visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to first occupation.
7. Before the development hereby approved is commenced, a landscaping scheme/plan detailing of hard and soft landscaping, including retention of the hedgerow to the side boundary with No 10, as well as compensatory planting shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
8. Before the development hereby approved is commenced, full details of proposed site levels and finished floor levels, including full details of the site access and road levels and gradient, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
9. Before the development hereby approved is commenced, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

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

10. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
11. All recommendations, avoidance measures, methods of working and opportunities for biodiversity net gain detailed within the Preliminary Ecological Appraisal prepared by Dr Stefan Bodnar in November 2019 must be strictly adhered to.
12. 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 the period of 5 years from the date of first planting shall be replaced in the next planting season with other of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
13. All windows in the southern elevation shall be fitted with obscure glazing with top hung openings and the windows shall be thereafter retained as such for the life of the development.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order with or without modification, no development contained within Parts 1, 2 and 40 of Schedule 2 of the Order shall be carried out without 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 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. 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.
5. To ensure highway safety, in accordance with the requirements of Policy ST2 of the Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.
6. To ensure highway safety, in accordance with the requirements of Policy ST2 of the Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
8. To ensure highway safety, in accordance with the requirements of Policy ST2 of the Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.
9. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
10. To safeguard the amenity of neighbouring occupants, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
11. In order to encourage enhancements in biodiversity and habitat, in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy and government guidance contained in the National Planning Policy Framework.
12. 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.
13. To safeguard the amenity of neighbouring occupants, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
14. 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.

**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 note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH (or email to [nmu@staffordshire.gov.uk](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. 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 us at the earliest opportunity to discuss the implications of our 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.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Policy H1 – A Balanced Housing Market  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR3 – Biodiversity, Protected Species and their Habitats  
Policy BE1 – High Quality Development  
Policy NR7 – Cannock Chase Special Area of Conservation  
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

**Local Plan Allocations**

N/A

**Supplementary Planning Document**

Sustainable Design SPD

Trees, Landscaping and Development SPD

Biodiversity and Development SPD

**Other**

National Planning Policy Framework

Nation Planning Practice Guidance

**RELEVANT PLANNING HISTORY**

19/01744/FUL	Erection of 1no detached four bedroom dwelling with associated landscaping	Refuse	13/05/2020
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**CONSULTATIONS**

**Ecology Team - LDC**

*Received 29<sup>th</sup> June 2020*

The Ecology Team is satisfied with the methodology and the information provided within the submitted Ecological Appraisal. The Ecology Team concurs with the conclusions of the Appraisal in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

No further ecological survey effort is required from the applicant at this time.

However, all recommendations, avoidance measures, methods of working and opportunities for biodiversity net gain detailed within the Ecological Appraisal must be made a condition of any future planning approval.

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

## **Conservation Team - LDC**

*Received 16<sup>th</sup> June 2020*

The site is in a visually prominent location, raised significantly above the road level and with almost no screening in front of it. It is a small plot, tucked closely between two short terraces of mid-C20th properties.

The property will be entirely seen in the context of its immediate neighbours, therefore the scale and to a certain extent its form has taken its cues from these neighbours. The shallower roof pitch is an awkward feature when in such close proximity to its neighbours, but this is a result of the deeper span needed to get in a four bedroom house.

The chimney should extend to the full height required by building regs, rather than being short with a flue sticking out of the top. Alternatively just the flue could be used. The arrangement as currently shown is an odd detail in a new build house which should be designed out. This could be conditioned to avoid amended plans.

There are other opportunities to improve the design that still have not been taken and many of these are illustrated in page 8 of the D&AS. However, overall given the constrained site and the desire for a 4 bedroom house, the design is reasonable and should sit reasonably comfortably in its environment.

The materials and detailing of the design will be key in ensuring the highest quality finish to these should be covered by a pre-commencement condition.

## **Environmental Health Team – LDC**

*Received 23<sup>rd</sup> June 2020.*

The team do not object to the proposals in principle, although have recommended a condition relating to the limitation of construction hours.

## **Staffordshire County Council (Highways)**

*Received 29<sup>th</sup> June 2020*

The SCC Highways team have no objections on highway grounds to the proposed development subject to condition being imposed relating to the provision of surface water drainage including all outfall, surfacing materials for the proposed parking areas and the submission of details regarding visibility splays.

## **Severn Trent Water - South Staffs**

*Received 11<sup>th</sup> June 2020*

As the proposal has minimal impact on the public sewerage system, the team have no objections to the proposals and do not require a drainage condition to be applied.

## **Hamstall Ridware Parish Council**

*Received 2<sup>nd</sup> July 2020*

The Parish Council noted that some of their previous concerns had been addressed in this second application, however the Council still considers that the overall appearance of the property is not in

keeping with the rest of the village properties that it will sit next to. The height and positioning of the property with no screening will make the property prominent as you approach.

The Parish Council also raised concerns relating to flooding and highways, stating that over the last three years the village has experienced a significant issue with flood water and properties have been breached and damaged. It is considered that the addition of a 4 bedroom property will increase pressure on the drainage system and push the water down to the flood plain on the opposite side of the road and enter more properties in the centre of the village. In terms of highway concerns, the Parish Council notes that parking seems to have been addressed by two spaces. However Lichfield Road is very busy with farm vehicles and additional need to park on the road would cause access issues for farm and emergency vehicles.

### **LETTERS OF REPRESENTATION**

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

- The proposal is out of keeping with all properties in the village
- The proposal will result in over intensification of the site
- On street parking issues would be exacerbated
- The proposal sets a precedent for further infill development
- The proposal raises the risk of flooding in the area
- Concerns were raised relating to the proposed cladding

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

Proposed Elevations (East and West), C4090/025/REV C, Proposed Elevations North and South, C4090/026/REV C, Location Plan, C4090/001/REV #, Proposed Site Plan, C4090/01/REV C

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### **OBSERVATIONS**

#### **Site and Location**

The site lies within the main residential area of Hamstall Ridware to the western side of Lichfield Road and adjacent both No 8 and 10. The Hamstall Ridware Conservation Area lies to the east of the site and Lichfield Road comprises an eclectic varied mix of properties in terms of architectural style and age.

This application relates to a regular shaped parcel of land set within the curtilage of 8 Blythe View, Lichfield Road, Hamstall Ridware. The site is located within a residential area forming a gap between No 8 and 10 Blyth View. No 8 is the southernmost property of a pair of semi-detached properties situated to the north of the site. No 10 is located to the south of the site and forms an end terrace of 4 linked properties and has a single storey side extension to its north which projects sideways towards the site which is separated from it by a hedgerow.

No 6 and 8 reflect a pair of render hipped roof dwellings of simple form. No 10 is constructed of render and brick with a shallow gabled roof, with low profiled roofing a characteristic of this side of Lichfield Road. Another characteristic is the setback nature of properties within the street and the long frontages leading up to the dwelling frontages. There is a defined building line along the western side of Lichfield Road. The properties are also set back from the street and elevated to street level.

The site is located in Flood Zone 1, with Flood Zone 3 located to the east of the site beyond Lichfield Road. The site is located within the 8-15km zone of the Cannock Chase Special Area of Conservation.

There are some houses along Lichfield Road with vehicular access/ driveways, otherwise many properties park along the Highway. There is a former bus shelter along the street approximately 60metres from the site.

## **Background**

Previous application 19/01744/FUL was refused planning permission on 13<sup>th</sup> May 2020. The reasons for refusal are as follows:

1. The proposal will have a detrimental impact upon the amenity of neighbouring properties in respect of visual amenity and will therefore will be in conflict with Policies BE1, CP1 and CP3 of the Local Plan Strategy, guidance contained within the Sustainable Design SPD and relevant sections of the National Planning Policy Framework.
2. The proposal will negatively impact upon the character and appearance of the wider area and street scene in respect of its architectural design which is considered to be incongruous with the prevailing character of the area. The proposal is therefore not compliant with Policies CP3 and BE1 of the Local Plan Strategy as well as guidance contained within the Sustainable Design SPD and relevant sections of the National Planning Policy Framework.

The Urban Design Officer provided the following comments in relation to the scheme:

*“Whilst there are no objections in principle to development in this location, nor to the use of a contemporary design, it is considered that the proposed design would provide too much of a stark contrast and given its prominent visual location and close proximity to the existing dwellings it would appear incongruous and be out of character with the existing street scene and therefore the proposals need amending to ensure that the proposed development takes characteristics of the existing street scene better into account”.*

The current application has sought to address the above reasons for refusal.

## **Proposals**

This application seeks permission for the erection of a detached 4 bedroom dwelling with associated works.

The proposal is for a dwelling set with a front façade which reflects that of both No 8 and No 10 Lichfield Road, which results in a setback of approximately 15 metres from the highway and as such the ground level of the property will be at a level of approximately 2 metres due to the gradient of land which rises from the highway.

The dwelling projects back of the rear elevations of both No’s 8 and 10 with a small gap to the southern side boundary (No 10) but built right up to the side boundary with No 8 to the north.

The design proposes clad façade with a tiled roof, with a simple façade design with a more contemporary style. The roof is of a shallow gable, with the ground floor level set below that of No 10 which results in a higher eaves level relative to that of No 8.

The rear garden achieves a maximum length of 9 metres, and an area of 60 sq. metres.

A new access is proposed to the frontage with 2 tandem parking spaces and the remaining area to the frontage will form additional landscaping and garden area of an additional 50 sq. metres. The hedge between the side and No 10 is to be retained.

## Determining Issues

1. Policy & Principle of Development
2. Design and Character of the Area
3. Residential Amenity
4. Highways and Access
5. Ecology
6. Arboriculture
7. Cannock Chase SAC
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 (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. The Lichfield Urban area will be one of the areas that the District Council will direct the majority of growth to, with Lichfield being categorised as a Strategic Centre within the Settlement Hierarchy set out at table 4.1.
- 1.3 Core Policy 6 sets out that housing development will be focused within Lichfield City, amongst other key urban and rural settlements. In the remaining rural areas, only particular residential development will be permitted which includes infill development within defined village settlement boundaries.
- 1.4 Policy H1 states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the District. To redress this, the District Council will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 1.5 In respect of the above, it is considered that the principle of residential development is established given the sustainable location and being located within a defined settlement boundary. Policy H1 of the Local Plan Strategy encourages smaller (2-3 bedroom) homes, the need for which is identified in the Strategic Housing Market Assessment. The policy does not set out a minimum threshold for the housing mix requirement. In this case the proposal is for a single dwelling only and given this it is considered inappropriate to consider housing mix requirements with any significant weight.

### 2. Design and Character of the Area

- 2.1 Paragraph 127 of the National Planning Policy Framework sets out certain principles for achieving well designed places, of which Part b) states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Part c) continues by setting out that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.



- 2.2 Core Policy 3 of the Local Plan Strategy states that the Council will require development to contribute to the creation and maintenance of sustainable communities. To achieve this, development should protect and enhance the character and distinctiveness of Lichfield District and its settlements
- 2.3 Policy BE1 states that development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on the built vernacular. New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 2.4 As such, a key factor in determination will be assessing the balance between the benefits of the proposal which include the introduction of innovative architecture within the street scene against the scheme's impact upon the character and appearance of the surrounding area, including its impact upon the immediate surrounding built context.
- 2.5 The proposal assimilates well with the neighbouring properties, replicating their roof height and style and as such the general design and massing is considered consistent with the existing street scene.
- 2.6 The previous refusal incorporated features which were out of context and character with the general street scene such as a protruding gable and 'hanging window' that was which have now been removed from these proposals. The removal of such features has resulted in a scheme which is considered more balanced and which to a better extent respects the character of the adjacent properties to the north and south. The Urban Design Officer has been consulted and concurs with this view, stating that *'overall given the constrained site and the desire for a 4 bedroom house, the design is reasonable and should sit reasonably comfortably in its environment'*.
- 2.7 It is noted that there is an eclectic mix of properties along Lichfield Road in terms of size, age and architectural style. Lichfield Road alone comprises bungalows, semi-detached 1950s properties and more modern dwellings with dormer windows. It can therefore be deduced that there is not a set of design principles for new development to adhere to and it is considered that the proposal will not have a detrimental impact upon the character and appearance of the surrounding area in respect of its design and architectural style.
- 2.8 A number of neighbour comments raised concerns in relation to the proposed cladding materials. To ensure that this is high quality and correlates with the street scene, a pre commencement condition has been suggested requesting these details to be agreed. As such, the proposal is considered to have addressed the reasons for refusal of the last scheme on design grounds and accords with Core Policy 3 and Policy BE1 of the Local Plan Strategy as well as relevant guidance set out within the National Planning Policy Framework.

### 3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 The Sustainable Design SPD states that there should be at least 6 metres between a primary principal habitable room window and private neighbouring residential amenity space, except where there is no overlooking demonstrated. The SPD also sets out that no windows serving principal habitable rooms shall be provided on side elevations at ground floor level, unless there is an intervening screen.

- 3.3 The Council's Sustainable Design SPD includes guidelines 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. This also indicates that increased separation distances will be required where there are significant variations in ground levels between new and existing development, with a general guide that the distance should be increased by 2 metres for every 1 metre rise in ground level. In addition, the SPD recommends that private amenity space amounting to 65m<sup>2</sup> should be provided for dwellings with four bedrooms and 100m<sup>2</sup> for 5 bedroom properties.
- 3.4 The proposal utilises the front and rear elevations for main habitable windows with a high level secondary window to the south side which will be conditioned to be obscure glazed and top hung opening only, as such the proposals are not considered to result in any significant overlooking.
- 3.5 Given the proposed dwelling has a frontage level with existing dwellings and maintains the front building line separation across the street is maintained. No properties exist to the rear and as such there is not considered to be any significant impact on amenity through loss of privacy.
- 3.6 The rear amenity space of the proposed dwelling extends to 60 square metres thereby falling below the required area by 5 square metres. The rear garden length is 9m, falling below the required 10m length by 1m. Although these measurements do not comply with relevant guidance set out within the Sustainable Design SPD, given the relatively small discrepancies, that no properties are situated to the rear, and the new dwelling would also have an extensive front garden, the proposals are still considered to provide a high level of amenity for future occupiers, and as such considered compliant in terms of garden sizing.
- 3.7 Whilst the proposal has a rear elevation which is set back of No 8 it does not impinge on a 45 degree angle to the nearest habitable window and as such is not considered to result in a loss of light to this property. The proposals steps out to the rear south side further however this side affords greater separation to No 10s main rear façade and as such again the 45 degree standard is not broken.
- 3.8 The proposal whilst taking up the majority of the plot width is not considered to result in any significant overbearing or overshadowing impact, nor any significant adverse impact on amenity. As such it is considered that the proposal complies with the Local Planning Authority's standards regarding residential amenity and will, therefore, provide acceptable standards of living for future and existing residents of the locality. As such the development would accord with the Development Plan, Appendix A of the Sustainable Design SPD and the NPPF in this regard.

#### 4. Highways and Access

- 4.1 Policy ST2 of the Local Plan Strategy states that the District Council will require appropriate provision to be made for off street parking in development proposals in accordance with its maximum parking standards set out in the Sustainable Design SPD.
- 4.2 The SCC Highways Team have been consulted and have no objections to the development proposal, subject to conditions. The scheme has made provision for 2no parking spaces for the new dwelling, this meets the requirements as set out within the SPD. As such, the proposal is considered to be acceptable on highway grounds.

- 4.3 Policies ST1 and ST2 of the same document both refer to highway safety in relation to various issues including access and parking provision. Paragraph 109 of the NPPF highlights the point that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* .
- 4.4 The proposed dwelling would be accessed by the current private access drive from Lichfield Road. No alterations are proposed to this access. The proposed site plan shows a sizable parking areas for the dwelling, provided off road parking spaces for 2no vehicles.
- 4.5 The Parish Council's and objectors' comments regarding highway safety are noted. However, as Members will see from the comments received, SCC Highways considers the proposed access to be acceptable for the proposed dwelling and raises no issues regarding its ability to safely accommodate the expected level of residential traffic and there is clear visibility along it from both entry points.
- 4.6 The Parish Council's and neighbours' concerns regarding the proposal's impact upon agricultural traffic running through the village via Lichfield Road are also noted. However, the proposal meets the parking regulations as set out within the Sustainable Design SPD and the SCC Highways team have no objections to the parking provision. Furthermore, it is unreasonable for the potential for displaced vehicles to be a factor within the determination of a planning application.
- 4.7 It is also noted on street parking has been raised and whilst this may be an existing issue with some properties not having off street parking this proposal does facilitate off street parking which meets the Councils requirements.
- 4.8 Overall, it is considered that, subject to conditions, the proposal accords with the development plan with regard to access/egress, parking provision and highway safety, in accordance with Policies BE1 and ST2 of the Local Plan Strategy, the Sustainable Design SPD and the NPPF in these regards.

## 5. Ecology

- 5.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.
- 5.2 The Ecology Team have been consulted and have no objections to the proposal, subject to conditions relating to the implementation of recommendations and methods of working contained within the submitted ecology report. As such, the proposal is considered to be acceptable on ecological grounds.

## 6. Arboriculture

- 6.1 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

- 6.2 The site nor the immediate surrounding area comprises any natural assets such as trees or hedgerows and none will be required to be removed in order to facilitate the proposal. As such, the proposal complies with Policy NR4 of the Local Plan Strategy and is considered to be acceptable on arboriculture grounds.

7. Cannock Chase SAC

- 7.1 Policy NR7 of the Local Plan Strategy states that before development is permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase Special Area of Conservation (SAC) having regard to avoidance or mitigation measures. In particular, any development that results in a net increase in dwellings within a 15km radius of any boundary of Cannock Chase SAC (as shown on the Policies Map) will be deemed to have an adverse impact upon the Cannock Chase SAC unless or until satisfactory avoidance and/or mitigation measures have been secured. However, as the proposal lies within the 8-15km zone of the Cannock Chase SAC, no mitigation measures will be required.

8. Other issues

*Parish Council and Neighbour Objections*

- 8.1 The Parish Council's objection to the proposal has been noted and the basis for their objection comprises the height and positioning of the property and its prominence within the street scene; flooding concerns; and highway safety concerns.
- 8.2 In respect of the properties height and positioning, it will replicate both the roof height and positioning of adjacent properties and is considered to assimilate well within the existing built up frontage.
- 8.3 Both the Parish Council and neighbour objectors made reference to potential flooding issues and increased pressure on drainage systems in the village. Whilst it is noted that a large swathe of Flood Zone 3 is located to the east of the site beyond Lichfield Road, the application site is located entirely in Flood Zone 1 and so is at minimal risk of flooding. The Severn Trent Water team have been consulted and have no objections to the proposal.
- 8.4 The Parish Council and neighbour objectors have raised concerns relating to parking provision and the potential for displaced vehicles along Lichfield Road. The provision of 2no car parking spaces for a 4no bedroom dwelling is compliant with guidance contained within the Sustainable Design Supplementary Planning Document. Furthermore, the SCC Highways team have been consulted and have no objections to the proposal subject to conditions, of which do not relate to parking.
- 8.5 Details of land levels, landscaping and boundary treatment will be finalised through additional details submitted in order to discharge conditions.

9. Human Rights

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

## **Conclusion**

The principle of residential development at this site is considered to be acceptable. Furthermore, this is a sustainable location within the village where new residential development is supported in principle by local and national planning policy. It is considered that the proposal meets with the requirements of the relevant development plan policies and subject to conditions, the development would not have an adverse impact upon the character or appearance of the surrounding area, nor have a detrimental impact on the amenity of neighbouring residents, while the amenity for future occupants is deemed to be acceptable. Matters relating to highways, ecology and landscaping are also deemed to be acceptable as conditioned.

Having regards the material weight attributable to each consideration, for the reasons set out above, it is considered that the proposal accords with the Development Plan and NPPF. Therefore, it is recommended that this application be approved, subject to conditions as set out above.