

Planning Committee

8 February 2021

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

8 February 2021

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01238/COUM	Oak Tree Farm Drayton Lane Drayton Bassett Tamworth	Drayton Bassett

ITEM B

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

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01120/FUL	Land At Netherstowe Lichfield	Lichfield
20/01121/FULM	Leyfields Open Space Leyfields Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

20/01238/COUM

Oak Tree Farm Drayton Lane
Drayton Bassett Tamworth

Scale: 1:2,500

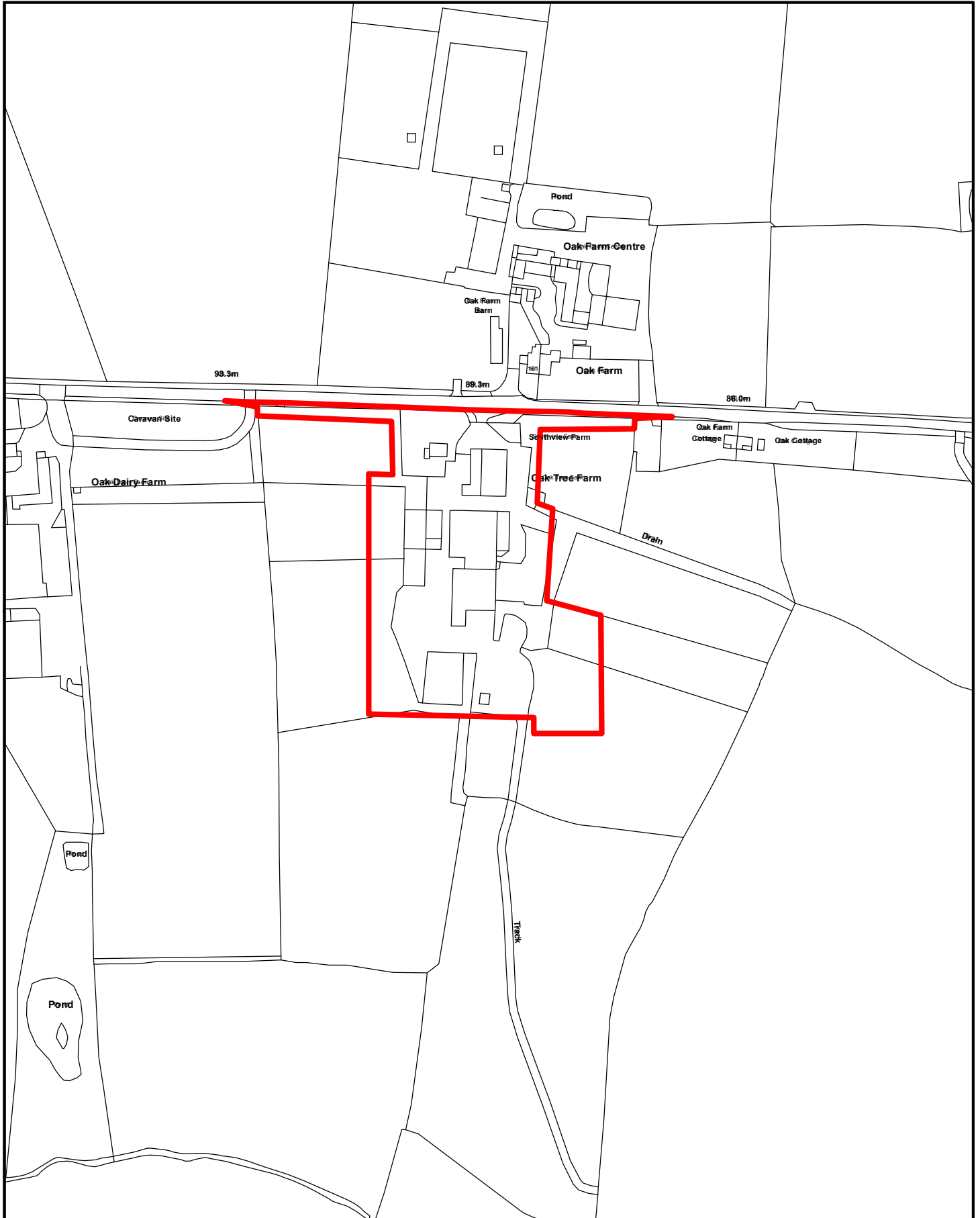
Dated: February 2021

Drawn By:

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20/01238/COUM

Conversion and extension of existing barn to form gospel hall (Use class F.1(f)) as a place of worship, with demolition of other agricultural barns and provision of car parking, landscaping and associated works

**Oak Tree Farm, Drayton Lane, Drayton Bassett, Tamworth
FOR GGHT (Greenmere Ltd)**

Registered 19/10/2020

Parish: Drayton Bassett

Note: This application is being reported to the Planning Committee due to a significant planning objection from the parish council of Drayton Bassett.

Their grounds of objection are:

- Inappropriate as per planning Guidelines and offers no 'real' community benefits to Drayton Bassett
- Consultation process was rushed and should be undertaken with all facts and disclosures. Given the current Covid-19 restrictions, more time should have been allowed to consult with parishioners
- Major concerns with traffic safety for local road users and residents in parallel with HS2 build phase
- Huge impact on traffic volumes on Drayton Lane (it could be up to 1335 additional journeys each week)
- Light / noise / privacy intrusion for local properties is severe. Relocation of entrances / exits to mitigate as a minimum
- The scale of the proposed development is overwhelming and needs to be scaled back (if approved to local only congregations)
- Blight on local properties already impacted yet not supported by HS2 is severe and leaving residents trapped in unsalable properties at no fault of their own
- Construction will be intrusive and as yet not specified or controlled, specifically the impact on the local area and specifically one junction on the A453.
- The planning application references that all traffic to and from the farm will be in the form of a tidal flow. Combined with a 15-minute arrival window (again in their document) it could result in up to 75 -100 cars turning right at the top of Drayton Lane from the A453.
- Over 200 of the congregation will come from Stafford and the rest Sutton Coldfield and Lichfield, so this is the route in and out (again according to their flow data). Furthermore, this makes a mockery of any local community benefit (not that we consider any has been demonstrated). How and why should the local community be impacted in such a severe way to accommodate people living 40 miles away?
- The 'ghost' junction in the centre of the road is capable of housing only 3 - 4 cars safely. The A453 is a major arterial road with 60mph speed limit coming up Caraway Hill. Arrivals will be in the dark for the vast majority of times and could result in a line of 75 -100 cars. This will become a prolific accident black-spot.
- The volume, single direction and short arrival window will be a major safety issue to all. This risk repeats itself time and time again each week.
- This junction already gets abused by drivers doing U-turns since the council stopped cars turning right out of Slade Road, plus those that use it as a 'rat-run' to reach Fazeley. Any additional traffic would be problematic.

RECOMMENDATION:

- (1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure the provision of travel plans at a cost of £2,443.11.**

Then APPROVE, subject to the following conditions:

CONDITIONS

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
- 3 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 RGS tree report 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.
- 4 Prior to works above ground, excluding demolition, full details of facing materials including their colour and the proposed hard landscaping materials and boundary treatments shall be to be submitted to the local planning authority. The proposal shall be implemented with these approved details.
- 5 All recommendations and methods of working detailed within the Ecological Impact Assessment at Section 4 (Conclusion and Recommendations) must be followed in conjunction with the Biodiversity and Development Supplementary Planning Document (SPD).
- 6 Prior to commencement, excluding demolition, full details of both hard and soft landscaping works and boundary treatments have first been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) Means of enclosure and boundary treatments to and within the site;
 - b) Hard surfacing materials;
 - c) Details of soft landscaping including schedules of plant species, plant sizes, planting
 - d) An implementation programme for the hard and soft landscaping and boundary treatments.
 - e) Details of the tree pits
- 7 The development hereby permitted shall not be brought into use until the accesses, parking, servicing and turning areas have been provided and surfaced in a porous bound material in accordance with the approved plans.
- 8 The use hereby permitted shall be carried on only by the Plymouth Brethren Christian Church or their nominees. When the premises cease to be occupied by the Brethren or its nominees, the Gospel Hall use hereby permitted shall cease.

9. All commercial waste must be securely contained in suitable and sufficient containers which cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste. At least two containers for their waste should be provided.
10. No external lighting shall be installed on site until details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is agreed and installed shall accord with the details so approved.
11. The development must be operated in strict accordance with the noise Mitigation Plan submitted to the local planning authority on 25th January 2021.

REASONS FOR CONDITIONS:

- 1 In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
- 2 For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
- 3 To safeguard existing protected trees in accordance with the requirements of Core Policies 3 and Policies NR4 and BE1 of the Local Plan Strategy and the Supplementary Planning Documents: Sustainable Design, and Trees, Landscaping and Development 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.
- 5 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.
- 6 In the interest of creating a high standard of development, in conformity with BE1 of the Lichfield Spatial Strategy.
- 7 In the interests of highway safety and to conform to policy ST1 of the Lichfield Local Plan Strategy.
- 8 To protect the occupiers of nearby premises from unreasonable noise levels and prevent excess vehicular movements in conformity with BE1 and ST1 of the Lichfield Local Plan Strategy.
- 9 In the interests of providing suitable arrangements for waste collection and in the interests of Core Policy 3 of the Lichfield Local Plan Strategy.
10. In the interests of residential amenity and ecology and in the interests of policy NR3 of the Lichfield Local Plan Strategy.
11. To protect the occupiers of nearby premises from unreasonable noise levels in conformity with BE1 and ST1 of the Lichfield Local Plan Strategy.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
 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.lichfelddc.gov.uk/cilprocess.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable
Policy NR2 - Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their
Policy RURAL1 - Rural Areas
Policy BE1 - High Quality Development
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Provision

Local Plan Allocations

Supplementary Planning Document

Rural Development SPD
Sustainable Design SPD

RELEVANT PLANNING HISTORY

13/00133/ABN Agricultural Determination : Erection of store for feed
and equipment

01/03/2013

CONSULTATIONS

Drayton Bassett Parish Council – Objection. We consider this development inappropriate on Green Belt land, as stated in planning guidelines both nationally and locally.

In summary our issues can be categorised as:

1. The Proposed development is inappropriate as per planning Guidelines and offers no 'real' community benefits to Drayton Bassett
2. The so-called consultation process was rushed and should be undertaken with all facts and disclosures. Given the current Covid-19 restrictions, more time should have been allowed to consult with parishioners
3. Major concerns with traffic safety for local road users and residents in parallel with HS2 build phase
4. Huge impact on traffic volumes on Drayton Lane (it could be up to 1335 additional journeys each week)
5. Light / noise / privacy intrusion for local properties is severe. Relocation of entrances / exits to mitigate as a minimum
6. The scale of the proposed development is overwhelming and needs to be scaled back (if approved to local only congregations)
7. Blight on local properties already impacted yet not supported by HS2 is severe and leaving residents trapped in unsalable properties at no fault of their own
8. Construction will be intrusive and as yet not specified or controlled.

Point 4 is uppermost in our thoughts as the impact on the local area and specifically one junction on the A453.

The planning application references that all traffic to and from the farm will be in the form of a tidal flow. Combined with a 15-minute arrival window (again in their document) it could result in up to 75 -100 cars turning right at the top of Drayton Lane from the A453.

Over 200 of the congregation will come from Stafford and the rest Sutton Coldfield and Lichfield, so this is the route in and out (again according to their flow data). Furthermore, this makes a mockery of any local community benefit (not that we consider any has been demonstrated). How and why should the local community be impacted in such a severe way to accommodate people living 40 miles away?

The 'ghost' junction in the centre of the road is capable of housing only 3 - 4 cars safely. The A453 is a major arterial road with 60mph speed limit coming up Caraway Hill. Arrivals will be in the dark for the vast majority of times and could result in a line of 75 -100 cars. This will become a prolific accident black-spot.

It is evident that the volume, single direction and short arrival window will be a major safety issue to all. This risk repeats itself time and time again each week.

This junction already gets abused by drivers doing U-turns since the council stopped cars turning right out of Slade Road, plus those that use it as a 'rat-run' to reach Fazeley. Any additional traffic would be problematic.

Point 5 would be the very minimum in mitigation of any development regarding the local residents and neighbours.

In summary, we consider the plans to be inappropriate by definition. Without very special circumstances or demonstrated community benefit, we consider the process to have been unsatisfactory with the applicant conducting no public consultation and inappropriate timescales. We consider the impact to be too intrusive. We consider the additional travel for worshippers unnecessary BUT above all else the traffic impact could be literally fatal (11/11/2020)

Ecology Team – No objections subject to conditions. The methodology and the information provided within the submitted Ecological Impact Assessment and concur with the conclusions of the Assessment in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

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

No further ecological survey effort is required from the applicant at this time. (13/11/2020)

Conservation Team - No objections subject to conditions (10/11/2020)

Economic Development - Supported on economic development grounds (02/11/2020)

Environmental Health Team - No objections subject to conditions. The EH office agrees the proposed changes to car park access to permit the services referred to, as it is the very early mornings and late evenings I am seeking to impose restrictions on.

The applicant stated in their initial application that no more than 10 cars would be require access for the early morning 5.30 am start. Whilst I did ask for them to consider the impact of 30 cars, a limit of 20 plus disabled bays should be more than sufficient.

Having considered the noise report carefully, and the previous uses of the buildings and surrounding land, my concerns are insufficient to amount to an objection recommendation, providing the following scheme of noise control can be agreed by various conditions as per the above. (20/01/2021).

Spatial Policy And Delivery Team – The site lies within the green belt and whilst the change of use of the building may be able to meet the test in paragraph 145. It is my view that the proposed extension meets the exemption identified in paragraph 144 of the NPPF in that the resulting development would not result in disproportionate additions over and above the size of the original building. The proposed use of the building would be considered to not conflict with the principles of the development plan. Therefore the overall development is in conformity with both national and local policy. (28/10/2020)

Waste Management – No objection, subject to Advisory notes subject to technical stipulations. (26/10/2020)

Tree Officer - No objections subject to condition. Site is not within any designated conservation area and currently there are no TPO's, it does appear that there are a number of large trees affected some of which may be on third party land. The applicant has provided us with a tree report to the

required standard and we are in agreement with its findings. Additionally, the applicant has provided a landscape plan that is also by and large acceptable with one notable exception, tree pit details.

If minded to approve this application, request that a tree protection condition is placed on any permission that may be forthcoming that references the supplied tree report. Additionally, request that a pre-commencement condition is applied that requires the tree pit details to be lodged and approved by this LPA. (22/10/2020)

Severn Trent Water - South Staffs – No objections subject to condition (10/11/2020)

Staffordshire County Council (Highways) – No objections subject to conditions (13/11/2020)

HS2 Safeguarding Planning Manager – No objections (29/10/2020)

LETTERS OF REPRESENTATION

23 letters of representation have been received in respect of this application. With 6 support comments and 17 objections.

The comments made are summarised as follows:

Objections:

- Highway issues of the frequent movements of vehicles to and from the site
- Light pollution
- General transport infrastructure issues with poor standard roads
- Loss of trees
- No public benefit

Support comments:

- Reduce travel time which will make a huge difference to carbon emissions.
- Enhance the local area.
- Current facility no longer suitable for requirements
- Re-use existing buildings

In addition to the letters of objection and support the Parish Council have also submitted a petition signed by 62 residents raising an objection to the application. The grounds of objection listed on the petition include the following:

- Traffic increase
- Inappropriate development in the area
- No benefit to the village
- Adverse impact on the village and area

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

20-3442 V1

Block Plan L3652 31 E

Proposed Elevations L3652 34 D

Proposed Elevations L3652 35 D

Proposed Elevations L3652 35 D

Drainage Plan TC/L9434/20/100 A

OBSERVATIONS

Site and Location

The site lies approximately one mile to the west of Drayton Bassett on land to the south of Drayton lane on a former dairy farm formally known as Oak Tree Farm. Land to the south of the site is currently earmarked for the new HS2 railway development. The wider site consists of mainly open pasture falling steadily to the south of the site which is characterised by a tree belt along the southern boundary and a registered watercourse.

Drayton lane is sparsely populated with small clusters of dwellings, a nursery and a small business unit to the north and east of the site. The development to the west of the site is a former agricultural unit and the land immediately to the west of the site was previously used as a campsite / caravan site. Drayton lane connects Drayton Bassett to the A453 Sutton Road to the west connecting Sutton Coldfield to Tamworth to the North. The lane is rural in character bounded by mature hedgerows either side. The site is currently within Lichfield District Council and within the West Midlands greenbelt

Background

There is no relevant background, with an application approved for a store for feed and equipment in 2013.

Proposals

This application seeks planning permission for the conversion and extension of existing barn to form a gospel hall (Use class F.1(f)) as a place of worship, with demolition of other agricultural barns and provision of car parking, landscaping and associated works.

The application mainly involves the change of use of the larger agricultural building towards to the rear of the site with alterations to it to form a gospel hall for an exclusive religious group. Sections of the main larger barn to the gospel hall and to the west will be demolished to accommodate a canopy and the detached agricultural barn to the north of this will be retained in between a service yard. Internally, the proposal will contain the hall, occupying nearly 50% of the floor area with toilets, a canopy and store room and the rest being the main hall.

Along with this use change, a parking area for 101 vehicles will be provided which will be situated to the west and south of this building on made ground. A bi-fold gate would be located well within the proposed main access. A secondary emergency access will be located to the eastern side of the buildings.

Extensive landscaping in and around the site to help it bed into the natural landscape in which it is situated.

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 upon the Green belt
6. Impact on Trees
7. Ecology
8. Noise and disturbance
9. CIL / Planning Obligations
10. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development at paragraph 11. For decision taking this means:
- c) Approving development proposals that accord with an up-to-date development without delay; or*
 - d) Where there are no relevant development plan policies, or the policies which are most important for determining the application area out-of-date, granting permission unless:*
 - 1. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
- 1.3 The site of the proposed development lies within the green belt. Paragraph 143 of the NPPF states that *inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances*. Paragraph 144 continues by stating that *local planning authorities should ensure that substantial weight is given to any harm to the green belt and that 'very special circumstances' will not exist unless the harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*.
- 1.4 Paragraph 145 of the NPPF is clear that the construction of new buildings in the green belt should be considered as inappropriate development unless it is one of a number of exceptions. The exceptions include *'the extension or alteration of a building provided that it does not result in the disproportionate additions over and above the size of the original building;'* It is considered that the proposed new build element of the proposal would fall within the above definitions, and the change of use of the traditional agricultural building is likely to fall within the definitions in paragraph 146 (d) *'the re-use of buildings provided that the buildings are of permanent and substantial construction'*. Furthermore, the planning statement sets out that 32% of the existing buildings are to be removed as part of the proposal and the level of hard standing within the site does not appear to have increased size. Therefore, based on the information provided the scale of the new build element of the scheme would appear to accord with the policies in the NPPF and the proposal would not constitute inappropriate development in the green belt.
- 1.5 In terms of the Lichfield Local Plan Strategy the Spatial Strategy for the District, set out in Core Policy 1, states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy (Table 4.1) and the key diagram (Map 4.1). Drayton Bassett is identified within the Settlement Hierarchy as 'Other Rural'.
- 1.6 Policy NR2: Development in the Green Belt states that all development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances.
- 1.7 Core Policy 3: Delivering Sustainable Development lists a number of key issues that future development proposals should address in order to achieve sustainable development. Below are the key issues relevant to this application:
- *Protect and enhance the character and distinctiveness of Lichfield District and its settlements.*

- *Assist in the regeneration and evolution of towns and villages and surrounding areas in meeting the changing needs of their population over time and maintain the vitality, viability and vibrancy of local communities.*
- *Be of a scale and nature appropriate of its locality.*

1.8 Policy Rural 1: Rural Areas supports diversification in rural areas where it does not conflict with Core Policy 7 which supports the diversification of the rural economy where they do not conflict with other policies within the Plan. The Rural Development SPD also supports the diversification of rural buildings.

1.9 In terms of the Lichfield District Local Plan Strategy for greenbelt development the policies relevant are akin to those in the NPPF and as the application involves the re-use of buildings provided that the buildings are of permanent and substantial construction. The additions to create the canopy also are deemed to not result in disproportionate additions over and above the size of the original building.

1.10 In terms of the policy 'Rural 1: Rural Areas' supporting diversification in rural areas where it does not conflict with Core Policy 7 which supports the diversification of the rural economy where they do not conflict with other policies within the Plan. This application is adjudged to do this.

1.11 The proposed gospel hall in itself is a unique development which due to its size and desired catchment area sees this site as an appropriate location. There will be staff hired to run the facility and this development would also further the aim of paragraph 83d) of the NPPF in developing an accessible service listed as a place of worship.

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

2.1 The agricultural building that would be changed to accommodate the use would be modified but would still remain much of the rural appearance that it has at present. Within the applicant's Design and Access Statement it confirms that the redevelopment of the main building to form a new gospel hall will use a sensitive palette of materials to replace the existing damaged fabric. The most visible structure will be the roof and this will be replaced with a composite insulated panel with a sinusoidal profile to match the asbestos cement sheet roofing. Walls at the upper level will be clad in vertical larch boarding stained with a light oak stain finish to match the original Yorkshire boarding. The lower sections of wall will be faced in local brickwork salvaged from the demolition of one of the existing buildings on the site.

2.2 The applicant states that in terms of detail the Dutch barn with the curved roof is to be removed and the ridge height of the converted building matches the existing dairy. The mass of the converted building is reduced by dragging down the roof over the entrance which is in line with the existing lean-to structures. The palette of materials proposed is sympathetic to the rural context and the existing structures on the site. In total it is estimated that the barn will be extended by around 16% to accommodate a canopy and composed of materials that would blend in/match the existing building.

2.3 A landscape visual assessment has been submitted with the application, this has concluded that the proposed development can be accommodated without resulting in a significant, long term adverse impact upon the character of the Site, its immediate context and the wider rural landscape. This report has been scrutinised and deemed to be an accurate reflection of the proposals and their impact to the local area.

2.4 The new formalised access would be the most noticeable change within the landscape but this deemed to improve the visual quality of the landscape and regenerating the existing dilapidated built form on site and introducing additional landscaping and enhanced

vegetation structure within the immediate site area by more tree planting and hedgerow creation.

2.5 Finally, the application will have a condition requiring the submission of details that would ensure the local authority can control the final appearance of the changes. The indicative proposals however show a visually acceptable scheme.

3. Residential amenity.

3.1 Policy BE1: High Quality Development 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 on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further guidance is also contained within the Sustainable Design SPD.

3.2 Members will note from the section above that there have been a number of objections to this application have been received from local residents. This also includes a petition of 62 names which also raises a number of objections to the scheme. Of these objections the majority have raised concerns over traffic and inappropriate forms of development within the area. In considering the impact of the development upon the amenities of the local residents it is considered that due to the position of the proposed building, it is located a sufficient distance from other residential properties that the built extensions and alterations would not harm residential amenity. Although it is accepted that there is a sole residential property adjacent to the site however, this property is part of the tender sale from Staffordshire County Council and it will owned by the applicant once the conditional contract is completed following planning.

3.3 With regards to the issues / objections raised by the local residents these points will be addressed in the specific sections including highway/transport impact and noise and disturbance.

3.4 A separation issue highlighted is lighting to which the applicant has advised that lighting will be required but this will be conditioned for details to be submitted prior to the use commencing on site.

4. Access and Highway Safety

4.1 Policy ST2 states 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. In considering the level of provision the District Council will have regard to:

- *The anticipated demand for parking arising from the use proposed, or other uses to which the development may be put without needing planning permission;*
- *The scope for encouraging alternative means of travel to the development that would reduce the need for on-site parking. This will be particularly relevant in areas well-served by public transport;*
- *The impact on safety and residential amenity from potential on-street parking and the scope for measures to overcome any problems; and*
- *The need to make adequate and convenient provision for disabled parking.*

The District Council will require the provision of sufficient, safe, weatherproof, convenient and secure cycle parking and associated facilities within all new developments to assist in promoting cycle use.

In conjunction with this, NPPF paragraph 109 states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

- 4.2 The issue of access, traffic and highway safety is a significant area of concern by those who have objected to the application including the parish council. Specifically this concerns overall traffic increase in the local area, parking requirements and access.
- 4.3 The Staffordshire County Council have been consulted on the application and have raised no objections to the proposal from a highway safety point of view. As part of their comment the County Highway Engineers have confirmed that there have been no Personal Injury Collisions on Drayton Lane within 215 metres either side of the property accesses for the previous five years and as such the engineers consider that the road itself is relatively safe.
- 4.4 Turning to the issue of the main access itself, a 2.4m x 160m visibility splay will be provided as part of the proposed scheme and was derived at by using an automated speed survey included as part of the Transport Statement. In considering this vision splay the Highway Engineers have raised no objections to this provision and providing the hedgerows bordering the visibility splays are maintained for the lifetime of the development, the visibility is deemed acceptable.
- 4.5 As for parking requirements the proposed site plan shows 101 car parking spaces are to be provided including 7 disabled spaces and a cycle parking facility for 14 No. bicycles. This provision is considered sufficient for the level of use of the site to accommodate all visitors to the site.
- 4.6 With regards to the movements, based on the submitted information, the low levels of traffic would be less likely to pose a severe impact on the surrounding highway infrastructure. The previous agricultural usage of the site would likely have generated regular movements of traffic throughout the day, including large agricultural vehicles. Vehicles are likely to move in a tidal nature and at set times, this would mean that vehicles using the site would platoon and create longer gaps in the traffic as they leave site and use the surrounding highway network. Although the proposed use would be a more intensive use than the previous site, it would still operate at acceptable levels on the highway network.
- 4.7 In conclusion, on review of the submitted transportation statement the traffic generation information provided is agreed. Although it is accepted that there are some minor concerns, overall, the information submitted would make it difficult to find a reason to refuse the proposal. As such it is considered that the proposal is acceptable from a highway safety point of view and therefore not a reason to refuse the application in this instance.

5. Impact upon the Green belt

- 5.1 The proposal lies within the West Midlands Green belt. In relation to this land use, specific considerations need to be made. Guidance of this contained within the NPPF states under paragraph 145 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a. *The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - b. *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - c. *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

- d. *Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

Paragraph 146 of the NPPF continues by stating that in certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- e. *The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- f. *Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);*

5.2 The proposal is adjudged to be one of the exceptions listed in the NPPF, namely that the proposal represents the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings). Furthermore the proposal would also qualify as being the extension or alteration of a building which does not result in disproportionate additions over and above the size of the original building. For these reasons it is considered that the proposed development complies with the requirements of the NPPF.

5.3 In terms of the Lichfield District Local Plan Strategy for greenbelt development under NR2 which this development would be are akin to those in the NPPF and as the application involves the re-use of buildings provided that the buildings are of permanent and substantial construction. The additions to create the canopy also are deemed to not result in disproportionate additions over and above the size of the original building

5.4 To aid in the assessment whether the proposal would not cause substantial harm to the openness of the Green Belt, a Landscape and Visual Impact Assessment (LVIA) has been produced

5.5 The most significant effect recorded within this assessment was deemed to be the effect of the proposals upon the Drayton Lane road corridor, with the introduction of a new more formalised access onto Site in addition to works on Site introducing the most noticeable change within the landscape. While this is noted, it is considered that with the proposed regeneration of the existing dilapidated built form along with the additional landscaping and enhanced vegetation structure within the immediate Site area this change is likely to improve, rather than reduce the visual quality of the landscape at this point.

5.6 It is therefore considered that the proposed development can be successfully integrated into this location, is supportable from a landscape and visual perspective, and it therefore meets the requirements of both national and local planning policy in landscape and visual terms and impacts to the green belt and therefore the proposal is adjudged to be in conformity with policy NR2 of the Lichfield District Local Plan Strategy.

6. Impact on Trees

6.1 Lichfield District Council Local Plan Strategy policy NR4 states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. Sufficient space within developments must be reserved for the planting and sustainable growth of large trees in order to retain the important tree canopy cover in conservation areas and the built environment, and to improve tree canopy cover in the

District as a whole. Potential long term conflict between retained trees, hedgerows and built form will be designed out at the planning stage.

- 6.2 Section 15 of the NPPF covers the issue of conserving and enhancing the natural environment. Paragraph 170 of the NPPF states, amongst other things that *planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- 6.3 In support of this application the proposal is supported by a detailed tree survey which covers the vegetation within the area of the application site. In considering this survey it is accepted that the report findings along with the information contained within landscaping plans, that there are extensive trees located within the site and on its borders. The trees to the front of the site will especially help screen the development from the streetscene.
- 6.4 Members will see that there are no objections raised to the application on the issue of impact upon the trees on the site subject to further details on tree pits which can be provided by a suitably worded condition. As such it is considered that the development will not result in any significant adverse impact on the existing trees on the site and therefore the proposal complies with Policy NR4 of the Lichfield District Council Local Plan Strategy and paragraph 170 of the NPPF.

7. Ecology

- 7.1 Policy NR3 of the Local Plan Strategy, covers the issue of Biodiversity, Protected Species & their Habitats and states, amongst other things, 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*
 - *Delivers a net gain for biodiversity and /or geodiversity in the district Proposals should particularly seek to contribute towards the United Kingdom Biodiversity Action Plan (UK BAP) priority habitats and species in Lichfield District, and any additional Staffordshire or National Forest Biodiversity Action Plan species.*

The Policy continues by stating that, proposals that would have a direct or indirect adverse effect on local designated sites, non-protected sites and priority protected species that are considered to have geological and biodiversity value, will not be permitted unless:

- *They cannot be located on alternative sites that would cause less or no harm;*
 - *The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of wider habitats; and*
 - *Prevention, mitigation and compensation (biodiversity offsetting) measures are provided which ensure there is no net loss of such sites.*
- 7.2 Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment. Paragraph 170 of which states, amongst other things, that *planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

7.3 This application is supported by an Ecological Impact Assessment has been submitted with the application which has received a positive response from the district council's ecology officer and it is deemed that it is unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2016); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

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

7.5 A condition will be imposed however that all recommendations and methods of working detailed within the Ecological Impact Assessment must be followed using the Biodiversity and Development Supplementary Planning Document (SPD) as guidance. Based on this it is considered that the proposal complies with the requirements of Policy NR3 of the Lichfield District Council Local Plan Strategy as well as the details outlined in Section 15 of the NPPF.

8. Noise and disturbance

8.1 Local Plan Policy BE1: High Quality Development 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 on amenity, by avoiding development which causes disturbance through amongst other things unreasonable noise, light. .

8.2 Paragraph 170(e) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

8.3 The noise assessment produced by the applicant has been robustly assessed and modified to suit a range of considerations into whether the proposal is likely to have a significant impact upon the amenity of those living locally. A noise Mitigation Plan has also been provided to accompany the application which stipulates very exact measures that will be adhered to in order to ensure neighbours are not significantly impacted by the development. This has been viewed as acceptable by relevant environmental health officers and therefore will conform to policy BE1 of the Lichfield District Local Plan Strategy as well as the requirements of paragraph 170(e) of the NPPF.

9. CIL / Planning Obligations

9.1 As part of the consultation with the Staffordshire County Council Highways team, they have advised that within the Framework Travel Plan there are principles to form the basis of a more detailed and targeted approach towards maximising the sustainable travel to the site.

This work would normally be carried out following the signing of a Section 106 agreement to enable discussions to take place over the setting of targets and measures to be included in the Travel Plan. This response is issued on the assumption that the developer enters into a Section 106 Agreement to secure this with a fee of £2,443.11.

10. Human Rights

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

Conclusion

The principle of development has been considered at against local plan policies; of particular relevance is Core Policy 2 which is a presumption in favour of sustainable development.

The proposed development represents mainly a change of use of an existing agricultural building to a gospel hall for a very distinctive religious group. It is a bespoke development that whilst not the most conventional for a building of this type and in this location it will be a brownfield compatible development with other rural businesses in close proximity.

The concerns of residents is noted concerning the levels of traffic to and from the site is noted however with positive response from Staffordshire County Council highways and the LDC environmental health team there are no compelling planning grounds to robustly refuse the development. The proposal is adjudged to be acceptable visually and without significantly impacting the openness of the greenbelt.

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. Socially, this will provide a much needed community facility which through robust evidence supplied by the applicant. Environmentally, the proposal will see redundant agricultural buildings re-used and provide extensive landscaping. This could encourage increases in local wildlife whilst improving the visual amenity of the local area. Economically, the case is not as strong as the others aspects of sustainable development however deemed an acceptable form of development when reviewing the submitted information and reviewing the feedback from relevant consultees. The development is a bespoke development; tailored for a specific group for a distinct purpose. As a result of a thorough consultation exercise with relevant officers, the application is adjudged to meet relevant local and national plan policies.

Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

ITEM B

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

8 February 2021

CONTENTS

Case No.	Site Address	Parish/Town Council
20/01120/FUL	Land At Netherstowe Lichfield	Lichfield
20/01121/FULM	Leyfields Open Space Leyfields Lichfield	Lichfield

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

20/01120/FUL

Land At Netherstowe
Lichfield

Scale: 1:1,250

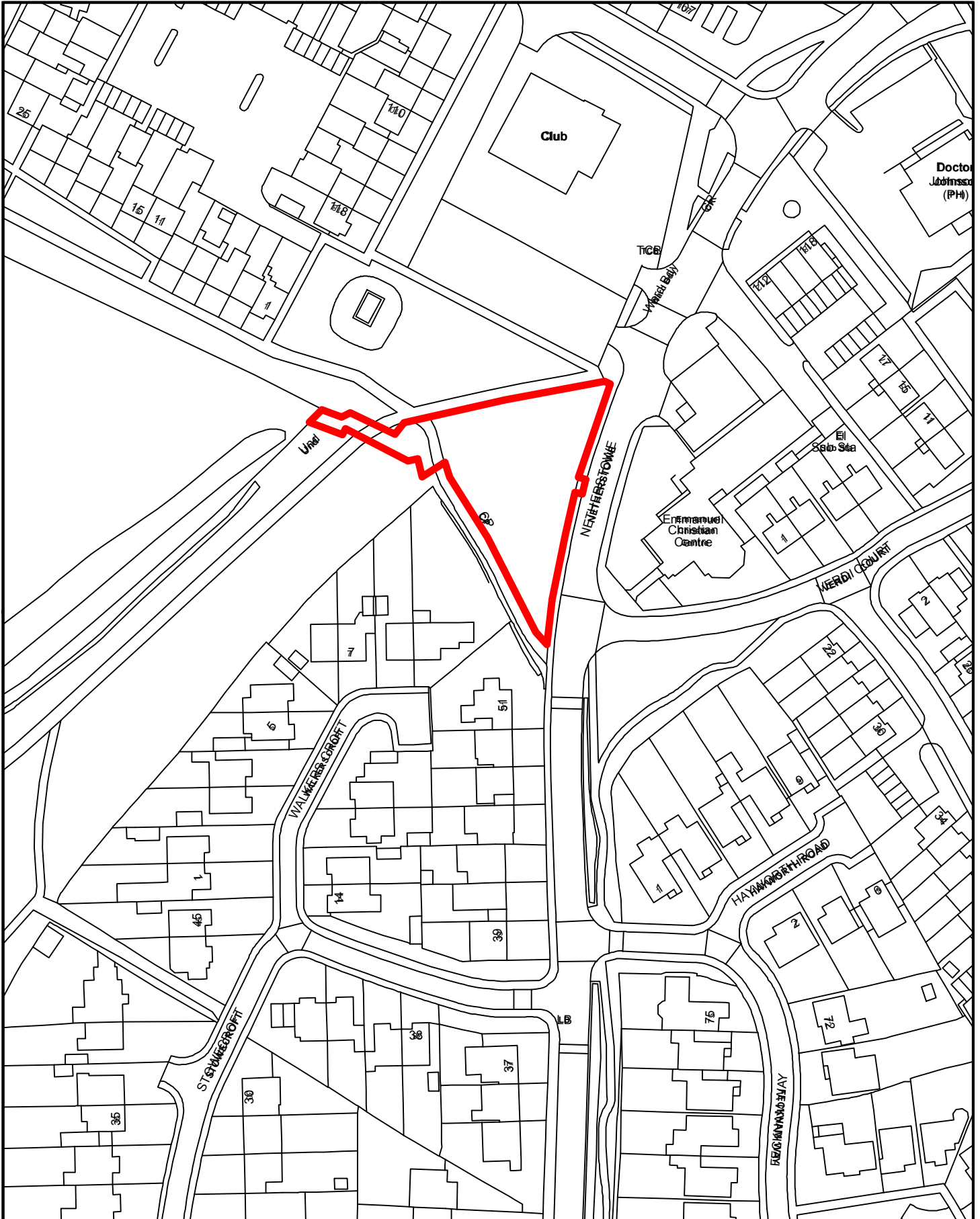
Dated: February 2021

Drawn By:

Drawing No:



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20/01120/FUL

**Provision of 8 no. 1 Bed 2 Person affordable apartments, with associated car parking, drainage connections, external works and landscaping
Land At, Netherstowe, Lichfield, Staffordshire
FOR Rebecca Crann, Bromford Housing Group**

Registered **09/09/2020**

Parish: Lichfield City

Note: This application is being reported to the Planning Committee as the land to which the development relates is in Lichfield District Council ownership. Also significant planning objections have been raised by Lichfield City Council on the following grounds:

- Visual Impact and detrimental effect on character of immediate neighbourhood and ancient gateway to the City;
- Encroachment on open space and therefore inappropriate development;
- Impact of trees;
- Drainage concerns

RECOMMENDATION: Refuse, for the following reason/s:

1. The proposal is not considered to constitute sustainable development in line with the requirements of Strategic Priority: Built Environment, as it would result in the loss of land designated for open space in the Lichfield District Local Plan Strategy contrary to the requirements of Core Policies 1, 3 and 10 of the Plan and the requirements of paragraph 97 of the NPPF. This loss would result in a significant and demonstrable level of harm to the ability of the local community to interact with each other and their ability to create healthy inclusive communities. Furthermore, the provision of a 100% affordable scheme of housing is not considered to constitute a suitable replacement to justify the loss in terms of quantity and quality in line with the requirements of paragraph 97 of the National Planning Policy Framework.
 2. By reason of the siting of the development on land which forms an important and positive part of the streetscene in this area; forming a gateway to a larger area of Open Space with a footpath and cycleway to the city centre with no similar scale of development in the immediate area, would conflict with the prevailing pattern of development in the locality which is characterised immediately by bungalows and open space. As a consequence, the proposal would not amount to high quality design and would be detrimental to the character of the surrounding area, contrary to the Lichfield District Local Plan Strategy Policy BE1, Core Policy 3, and the National Planning Policy Framework chapter 12
 3. The applicant has failed to adequately provide evidence that the proposed development would not adversely impact on views of the grade I Listed Lichfield Cathedral spires. This is contrary to Core Policy 14 and Policy BE1 of the Lichfield District Local Plan Strategy and paragraph 185 (d) of the National Planning Policy Framework.
 4. The proposed development due to its location and relationship to important trees will create substantial issues in terms of overshadowing and fruit drop on future residents. This could lead to future requests for their removal. Therefore, this is deemed to not provide a high standard of amenity for future users, contrary to policy NR4 of the Lichfield Local Plan Strategy, paragraph 127(f) of the National Planning Policy Framework and the Council's adopted SPD entitled, 'Trees, Landscaping and Development'.
-

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy CP4 - Delivering our Infrastructure
Policy CP5 - Sustainable Transport
Policy CP6 - Housing Delivery
Policy CP10 - Healthy & Safe Lifestyles
Policy CP13 - Our Natural Resources
Policy CP14 - Our Built & Historic Environment
Policy ST1 - Sustainable Transport
Policy ST2 - Parking Provision
Policy H1 - A Balanced Housing Market
Policy H2 - Provision of Affordable Housing
Policy HSC1 - Open Space Standards
Policy NR3 - Biodiversity, Protected Species & their
Policy NR4 - Trees, Woodland, and Hedgerow
Policy NR5 - Natural & Historic Landscapes
Policy BE1 - High Quality Development

Supplementary Planning Document

Sustainable Design
Trees, Landscaping and Development
Biodiversity and Development

Other

Open Space Assessment 2016

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Lichfield City Council – Object on the grounds that: The visual impact of the proposed development will severely restrict the open aspect off Netherstowe Lane towards the Cathedral; the proposal will have a detrimental effect on the character of the immediate neighbourhood and ancient gateway to the City.

The proposal encroaches upon designated open space and is therefore inappropriate development, though members strongly support the principle of affordable housing locally and recognise the need for such provision.

The proposal too close to 60 yr old healthy trees which as a result will be at risk - Current arboriculture report raises serious concerns which need addressing. Insufficient information about landscaping between the metal railing and fence.

Concerns about drainage for surface water runoff. The cycle path near to the proposed development can already retain water for days after rain as it forms a natural bowl near to the end of Handel Walk. The replacement of a grassed area with a large area of tarmac will reduce the natural drainage in the local area and will increase the frequency and severity of the path being blocked by retained

rainwater. The mitigation proposed for the development will disturb the ecology of the area. (01/10/2020)

Tree Officer – Object. The shadow plan supports our contention that there is no usable amenity space at all for these properties. The applicant states that the areas around the properties are communal, but the species of tree does attract a substantial amount of interest when they fruit and a communal area would only exacerbate this issue which often perceived as ASB. The structures themselves on plots 1&2 will be permanently shaded.

The area designated for delivery and storage on the TPP is woefully inadequate for the size of the build and is not even sufficient to receive the roof trusses. The consideration of fruit fall onto designated parking areas has not been considered.

The cellular confinement system as presented in the tree report is generally accepted but as we have not been presented with any levels to support this nor has the kerb race installation been addressed we have not been able to accept this proposal at this juncture. This would inevitably lead to persistent complaints about these trees and applications for their removal based on shading, dominance and associated issues as noted above. The tree issues plus the permanent loss of green open space leads to conclude that this application does not accord with either national or our policies in such matters and we would object to the development on these grounds. (18/11/2020)

Previous comments:

Whilst the site is not within any designated conservation area there are a number of large trees affected some of which may be on third party land but all of which are the subject of a TPO. As such the requirements of our policies BW1, NR3 & and the associated SPD are all germane. The applicant has provided a tree report to the requirements of BS5837 in as far as it goes. It seeks to retain the trees and a tree protection plan is included. This shows a number of incursions into the RPA's. The proposed buildings siting are in places very close indeed to these trees that still have a predicted 20-40 years or growth.

What is required to be supplied is a constraints map that includes shadowing in order for us to make a robust assessment. This map should also include area for delivery, mixing, welfare etc. Once received the full impact the trees have (they appear to be on the south boundary so this is expected to be an issue) and any future impacts upon the proposed buildings that will lead to calls for pruning and removal at some future point. (20/09/2020)

Ecology Team - No objection. The Ecology Team is satisfied with the methodology and the information provided within the submitted Ecological Assessment. The Ecology Team concurs with the conclusions of the assessment in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

Subject to a condition requiring all recommendations and methods of working detailed within the Ecological Assessment must be made a condition of any future planning approval the LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its 'Biodiversity Duty' (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006). (09/10/2020)

Environmental Health Team - No objections, subject to conditions covering submission and approval of a Construction Environmental Management Plan and the submission of a remediation scheme in

regards the ground gas identified in the site investigation accompanying the application. (07/10/2020)

Spatial Policy and Delivery Team - Proposed development would provide 8 affordable dwellings and is broadly supported by both national and local policy in this respect. However, there is some conflict in regard to the loss of open space; as the site is allocated as amenity open space in the Council's Open Space Assessment 2016 Paragraph 97 of the NPPF outlines that open space should not be built on unless evidence shows that the open space is surplus to requirements or that the loss of open space would be replaced by equivalent or better provision. Core Policy 10 of the Local Plan also has similar stipulations in relation to the loss of open space in both extent and quality. Therefore consideration would have to be given to the above for the proposed development to be considered acceptable in principle. (14/09/2020)

Waste Management - No objections, subject to adequate bin provision and collection access points. (16/09/2020)

Staffordshire County Council (Highways) - No objections, subject to conditions covering site access, installation of a surface water drainage interceptor, parking and turning areas provided and construction method statement. (21/09/2020)

Staffordshire County Council (Planning) - No Comments Received.

Architectural Liaison Officer - No Comments Received.

Natural England - No Comments Received

Environment Agency - No Comments Received

Staffordshire County Council (Flood Risk Officer) - As LLFA we are only statutory consultees for major development with surface water drainage, so as a non-major development we are unable to offer bespoke comments on the drainage design. However we offer the following advice: Parts of the site do lie within Flood Zones 2 and 3. However no Flood Risk Assessment appears to have been submitted. The Environment Agency are statutory consultee upon all proposed developments within Flood Zones 2 and 3, so you may wish to request a Flood Risk Assessment and discuss with the EA the level of detail to be submitted within the FRA. As the site is partially shown within flow – EA broad scale flood modelling - the EA may request that further investigation is undertaken to ascertain the level of risk posed by the ordinary watercourse. Parts of the site are also shown to be at risk from surface water flooding, which may be partially reflecting the fluvial flood risk. We would recommend that this should also be considered in the Flood Risk Assessment. (06/10/2020)

Design and Conservation Officer - While the loss of Open Space isn't directly an Urban Design issue in this instance this site forms an important and positive part of the streetscene in this area. It forms a gateway to a larger area of Open Space which includes a footpath and cycleway to the town centre.

Concur with the arboricultural officer that much of the communal amenity space shown on the proposed site plan would be unusable due to shading by the mature trees. Given that none of the units has any private amenity space – this itself goes against current national guidance – the importance of high quality communal amenity space is vital in making this a sustainable and enjoyable place to live. It is unclear from the landscaping plan how well the rest of the communal amenity space will be screened from the road and the adjacent footpath. The landscaping shown on drawing ADL296 A differs from that shown on the perspective drawing. There are only very small areas of amenity space and to be screened these would need 1.8m high hedges which itself would have shading issues. Overall it appears that there would be almost no useable amenity space for these proposed units. While there would be adjacent open space, this would not be suitable for drying clothes, for children to play and so on, so this should not be used for the justification for not providing on-site safe and semi-private amenity space.

There is also the potential that the proposed development could impact on views of the Cathedral spires. As well as the potential impact on a Grade I listed building, which should be addressed in a heritage statement, fortuitous views of the spires over and between the mature tree canopy is a key part of the character and identity of Lichfield and as such should not be lost or eroded. (17/12/2020)

LETTERS OF REPRESENTATION

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

- Block the open aspect that currently exists as Netherstowe is entered from Easter Avenue.
- Lose a precious, small area of open space that is used for recreation by young and old and is essential for the wellbeing of the local community.
- Ruin outlook from nearby homes.
- Change the street view significantly
- Have a serious impact on the mature horse chestnut trees,
- Potential for flooding issues
- Traffic impacts
- sewage/waste issues

SUPPORTING DOCUMENTS

- Arboricultural impact assessment
- Design and access statement ...
- Ecological assess...
- Ground investigation report
- Open space statement
- Transport assessment

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Block Plan	201717 11F
Proposed Elevations / Plans	201717 12B
Proposed Elevations / Plans	201717 13A
Proposed Elevations / Plans	201717 14B
Proposed Elevations / Plans	201717 15B
Proposed Elevations / Plans	201717 30
Proposed Elevations / Plans	201717 31

OBSERVATIONS

Site and Location

The application site is a triangular parcel of mainly grassed open space of 1670m² in size located west off Netherstowe, approximately a mile north east of Lichfield city centre. The site is amenity green space, which forms part of a larger area of formal adopted open space within this area. There are several large TPO trees along the south west boundary shared with property boundaries on Walkers Croft. To the east on the opposite side of Netherstowe is a place of worship (Emmanuel Christian Centre) and its car park and also Tesco Express shop further along to the north. To the north of the site there is a car park and a further part open space over the footpath that links the site to allotments and Stowe Pool further to the south/south-west.

Background

This site is currently owned by Lichfield District Council and with option agreed to sell to the applicant (Bromford House Group) upon the grant of planning permission.

Proposals

This application seeks planning permission for two buildings with pitched roofs, each containing four apartments across two storeys. The two buildings are proposed to be identical in scale and appearance, but would be built at right angles to each other with one facing Netherstowe and another facing the north east towards the footpath.

Access to the site would lead off Netherstowe via a private driveway to a parking area to the rear of the units with 9 spaces and an allocated disabled bay. Cycle and bin storage would also be provided to the side of the Netherstowe facing building. Each unit is to contain one bedroom, bathroom and an open plan kitchen/living area. The development will provide 100% affordable units.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Impact upon Heritage Assets
4. Impact upon the existing Public Open Space
5. Residential Amenity
6. Access and Highway Safety
7. Impact on Trees
8. Ecology
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, and the adopted (made) Lichfield City Neighbourhood Plan.
- 1.2 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.'*
- 1.3 Strategic Priority 14: Built Environment states it will protect and enhance the District's built environment and heritage assets (including Lichfield Cathedral), its historic environment and local distinctiveness, ensuring an appropriate balance between built development and open space, protecting the character of residential areas, protecting existing open spaces and improving the quality of and accessibility to open space and semi-natural green spaces.
- 1.4 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy (Table 4.1) and the key diagram (Map 4.1). Core Policy 6: Housing Delivery lists which key urban and rural settlements housing delivery will be focused on, one of these is Lichfield City.
- 1.5 Policy H1: A Balanced Housing Market, states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom

houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities. In terms of this application members attention is drawn to the point that the proposed development will provide 8 no. one bedroom affordable apartments and as such the proposal would comply with the requirements of this policy.

- 1.6 Policy H2: Provision of Affordable Homes, states that the District Council is committed to improving housing affordability in Lichfield District. This application is for the provision of 100% affordable housing and as such this proposal would comply with this policy.
- 1.7 Core Policy 3: Delivering Sustainable Development provides a number of key issues that development should address in order to ensure sustainable development. The policy includes the following key issues which are of relevance to this application:
- Protect and enhance the character and distinctiveness of Lichfield District and its settlements;
 - Be of a scale and nature appropriate to its locality; and
 - Ensure that all new development and conversion schemes are located and designed to maximize energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible.
- 1.8 Policy BE1: High Quality Development seeks to ensure that a high quality sustainable built environment can be achieved. Core Policy 10 states that the loss of existing recreational open spaces (both extent and quality) will be resisted where it can be shown that there is an existing or future need, unless it can be clearly demonstrated that alternative spaces of an equivalent or higher standard are being provided in a location which is equivalent or better, improves access and results in no loss of amenity or environmental quality or quantity. The application site is identified as part of a larger amenity open space within the Open Space Assessment 2016 and is considered a significant area of public open space as a whole. Paragraph 97 of the NPPF highlights that, *“existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.*
- 1.9 Policy Lichfield 1: Lichfield Environment states that The natural environment and landscape surrounding the City will be protected and enhanced, and development will be carefully designed and located so as not to detract from key views into the City, taking the opportunity to frame significant vistas having particular regard to Lichfield's setting in a dip in the topography which affords views of the spires of the Cathedral, St Mary's and St. Michael's churches which are collectively known as the 'Ladies of the Vale'.
- 1.10 In addressing this issue, the applicant has submitted an Open Space statement that concludes that the loss of the proposed site would not compromise the supply or accessibility of open space provision. The applicant makes the case that a number of accessible open spaces are not identified within the 2016 Open Space Assessment, namely Pipe Green and Christian Fields Nature Reserve, and that if these were added, then the City would exceed the green space required for the population. However, as noted by the applicant, the distribution of green spaces within the City is uneven and as such some areas are deficient in good quality amenity green space. It is considered that the applicant has failed to address Core Policy 10, in that it has not been clearly demonstrated that alternative spaces of an equivalent or higher standard are being provided in a location that is equivalent or better.

- 1.11 Policy HSC1: Open Space Standards outlines the minimum standards for open space, sport and recreation facilities, and for amenity open spaces outlines that all residents living in towns or villages are to be within 480m/10 minutes' walk time of an amenity green space.
- 1.12 It is accepted that this application site only represents a small part of a larger area of public open space located to the north and west of the site. As such it is clear that a significant area of open space would still be available for use by local residents within the key point to note with this application is the position of the site in relation to the remaining area of open space rather than just the quantity. The site is located in a prominent position acting as a type of gateway into the remaining area of open space. As such due to the position and scale of the development the proposal will result in the loss of an important part of this area of open space to the detriment of the area.
- 1.13 In conclusion, the proposed development would provide 8 affordable dwellings and is broadly supported by both national and local policy in this respect. However, there is conflict in regard to the loss of open space. Paragraph 97 of the NPPF outlines that open space should not be built on unless evidence shows that the open space is surplus to requirements or that the loss of open space would be replaced by equivalent or better provision. Core Policy 10 of the Local Plan also has similar stipulations in relation to the loss of open space in both extent and quality. It is considered that the policy conflict due to loss of public open space in this instance is not outweighed in this instance, and also having regard to other matters below.

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

- 2.1 BE1 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 on:
- *The significance of the historic environment, such as archaeological sites, sites of historic landscape value, listed buildings, conservation areas, locally listed buildings and skylines containing important historic, built and natural features (in conjunction with Policy NR5);*
 - *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;*
 - *The natural environment. Effective hard and soft landscaping including tree planting will be required and should be implemented in an integrated manner, making use of green corridors for movement of people as well as for biodiversity (in conjunction with Core Policy 13, NR3, NR4 and NR6*

New development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail. Specifically designed features, including public art where appropriate, should be integrated into developments in order to enhance the bespoke nature and individuality of design solutions.

- 2.2 Chapter 12 of the NPPF covers the issue of design and highlights the importance of design and looking to ensure well-designed places. This is seen as fundamental to what the planning and development process should achieve. Various relevant points including being visually attractive as a result of good architecture, layout and appropriate and effective landscaping and that development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 2.3 Furthermore in 2019, the government produced the National Design Guide which again place great emphasis on good design and how well-designed places influence the quality of

our experience as we spend time in them and move around them. Specifically, the first policy at C1 states that well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

- 2.4 With regards to this application the proposal will introduce a two storey structure on an open space adjacent to bungalows where there is no such scale of structure in the immediate vicinity. The site also represents an entrance point to further public open space beyond this and therefore the development has the potential to impede this 'gateway' to the provision of space to the south west. As a result it would not carefully respect the character of the surrounding area and development in terms of layout, size, scale and architectural design as advised by policy BE1.
- 2.5 In terms of the proposed design, scale and siting, the proposal would have quite a stark, prominent appearance in the street scene that would have a discordant appearance in the immediate area. Whilst being a prominent feature in the local area is not necessarily always a reason to refuse an application, it is considered on this occasion that it would not be a proposal that would be of general form and character comparable to that found in the local area.

3. Impact upon Heritage Assets

- 3.1 Policy Lichfield 1: Lichfield Environment states that the natural environment and landscape surrounding the City will be protected and enhanced, and development will be carefully designed and located so as not to detract from key views into the City, taking the opportunity to frame significant vistas having particular regard to Lichfield's setting in a dip in the topography which affords views of the spires of the Cathedral, St Mary's and St. Michael's churches which are collectively known as the 'Ladies of the Vale'.
- 3.2 Paragraph 185 of the NNPF highlights amongst other things that, "*Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account d) opportunities to draw on the contribution made by the historic environment to the character of a place*".
- 3.3 Members will note from the comments of Lichfield City Council that an objection is raised over the impact the development would have on the view of Lichfield Cathedral. In considering this particular point, officers can confirm that when viewed from the car park to the south west of the site and looking back towards the proposal site, the spires of the Cathedral are clearly visible. Due to the design, scale and position on the site, it is considered that the development has the potential to detract from these key views forming a gateway into the City and therefore without robust justification it is considered that the proposal does not fully comply with relevant policy and therefore is unacceptable in this regard.

4. Impact upon existing Public Open Space

- 4.1 The proposed development is located on part of a larger amenity open space which has been identified within the Open Space Assessment 2016 as of importance with high scores on a number of factors. Members will also see that objections to the loss of this area of open space have been raised by Lichfield City Council as well as a number of local residents.
- 4.2 In order to address this issue as highlighted above, the application was supported by an Open Space statement submitted by the applicant which concludes that the loss of the proposed site would not compromise the supply or accessibility of open space provision.
- 4.3 The assessment has been made that not all parts of the open space are of such importance, and this certainly applies to the subject site, which apart from the boundary TPO trees,

includes no footpaths or features that would make a positive contribution to the amenity of the area. The loss of this space is deemed to alternative use would not destroy or impair the integrity of the Linear Park. There is a good provision of accessible amenity greenspace located within easy walking distance (480m to 500m) of the Site so the loss of this site will not undermine people's ability to access amenity space. However, as highlighted above in paragraph 1.12 above the site is located in a prominent position acting as a type of gateway into the remaining area of open space and as such the proposal will result in the loss of an important part of this area of open space to the detriment of the area

4.4 The submitted report goes onto to suggest that the Council's Open Space Assessment is clear that in terms of the quantity of amenity greenspace within Lichfield, there is currently a surplus based on current population levels, and the Council's own amenity space standards. The quantity of open space will increase further once the Strategic Development Locations (SDLs) come forward. In conclusion, it is considered that the loss of this space to alternative use will not have an unacceptable impact on open space provision in Lichfield, and that any planning application that comes forward will need to be considered in the context of the presumption in favour of sustainable development.

4.5 The case for the loss of this open space is considered well-argued but it is still reviewed by the local authority as an integral part of the wider space and therefore its loss to development is unacceptable and not in accordance with relevant policies above.

5. Residential Amenity

5.1 Policy BE1: High Quality Development 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 on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further guidance is also contained within the Sustainable Design SPD in respect of amenity standards.

5.2 The proposed development is deemed to be sufficiently located away from residential properties so as to not create a significant impact upon amenity of existing residents by reason of overlooking or loss of light. However, in regard to the amenity of future residents due to the close proximity of the trees concern is raised over the potential for a significant overshadowing and fruit drop would cause complaints to those who park their cars on the separate parking area.

6. Access and Highway Safety

6.1 Policy ST1: Sustainable Travel states that the District Council will seek to secure more sustainable travel patterns by requiring Transport Assessments for all developments that are likely to have significant transport implications, to determine measures required on the surrounding highway network, ensure necessary access by all modes of transport and requiring all major development, including employers and educational institutions, to be accompanied by a site specific travel plan to promote and achieve sustainable travel choices; and only permitting traffic generating development where it is, or can be made compatible with, the transport infrastructure in the area and takes account of:

- Number and nature of additional traffic movements, including servicing needs;
- Capacity of the local transport network;
- Cumulative impact including other proposed development;
- Access and egress.

6.2 Policy ST2 states 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.

6.3 Finally, the NPPF paragraph 109 states 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.

6.4 Access to the development is proposed from Netherstowe via a single private access driveway positioned between the two apartment blocks and then leads to a small private parking courtyard of 9 spaces along with a disabled parking bay. In considering the proposed access and parking arrangements, Members will see from the comments section that no objection is raised by Staffordshire County Council highways department, subject to a number of conditions. The access point along with the parking provision is considered to be acceptable and with no objections from the County Highway Engineers the proposal is considered to be acceptable from a highway safety point of view.

7. Impact on Trees

7.1 Lichfield District Council Local Plan Strategy policy NR4 states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. The SPD on trees, landscaping and development guides developers on how trees can be incorporated into new development. Sufficient space within developments must be reserved for the planting and sustainable growth of large trees in order to retain the important tree canopy cover in conservation areas and the built environment, and to improve tree canopy cover in the District as a whole. Potential long term conflict between retained trees, hedgerows and built form will be designed out at the planning stage. There are a number of large trees affected some of which may be on third party land but all of which are the subject of a TPO.

7.2 In support of this application the applicant provided a tree report which complied with the requirements of BS5837 as well as a tree protection plan which showed that the development would result in a number of incursions into the Root Protection Areas of various TPO Trees. This tree report was further revised together with the submission of a shadow plan, which demonstrated that there is no usable amenity space for the properties nearest the trees. In addition to this, comments from the Council's Tree Officer highlights that the parking areas are likely to encounter fruit fall which is likely to be intolerable for the owners of the affected vehicles.

7.3 It is further highlighted that with regards to the impact upon the street scene, it is considered that no landscaping could negate this development given the proximity of the building to the highway. The landscape plan deposited on the 9th September proposes extensive fencing running within a metre of the base of some trees and this has not been considered in the tree report. A row of trees is also proposed within a metre of the boundary abutting hardstanding, but no tree pit information has been provided for consideration. The tree issues plus the permanent loss of green open space leads to conclude that this application does not accord with either national or local policies. .

7.4 Having regard to the above issues, it is considered that there would be persistent complaints about these trees and future applications for their removal based on shading, dominance and associated issues as a result. Due to the concerns, the development therefore fails to conform to policy NR4 of the Lichfield Local Plan Strategy and guidance contained in the Trees, Landscape & Development SPD.

8. Ecology

8.1 The application has been supported by an Ecological Assessment. This has been reviewed and contains both appropriate methodology and the sufficient information, demonstrating the proposal is unlikely to negatively impacting upon a European Protected Species (EPS) in a manner as defined as an offence under the Conservation of Natural Habitats Regulations

(Habitat Regulations.) 1994 (as amended 2017); or upon a protected or priority species or habitat, as defined by the Wildlife and Countryside Act 1981 (as amended 2010); The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regulations 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its Biodiversity Duty (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

9. Human Rights

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

Conclusion

The 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 development proposes a 100% affordable scheme and is for smaller sized units, which is notably a very positive attribute in meeting specific housing needs for the district. There are also no concerns raised with regard to ecology or highways matters. The development, however proposes a significant built form that would look out of character with the immediate area that would also have the potential to create less than significant impact on very important views to Lichfield Cathedral and therefore contrary to policy 196 of the NPPF.

It would result in the loss of public open space, where the applicant has failed to sufficiently demonstrate that the loss would not compromise the supply or accessibility of open space provision.

Furthermore, the trees on site would provide significant shadowing of some of the units which is likely to create poor living environments for the potential occupants and covering parking areas would create fruit drop related issues, placing pressure to remove the trees in the future.

Consequently, it is considered that the proposals are unsustainable and contrary to a number of Local Plan policies as well as national planning policy guidance contained in the NPPF. It is therefore recommended that this application be refused for the reasons set out above.

LOCATION PLAN

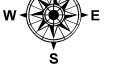
20/01121/FULM
Leyfields Open Space
Leyfields Lichfield

Scale: 1:1,250

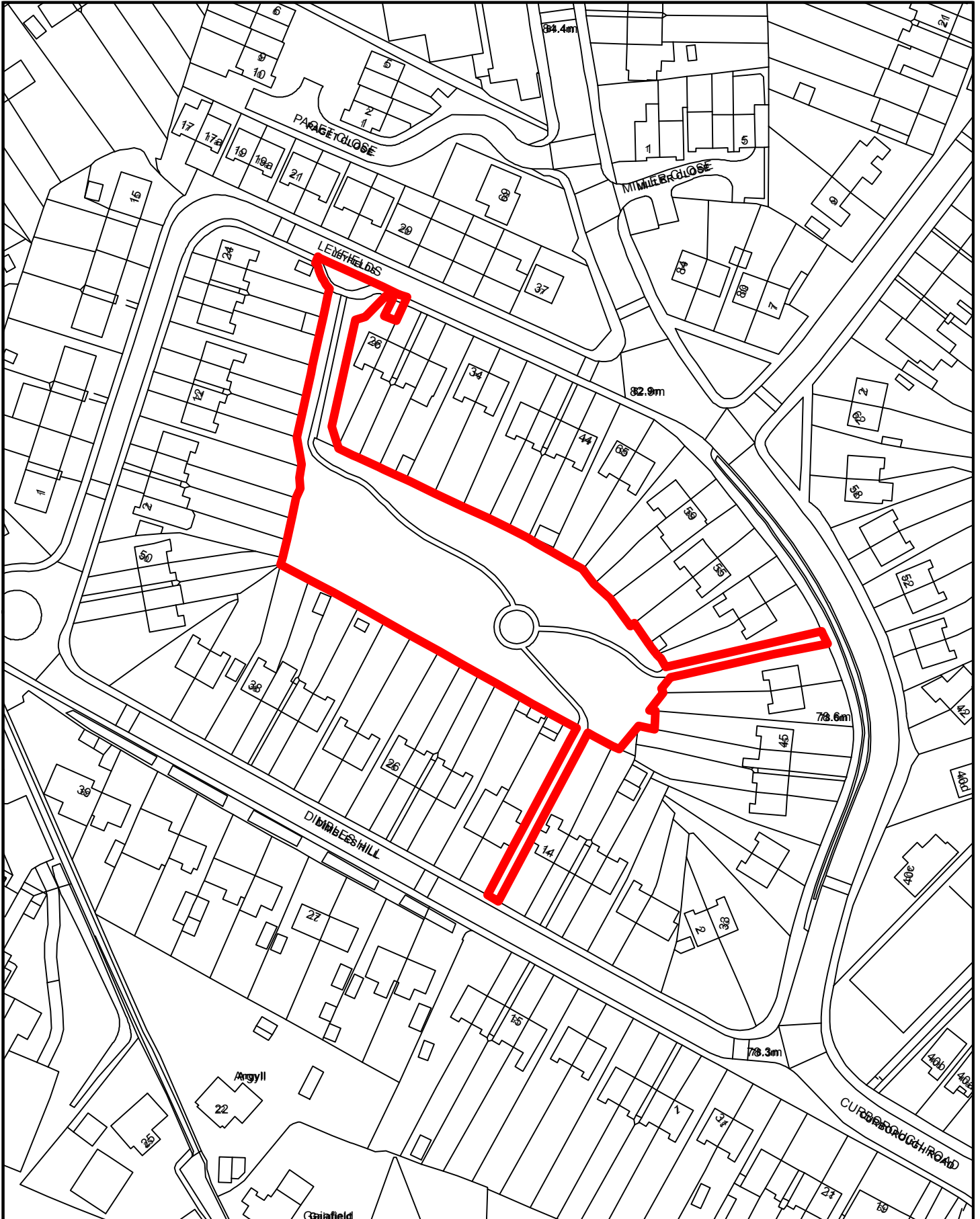
Dated: February 2021

Drawn By:

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20/01121/FULM

**Erection of 16 no. new affordable dwellings, with associated car parking, external works and landscaping, together with the stopping up and diversion of existing highway consisting of footpaths within the site and leading to Leyfields, Curborough Road and Dimbles Hill
Leyfields Open Space, Leyfields, Lichfield, Staffordshire
FOR Rebecca Crann, Bromford Housing Group**

Registered 11/09/2020

Parish: Lichfield City

Note: This application is being reported to the Planning Committee as the application was called into the committee by District Councillors Colin Ball and Dave Robertson. The application site is also currently in the ownership of Lichfield District Council. Significant planning objections have also been received from Lichfield City Council on the following grounds:

- Inadequate access and safety concerns of the egress from the proposed development.
- The road at Leyfields is narrow and often has traffic along one side for almost its entirety and the proposed new junction is very close to what is a blind bend on Leyfields.
- The additional traffic generation from an extra 16 dwellings will only serve to exacerbate this and the pre-existing lack of parking in the local area

RECOMMENDATION: Refuse, for the following reason/s:

1. The proposal is not considered to constitute sustainable development in line with the requirements of Strategic Priority: Built Environment as it would result in the loss of land designated for open space in the Lichfield District Local Plan Strategy, contrary to the requirements of Core Policies 1, 3 and 10 and HSC1 of the Plan and the requirements of paragraph 97 of the NPPF. This loss would result insignificant and demonstrable harm to the ability of the local community to interact with each other and their ability to create healthy inclusive communities, to the detriment of their well-being. The provision of a 100% affordable scheme of housing is not considered to constitute a suitable replacement to justify the loss in terms of quantity and quality in line with the requirements of paragraph 97 of the National Planning Policy Framework.
2. The proposed development, by reason of its design and layout, with high density and extensive areas of hardstanding would give rise to a cramped, and visually obtrusive form of development which would fail to respect site circumstances and not respect the predominant form of development in the area to the detriment of the character and appearance of the surrounding area and the visual amenities of neighbouring occupiers. The development lacks connectivity and natural surveillance issues with a lack of green areas and private amenity space. It is therefore considered to be contrary to the high quality design aspirations within Section 12 of the National Planning Policy Framework, policy BE1 of the Lichfield District Local Plan Strategy and the Council's adopted Sustainable Design Supplementary Planning Document.
3. The applicant has failed to demonstrate in respect of the impacts to biodiversity. No biodiversity metric has been provided for the site to demonstrate measurable net gains to biodiversity or to ensure that the development will not cause a net loss to biodiversity. This requirement that all development within the Lichfield District achieve for a measurable net gain to biodiversity value is further detailed in paragraphs 6.30 and 6.33 of Lichfield District Council Biodiversity and therefore fails to conform to Local Plan Policy NR3

4. The proposed landscaping plan fails to adequately compensate for the loss of trees that would occur as a result of this application. In addition the applicant has also shown a number of constructions within Root Protection Areas (RPA's) that are not controlled or detailed. The pruning of tree T2 is not accepted as arboriculturally sustainable. The application is therefore contrary to both the guidance within the Trees, Landscape & development SPD and overall policies of NR3 of the Local Plan Strategy.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy CP4 - Delivering our Infrastructure
Policy CP5 - Sustainable Transport
Policy CP6 - Housing Delivery
Policy CP10 - Healthy & Safe Lifestyles
Policy CP13 - Our Natural Resources
Policy ST1 - Sustainable Transport
Policy ST2 - Parking Provision
Policy H1 - A Balanced Housing Market
Policy H2 - Provision of Affordable Housing
Policy HSC1 - Open Space Standards
Policy NR3 - Biodiversity, Protected Species & their Habitats
Policy NR4 - Trees, Woodlands and Hedgerow
Policy BE1 - High Quality Development

Supplementary Planning Document

Sustainable Design SPD
Trees Landscaping and Development SPD
Biodiversity and Development SPD

Other

Open Space Assessment 2016
Lichfield City Neighbourhood Plan (2018)

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Lichfield City Council - Object. Concerns over inadequate access and safety concerns of the egress from the proposed development. The road at Leyfields is narrow and often has traffic along one side for almost its entirety and the proposed new junction is very close to what is a blind bend on Leyfields. The additional traffic generation from an extra 16 dwellings will only serve to exacerbate this and the pre-existing lack of parking in the local area. (05/10/2020)

Ecology Team - Object. Not enough information in respect of the impacts to biodiversity to be able to provide adequate response to enable the LPA to make a planning decision. No biodiversity metric has been provided for the site to demonstrate measurable net gains to biodiversity or to ensure that the development will not cause a net loss to biodiversity. This information should be submitted prior to any planning decision being made. (09/10/2020)

Economic Development - No Comments Received

Building Conservation and Urban Design - Object. Significant concerns about the sustainability of the proposals. In particular the site is not connected well to its surrounding neighbourhoods and communities. The loss of green space and trees is not compensated for as the development is heavily dominated by hard landscaping and there are no open spaces within the site to provide places for SUDS, landscaping, ecology.

Neither access point has any natural surveillance. In particular the pedestrian only link has no natural surveillance and good street lighting is only part of the picture in making it a safe and desirable route to use. Unit 16 should have windows to habitable rooms at both ground and first floor to provide some natural surveillance over the pedestrian access from Curborough Road. In terms of the vehicular access, units 1 & 2 should be turned slightly to face the access road.

To encourage people to use the pedestrian/cycle access from Curborough Road a stepped alternative to the wheelchair access should be provided. This would provide more direct access for those able to use it.

The loss of the green space and the existing trees needs to be compensated for and SUDS within a development can be used to provide landscaped areas with high amenity and ecological value. Building for a Healthy life defines 'funneling rainwater away in underground pipes as the default water management strategy' as a red light feature that should be avoided within developments. There are 26 parking spaces provided for 16 units, given the dominance of hard landscaping it should be assured that there is no over-provision of parking spaces. Even in a small development such as this some landscaping and public space should be provided. Providing opportunities for social interaction can help improve public health by encouraging physical activity and helping to tackle those affected by loneliness and isolation.

More work is needed to encourage sustainable transport and this includes providing cycle storage that is at least as easy to access as the car parking ' for a least 1 bicycle. This is in accordance with the Homes England guidance ' Building for a Healthy Life which states that developments should; 'Provide secure cycle storage close to people's front doors so that cycles are as convenient to choose as a car for short trips.' This is particularly important for units 4 & 5 as there is no direct route to access the rear garden. (05/10/2020)

Environmental Health Team - No objections, subject to conditions covering Construction Environmental Management Plan being submitted and further contamination investigation. (07/10/2020)

Housing Manager - No objection. Analysis of the Council's housing register suggests sufficient demand for social housing exists for a scheme of this scale and mix of sizes. Demand exists particularly for social rented properties in this location, and so this tenure type would be particularly supported.

Although the proposal appears to be broadly in-line with the requirements of national and local planning policies in light of the open-space nature of the site there are concerns over impact that the loss of open space would have on the wellbeing of the existing community and how this might be addressed. Nevertheless, the principle for a new all-affordable scheme at this site is supported subject to satisfactory demonstration that it complies with the requirements adopted the Local Plan Strategy and NPPF (02/12/2020)

Spatial Policy and Delivery Team - Proposed development would provide 16 affordable dwellings and is broadly supported by both national and local policy in this respect. However, there is some conflict in regard to the loss of open space. Paragraph 97 of the NPPF outlines that open space should not be built on unless evidence shows that the open space is surplus to requirements or that the loss of open space would be replaced by equivalent or better provision. Core Policy 10 of the

Local Plan also has similar stipulations in relation to the loss of open space in both extent and quality. Furthermore, the loss of the open space would mean that some residents may not be able to access amenity open space within 480m / 10 minute walk from their home and would be in conflict with the minimum open space standards laid out in Policy HSC1. (14/10/2020)

Waste Management – No objections, subject to provision of adequate bin provision and collection points. (16/09/2020)

Tree Officer - Object. Whilst the site is not within any designated Conservation Area and currently there are no TPO's, it does appear that there are a number of large trees affected some of which may be on third party land. It appears that a number of the plots will be heavily shaded and restricted. Any residential development would need sufficient sunlight for the enjoyment of the property. This shading assessment has not been included within the constraints section of the tree report. It is noted that pretty much all the trees in the park are to be felled. The proposed landscape plan in no way compensates for this loss. The suggested pruning of tree T2 is not accepted as arboriculturally sustainable. There is a clear major impact on sustainable drainage that does not appear to have been considered. There are a number of constructions shown within RPA's that are not controlled or detailed. The loss of valuable green space is also a serious issue. (24/09/2020)

Staffordshire County Council (School Organisation) – No objection. Would not result in the need for an education contribution and is therefore acceptable from an education perspective. (28/09/2020)

Staffordshire County Council (Highways) – No objections, subject to conditions (26/10/2020)

Severn Trent Water - No objections, subject to the inclusion of the conditions on the provision of drainage plans for the disposal of foul and surface water flows (29/9/2020)

Staffordshire County Council (Planning) - No Comments Received.

South Staffs Water - No Comments received.

Environment Agency - No Comments received.

Western Power Distribution - No Comments received.

Cadent Gas Limited - No Comments received.

Central Networks - No Comments received.

Health and Wellbeing Development Manager - No Comments received

LETTERS OF REPRESENTATION

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

- Loss of an important park and communal area for all local residents which is used 24/7 by all locals, dog walkers and children
- Car parking issues
- Construction traffic access issues
- Increase in traffic generally
- No details of safeguarding boundary fences
- Drainage concerns
- The impact of the increase in noise and pollution
- Birds and other fauna will disappear and not return

OTHER BACKGROUND DOCUMENTS

Topographical survey
Arborcultural report
Design and access statement
Ecological assessment...
Ground investigation report
Open space statement
Transport assessment
Lighting assessment

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Block Plan	201716 06F
House Type	201716 10A
House Type	201716 11A
House Type	201716 12A
House Type	201716 13A
House Type	201716 14B
House Type	201716 15B
House Type	201716 16A
House Type	201716 17A
Street Scene	201716 18A
Drainage Plan	AAC5489 RPS XX XX DR C 100
Drainage Plan	AAC5489 RPS XX XX DR C 102 01
Block Plan	AAC5489 RPS XX XX DR C 103 01
Block Plan	AAC5489 RPS XX XX DR C 120 01
Block Plan	AAC5489 RPS CC XX XX DR C 120 01
Block Plan	HLS 781 1
Block Plan	HLS 781 2
Landscaping	ADL295 A

OBSERVATIONS

Site and Location

The application site relates to a relatively flat, parcel of open space approximately 2900m² in area which is enclosed on four sides by the rear gardens / fences of existing 2-storey residential properties on Dimbles Hill, Leyfields and Curborough Road. There are pedestrian footpath links into the open space/site on three sides and internal footpaths and green space with various trees on most of the site boundaries. Of these three pedestrian access points, one allows for the provision for maintenance vehicle access. As the site is enclosed on all four sides, there are very limited views of the site from any wider public vantage points, other than when traversing through the site using the existing public footpaths.

Background

This site is currently owned by Lichfield District Council and has an option with agreement to sell to the applicant (Bromford House Group) subject to the grant of planning permission.

Proposals

This application seeks permission for the erection of 16 no. new affordable dwellings, with associated car parking, external works and landscaping, together with the stopping up and diversion of existing highway consisting of footpaths within the site and leading to Leyfields, Curborough Road and Dimbles Hill.

The main vehicular access into the site would be via the existing access point which currently allows for maintenance vehicle access into the area of open space. This existing access point is off Leyfields with a secondary pedestrian link onto Curborough Road at the south eastern end of the site. The new private access road would be 5.0m wide along its full length with a continuous 1.8m wide footpath along the full length of the new road and then link down to the footpath through onto Curborough Road.

Within the main part of the site, the proposal is for the construction of 16 dwellings in a line along the southern boundary comprising 8 x semi-detached dwellings, 4 x terrace dwellings and 4 x apartments in a single block. Car parking would be allocated to the front of the dwellings served by the aforementioned main access road into the site. Private rear gardens would be provided for all units including separate shared space for the apartment blocks. All units would be two storey.

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. 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) Lichfield Neighbourhood Plan.
- 1.2 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.'*
- 1.3 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy (Table 4.1) and the key diagram (Map 4.1). Core Policy 6: Housing Delivery lists which key urban and rural settlements housing delivery will be focused on, one of these is Lichfield City.
- 1.4 Policy H1: A Balanced Housing Market, states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities. In terms of this application members attention is drawn to the point that the proposed development will provide 8x two bedroom dwellings, 2 x 3 bedroom, 2 x 4+ bedroom dwellings and 4 x 1 bedroom apartment's all of which will be affordable accommodation and as such the proposal would comply with the requirements of this policy.
- 1.5 Policy H2: Provision of Affordable Homes, states that the District Council is committed to improving housing affordability in Lichfield District. This application is for the provision of 100% affordable housing and as such this proposal would comply with this policy.

- 1.6 Core Policy 3: Delivering Sustainable Development provides a number of key issues that development should address in order to ensure sustainable development. The policy includes the following key issues which are of relevance to this application:
- Protect and enhance the character and distinctiveness of Lichfield District and its settlements;
 - Be of a scale and nature appropriate to its locality; and
 - Ensure that all new development and conversion schemes are located and designed to maximize energy efficiency and utilise sustainable design and construction techniques appropriate to the size and type of development using local and sustainable sources of building materials wherever possible.

- 1.7 Policy BE1: High Quality Development seeks to ensure that a high quality sustainable built environment can be achieved. Core Policy 10 states that the loss of existing recreational open spaces (both extent and quality) will be resisted where it can be shown that there is an existing or future need unless it can be clearly demonstrated that alternative spaces of an equivalent or higher standard are being provided in a location which is equivalent or better, improves access and results in no loss of amenity or environmental quality or quantity. The application site is identified as part of a larger amenity open space within the Open Space Assessment 2016 and is considered a poorly scoring site in terms of physical quality. Notwithstanding this paragraph 97 of the NPPF highlights that *existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

Furthermore, the recommendation of the Open Space assessment for this site is for this site to be improved rather than lost.

- 1.8 In addressing this issue, the applicant has submitted an Open Space statement that states that the existing open space provision (excluding the proposed site) complies fully with the open space standards set out in Policy HSC1 for play, amenity greenspace and allotments and is close to the long-term target for natural/semi natural green space. It is therefore clear, in their opinion that based on Council's open space standards there is currently surplus amenity green space. The applicant makes the case that a number of accessible open spaces are not identified within the 2016 Open Space Assessment, namely Pipe Green and Christian Fields Nature Reserve, and that if these were added the City would exceed the green space required for the population. However, as noted by the applicant, the distribution of green spaces within the City is uneven and as such some areas are deficient in good quality amenity green space.
- 1.9 As highlighted in paragraph 1.7 above, it is accepted that the application site is identified as 'amenity open space' within the Open Space Assessment 2016 and is considered a poorly scoring site in terms of physical quality. The site scores below 40% within the assessment which recommends that opportunities to improve such open spaces should be supported. As such the loss of this area of open space would conflict with the recommendations of the Open Space Assessment 2016. It is therefore considered that the applicant has failed to address Core Policy 10, in that it has not been clearly demonstrated that alternative spaces of an equivalent or higher standard are to be provided in a location that is equivalent or better.
- 1.10 Policy HSC1: Open Space Standards outlines the minimum standards for open space, sport and recreation facilities, and for amenity open spaces outlines that 'all residents living in towns or villages are to be within 480m/10 minutes' walk time of an amenity green space'.

The loss of the open space if the proposed development were approved, would mean that for some residents the nearest amenity green space available to them would be more than 480m or a 10 minute walk away from their home. Therefore the loss of this open space would adversely affect people's ability to conveniently access to open space, contrary to the applicants' view detailed within the submitted Open Space statement.

1.11 In conclusion, the proposed development would provide 16 affordable dwellings and is broadly supported by both national and local policy in this respect. However, there conflict in regard to the loss of open space. Paragraph 97 of the NPPF outlines that open space should not be built on unless evidence shows that the open space is surplus to requirements or that the loss of open space would be replaced by equivalent or better provision. Core Policy 10 of the Local Plan also has similar stipulations in relation to the loss of open space in both extent and quality. Therefore consideration would have to be given to the above for the proposed development to be considered acceptable in principle. It is considered that in having regard to such policy and all other material planning matters, the policy conflict due to loss of public open space in this instance is unacceptable and not outweighed when considering the planning balance.

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

2.1 Policy BE1 of the Lichfield 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 various matters. New development will have a positive impact on the public realm and ensure high quality, inclusive design. This will be achieved by an appreciation of context, as well as plan, scale, proportion and detail. Specifically designed features, including public art where appropriate, should be integrated into developments in order to enhance the bespoke nature and individuality of design solutions.

2.2 Section 12 of the NPPF highlights the importance of design and the quality of design in new development. Paragraph 124 of the NPPF highlights this point by stating that, "*the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". Paragraph 127 continues by stating that, "*planning decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*".

2.3 The proposal would introduce 16 dwellings in a linear form on an open space which is enclosed on all sides by residential gardens. Due to the nature of the application site the development therefore will be prominent from those that live locally and contained tightly

within the space and does not appear well connected to the surrounding neighbourhood. The hard surfacing within the proposed development dominates the overall character of the development, with the access road and parking spaces allocated to the front of the dwellings. The layout fails to provide any green spaces within the site to provide places for SUDS, landscaping, ecology for the residents and thereby would create a poor environment to any future occupants of the new dwellings.

- 2.4 The domination of the hard landscaping and parking spaces results in a development with no significant scheme for sustainable drainage on site. Building for a Healthy life defines 'funneling rainwater away in underground pipes as the default water management strategy' as a red light feature that should be avoided within developments. The provision on any development of this size is that some landscaping and amenity space should be provided. Providing opportunities for social interaction can help improve public health by encouraging physical activity and helping to tackle those affected by loneliness and isolation.
- 2.5 In conclusion it is considered that the design and layout of the proposed development represents a poor standard of development. As such the application fails to comply with Policy BE1 of the Lichfield Local Plan Strategy, guidance contained in the Sustainable Design SPD, as well as Section 12 of the NPPF in terms of design. .

3. Residential Amenity

- 3.1 Policy BE1 of the Lichfield Local Plan Strategy states that new development, including extensions and alterations to existing buildings, should carefully respect public views and amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 3.2 Paragraph 127(f) of the NPPF states that developments should also create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 3.3 In considering this particular proposal the development backs onto the rear gardens of the adjoining residential properties along Curborough Road all of which maintain long rear gardens of 20m in depth. The proposal includes private rear gardens for the new dwellings; and although short in places the distance separation between the rear walls of the proposed dwellings and the existing residential properties will be well in excess of the 21m required in the adopted Sustainable Design SPD. As such, it is not considered that the proposal will result in any adverse impact upon the amenities of the existing residential properties along Curborough Road by virtue of overlooking or loss of light.
- 3.4 The garden sizes for the new properties appear acceptable however despite amendments in order to improve the natural surveillance, some of the proposed units have limited private amenity space. Some have poor quality of private amenity space with it being heavily shaded by a tree. Removal of some units may resolve this and other issues such as providing a fully accessible footpath (with stepped and ramped access).

4. Access and Highway Safety

- 4.1 Policy ST1: Sustainable Travel of the Lichfield Local Plan Strategy states that the District Council will *seek to secure more sustainable travel patterns by requiring Transport Assessments for all developments that are likely to have significant transport implications, to determine measures required on the surrounding highway network, ensure necessary access by all modes of transport.* The policy continues by stating that all major development including employers and educational institutions, will be required to be accompanied by *a site specific travel plan to promote and achieve sustainable travel choices; and only permitting traffic generating development where it is, or can be made compatible with, the transport infrastructure in the area and takes account of:*

- *Number and nature of additional traffic movements, including servicing needs;*
- *Capacity of the local transport network;*
- *Cumulative impact including other proposed development;*
- *Access and egress.*

- 4.2 Policy ST2 of the Lichfield 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.
- 4.3 Finally, paragraph 109 of the NPPF states that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 4.4 In considering this particular application Staffordshire County Council highways have advised that there have been no Personal Injury Collisions on Leyfields for the previous five years and consider that the access and parking arrangements meet relevant guidance. Therefore, the Highway Authority raises no objection to the proposal, subject to conditions.
- 4.5 One condition recommended by the Highways Authority is that, before the proposed development commences an off-site traffic management scheme comprising of a one-system with traffic flows from Dimbles Hill (D3091) to Curborough Road (D3093) is required details of which are to be agreed by the applicants.
- 4.6 With regards to the issue of parking provision within the scheme the submitted layout provides car parking which accords with our SPD standards. In addition to this the applicant has also confirmed that they are willing to provide electric vehicle charge points (EVCP) across the scheme for all units across the site including the 4 apartments has been included.
- 4.7 In conclusion it is considered that from a highway safety point of view the development is deemed to be acceptable. As such the proposal complies with policies ST1 and ST2 of the Lichfield Local Plan Strategy and NPPF paragraph 109 and there is no highway reason to refuse this application.

5. Impact on Trees

- 5.1 Lichfield District Council Local Plan Strategy policy NR4 states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. The Trees, landscaping and development SPD addresses the retention, protection and incorporation of trees, hedgerows and woodlands as part of a sustainable development and guides how the provision of new trees, hedgerows, woodlands and shrub planting as part of the design of a development and its landscaping scheme. Sufficient space within developments must be reserved for the planting and sustainable growth of large trees in order to retain the important tree canopy cover in conservation areas and the built environment, and to improve tree canopy cover in the District as a whole. Potential long term conflict between retained trees, hedgerows and built form will be designed out at the planning stage.
- 5.2 A tree report to BS5837 standards has been provided in support of the applications where there is agreement with a number of its findings but there are some unresolved issues which does make the proposal unacceptable in this regard.
- 5.3 Members will note from the consultees section that the Council's tree officer has raised a number of concerns over the fact that a number of the plots will be heavily shaded and restricted. Furthermore concern is also raised over the fact that much of the existing trees in the park are to be felled but that the submitted landscape plan does not compensates for this loss. There are also a number of constructions shown within RPA's that are not controlled or detailed.

5.4 As a result of the aforementioned issues, it is adjudged that the issues to trees has not been thoroughly addressed- therefore it is considered that the proposals fail to meet the requirements of policies NR4 and BE1 of the Local Plan and guidance contained in the adopted SPD for Trees, Landscape & Development, and so refusal on such grounds is recommended.

6. Ecology

6.1 Policy NR3 of the Local Plan Strategy, covers the issue of Biodiversity, Protected Species & their Habitats and states, amongst other things, *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*
- *Delivers a net gain for biodiversity and /or geodiversity in the district Proposals should particularly seek to contribute towards the United Kingdom Biodiversity Action Plan (UK BAP) priority habitats and species in Lichfield District, and any additional Staffordshire or National Forest Biodiversity Action Plan species.*

The Policy continues by stating that, proposals that would have a direct or indirect adverse effect on local designated sites, non-protected sites and priority protected species that are considered to have geological and biodiversity value, will not be permitted unless:

- *They cannot be located on alternative sites that would cause less or no harm;*
- *The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of wider habitats; and*
- *Prevention, mitigation and compensation (biodiversity offsetting) measures are provided which ensure there is no net loss of such sites.*

6.2 Section 15 of the NPPF highlights the importance of conserving and enhancing the natural environment. Paragraph 170 of which states, amongst other things, *that planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

6.3 As reported above, the Council's Ecology team feels it does not have enough information in respect of the impacts on biodiversity to be able to provide adequate response to enable the LPA to make a planning decision in this regard. No biodiversity metric has been provided for the site to demonstrate measurable biodiversity net gains or to ensure that the development will not cause a net loss to biodiversity in this instance.

6.4 In conclusion it is considered that the applicant has failed to provide adequate information to address the issue of Biodiversity, Protected Species and their Habitats on this site and how the development will impact on this issue. As such the application fails to comply with NR3 of the Lichfield Local Plan Strategy.

7. Human Rights

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

Conclusion

The 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 development proposes a 100% affordable scheme which is notably a positive attribute in meeting specific housing needs for the district. Also, subject to conditions, the proposals would be acceptable on highway grounds.

The application however would result in the loss of an important open space which the applicant has failed to address the fact that this proposal would result insignificant and demonstrable harm to the ability of the local community to interact with each other and their ability to create healthy inclusive communities, to the detriment of their well-being. The proposal therefore fails to comply with the requirements of paragraph 97 of the National Planning Policy Framework and does not conform to Lichfield District Local Plan Strategy policy HSC1.

The proposed development despite amendments has not provided a layout which provides enough open/soft areas and due to its overall density would create a cramped and visually obtrusive form of development to the detriment of the character and appearance of the surrounding area and the visual amenities of neighbouring occupiers. The development lacks connectivity and natural surveillance issues with a lack of green areas and private amenity space therefore considered to be contrary to the high quality design aspirations of the National Planning Policy Framework, policy BE1 of the Lichfield District Local Plan Strategy and the Council's adopted Sustainable Design Supplementary Planning Document.

The applicant has failed to demonstrate in respect of the impacts to biodiversity. No biodiversity metric has been provided for the site to demonstrate measurable net gains to biodiversity or to ensure that the development will not cause a net loss to biodiversity. This requirement that all development within the Lichfield District achieve for a measurable net gain to biodiversity value is further detailed in paragraphs 6.30 and 6.33 of Lichfield District Council Biodiversity and therefore fails to conform to Lichfield District Local Plan Strategy Policy NR3

The proposed landscaping plan fails to adequately compensate for the loss of trees across the site that would occur as a result of this development. In addition the applicant has also shown a number of constructions within Root Protection Areas (RPA's) that are not controlled or detailed. The pruning of tree T2 is not accepted as arboriculturally sustainable. The application is therefore contrary to both the guidance within the Trees, Landscape & development SPD and overall policies of NR3 of the Lichfield District Local Plan Strategy.

For such reasons it is considered that the proposals do not represent a sustainable form of development, and accordingly it is recommended that this application be refused for the reasons set out above.