

# Planning Committee

16 November 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**

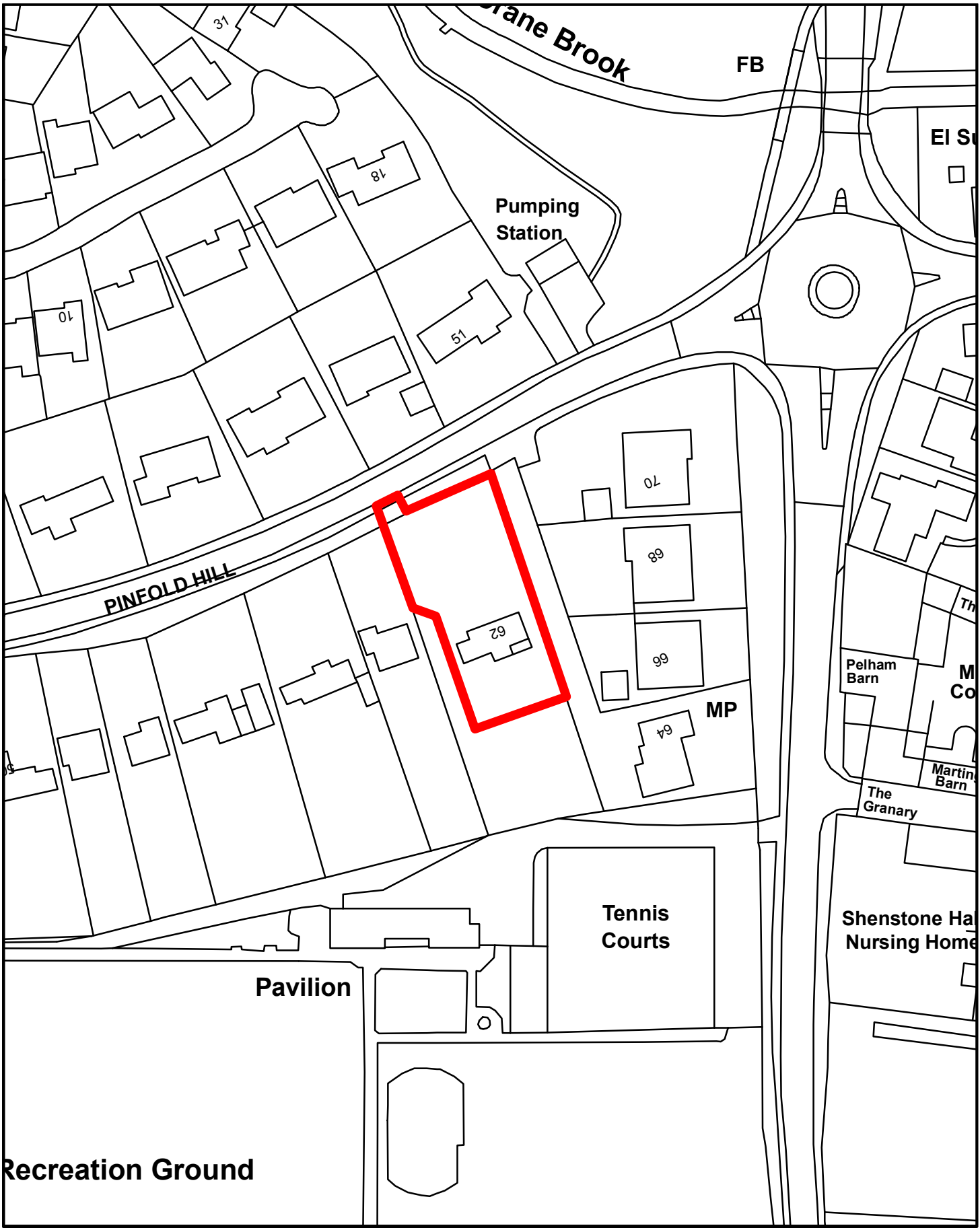
#### **APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT**

**16 November 2020**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
20/00508/FUL	62 Pinfold Hill Shenstone Lichfield	Shenstone
20/00757/FUL	Land adj Shenstone Moss St Johns Drive Shenstone	Shenstone
20/00760/FUL	204 High Street Chasetown Burntwood	Burntwood

 <p> <b>Lichfield</b>          district council  <a href="http://www.lichfielddc.gov.uk">www.lichfielddc.gov.uk</a>          District Council House          Frog Lane          Lichfield          Staffs          WS13 6YY          Telephone: 01543 308000  <a href="mailto:enquiries@lichfielddc.gov.uk">enquiries@lichfielddc.gov.uk</a> </p>	<h1>LOCATION PLAN</h1> <p>             20/00508/FUL              62 Pinfold Hill              Shenstone              Lichfield           </p>		Scale: 1:1,000	Dated: November 2020	
			Drawn By:		
			Drawing No:		
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**20/00508/FUL**

**DEMOLITION OF THE EXISTING DWELLING AND ERECTION 2NO DETACHED DWELLINGS AND ASSOCIATED WORKS  
62 PINFOLD HILL, SHENSTONE, LICHFIELD, STAFFORDSHIRE  
FOR Mr & Mrs Crump**

Registered **27/07/2020**

**Parish: Shenstone**

**Note:** This application is being reported to the Planning Committee due to the significant objection from Shenstone Parish Council on the basis of;

- Design and appearance,
- Overdevelopment,
- Inadequate private amenity space,
- Inadequate natural light.

**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 including any demolition and/or site clearance works is commenced or any equipment, machinery or materials is brought onto site, the tree protection measures shall be provided in accordance with the approved Tree Protection Plan and detailed within the Tree Report produced by Tree Health Consulting Ltd (ref: THC/2020/09/28 AS 28th September 2020) and retained for the duration of construction (including any demolition and/or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.
4. Before the development hereby approved is commenced (excluding demolition), details of finished floor levels, including their relationship to surrounding land levels and development, shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
5. Before the development hereby approved is commenced (excluding demolition), a highways construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The management plan shall specify details for the:
  - A) Parking of site operatives and visitors,
  - B) Loading and unloading of plant and materials,
  - C) Storage of plant and materials used in constructing the development,

- D) Construction hours,
- E) Delivery routing and hours,
- F) Recorded daily inspections of the adopted highway leading to the site access, and
- G) Measures to remove mud or debris carried onto the adopted highway.

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

- 6. Before the external surfaces of the dwellings hereby approved are constructed, full details of all external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, and retained as such for the life of the development.

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

- 7. Before the development hereby approved is first occupied, the access, garages and drive shall be provided in accordance with the approved drawing 04 Rev B. The access and drive shall be surfaced in a porous bound material. The access, garages and drive shall thereafter be retained as such for the life of the development.
- 8. Before the development hereby approved is first occupied, a landscape and planting scheme for the land to the front of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development being brought into use.
- 9. Before the development hereby approved is first occupied, all windows within the side elevations shall be fitted with obscure glazing (to a minimum level 3) and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

**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: 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).
- 11. Within one month of completion of the development hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
- 12. The development hereby approved shall be carried out in strict accordance with the Method Statement as detailed within Appendix 5 of the submitted Tree Report produced by Tree Health Consulting Ltd (ref: THC/2020/09/28 AS 28th September 2020).
- 13. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

**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 long term health and vitality of retained trees within the site in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping & Development Supplementary Planning Document, and the National Planning Policy Framework.
4. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Policy H3 of the Shenstone Neighbourhood Plan and the National Planning Policy Framework.
5. In the interests of highway safety and to protect the amenity of neighbouring residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Policy H2 of the Shenstone Neighbourhood Plan and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Policy H3 of the Shenstone Neighbourhood Plan and the National Planning Policy Framework.
7. To ensure sufficient parking provision within the site and in the interests of Highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, Policy H2 of the Shenstone Neighbourhood Plan, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development in accordance with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. To safeguard the amenity of neighbouring residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. To protect the amenities of occupiers of nearby properties from excessive noise disturbance, in accordance with 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 the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
12. To ensure the long term health and vitality of retained trees within the site in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping & Development Supplementary Planning Document, and the National Planning Policy Framework.
13. To ensure that any initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with the provisions of Core Policy 3 and BE1 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and guidance contained within the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Shenstone Neighbourhood Plan (2016).

2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the 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. 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.
  6. Please note that work on or adjacent to the adopted highway will require a Section 184 Notice of Approval from Staffordshire County Council. Please email [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk) for further details. The link below provides an overview of the permissions and licences required for undertaking work on or adjacent to the adopted highway:  
<https://www.staffordshire.gov.uk/Highways/licences/Overview.aspx>
  7. 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 and all demolition and 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.
  8. The applicant/developer is advised to note and act upon as necessary the comments of the Council's Ecology Team dated 29/06/2020.
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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Lichfield District Local Plan Strategy (2015)**

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

Policy ST2: Parking Provision

Policy H1: A Balanced Housing Market

Policy NR3: Biodiversity, Protected Species & their Habitats

Policy NR4: Trees, Woodland & Hedgerows

Policy NR7: Cannock Chase Special Area of Conservation

Policy BE1: High Quality Development

Policy Shen4: Shenstone Housing

### **Lichfield District Local Plan Allocations (2019)**

N/A

### **Shenstone Neighbourhood Plan (2016)**

Policy SAC1: Cannock Chase Special Area of Conservation

Policy H1: Dwelling Mix

Policy H2: Residential Infill and Backland Development

Policy H3: Design of Residential Development

Policy H4: Provision of Private Amenity Space to Serve Residential Development

Policy GSC3: Minimising the Environmental Impact of Development

### **Supplementary Planning Document**

Sustainable Design

Biodiversity & Development

Trees, Landscaping & Development

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

## **RELEVANT PLANNING HISTORY**

20/00483/OUT	Outline application for 1no detached dwellinghouse and associated works	Refused	03.06.2020
19/01206/FUL	Demolition of existing dwelling and erection of 1no replacement dwellinghouse	Approved	06.11.2019
13/00835/FUL	Erection of a 3 bedroom dwelling and a detached garage and car port	Approved	05.09.2014
13/00140/FUL	Erection of a 3 bedroom detached dwelling with detached double garage	Withdrawn	29.05.2013
12/00728/OUT	Erection of a two storey dwelling to rear of existing property (outline) (Extension of time for application 09/00604/OUT)	Approved	06.09.2012
09/00604/OUT	Erection of a two storey dwelling to rear of existing property (outline)	Approved	24.08.2009
L4779	Erection of two detached dwelling houses or bungalows	Refused	25.09.1978



## **CONSULTATIONS**

**Shenstone Parish Council** – Objection. The proposal does not conform to the Shenstone Neighbourhood Plan (SNP). The proposal does not reflect the character and uniformity of the area with regards to density. The proposal is overdevelopment. The proposal is not in keeping with the predominant architectural style of residential properties in the immediate surrounding area. The proposal does not provide adequate amenity space for each dwelling. The proposal significantly reduces the level of private amenity space allocated to the three new homes as compared to the amenity space available to the existing dwelling. Concern that the proposal will not receive sufficient natural light. (15th August 2020)

Previous comments: Objection. The Design & Access Statement does not refer to or conform to the Shenstone Neighbourhood Plan (SNP). The proposal does not reflect the character and uniformity of the area with regards to density; or protect the amenity of neighbours with regards to light. The proposal is not in keeping with the predominant architectural style of residential properties in the immediate surrounding area. The proposal does not provide adequate amenity space for each dwelling. The proposal significantly reduces the level of private amenity space allocated to the three new homes as compared to the amenity space available to the existing dwelling. (22nd June 2020)

**Tree Officer (LDC)** – Satisfied with the submitted tree protection plan. Recommend a condition to ensure that the tree protection plan and tree report are adhered to. A sufficient landscaping scheme is also required via condition. (6th October 2020)

Previous comments: The additional and revised information has not addressed our previous comments. (30th July 2020)

Previous comments: The site is not within any designated conservation area, nor are there any protected trees affected. There are a number of category C trees to be removed within the site which would not normally consider these suitable for statutory protection. Agree with the findings of the arboricultural report. The submitted landscaping plan does not meet the standard specified in the SPD. Recommend a tree protection plan, arboricultural method statement and landscaping scheme are secured via condition. (4th June 2020)

**Ecology Team (LDC)** - The Ecology Team are satisfied that the proposed works are unlikely to negatively impact upon protected species or habitat. The site currently contains numerous medium which could be utilized by birds for nesting as such recommends a condition regarding the method of working. Provides guidance on hedgehogs. Recommends that a bat or bird box is installed within the site to deliver a net gain, or through onsite habitat improvement works or the creation/planting of new habitats or features. (29th June 2020 & 12th August 2020)

**Environmental Health Team (LDC)** – No objections to the proposal in principle subject to a condition to restrict construction hours. (23rd June 2020 & 12th August 2020)

**Staffordshire County Council (Highways)** – No objections subject to conditions to secure a construction management plan, to ensure that the access, parking and manoeuvring areas are provided prior to occupation and that the garages remain as parking provision. Recommend a note to applicant. The development will result in a net increase of one dwelling and the site access will be improved to accommodate the passing of two vehicles, as such the proposal is not considered to have any significant impact on the surrounding highway network. (9th October 2020)

**Natural England** - No further comments. (11th August 2020)

Previous comments: No objection, the proposal will not have significant adverse impacts on designated sites. Concur with the LPA's Appropriate Assessment conclusions. (3rd July 2020)

**Severn Trent Water** – No objections and do not require a drainage condition to be applied, as the proposal has minimal impact on the public sewerage system. Recommend a note to applicant. (11th June 2020 & 19th August 2020)

### **LETTERS OF REPRESENTATION**

4 letters of representation have been received in respect of the amended plans. The comments made are summarised as follows:

- Welcome use of empty site.
- Overdevelopment, overcrowding.
- Not in keeping with the surrounding area - does not reflect the design, scale, massing or density of the surrounding area. The design is not in keeping with other properties in the area (only the one immediately next door) nor the existing dwelling. The design is not conducive to a rural environment.
- Uncertain if development provides sufficient amenity space for the dwellings.
- Concern about highway safety and traffic on an already busy road.
- Existing issues with surface water flooding on the road which could be made worse by the development.
- Loss of light to neighbouring dwellings.
- Loss of mature trees, which will have a detrimental impact upon the character of the road and the environment.
- Could set a precedent.
- Proposal will have an adverse impact upon the Cannock Chase SAC.
- Whilst the house to the rear has been removed, the remaining plot sizes have not been increased and the access to the side has been retained. It is highly probable that the rear plot will be developed in the future. The unused land could become overgrown and derelict.

7 letters of representation have been received in respect of the original plans. The comments made are summarised as follows:

- No objection subject to a condition to ensure trees are retained as shown on the plans to ensure privacy.
- Welcome use of empty site.
- Existing issues with surface water flooding on the road which could be made worse by the development.
- Existing problems with sewage collecting at the bottom of the hill which could be made worse by the development.
- The rear property is within close proximity to the Shenstone Social Club & Curry Club, it will need to be ensured that there are no issues for future occupants with noise or odours.
- Concern about highway safety and traffic on an already busy road.
- Unneighbourly access drive that will cause noise and disturbance to neighbouring dwelling.
- The design is not in keeping with other properties in the area (only the one immediately next door) nor the existing dwelling. The design is not conducive to a rural environment.
- Overdevelopment, overcrowding, backland development.
- The dwellings at the front are very close together and will adversely affect the appearance of the road.
- Loss of light to neighbouring dwellings.
- Overlooking to neighbouring dwellings.
- Uncertain if development provides sufficient amenity space for the dwellings.
- Loss of mature trees, which will have a detrimental impact upon the character of the road and the environment.
- Could set a precedent.
- Proposal will have an adverse impact upon the Cannock Chase SAC.

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

01 A, 02 B, 03 A, 04 B, 05 A, 06 A, 07 A, 08, 09, 10, 11, 12, 100, 200 A, Tree Protection Plan, 3364/1, 3364/2

## **SUPPORTING DOCUMENTS**

Design & Access Statement

Tree Report

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## **OBSERVATIONS**

### **Site and Location**

The application relates to a detached dwelling sited south of Pinfold Hill in Shenstone. The dwelling has a long drive to the front and rear garden. The site is predominantly surrounded by residential properties, which are a mix of age and design, and to the south are public tennis courts and playing fields. The dwellings to the south of Pinfold Hill are elevated above the road level.

### **Background**

Planning permission was granted in November 2019 for the demolition of the existing dwelling and erect a replacement contemporary designed dwelling (19/01206/FUL), this has not yet been implemented.

An outline application for the erection of a dwelling to the rear of the site was refused in June 2020 (20/00483/OUT).

### **Proposals**

This application seeks permission to demolish the existing dwelling and erect 2no detached dwellings. The dwellings are of a contemporary design with large expanses of glass on the front and rear elevations. The dwellings will be 3no storey with dual pitched roofs with eaves height of 7m and a max height of 11m. The max height will match the ridge of the existing dwelling. The dwellings will have a max depth of 19.7m and a max width of 7.8m. The dwellings will be sited forward of the existing dwelling and the basement garage will project forward of the ground and first floor elevations. The basement garage will be dug into the site to match road level and the proposed drive will be at the existing land levels. The dwellings will be finished in render, timber cladding and stone.

The dwellings will briefly comprise of at ground floor a kitchen, living room, dining room; at first floor 4no bedrooms and 2no bathrooms. The dwellings will also have a basement double garage.

The existing access to the site will be utilised. The dwellings will have a shared access and drive. The access will be gated. The dwellings will have rear gardens and a terrace to the front.

The application originally sought to erect 3no dwellings with 2no dwellings to the front and 1no to the rear of the site. The rear dwelling was removed from the scheme during the determination process. The application site was reduced in size to omit the land to the rear and side.

### **Determining Issues**

1. Principle of development
2. Cannock Chase Special Area of Conservation
3. Siting and Scale
4. Residential Amenity
5. Access and Parking
6. Other Matters
7. Human Rights

## 1. Principle of development

- 1.1 The NPPF sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.”* Furthermore, paragraph 177 states that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”*. In this case the site falls within the catchment of the Cannock Chase Special Area of Conservation (SAC), therefore it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures. This issue is addressed later under section 2 of this report.
- 1.2 Core Policy 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, Shenstone is a designated key rural settlement. Policy Shen4 states that infill will be prioritised. The proposal will deliver a net increase of one dwelling within the settlement boundary of Shenstone.
- 1.3 Policy H1 of the Local Plan Strategy and Policy H1 of the Neighbourhood Plan encourages smaller (2-3 bedroom) homes, the need for which is identified in the Strategic Housing Market Assessment. However, both policies do not set out a threshold for the housing mix requirement. The proposal will deliver 2 no four bedroom dwellings, given that this is a small scale development the proposed housing mix is considered acceptable.
- 1.4 Given the above, it is considered that the development would comply with the requirements of the development plan, in terms of where housing shall be directed. The principle of development is therefore acceptable, subject to satisfying matters related to the general development management criteria, which are discussed below.

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

- 2.1 The neighbour's concerns regarding the Cannock Chase SAC are noted. Policy NR7 of the Local Plan Strategy and Policy SAC1 of the Shenstone Neighbourhood Plan set out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. The Council has adopted guidance acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. The proposal lies within the 8-15km buffer of the Cannock Chase SAC, as such a financial contribution is not required.
- 2.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

### 3. Siting, Design & Appearance

- 3.1 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale design and public views. Policy BE1 also states that *“innovative and contemporary designs will be supported where they are sympathetic to the setting and context of the surrounding area and existing development”*. Shenstone Neighbourhood Plan Policy H2 specifies requirements for residential infill and backland development. Shenstone Neighbourhood Plan Policy H3 states that new dwellings must demonstrate how they are in keeping with the prominent architectural style of the immediate surrounding area. Section 12 of the NPPF states the requirements and guidance to achieving well-designed places, paragraphs of particular relevance to this application are 124, 127 and 131.
- 3.2 With regards to density, the surrounding area has varied density, the dwellings to the south of Pinfold Hill are largely detached dwellings set within large plots, and however, the density increases towards Birmingham Road to the east and Lincoln Croft to the west. The dwellings to the south of Pinfold Hill have a density of 11 dwellings per hectare. The dwellings to the north which front Pinfold Hill are detached dwellings set in large plots, however these plots are shorter than those to the south of Pinfold Hill. To the north of these dwellings is a tighter grained development with detached dwellings sited within smaller plots. The density of dwellings fronting Pinfold Hill to the north is 13 dwellings per hectare. When considering this section of Pinfold Hill from Birmingham Road to Lincoln Croft, including dwellings to the north and south, the density is 10.8 dwellings per hectare.
- 3.3 The development seeks to subdivide the existing plot in order to deliver an additional dwelling. The resultant density would be 11.2 dwellings per hectare. It is considered that the resultant density is similar to that of the immediate surrounding area and as such satisfies Policy H2 of the Shenstone Neighbourhood Plan in this regard.
- 3.4 With regards to siting, the proposed dwellings will be sited forward of the existing dwelling, however will continue the existing building line along the south of Pinfold Hill. The basement garages will project forward of the existing building line. However a number of the dwellings on the northern side of Pinfold Hill have detached garages which project forward of the building line. It is also noted that the previously approved replacement dwelling also included a similar basement garage which projected 6m forwards of the building line. Whilst this was largely subterranean the principle of built form forward of the building line has already been established. Due to the above it is not considered that the forward projecting basement garages would warrant a refusal in this instance.
- 3.5 The streetscene contains dwellings of a range of designs and materials. The dwellings to the north of Pinfold Hill are a 1980/90's development and are similar in design and appearance. The dwellings to the south of Pinfold Hill are mainly early-mid 20th century properties, many of which have been altered and extended. There has been some infill development along the southern side of Pinfold Hill in the late 20th century and early 2000s. The dwellings immediately to the west (numbers 58 and 60) are of a contemporary design. Along Pinfold Hill front facing gables are a feature on the majority of dwellings and there is a mix of materials within the streetscene with brick and render being the most common.
- 3.6 The proposed dwellings will reflect the massing and contemporary design of the neighbouring dwelling. The use of front facing gables ensures that there is a consistent design feature within the streetscene. The visual appearance of the proposed dwellings is similar to that of the previously approved replacement dwelling. The design utilises the topography of the site successfully in order to achieve a three storey dwellings with ridge heights to match the existing dwelling and neighbouring properties. The proposed design of the dwellings, particularly with regards to the roof design, creates a sense of space between the dwellings

and ensures that the development does not appear over-developed or cramped. The proposed materials of render, timber cladding and stone are considered to be complementary to the streetscene, and subject to securing exact details via condition are considered to be acceptable. The proposed dwellings are considered to be well designed and will fit well within the streetscene and within the plot. The proposed design is considered to satisfy the requirements of Policy H2 and H3 of the Shenstone Neighbourhood Plan and paragraph 127 of the NPPF in this regard.

- 3.7 The submitted plans indicate finished floor and land levels, however for clarity a condition is recommended to secure the exact finished floor and land levels. The submitted plans show that the additional landscaping will be provided to the front boundary alongside the trees to be retained, however a detailed landscaping scheme has not provided. As such a condition is recommended to secure a landscaping and planting scheme for the front boundary.

#### 4. Residential Amenity

- 4.1 Local Plan Strategy Policy BE1 seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design, which sets out the Council's guidelines for 'Space about Dwellings'. Policy H4 of the Neighbourhood Plan states that new dwellings should comply with the Sustainable Design SPD. Policy H2 of the Shenstone Neighbourhood Plan states that development should not result in overshadowing of neighbouring properties nor unacceptably reduce the level of existing private amenity space for existing dwellings.
- 4.2 The neighbours' concerns about overlooking and loss of privacy are noted. The SPD requires a 21m separation where principle habitable room windows face each other. The SPD also states that where there is a change in ground level the separation distance should be increased by 2m for every 1m rise in ground level. With regards to the relationship with the dwellings to the north of Pinfold Hill, there is an approx. 3m change in land level as such the required separation distance is 27m. The siting of the proposed dwellings will provide a 42m separation distance between the front elevation of the dwellings (ground and first floor), a 36m separation distance between the front terrace and the dwellings to the north of Pinfold Hill. This separation is considered to be acceptable and is not considered to result in any overlooking.
- 4.3 The SPD states that there should be a 13m separation distance where the front elevation of a dwelling faces onto a side elevation of a dwelling. The development will provide a separation distance of 21m between the east elevation and number 68 Pinfold Hill, as such is considered to be acceptable.
- 4.4 The proposed dwellings have side windows serving the stairwells and bathrooms, given that these windows will be obscure glazed and top hung the windows are not considered to result in any overlooking to the neighbouring dwellings to the east or west of the development. A condition is recommend to secure the level of obscure glazing and to ensure that the windows are top hung. The rooflights are not considered to result in any overlooking as the rooflights will be positioning in the roof slope over 2m above floor level.
- 4.5 The neighbours' concerns about loss of light are noted, due to the siting of the dwelling the proposal is not considered to result in any significant loss of light to neighbouring dwellings.
- 4.6 The Parish Council's concerns about the amount of daylight provision that the internal living spaces will receive are noted. The dwellings are orientated with south facing rear elevations and north facing front elevations. The rear elevation is largely glazed which will ensure the rear rooms have maximum benefit of the southern orientation. Due to the orientation the dining room and front bedrooms to the front of the dwellings will receive less natural light

than the rear rooms. However this is a common occurrence and is not dissimilar to the layout of neighbouring dwellings. The dwellings have been designed with a rooflight and glazed walkway to the landing in order to act as a light shaft to allow natural light into the hall way and entrance lobby. This is considered to be a good design solution and will allow more natural light to reach these circulation areas. It is considered that the dwellings will have adequate natural light.

- 4.7 The Parish Council and neighbours have raised concerns that the development would significantly reduce the private amenity space of the existing dwelling. The Sustainable Design SPD states that 4 bedroom dwellings should provide 65m<sup>2</sup> of private amenity space. The proposed block plan demonstrates that both proposed dwellings would have garden space in excess of 100m<sup>2</sup>, which well exceeds the requirements set out in the Sustainable Design SPD. The proposed private amenity space is therefore considered acceptable.
- 4.8 The Council's Environmental Health Officer has raised no concerns to the development, subject to a condition being imposed to restrict construction hours. Given that the site is surrounded by dwellings this is considered reasonable and would be imposed.
- 4.9 It is considered that the site can accommodate the dwellings which sufficiently protect the amenity of existing neighbouring residents and future residents. The proposal is considered to accord with the Development Plan and NPPF in this regard.

## 5. Access, Parking & Highway Safety

- 5.1 Policy H2 of the Shenstone Neighbourhood Plan requires development to provide appropriate parking and access arrangements.
- 5.2 With regards to access, the proposal seeks to utilise the existing access from Pinfold Hill which will be widened to accommodate two passing vehicles. The neighbours' concerns about highway safety and the use of the existing access on a busy road are noted. SCC Highways have assessed the scheme with regards to highway safety and have advised that there are no recorded personal injury collisions on Pinfold Hill within 50m of the site within the previous five years and therefore advised that there does not appear to be any existing safety problems that would be exacerbated by the proposal. SCC Highways advise that the use of the existing access to serve two dwellings would not have any significant impact on the surrounding highway network. SCC Highways have also advised that sufficient visibility splay can be achieved from the site access. SCC Highways have recommended a condition to ensure that the access and turning areas are surfaces in a porous bound material and provided prior to the first occupation of the dwellings, this is considered to be reasonable and necessary and will be imposed. The proposed access is considered to be safe and sufficient to serve the development.
- 5.3 SCC Highways have recommended a condition to secure a construction vehicle management plan (CVMP), given that the site is located on a well-used road this condition is considered necessary and will be imposed. It is noted that SCC Highways have requested that the CVMP is secured prior to the demolition of the existing dwelling, however a CVMP was not requested under the previous approval for the demolition of the existing and erection of a replacement dwelling. As such it is not considered reasonable to require the CVMP to be provided prior to demolition of the existing dwelling, given that the dwelling could be demolished under the previous permission. The CVMP shall be required prior to the commencement of this development, excluding demolition.
- 5.4 With regards to parking, Policy ST2 of the Local Plan Strategy states that development must have appropriate provision for off-street parking in accordance with the standards set out in the Sustainable Design SPD. The SPD recommends that four bedroom dwellings provide 2no off-street vehicle parking spaces and 2no cycle parking spaces. The dwellings will each have a

double garage and a shared drive to the front. As such the development is considered to provide sufficient parking provision for both vehicles and cycles. SCC Highways have raised no objections to the proposed parking provision and have recommended conditions to ensure that the parking is provided prior to first occupation, this is considered reasonable and is imposed. The recommended condition regarding the retention of the garage as parking provision is not considered to be necessary as the drive to the front provides sufficient space for vehicles, it is also noted that this condition would be difficult to enforce. As such this condition is not included.

- 5.5 Overall, the proposal is considered to provide a safe and sufficient access and sufficient parking provision to serve the development. The proposal is considered to comply with the Development Plan and NPPF in this regard.

## 6. Ecology

- 6.1 To comply with the guidance contained within Paragraphs 8, 20, 28 and 175 of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of 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 also a requirement of all developments under Policy NR3 of the Local Plan Strategy and the Biodiversity and Development Supplementary Planning Document.
- 6.2 The Council's Ecology Team are satisfied that the proposal will not impact upon protected or priority species or habitats. They have provided guidance on nesting birds and hedgehogs, a note to applicant is included to ensure that the applicant/developer is aware of the this guidance.
- 6.3 In order to deliver a net gain to biodiversity the Ecology Team have recommended that a bat or bird box be included within the scheme or onsite habitat creation/improvement works be carried out. A condition is recommended to secure either a bat or bird box and to secure a landscaping scheme. Subject to adhering to these conditions the proposal is considered to provide a net gain to biodiversity.
- 6.4 The proposal is considered to comply with the Development Plan and NPPF in this regard.

## 7. Other Matters

- 7.1 The site contains a number of trees on the boundaries and within the site as such the application is accompanied by a tree survey. The proposal will result in the removal of 9 trees which are category C and U. The Council's Arboricultural Officer has raised no objections to the removal of these trees as these are not protected nor would be suitable for statutory protection. A number of trees will be retained within the site, including the two prominent trees to the front boundary. The Arboricultural Officer is satisfied with the submitted tree protection plan, and a condition is recommended to ensure that this is adhered to in order to protect the retained trees. With regards to landscaping, the submission does provide a landscaping plan however this is not considered to be of a suitable standard. As such a condition is recommended to secure a sufficient landscaping plan, subject to adhering to this the proposal is considered to be acceptable in this regard.
- 7.2 With regards to drainage, the neighbours' concerns about existing flooding issues being exacerbated are noted. The site is located within Flood Zone 1, however it is noted that 60m to the northeast of the site the land adjacent to the Crane Brook and Black Brook are within Flood Zone 2 and 3. Severn Trent Water have offered no objection to the scheme and as the



proposal will have a minimal impact upon the public sewerage they do not require a drainage condition to be imposed. Whilst it is noted that the development may increase surface run off due to the increase in built form and hard surfacing a condition is recommended to ensure that the drive is surfaced in a porous material and that landscaping is provided to the front boundary in order to intercept surface water. The development is considered to be acceptable in this regard.


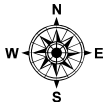
- 7.3 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The applicant has submitted a completed CIL form with the application and is seeking a self-build exemption to the contribution. An informative noting the need to resolve CIL payment for this development will be attached to the decision.
- 7.4 The neighbours' concerns about the exclusion of the rear plot and side access from the application site are noted. Whilst this does indicate that this land has been retained for future development there is nothing to stop the applicant/developer proceeding from omitting the land to the rear from the application site. This application solely relates to the erection of two dwellings to the front of the site. Should a subsequent application be submitted for the development of the rear plot then this shall be determined on its own merits in accordance with relevant policies at that time.
- 7.5 The neighbour's concerns about this application setting a precedent for further development are noted, however every application is considered on its own merits.

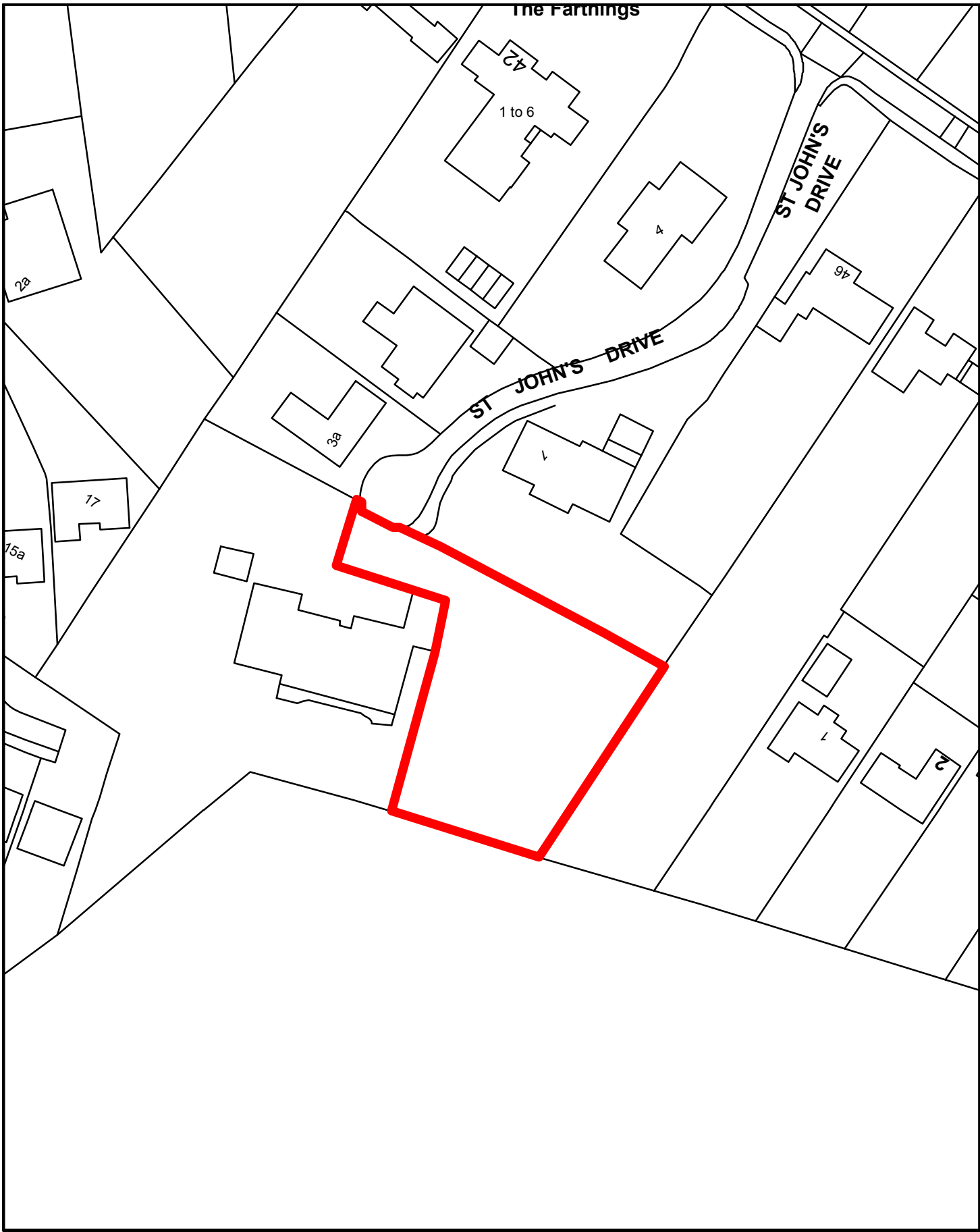
## 8. Human Rights

- 8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbours rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and National Policy in the NPPF.

## **Conclusion**

In conclusion, the development will deliver two well designed contemporary dwellings which are considered to sit well within the site. The development will deliver an additional dwelling within the sustainable settlement of Shenstone. The proposed design is considered to be complementary of neighbouring dwellings and will assimilate well within the streetscene. The proposal will provide sufficient amenity standards for future and existing residents. The scheme will not have a detrimental impact upon highway safety and provides sufficient on-site parking. In conclusion, the proposal is considered to comply with the requirements of the Development Plan and NPPF and is recommended for approval subject to conditions.

<div><p><b>Lichfield</b> district council www.lichfielddc.gov.uk</p><p>District Council House Frog Lane Lichfield Staffs WS13 6YY</p><p>Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p></div>	<b>LOCATION PLAN</b>	Scale: 1:1,000	Dated: November 2020		
	20/00757/FUL	Drawn By:			
	Land adj Shenstone Moss	Drawing No:			
	Lichfield	St Johns Drive	© Crown Copyright Database Rights 2015 Lichfield District Council Licence No: 100017765		



**20/00757/FUL**

**ERECTION OF 1 NO. DWELLING AND ASSOCIATED WORKS (RE-SUBMISSION OF 19/01581/FUL)  
LAND ADJ SHENSTONE MOSS, ST JOHNS DRIVE, SHENSTONE, LICHFIELD  
FOR Firstpost Homes**

Registered **16/06/2020**

**Parish: Shenstone**

**Note:** This application is being reported to the Planning Committee due to a significant objection received from the Shenstone Parish Council on the grounds of the development proposal's conflict with policies contained within the Neighbourhood Plan, specifically relating to design and backland development.

**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, 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.
  - a) Full details including samples of all facing materials
  - b) Full details of the exterior roof materials
  - c) Full details consisting of all external fenestration and doors including proposed exterior finish
  - d) Full details of the eaves and verge detailing
  - e) Full details of rainwater goods, their materials and designs
4. Before the development hereby approved is commenced, a landscaping scheme/plan detailing of hard and soft landscaping 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.
5. 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.
6. 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.

7. Before the development hereby approved is commenced details of onsite tree protection, including a Tree Protection Plan, 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:**

8. The development hereby permitted shall not be occupied until such time as the parking facilities have been implemented in accordance with the Site Layout Drawing (No. STD.PL.01 Rev. C). Thereafter the onsite parking provision shall be so maintained in perpetuity.
9. All recommendations and methods of working detailed within pages 14 to 18 of the Bat and Bird Survey prepared by Dr Stefan Bodnar must be strictly adhered to.
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. 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.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 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.
6. 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.

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. 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.
10. 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.
11. 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.
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.

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

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#### **PLANNING POLICY**

##### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

**Local Plan Strategy**

Core Policy 1  
Core Policy 2  
Core Policy 3  
Core Policy 6  
Policy H1  
Policy ST2  
Policy NR4  
Policy NR7  
Policy BE1

**Shenstone Neighbourhood Plan**

Policy H1  
Policy H2  
Policy H3  
Policy H4  
Policy SAC 1

**Local Plan Allocations**

N/A

**Supplementary Planning Document**

Sustainable Design  
Trees, Landscaping and Development  
Biodiversity and Development

**RELEVANT PLANNING HISTORY**

19/01581/FUL	Erection of 2no five bedroom dwellings and associated works	Refuse	13/05/2020
20/00757/FUL	Erection of 1 no. dwelling and associated works (Resubmission of 19/01581/FUL)		Undetermined
20/00011/REF	Appeal against refusal of planning application 19/01581/FUL - Erection of 2no five bedroom dwellings and associated works	Dismissed	08/09/2020

**CONSULTATIONS****Tree Officer – LDC -**

The site contained a number of protected trees and there are no objections to the scheme, subject to conditions relating to the submission of a Tree Protection Plan and a landscaping condition that adequately compensates for loss of trees.

(25<sup>th</sup> June 2020)

**Shenstone Parish Council –**

The Parish Council objects to the revised application for the erection of a single dwelling on the grounds that it does not meet the requirements of the Shenstone Neighbourhood Plan, particularly Policy H2: Residential Infill and Backland Development and Policy H3: Design of Residential Development.

It is considered that the proposal will appear cramped within the plot which will lead to the appearance of over development. It is considered that the proposal will not comply with guidance on backland development and the proposal will not reflect the scale, mass, height and form of its neighbours. In terms of design, the Parish Council consider the proposed development will have a detrimental impact on the character and appearance of the surrounding area and affect views from the south of site. (8th July 2020) (17<sup>th</sup> August 2020)

**Natural England –**

No objections. (7th July 2020)

**Severn Trent Water - South Staffs –**

No objections. (3rd July 2020)

**Environmental Health Team - LDC –**

No objections, subject to the imposition of a planning condition limiting construction hours. (9th July 2020)

**Staffordshire County Council (Highways) –**

No objections, subject to the implementation proposed parking facilities. (8th July 2020)

**Ecology Team - LDC –**

No objections, subject to the imposition of conditions requiring the applicant to adhere to all recommendations and methods of working detailed within the submitted Bat and Bird Survey. (15th July 2020)

**LETTERS OF REPRESENTATION**

No letters of representation have been received for this application.

**PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Plot 1 floor plans, SJP.PL.04, Plot 1 ground floor plan, SJD.PL.03A, Location Plan, Drawing 5365.99, Site Plan, Site Plan 01c, Proposed Elevations, Elevations 05b,

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**OBSERVATIONS**

**Site and Location**

This application relates to a regular shaped parcel of land at the terminating point of St John's Drive, Shenstone. The site lies adjacent to an existing large property to the west and access is gained to the site via the access point to the adjacent property. The site is undeveloped, with a number of mature trees located at the south-western boundary. An open field lies to the south of the site, with Court Drive located beyond this.

The surrounding area is characterised by residential development, underpinned by relatively large dwellings set within spacious plots on St John's Hill and St John's Drive. A tighter grain of development is located further away to the north and east along Chestnut Drive and Eastridge Croft.

The site is in proximity to a number of services and amenities in Shenstone, including a convenience store, a place of worship and a primary school as well as a bus stop at the junction of Birmingham Road and St John's Hill, approximately a 10 minute walk from the site.

To the east of the site within the curtilage of 48 St John's Hill planning permission (planning reference 18/00679/FUL) was granted for the demolition of the existing dwellinghouse and the erection of 2no dwellings. Planning permission was subsequently granted on appeal for the erection of a third dwelling within the curtilage of 48 St John's Hill (planning reference 18/01562/FUL).

## **Proposals**

This application seeks permission for the erection of 1no five bedroom dwelling. The dwelling will lie to the east of an existing detached property at the site (Shenstone Moss). The property will share design principles to the existing dwelling, such as protruding gables, stacked chimneys and a symmetrical built form. The proposal will have provision for at least 3no vehicles as well as a turning area to the front of the property.

## **Determining Issues**

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Ecology
5. Trees
6. Highways and Access
7. Cannock Chase SAC
8. 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, and the adopted (made) Shenstone Neighbourhood Plan.
- 1.2 Core Policy 1: The Spatial Strategy of the Lichfield District Local Plan Strategy (LDLPS) states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Proposals will promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, natural resources, utilities and infrastructure and areas at risk of flooding, whilst also mitigating and adapting to climate change and reducing the need to travel. The location of the development is in an area of existing residential development and considered to be a sustainable location.
- 1.3 Core policy 2: Presumption in Favour of Sustainable Development states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The application site is located within an area of existing residential properties and located close to local amenities. As such the proposed development is considered to comply with this Core Policy and represents a sustainable development in accordance with the NPPF.
- 1.4 Core Policy 3: Delivering Sustainable Development of the LDLPS states that in order for development to contribute to the creation and maintenance of sustainable communities, development should encourage the re-use of previously developed land in the most sustainable locations.
- 1.5 Core Policy 6: Housing Delivery sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District



will seek to provide 50% of housing on previously developed land. Housing development will be focused upon the key urban and rural settlements:

- Lichfield City
- Burntwood
- Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
- Adjacent to the neighbouring towns of Rugeley and Tamworth

- 1.6 Policy H1: A Balanced Housing Market sets out that 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.
- 1.7 This application seeks permission for the provision of 1 x 5 bedroom property and as such the proposed development does not comply with the requirement of a small dwelling on the site as suggested within H1. Notwithstanding this, it must be acknowledged that the application proposal is for just one dwelling and as such is not a major development. In smaller sites such as this, it is not always appropriate to secure a mix of dwelling sizes, in that the character of the area must be taken into account as well as the need to ensure that the development makes the most efficient use of land as required under the NPPF and therefore the policy requirement can be relaxed in this instance.
- 1.8 The Parish Council have objected to the current application on the basis of the proposal's conflict with Policies H2 and H3 of the Shenstone Neighbourhood Plan, specifically objecting to the new dwelling's relationship with the surrounding area in respect of its layout and massing as well as the design of the new dwelling. Whilst the comments have been taken into account, the proposal's impact upon the character and appearance of the surrounding area is considered to be minimal and are discussed within sections 3 and 4 of this report.
- 1.9 Following the submission of elevational drawings, the Parish Council in comments received 17<sup>th</sup> August required points of clarification relating to the positioning of the chimneys, proposed access paths.
- 1.10 The agent has since clarified these points and submitted a revised site layout plan and elevational drawings, with the chimney being located on the eastern side of the property. The rear elevation side boundary wall has been omitted from the scheme. From the revised site layout plans, it can be seen that a short path has been added to the east gable for access to the pedestrian garage door and the agent has clarified that there is no boundary wall on the eastern side. It is therefore considered that the applicant has addressed the concerns / questions raised by the Parish Council.
- 1.11 Whilst there is an evident conflict between the development proposal and Policy H1, on balance it is considered that the principle of residential development at the site is established given its relatively sustainable location and being within the defined settlement boundary of Shenstone, within which the development of new housing is supported. However, this assumption is subject to a number of material considerations as detailed below.

## 2. Design and Layout

- 2.1 Core Policy 3: Delivering Sustainable Development states that the Council will require development to contribute to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, make prudent use of natural resources, reduce carbon emissions, enable opportunities for renewable energy and help minimise any environmental impacts.

- 2.2 Policy BE1: High Quality Development states that new development should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views. New development should also have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 2.3 Policy H2 of the Shenstone Neighbourhood Plan states that all residential infill and backland development within the built up area of Shenstone should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the uniformity of the street by reflect the scale, mass, height and form of its neighbours. In particular, development proposals should not lead to over-development of a site; should avoid the appearance of cramming; demonstrate that development is of a similar density to properties in the immediate surrounding area; and ensure that new buildings do not adversely affect the residential amenity of neighbouring properties by virtue of overshadowing.
- 2.4 Policy H3 of the Shenstone Neighbourhood Plan states that housing development which creates at least one new dwelling or extends an existing dwelling must demonstrate how the design of the dwelling(s) is in keeping with the predominant architectural style of the residential properties in the immediate surrounding area.
- 2.5 Properties along St Johns Drive are largely characterised by large dwellings set within spacious plots and so comprises a sparse pattern of development. Whilst properties along Chestnut Drive to the west comprise a finer urban grain, the development proposal must be read in relation to immediate surrounding development along St Johns Drive.
- 2.6 Although it is accepted that the proposal will introduce an additional dwelling in the area located adjacent to the existing property known as Shenstone Moss however, due to the layout and design the new dwelling will not appear out of place or character within the area. Furthermore due to the design the new dwelling will appear subordinate in character to Shenstone Moss and will be set back, thereby being partially visible from St John's Hill. It is therefore considered that the proposal complies with the current form of development and will not appear cramped within the site and complies with the prevailing character of St Johns Hill to the north-west of the site.
- 2.7 With regards to the design of the new dwelling it is that the proposal is in character with the surrounding dwellings in this part of St. Johns Drive. For these reasons notwithstanding the comments of the Parish Council it is considered that the proposal complies with Policies H2 and H3 of the Shenstone Neighbourhood Plan.
- 2.8 As such, the proposal complies with Core Policy 3 and Policy BE1 of the Local Plan Strategy as well as Policies H2 and H3 of the Shenstone Neighbourhood Plan.

### 3. Residential amenity

- 3.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust fumes or other disturbance.
- 3.2 The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or over overbearing. 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. The SPD states that all private amenity space should be a minimum of 10m in length and the total area of garden length should be a minimum of 100sqm for 5 bedroom dwellings.

- 3.3 Policy H4 of the Shenstone Neighbourhood Plan states that residential development proposals shall be expected to provide adequate private amenity space to serve each property. Such proposals must demonstrate that they have complied with any Supplementary Planning Document on design matters that has been prepared by Lichfield District Council.
- 3.4 The proposed dwelling will have a private amenity space comprising of 300sqm, thereby exceeding the requirements set out in the Sustainable Design SPD. There is a space of 5m from the western elevation to the boundary of the site, with a further 4.8m beyond this to the eastern elevation of Shenstone Moss. As such, the proposal is not considered to have a direct detrimental impact upon the amenity of neighbouring properties in respect of overlooking and privacy and relevant separation distances contained within the Sustainable Design SPD have been achieved. No principal habitable rooms are proposed at side elevations and the rear amenity space exceeds 100sqm. The proposal is therefore, compliant with relevant separation distances set out within the Sustainable Design SPD and exceeds the majority of the required distances. The new dwelling will provide existing and future occupiers with a high level of amenity.
- 3.5 For the above reasons it is considered that the proposal is considered to be compliant with Policy BE1 and Core Policy 3 of the Local Plan Strategy as well as Policy H4 of the Shenstone Neighbourhood Plan.

#### 4. Ecology

- 4.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 4.2 Policy NR3: Biodiversity, Protected Species and their Habitats maintains that development will only be permitted where it protects, enhance, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of land or buildings; minimises fragmentation and maximise opportunities for restoration, enhancements and connections of natural habitats; incorporates beneficial biodiversity and/or geodiversity conservation features, including feature that will help wildlife to adapt to climate change where appropriate; and delivers a net gain for biodiversity and/or geodiversity in the district.
- 4.3 Whilst the Ecology Team have been consulted and have no objections to the proposal, it has been recommended that the inclusion of a bat and/or bird box in the scheme and the recommendations and methods of working detailed within the submitted Bat and Bird Survey be included via condition to any forthcoming permission. As such, the proposal is considered to be acceptable on ecology grounds and complies with Policy NR3 of the Local Plan Strategy.

#### 5. Trees

- 5.1 Policy NR4: Trees, Woodland and Hedgerows of the LDLPs iterates that the District's trees, woodland and hedgerows are important visual and ecological assets. 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. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.
- 5.2 The Arboricultural Team have been consulted and have no objections to the revised scheme, subject to the submission of a tree protection plan and a landscaping plan which should include details of compensatory planting; both of these have been attached as a pre-commencement condition. As such, the proposal is considered to be acceptable on arboricultural grounds.

#### 6. Highways and Access

- 6.1 Policy ST2: Parking Provision 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 within the Sustainable Design SDP.
- 6.2 The scheme has made provision for 3no parking spaces for each dwelling, this meeting the requirements as set out within the SPD. As such, the proposal is considered to be acceptable on highway grounds. Furthermore, the SCC Highways Team have been consulted and have no objections to the development proposal, subject to a condition relating to the implementation of parking facilities.
7. Cannock Chase SAC
- 7.1 The proposed development falls within 15km of the Cannock Chase Special Area of Conservation, as identified on Local Plan Strategy Policies Map. Policy NR7: Cannock Chase Special Area of Conservation states that before development is permitted, it be 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. This is echoed by Policy SAC1 of the Shenstone Neighbourhood Plan.
- 7.2 In particular, any development that results in a net increase in dwellings within a 15km radius of any boundary of Cannock Chase SAC 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 application site falls within the 8-15km zone of the Cannock Chase SAC a financial payment will not be sought.
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 NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. The proposal complies with relevant policies contained within the Local Plan Strategy, the Shenstone Neighbourhood Plan and relevant guidance contained within the National Planning Policy Framework.

The application site is located within an area surrounded by existing residential properties and as such the principle of an additional dwelling on the site is considered to be acceptable. The layout and design of the dwelling constitutes a form of development that will not have a detrimental impact upon the character and appearance of the surrounding area.

On this basis, the application is therefore recommended for approval, subject to the suggested conditions, as set out above.

**Lichfield**  
district council

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

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# LOCATION PLAN

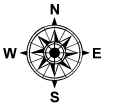
20/00760/FUL  
204 High Street  
Chasetown  
Burntwood

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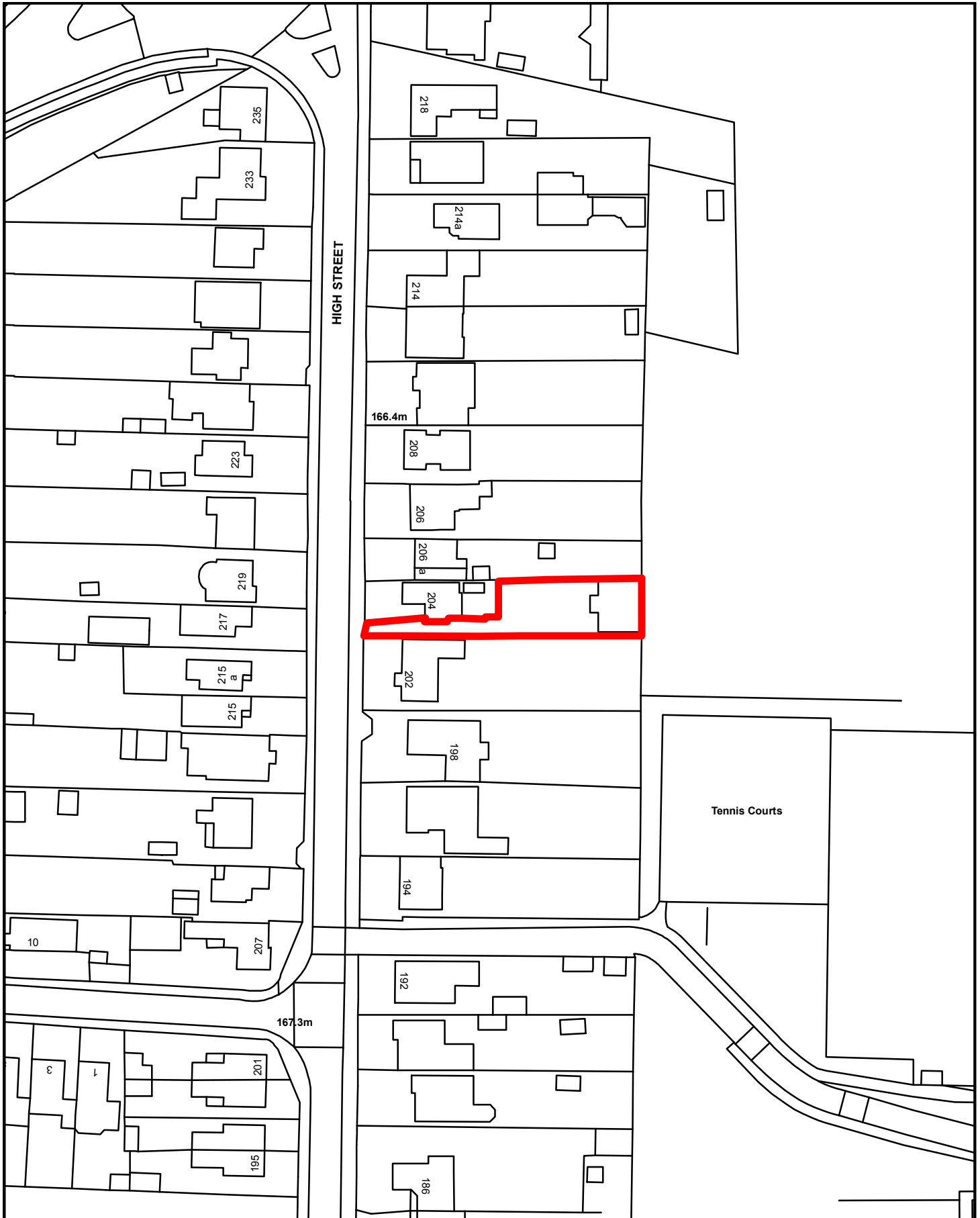
Dated: November 2020

Drawn By:

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**20/00760/FUL**

**DEMOLITION OF WORKSHOPS AND CONSTRUCTION OF 2 BEDROOM BUNGALOW  
204 HIGH STREET, CHASE TOWN, BURNTWOOD, STAFFORDSHIRE  
FOR Ms Leanne Lennaon**

Registered **10/08/2020**

**Parish: Burntwood**

**Note:** This application is being reported to the Planning Committee due to a significant objection being received by Burntwood Town Council. Their grounds of objection are:

- Back garden development cause a significant detrimental impact on the amenity of neighbouring properties regarding privacy.
- Overdevelopment of the residential area setting a precedent for further back garden developments
- Issues with access being required between two existing properties detrimental impact on the frontages due to increased access requirements.
- It will cause problems with wheelie bin collections as it would double the number of bins needing to be left on the pavements.

**RECOMMENDATION: Approve, subject to the owners/applicants submitting a Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and 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 any part of the development commences the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the LPA. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the LPA within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the LPA. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the LPA without delay. The approved remediation scheme shall be implemented to the satisfaction of the LPA.
4. Before the development hereby approved is commenced details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management / maintenance)

and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

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

5. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 1900 hours Monday to Friday and 0800 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).
6. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
7. The development hereby approved shall not be brought into use until the existing access within the limits of the public highway and any boundary wall features has been increased in width to 4.8m and completed.
8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-G of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions shall be erected on the dwellings.
9. Before the development hereby approved including any demolition and / or site clearance works is commenced or any equipment, machinery or materials is brought onto site, protective fencing and/or other protective measures to safeguard existing trees shall be implemented on the site. The tree protection measures shall thereafter be provided in accordance with the submitted tree protection drawing BALDS025-20 TPP and the British Standard 5837: 2012 and shall be retained for the duration of construction (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed.

**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. In the interests of protecting potential occupiers of the development of the harmful effects of pollution in conformity with Policy BE1 of the Local Plan Strategy and paragraph 178 of the National Planning Policy Framework .
4. In order to ensure the site is suitably drained and in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework
5. To protect neighbour amenity in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.

6. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
7. In the interests of highway safety and to conform with paragraph 109 of the National Planning Policy Framework.
8. In the interests of neighbour and visual amenity, to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and National Planning Policy Framework.
9. To ensure the long term health and vitality of retained trees within the site in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping & Development Supplementary Planning Document, and the National Planning Policy Framework.

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).

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#### **PLANNING POLICY**

##### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

##### **Local Plan Strategy**

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

Policy ST2 – Parking Provision

### **Supplementary Planning Document**

Sustainable Design SPD

Trees, Landscaping and Development SPD

Biodiversity and Development SPD

### **RELEVANT PLANNING HISTORY**

19/00113/FUL	Demolition of workshops and construction of 3 bedroom dormer bungalow.	Refuse	07/06/2019
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#### ***Appeals***

19/00025/REF	Demolition of workshops and construction of 3 bedroom dormer bungalow.	Dismissed	20/01/2020
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### **CONSULTATIONS**

**Environmental Health Team - LDC** - do not object to the proposals in principle, however given the proximity of neighbouring residential property I recommend various conditions. (11th September 2020)

**Burntwood Town Council** - A strong objection based on this being back garden development that will have a significant detrimental impact on the amenity of neighbouring properties with regards to their privacy. It could result in overdevelopment of the residential area by setting a precedent for further back garden developments in the same area which will significantly increase the housing density. It would cause issues with access being required between two existing properties and would have a detrimental impact on the frontages due to increased access requirements. It will cause problems with wheelie bin collections as it would double the number of bins needing to be left on the pavements. This in turn would cause issues for pedestrians on bin collection days. (28th August 2020)

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

The Highway Authority has previously received one consultations for this site (19/00113/FUL).

The Highway Authority approved the application subject to conditions.

The current application is for a 2 bedroom bungalow whereas 19/00113/FUL was for a 3 bedroom dormer bungalow.

The current width of vehicular access at the rear of the highway boundary is 4.12m which will not allow two vehicles to pass each other.

Due to the foregoing the Highway Authority accepts the proposal and recommends a condition to widen the access. (27th August 2020)

#### **Ecology Team - LDC -**

The ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2010), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments.

Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.) either within the applications red line or the blue line, where applicable.

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. (11<sup>th</sup> September 2020)

**Severn Trent Water** - No Comments Received

### **LETTERS OF REPRESENTATION**

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

- Consider the proposal to create a detrimental effect on our privacy.
- Out of odds with anything else built on the street; it is completely out of character and an inappropriate use of what is a back garden.
- Cars drive through to the back garden inappropriate and disruptive.

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

204 HIGH STREET REVISED LOCATION PLAN, 204 HIGH STREET BLOCK PLAN BUNGALOW, BALDS025-20 TPP TREE PROTECTION PLAN

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### **OBSERVATIONS**

#### **Site and Location**

This application relates to a detached property located on the eastern side of High Street, Chasetown. The property is situated within a residential area. The properties along High Street all vary in size, design and age and the plots on the eastern side of High Street all benefit from large rear gardens. The property benefits from off road parking for two cars and there is a detached garage/workshop to the rear of the site. Lastly, to the rear of the site is the Burntwood Leisure Centre with playing fields adjacent to the rear boundary.

#### **Background**

Planning application reference 19/00113/FUL was refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposed development, by reason of the siting, and scale of the dwelling, along with the resultant plot sizes, would constitute an inappropriate form of backland development that would be at odds with the pattern and density of development in the area. The proposal would therefore be out of keeping with and cause harm to the character and appearance of the locality. The proposal would therefore be contrary to Core Policy 3 (Delivering Sustainable Development) and BE1 (High Quality Development) of the Lichfield Local Plan Strategy 2015 and Policy H2 of the Shenstone Neighbourhood Plan, the Sustainable Design Supplementary Planning Document, and Government policy contained within the National Planning Policy Framework (2019).
2. The proposed site lies within the Cannock Chase Special Area of Conservation. It has not been satisfactorily demonstrated that the development would not unacceptably impact on the ecological importance of this Special Area of Conservation to enable the Local Planning Authority to carry out an 'Appropriate Assessment' as the competent authority. The proposal is therefore contrary to Core Policy 13 (Our Natural Resources) and Policy NR7 (Cannock Chase Special Area of Conservation) of the Lichfield District Local Plan Strategy 2015 and the National Planning Policy Framework (2019).

Following this an appeal was lodged and subsequently dismissed with the Inspector finding that *the ridgeline would be some 7.28m high and the proposed side walls would be very close to the side boundaries of the site although set back some 34m from the highway boundary. There would be*

*separate gardens for the proposed dwelling and the host property. Although these would be relatively small in comparison to neighbouring properties, they would meet the requirements of the Lichfield Sustainable Design Supplementary Planning Document 2015 (the SPD) and would provide sufficient amenity space for existing and future occupiers without causing undue harm to the locality in this respect. The properties on this stretch of the High Street generally have frontages direct to the highway and the proposal would amount to backland development which would differ to the local area layout. There is nothing wrong with backland development in principle. However, in this case, I conclude that due to the height, width and scale, including the dormers, and notwithstanding the setback from High Street behind access gates, the proposed dwelling would be unduly prominent and harmful to the character and appearance of the locality. It would significantly reduce the gap between buildings particularly above ground floor level. Due to its scale it would not appear as an ancillary outbuilding.*

## **Proposals**

This application seeks permission for the demolition of the workshops/garage to the rear of the site, to be replaced with a two bedroom bungalow. The dwelling would be constructed using red multi-facing brickwork and concrete plain tiles coloured Russet Brown.

The dwelling would measure 4.1 in height, 2.2m in eaves height, 9.6m in width and 8.4m in length. Two windows occupy the front with two pairs of patio doors and a single window on the rear. The garden length is 6.8m deep and 9.6 wide.

## **Determining Issues**

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Trees
6. Ecology
7. CIL / Planning Obligations
8. Other Issues – Appeal decision
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. The NPPF also 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.*
- 1.2 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. Burntwood 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 Burntwood, amongst other key urban and rural settlements. In the remaining rural areas, only particular residential development will be permitted of 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 and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The proposal is for a 2 bedroom bungalow and as such the application complies with this adopted policy.
- 1.5 In respect of the above, it is considered that the principle of residential development is established given its relatively sustainable location and being within a defined settlement boundary. However, this assumption is subject to a number of material considerations as detailed below.
2. Design and Impact upon the Character and Appearance of the Surrounding 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 would be located without significant views from the streetscene and therefore well screened. There is no consistent house type along High Street, therefore on its own as a bungalow, the property would look traditional and proportionate to the site. The bungalow by its definition is smaller and more proportionate to the existing houses in the area.
- 2.6 In addition to this, the previous application was assessed to be a form of development which contrasts with the pattern of development in the surrounding area and not a recurring layout seen on High Street. However in the Inspectors conclusion it was stated that there is *nothing wrong with backland development in principle* but the Inspector continued by stating that in the case of the appeal proposal *due to the height, width and scale, including the dormers, and notwithstanding the setback from High Street behind access gates, the proposed dwelling would be unduly prominent and harmful to the character and appearance of the locality*. For this reason it is considered that the principle of a backland development was not a reason to dismiss the appeal and therefore not a reason to refuse this current application. It is also considered that with the reduction in scale of the proposed development with the removal of

the roof dormers that the revised proposal has now addressed the concerns raised by the Inspector and the reasons to dismiss the appeal.

- 2.7 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 house is located in the rear garden of number 204 High Street and would be in excess of 21m from the rear windows of the nearest neighbouring property. As a bungalow the reduced height of the property compared to the previously refused scheme will ensure that, there is a reduced impact of the proposal in terms of any overbearing impact upon neighbouring amenity space. Finally, as there are no side windows and therefore the potential for any loss of privacy to be removed. For these reasons it is considered that the revised scheme has, from a design point of view, addressed the reason of refusal in the previous scheme.

### 4. Access and Highway Safety

- 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 2 no parking spaces for the dwelling, this meeting the requirements as set out within the SPD. It is also important to note paragraph 109 of the NPPF which highlights 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. As such with no objections being raised by the SCC Highways Team, the proposal is considered to be acceptable on highway grounds.

### 5. Arboriculture

- 5.1 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.

- 5.2 The application has been supported by a Tree Protection Plan which suitably provides protection from nearby trees and will be suitably conditioned to ensure this remains in place for the duration of the development.

### 6. Ecology

- 6.1 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.

6.2 The Ecology Team have been consulted and are satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats. However, due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.) either within the applications red line or the blue line, where applicable.

6.3 The agent has agreed to the inclusion of such a method to create a net gain in ecology.

## 7. Cannock Chase SAC

7.1 The application site lies within the 8km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured. A UU to request financial support on the SAC will be required if permission is granted.

## 8. Other issues – appeal decision

8.1 The appeal decision is a material consideration for this application. It was dismissed as it was agreed that the ridgeline would be 7.28m high and the proposed side walls would be very close to the side boundaries of the site even though set back by around 34m from the highway boundary. There would be separate gardens for the proposed dwelling and the host property. The Inspector, in his summing up, did however state that there is nothing wrong with backland development in principle but overall concluded that that due to the height, width and scale, including the dormers, and notwithstanding the setback from High Street behind access gates, the proposed dwelling would be unduly prominent and harmful to the character and appearance of the locality. Finally, the Inspector highlighted that the dwelling would significantly reduce the gap between buildings particularly above ground floor level. Due to its scale it would not appear as an ancillary outbuilding and therefore the appeal was dismissed.

8.2 It is now considered in this revised proposal that the development has addressed the concerns made by the inspector in the form of a reduced scale and removal of the features that were an issue. These have been addressed in the design section above.

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

The development proposals present a sustainable and appropriate form of development within this location. The principle of development is considered to be established in that the application site lies within the settlement boundary of Burntwood within an established residential area. The plans are considered to have sufficiently addressed previous reasons for refusal under planning application 19/01744/FUL and the subsequent appeal decision. Other consultees including the Ecology Officer, the SCC Highways Team have no objections to the scheme. Consequently, it is recommended that this application be approved, subject to conditions, as set out above and a signed unilateral undertaking relating to mitigation measures to avoid any adverse impact on the SAC