

# Planning Committee

6 February 2023

## Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

### Report of Chief Executive

#### 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**

**6 February 2023**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
22/01533/FUH	9 Foden Close Shenstone Lichfield	Shenstone
18/00840/OUTMEI	Land North Of Browns Lane Tamworth	Wigginton And Hopwas
21/01595/FULM	Land At Burton Road Streethay Lichfield	Fradley And Streethay
21/01956/OUTFLM	Land South Of Shortbutts Lane Lichfield	Lichfield City
22/00242/FUL	The Trooper Inn Watling Street Wall Lichfield	Wall
22/01179/FUL	121 Highfields Road Chasetown Burntwood	Hammerwich

# LOCATION PLAN

22/01533/FUH  
9 Foden Close  
Shenstone

Scale: 1:1,000

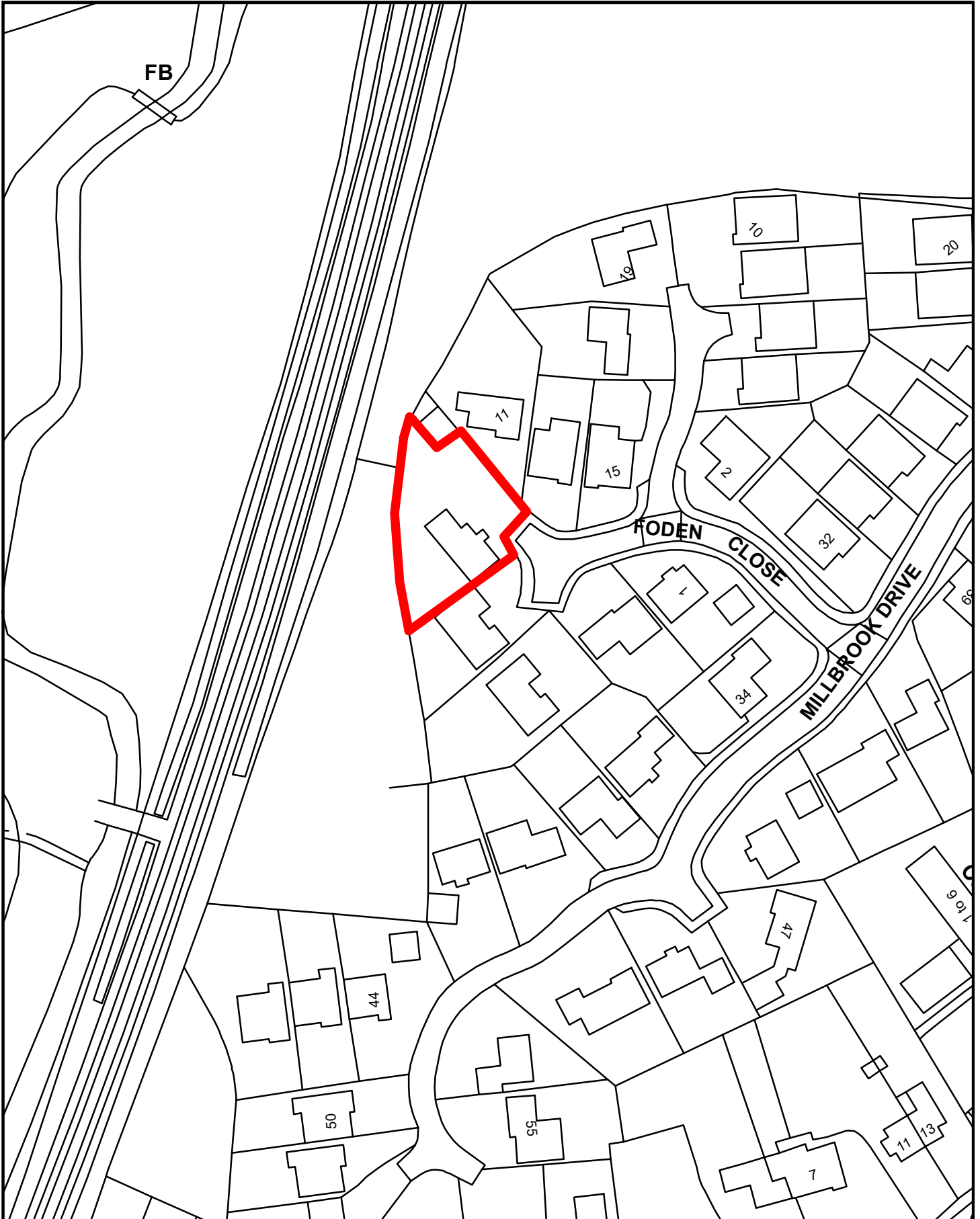
Dated: December 2022

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## **22/01533/FUH**

**Erection of detached double garage (part retrospective)  
9 Foden Close Shenstone Lichfield Staffordshire WS14 0LE  
For: Mr Tom Smith**

Registered **25/10/2022**

### **Update Report**

This application was presented to the Planning Committee on 9<sup>th</sup> January 2023 with Committee members resolving to approve the application. However, due to a clerical error, an incorrect plan was included in the Planning Officers presentation. This plan showed the garage presenting a gable to the front. The correct plan should have shown the garage present a sloping roof to the front.

However, the Council's Legal Advisors confirm this error leaves the Committee's previous decision to grant Planning Permission susceptible to a legal challenge by Judicial Review. As the Planning Permission has not been issued it is open to the Planning Committee to rescind their previous resolution and determine the Application afresh. Accordingly, the Application is returned to Planning Committee for re-consideration. The Monitoring Officer has been consulted and supports this course of action.

Members are therefore invited to consider the Application afresh. Members are reminded that the Courts have found there is a principle of consistency in planning decision making that requires like cases to be decided in a like manner with reasons given for departing from a previous decision.

The report of the 9<sup>th</sup> January is set out in full below, with an additional recommendation.

Members are advised the applicant has agreed to this course of action.

**Parish:** Shenstone

**Note:** This application is being reported to the Planning Committee due to the application being called in by Councillor David Salter, elected member for Shenstone Ward on the following grounds:

- Design
- Residential Amenity
- Planning Policy

### **RECOMMENDATION:**

- (1) To rescind the resolution of Planning Committee on the 9<sup>th</sup> January 2023 to grant planning permission, subject to conditions; and**
- (2) 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.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

- 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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, BE1 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

- 4 The garage hereby approved shall only be used for purposes incidental to the enjoyment of the main dwelling at 9 Foden Close and shall not be used for the purpose of providing accommodation ancillary to the use of the dwelling nor shall it at any time be used as a separate dwelling house or rented to a third party.

Reason: In the interest of protecting the residential amenity in accordance with paragraph 130(f) of the National Planning Policy Framework

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Shenstone Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Severn Trent Water standard advise is that there may be a public sewer located within the application site. Even where statutory sewer records do not show any public sewers within the application area, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do

so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework

National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Policy BE1: High Quality Development

Policy ST2: Parking Provision

### **Supplementary Planning Document**

Sustainable Design SPD

Biodiversity & Development SPD

Trees, Landscaping and Development SPD

### **Other**

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

There are no relevant policies in the Shenstone Neighbourhood Plan.

#### **Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy

Strategic Policy SP10: Sustainable Development

Local Policy SD1: Sustainable Design and Master Planning

Policy LT1: Parking Provision

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

## **CONSULTATIONS**

### **Network Rail**

No comments. (11.11.2022)

### **Shenstone Parish Council**

Object on the following grounds: -

- Original title of application is misleading (retention of double garage) as the proposal is for a new garage in a separate location with the existing garage being converted.

- This is a retrospective application as construction has commenced.
- Other development works ongoing are not covered in the application.
- Affected neighbours have not been consulted and a site notice has not been put up
- The land surface that the proposed garage is being built on is subject to covenanted restrictions.
- Application does not conform to H2 of the Shenstone Neighbourhood Plan in respect of backland development.
- The garage does not reflect the character of the existing property and would result in cramming.
- The proposal would be a discordant structure restricting the openness and causing harm to the residential amenity of the estate.

### **LETTERS OF REPRESENTATION**

On 08/11/2022 neighbour consultation carried out with regards to the initial planning application as submitted. On 01/12/2022 a further neighbour consultation carried out following amendment to description of application.

13 letters of objection have been received from the occupiers of neighbouring properties. These objections are available to view on the Council website and their objections are summarised below: –

- The application is misleading. There would be no need to ‘retain’ the proposed garage if the existing garage had not been converted.
- A garden brick wall, lawn, shrubs and trees have been removed and so the depiction of 3 car parking spaces showing as existing is an attempt to mislead.
- The objections of the parish council are reiterated.
- The erection of a separate building will block out light and change the overall view of open space.
- The proposal will reduce both the feeling and enjoyment of open amenity space.
- The garage could be used as an office or even small bungalow
- A precedent would be set that could lead to crowding of the estate.
- The building work to the house has impacted neighbours with loud music and vans blocking access.
- The application does not include the ongoing work to the house and front porch.
- The garage would take away an open view onto communal land.

A further neighbour representation was received objecting to the proposal This information was reported to Planning Committee as a supplementary officer update sheet and is set out below

The neighbour objection includes various photographs purporting to show the garage as the objector envisages it would appear and extend beyond the plane of the front elevation of the existing garage at no. 11. This representation includes further objections based on the content of the original officer report and is detailed below:

- It is asserted that paragraph 2.3 of the officer report is ‘inaccurate and misleading’ as it describes the proposed garage as sitting alongside the existing garage at no.11 when it would actually sit ‘significantly in front’ of the existing garage.
- The brickwork that has already been built sits further forward than that which is laid out in submitted plans.
- The resultant loss of outlook on open land to the west would be significant.
- The proposed garage would impact on view and light from no.11
- The proposed garage does constitute backland development as it would be constructed on land that was previously used as a back garden enclosed by a brick wall. It would therefore engage policy H2 of the Shenstone Neighbourhood Plan.

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

Proposed Elevations / Plans

9FC-05

## **OBSERVATIONS**

### **Site and Location**

The application relates to a detached property located to the western end of Foden Close in Shenstone. Foden Close terminates with a hammerhead and the application property and No 11 opposite is served by a private access. To the front of No11 there is an existing double garage.

The property is situated in a residential area as part of a modern development amongst properties matching in style. The property as originally built benefited from an integral garage located to the north side elevation. This garage is in the process of being converted to amenity space by the applicant.

To the rear (west) is a railway line, the embankment of which is separated by a strip of scrubland that is approximately 10m wide.

The site is within the 15km area of the Zone of Influence for Cannock Chase Special Area of Conservation.

Further information has been submitted by the applicant in the form of photographs showing the application site as it was before works commenced on site. This shows that a brick wall, approximately 2m high between the corner of the dwelling and the garage at No11 behind which was a lean to shed.

### **Proposals**

This application seeks permission for the erection of detached double garage (part retrospective).

The proposed garage would be positioned to the northern side of the existing property, in garden space forward of the front elevation of the host property. The garage would measure 6m x 5m with a height of 3.7m and have a dual pitched roof. The garage would be constructed of brick and tile to match the existing dwelling.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Impacts on the Character of the Area
3. Residential Amenity
4. Parking and Highway Safety
5. Biodiversity
6. Cannock Chase SAC
7. Other Matters
8. Human Rights
7. Conclusion

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

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015, the Local Plan Allocations Document (2008-2029), adopted in July 2019 and the Shenstone Neighbourhood Plan (2016). The Local Plan Policies Maps form part of the Local Plan Allocations Document.



1.2 The NPPF sets out a presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.

1.3 The application relates to an outbuilding at a residential property located within a predominantly residential area. The application site is sustainably located within the settlement boundaries for Shenstone as identified in the Local Plan and as such, the principle of the proposal is considered to be acceptable. However, proposals that are acceptable in principle are subject to all other policy tests which will now be discussed in turn.

## 2 Design and Impact on the Character of the Area

2.1 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. In particular paragraph 130 of the NPPF states that 'planning decisions should ensure developments' are (b) 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping' and are (c) 'sympathetic to local character and history including the surrounding built environment and landscape setting'. This sentiment is echoed in Core Policy 3 of the Local Plan Strategy which states that development should: "protect and enhance the character and distinctiveness of Lichfield District"; "be of a scale and nature appropriate to its locality" and "encourage the re-use of previously developed land". Policy BE1 of the Local Plan Strategy states 'development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on new development in terms of layout, size, scale, design and public views'. The policy continues to expand on this point advising that good design should be informed by "appreciation of context, as well as plan, scale, proportion and detail".

2.2 The proposed garage would be sited to the northern side of the property in the existing front garden and has been designed with matching materials and of domestic scale to ensure a satisfactory appearance that reflects those materials found on Foden Close.

2.3 It is noted that an objection has been made regarding the size and scale of the proposed development. From a design perspective, it is considered that the development is of a similar scale and footprint to the garage of the neighbouring property at No11 Foden Close that it would sit alongside.

2.4 Objections have also been raised on the grounds that the proposal would change the overall view of open space and would take away an open view onto communal land. However, although there would be some erosion of openness within the streetscene this would be marginal and insufficient to warrant refusal. Furthermore, although the garage would reduce views of the open land to the west of Foden Close it should be noted that these views are already restricted by the garage at No11 and the wall that separates the close from the open land to the west. Some views of the trees to the west would remain over the garage and to its side. Again, the overall effect would be marginal, not significantly affect the character of the area and would be insufficient to warrant refusal.

2.5 In terms of overall design and impacts on the character of the area, it is considered that the proposals meet the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.

## 3 Residential Amenity

3.1 Paragraph 130(f) of the NPPF states 'planning policies and decisions should ensure that developments [amongst other things] 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. Similarly, Core Policy 3 of the Lichfield Local Plan Strategy states that development should "protect the amenity of our residents".

- 3.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 3.3 Objections have been raised from the occupiers of a neighbouring property with regards to a potential loss of light. The Sustainable Design SPD sets out that a 25-degree guideline will be utilised to assess the impact of a new building opposite an affected window. Given that the proposed garage would be single storey with a maximum height of 3.7m, and would be largely screened from No11 by the existing double garage serving that property, there is no possibility of any part of it intercepting a perpendicular line drawn with a 25-degree vertical angle from the centre of the nearest neighbouring window. It is therefore concluded that the proposed extension would not result in a significant loss of light to neighbouring properties. Therefore, the amenities of the occupiers of neighbouring residential properties would be preserved.
- 3.4 In respect to impact on the amenity of the existing and future occupiers of the application property it is noted that the proposed garage would be forward of the front elevation. As such the proposed development would retain a rear private amenity area of approximately 90m<sup>2</sup> which exceeds the 65m<sup>2</sup> set out in the Design SPD. As such the proposal would provide sufficient amenity space to meet the needs of occupiers.
- 3.5 The proposals are considered to achieve a high standard of residential amenity in accordance with Policies CP3 and BE1 of the Local Plan Strategy and paragraph 130(f) of the NPPF.

#### 4. Biodiversity

- 4.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it “Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”. It further requires that all development deliver a net gain for biodiversity.
- 4.2 Taking into account the submissions, that the site of the garage was part of a formal garden it is not considered that the proposals would cause significant harm to existing biodiversity. An informative to remind the applicant of their responsibilities in terms of wildlife legislation should be attached to any permission granted. The proposal is therefore considered acceptable with regard to the ecological considerations of the development plan.

#### 5. Cannock Chase SAC

- 5.1 Policy NR7 of The Lichfield Local Plan Strategy states that before development is permitted it must be demonstrated that either alone or in combination with other developments the proposal will not be likely to lead directly or indirectly to an adverse effect on the integrity of the Special Area of Conservation (SAC).
- 5.2 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impacts of the development on the Cannock Chase SAC.
- 5.3 A Habitat Regulation Assessment has been completed which has screened out the requirement for an ‘appropriate assessment’ as the development would not increase the number of dwellings within the defined zone of influence for the Cannock Chase SAC. Where the number of dwellings does not increase through the development proposals there is no requirement for mitigation through a financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.

6. Other matters

- 6.1 Further concerns raised by neighbouring residents and the Parish Council not addressed in the above report will be considered below.
- 6.2 This application deals solely with the proposed garage. Objections relating to other work being conducted at the property such as a porch or garage conversion are not the subject of this application and are not material to its determination. For the avoidance of doubt the porch would constitute permitted development and would not require the consent of the Local Planning Authority
- 6.3 Objections stating that letters to neighbours had not been sent and a site notice not put up were made somewhat prematurely. Letters notifying neighbours of the application were initially sent on 08/11/2022 with further letters sent on 01/12/2022 and a site notice posted to advise of an updated application description.
- 6.4 In respect to restrictive covenants officers would advise that the existence of a restrictive covenant is not a material planning consideration. Rather it is a civil matter for the relevant parties to that covenant to settle.
- 6.5 In respect to the comments received that the proposal would conflict with Policy H2 of the Shenstone Neighbourhood Plan with regard to backland development, Officers would comment that the proposed garage is sited forward of the front elevation, does not constitute backland development and therefore does not engage Policy H2.
- 6.6 With respect to the comments received that the garage may be used for other purposes Officers would comment that this issue could be adequately addressed by a condition restricting the use of the garage. It is recommended that any approval should be subject to a condition that the garage shall only be used for purposes incidental to the enjoyment of the main dwelling.
- 6.7 Objections were raised regarding the removal of shrubs, a wall and 2 trees in the front garden. Council records indicate there were no trees of importance and this would therefore constitute landscaping of a private amenity space which the owner would be entitled to undertake.
- 6.8 Officers reiterate that the proposed garage would be sited to the side of the existing garage and could be reasonably described as sitting alongside it. However, Officers agree that the proposed garage would project forward of the plane of the front elevation of the existing garage at No.11, as shown on the submitted plans. The garage would project 3m beyond the plane of the front elevation of the garage at No.11 Foden Close.
- 6.9 The application must be determined based on the plans as submitted. A condition that the development shall be carried out 'in complete accordance with approved plans' is included in the recommended conditions and Officers would point out that failure to build out in accordance with the approved plans could result in enforcement action being taken.
- 6.10 Officers would caution against reliance on the submitted visual representations, as their accuracy cannot be verified.
- 6.11 Officers maintain that any loss of outlook over open land as a result of the development is considered marginal and insufficient to warrant refusal. However, Officers advise that this a matter of planning judgement for the Planning Committee to consider.
- 6.12 As detailed in the main planning report, the Sustainable Design SPD sets out that a 25-degree guideline will be utilised to assess the impact of a new building opposite an affected window. The proposed garage would not intercept a perpendicular line drawn with a 25-degree vertical

angle from the centre of the nearest neighbouring window and therefore, it is concluded that the proposed extension would not result in a significant loss of light to No.11 Foden Close.

- 6.13 Officers disagree that they have ignored the comments of objectors. The comments of the objectors have been summarised in the main report and on the basis of the facts of the case, officers have come to a different conclusion which they are entitled to do.
- 6.14 The Shenstone Neighbourhood Plan defines backland development as follows – ‘Backland development is defined as development on land behind the rear building line of existing housing or other development, and is usually land that has previously been used as gardens, or is partially enclosed by gardens’.
- 6.15 The proposed garage would sit forward of the plane of the existing front elevation of the host property and would not be behind the plane of the rear building line. The officers main report stated that Policy H2 would not be engaged and this is reiterated and officers maintain their position as stated in the main officer report. Officers would point out that Policy H2 ‘Residential Infill and Backland Development’ of the Neighbourhood Plan relates to the provision of residential development and does not apply to curtilage buildings, many of which in rear gardens are carried out under permitted development rights.

## 7. Human Rights

- 7.1 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**

Having had regard to all relevant local and national policies and guidance it is concluded that the proposed development is acceptable in principle at this location. Furthermore, it is considered that the development would not cause significant harm to the character and appearance of the area, the amenity of neighbouring properties or biodiversity.

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

Lichfield  
district council

www.lichfielddc.gov.uk

District Council House  
Frog Lane  
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WS13 6YY

Telephone: 01543 308000  
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# LOCATION PLAN

18/00840/OUTME1  
Land North Of Browns Lane  
Tamworth

Scale: 1:4,000

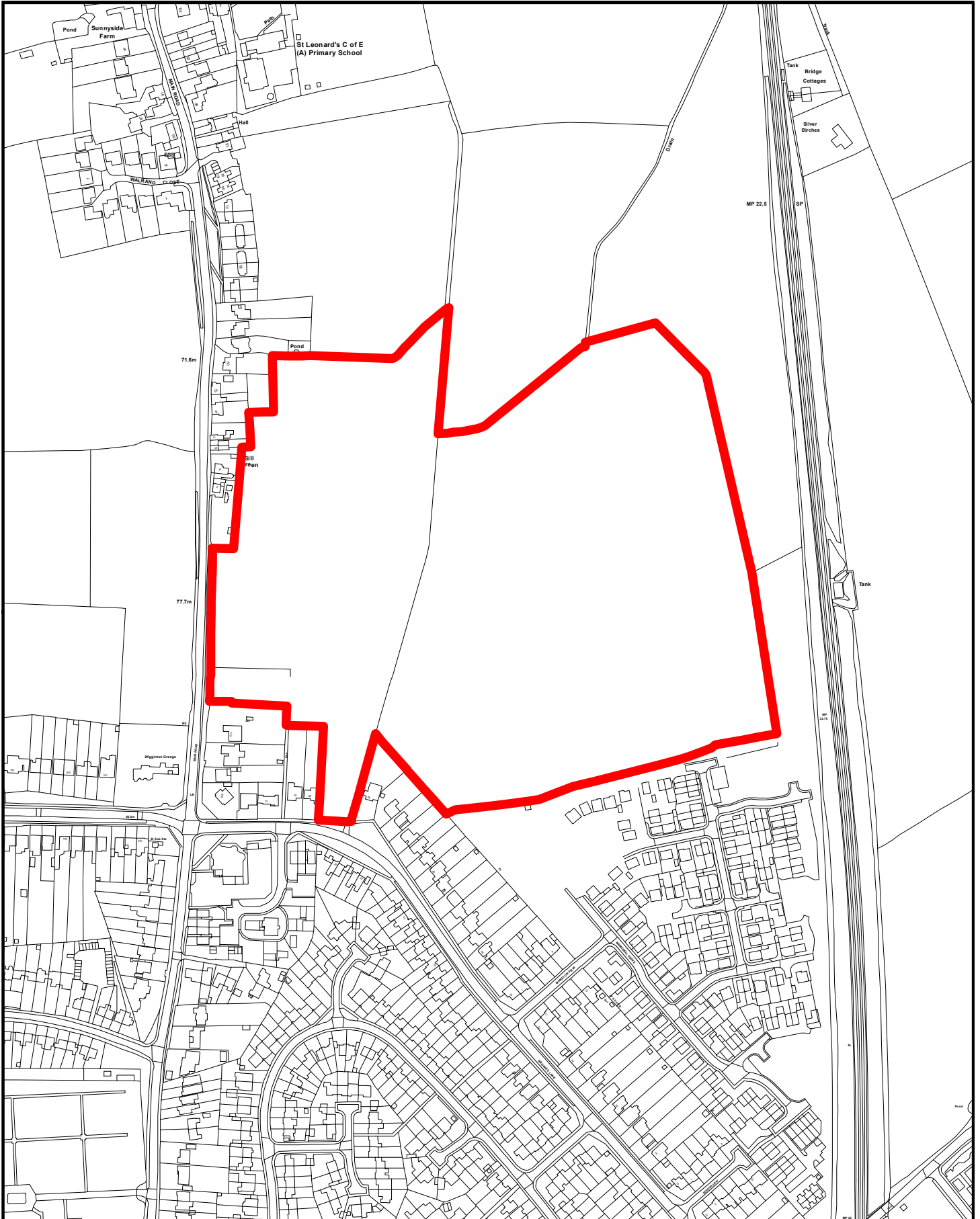
Dated: February 2023

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## 18/00840/OUTMEI

Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access).

Land North of Browns Lane, Tamworth, Staffordshire

FOR Summix BLT Developments Ltd

Registered 31/05/2018

**Parish:** Wigginton & Hopwas

**Note:** This outline planning application is being reported to the Planning Committee for determination due to the opinion of two or more senior officers it is considered appropriate for the Committee to determine the proposal in view of the scale of development and the issues arising. Furthermore, a planning objection has been received from the Wigginton & Hopwas Parish Council.

The objections raised by Wigginton, Hopwas and Comberford Parish Council are summarised as follows:

- Object to the development proposal on the grounds of conflict with the Neighbourhood Plan
- The detrimental impact on the character of the area/ inappropriate development
- Impacts on highway safety/ traffic impacts
- Disruption during construction
- Impact on the local landscape

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

1. The site is not allocated for development and is located outside of any defined settlement boundaries within the adopted Lichfield Local Plan Strategy. Furthermore, the level of housing growth from this development would be contrary to the spatial strategy as set out in the adopted Local Plan Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth in line with the settlement hierarchy of approximately 1,000 units. Whilst the housing figure is an approximate, it is considered important to maintain the general thrust of the adopted Local Plan Strategy. To date the current committed development and completions in this location equates to 1,165 units and it is considered that an additional 210 units would result in an alteration to the proportionate level of growth set out within the adopted Local Plan. The proposed scheme of development is therefore contrary to the spatial plan for new housing and requirements set out in policies CP1 (The Spatial Strategy), CP6 (Housing Delivery), Policy Rural 1: Rural Areas of the Local Plan Strategy 2015, Policy NT1 (North of Tamworth Housing Land Allocations) of the Local Plan Allocations Document and the National Planning Policy Framework.
2. The proposed development would extend the northern edge of Tamworth much closer to the village of Wigginton, of which the historic part is a designated Conservation Area. The proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. None of the public benefits associated with the proposal would outweigh this harm. The proposals are therefore contrary to policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies W1, WHC1 and WHC3 the Wigginton Hopwas & Comberford Neighbourhood Plan (2016) and the National Planning Policy Framework.

3. The indicative housing mix proposes 25.2% of the dwellings to be 4+ bed roomed dwellings which is significantly higher than the 12% estimate requirements for 4 bed plus dwellings set out within the adopted Local Plan Strategy, and substantially fewer 1 or 2 bed roomed dwellings with 36% being shown on the layout and evidence showing a need for 47% 1 or 2 bed roomed dwellings within the District. The indicative housing mix therefore fails to comply with the requirements of Policy H1 (A Balanced Housing Market) of the Local Plan Strategy which seeks to address an imbalance of dwelling types within the District by providing a mix of property types and sizes to contribute towards the development of mixed and sustainable communities. The scheme is contrary to evidence contained within the Southern Staffordshire Housing Needs Study & SHMA Update (2012), the Housing and Economic Development Need Assessment Update November 2020 and policy H1(A Balanced Housing Market) of the Local Plan Strategy 2015 and the National Planning Policy Framework.
4. It has not been demonstrated that a policy compliant net gain to biodiversity can be achieved from the proposals. As proposed, the scheme of development would therefore present a net loss to biodiversity and as such, fails to comply with the requirements of Core Policy 13 (Our Natural Resources) and Policy NR3 (Biodiversity, Protected Species and their Habitats) of the Lichfield Local Plan, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

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

1. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding, however, that it is an unsustainable form of development which conflicts with relevant development plan policies and material planning considerations including the National Planning Policy Framework. Although it has not been possible to approve this application, possible solutions were proactively considered in an attempt to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission they may appeal to the Planning Inspectorate, in accordance with Section 78 of the Town & Country Planning Act, 1990 (as amended), within six months of receipt of this notice, or in exceptional cases a longer period as the Planning Inspectorate may allow.
3. You must use a Planning Appeal Form when making your appeal, which is obtainable from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>. Only the applicant has the right of appeal.
4. The Inspectorate may publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the Local Authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available at <https://acp.planninginspectorate.gov.uk>.

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#### **PLANNING POLICY:**

**National Planning Policy**  
National Planning Policy Framework

### **Local Plan Strategy**

Policy CP1 – The Spatial Strategy  
Policy CP2 – Presumption in Favour of Sustainable Development  
Policy CP3 – Delivering Sustainable Development  
Policy CP4 – Delivering Our Infrastructure  
Policy CP5 – Sustainable Transport  
Policy CP6 – Housing Delivery  
Policy CP13 – Our Natural Resources  
Policy CP14 – Out Built & Historic Environment  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy IP1 – Supporting & Providing Our Infrastructure  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees Woodland & Hedgerows  
Policy NR5 – Natural & Historic Landscapes  
Policy NR6 – Linked Habitat Corridors & Multi-functional Greenspaces  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision  
Policy BE1 – High Quality Development

### **Lichfield Local Plan Allocations Document**

Policy NT1 - North of Tamworth Housing Land Allocations

### **Wigginton, Hopwas & Comberford Neighbourhood Plan (2016)**

Policy WHC1  
Policy WHC2  
Policy WHC3  
Policy WHC4  
Policy W1

### **Supplementary Planning Documents**

Biodiversity & Development SPD  
Developer Contributions SPD  
Rural Development SPD  
Sustainable Design SPD  
Trees Landscaping & Development SPD

### **Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include:

Strategic policy 1 (SP1): The Spatial Strategy  
Strategic policy 2 (SP2): Sustainable transport  
Strategic policy 3 (SP3): Sustainable travel  
Strategic policy 4 (SP4): Transport safeguarding  
Strategic policy 5 (SP5): Infrastructure delivery



Strategic policy 6 (SP6): Infrastructure delivery  
Strategic policy 10 (SP10): Sustainable development  
Strategic policy 12 (SP12): Housing provision  
Strategic policy 15 (SP15): Natural resources  
Strategic policy 16 (SP16): Natural and historic landscapes  
Strategic Policy 17 (SP17): Built and Historic Environment

Local policy LT1: Parking provision  
Local policy INF1: Supporting and providing infrastructure  
Local policy INF2: Provision of social and community infrastructure  
Local policy INF3: Retention of social and community infrastructure  
Local policy INF4: Green infrastructure, open space and playing pitches  
Local policy INF5: New open space provision requirements  
Local policy SD1: Sustainable design and master planning Local policy SD1: Sustainable design and master planning  
Local policy H1: Achieving a balanced housing market and optimising housing density  
Local policy H2: Affordable housing  
Local Policy NR1: Countryside Management  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodlands and Hedgerows  
Local Policy NR4: Linked Habitats and Connectivity

The above policies, including allocations for residential development reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

#### **RELEVANT PLANNING HISTORY:**

**07/01160/OUTM-** Outline application for approximately 250 residential units with associated access, open space and landscaping- Refused 29.1.2008

Arkall Farm located to the east of this site

**14/00516/OUTMEI-** Phased development of up to 1000 homes, primary school, local centre, public open space, landscaping, new vehicular and pedestrian accesses, primary substation and associated infrastructure- Approved by the Secretary of State 07.06.2018

**19/00777/REMM-** Application for approval of Reserved Matters (access, scale, layout, appearance and landscaping) for provision of access, road, cycleway, and drainage infrastructure for phases 1 and 2, and open space for phase 1 in accordance with application ref 14/00516/OUTMEI (APP/K3415/V/17/3174379)- Approved, subject to conditions 03.03.2020

**20/00772/REMM-** Reserved Matters application relating to application 14/00516/OUTMEI for the provision of public open space for Phase 2 in the central area of the site including details of access, appearance, scale, layout and landscaping- Approved subject to conditions. 22.7.2021-

Various applications to discharge conditions have been submitted and approved or are under consideration in relation to planning ref: 14/00516/OUTMEI.

#### **CONSULTATIONS:**

**Wiggington, Hopwas and Comberford Parish Council** - Object to the development proposal on the grounds of conflict with the Neighbourhood Plan, detrimental impact on the character of the area including the coalescence of Tamworth and Wiggington, highway safety, disruption during construction, impact on landscaping, the loss of land which includes evidence of medieval farming, inappropriate development, increase in traffic. (12.07.2018; 11.01.2020; and 25.03.22).

**Tamworth Borough Council** - Whilst the scheme is unlikely to harm the designated asset (Perrycrofts) within the Tamworth District, concerns raised with regards to the Wiggington Conservation Area which is located within the Lichfield District are supported. (23.03.20)

Initial comments- It has not been demonstrated that the development will not have a significant adverse impact on the highway network within Tamworth Borough. S106 contributions would be required towards mitigating the impact on, but not limited to, sports and leisure facilities in Tamworth Borough. (17.01.20)

**Tamworth Borough Council (Conservation Officer)**- Concurs with the views of the LDC Conservation Officer. Concerns raised regarding the impact on the Wiggington Conservation Area. (23.03.20)

**Natural England** – Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (28.11.2022)

Initial comments- No objections – (03.07.18/ 22.03.22/ 13.04.22)

**National Highways** – Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (24.11.2022)

Initial comments- No comments to make. (27.06.18; 10.03.22; 23.03.22)

**Architecture Liaison Officer** - No objections to the proposals. Recommendations in relation to anticrime advice provided (05.03.22)

**Environmental Agency** – Comments were previously made in relation to the scoping opinion. Position remains the same. This falls outside our statutory remit therefore, have no comments to make. – (19.06.18 & 10.03.22)

**Severn Trent Water** - No objections, subject to a condition requiring drainage plans to be submitted. (16.07.18; 14.03.22; and 28.03.22)

**Staffordshire Fire & Rescue** – No objections were raised. Points outlined for consideration (14.06.18 & 25.03.22)

**Network Rail**- No objection in principle, further information in relation to drainage, fencing and protection of railway assets is required. (20.06.18)

**Sport England** - No objections. (10.03.22 & 23.03.22)

**The Ramblers Association** – Note that there is a public right of way within the site. Careful consideration of the public routes is requested. (16.03.22)

**Staffordshire County Council (Highways)**- Final- In relation to the updated Environmental Impact information submitted, the County Highway comments remain unchanged, as the majority of the technical transport and highways information has been previously agreed. (14.12.2022)

Updated- Additional information provided, including a mitigation scheme and travel plan. No objections, subject to reserved matters applications and conditions/ S106 agreement to include a construction management plan, a masterplan, bus stop locations and off-site highway works. (13.01.22; 10.03.22; and 18.03.22)

Initial comments- Further justification and details required with regards to the transport assessment, Transport Environmental Statement and the travel plan. (03.07.18)

**Staffordshire County Council (Minerals & Waste)**- No comment to make on the application. (13.06.18)

**Staffordshire County Council (School Organisation) – Final-** No further comments to add in relation to the updated Environmental Impact information submitted. The previously requested financial contribution is still required. (05.12.2022)

Updated- Request financial contribution of £1,619,176 to deliver 65 primary school places, 23 secondary school and 5 6<sup>th</sup> Form Places. (23.03.22 & 30.03.22)

Initial comments- Request financial contribution of £1,099,321.00 to deliver 65 primary school places, 23 secondary school and 5 6<sup>th</sup> Form Places. (02.07.18)

**Staffordshire County Council (Rights of Way) – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (24.11.2022)

Initial comments- Public Footpath No.1 Wiggington Parish runs through the site. This should not be diverted, extinguished or blocked by the proposals. (10.03.22/ 23.02.22)

**Staffordshire County Council (Flood Risk team) – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Initial comments- No objections, subject to a drainage condition to be applied (03.07.18 & 22.03.22)

**Staffordshire County Council (Economic Development & Planning Policy)-** Confirmation provide that SCC are satisfied with the technical engineering scheme and modelling work undertaken to mitigate the impacts of this proposal in relation to traffic. Arkall Farm and other commitments were taken into account when modelling the proposal at Browns Lane. (21.11.19)

**Staffordshire County Council (Archaeology)-** A programme of Archaeological work should be secured by condition given the potential for archaeological remains across the site. (08.12.2022)

**LDC Spatial Policy & Delivery Team – Final-** The site is not allocated for residential development and the committed development exceeds the level of growth planned for this area in the Local Plan. Furthermore, the dwelling mix cannot be supported and there is conflict with provisions made in the Wiggington, Hopwas and Comberford Neighbourhood Plan. (29.03.22)

Initial comments- The proposed development would be contrary to the Local Plan Spatial Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth. It is considered that an addition 210 units would result in an alteration to the proportionate level of growth set out in the Local Plan. The proposed housing mix is not supported and the development conflicts with several policies in the 'Made' Wiggington, Hopwas and Comberford Neighbourhood Plan, particularly in relation to the potential coalescence of the village of Wiggington with development to the North of Tamworth. (11.07.18)

**LDC Housing and Wellbeing Manager – Final-** Whilst delivery of affordable housing is generally supported, this site is surplus to other strategic sites and may exceed the need of the area. (12.04.22)

Initial comments- Concerns were raised regarding the level of growth in this location. The affordable housing level of 40% is welcomed and bungalows should be included. (24.07.18)

**LDC Arboriculture- Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Initial comments- Although the proposals are in outline with all matters reserved, the scale, density of the development will impact on the ability of the developer to provide sufficient landscaping and trees and the NPPF requirements for tree lined streets. Additional information is requested. (21.03.22)

**LDC Parks & Leisure Services – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (15.12.2022)

Initial comments- The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all Public Open Space areas are covered by a suitable management organisation and plan. (14.03.22)

**LDC Ecology Team – Final-** The Ecology team is satisfied with the updated ecology survey submitted and it can be considered that the development would not harm a protected species. Mitigation as set out in the reports should be conditioned. However, objections remain as insufficient information regarding biodiversity impacts or net gain has been submitted. (25.01.2023)

Updated- No further comments to add in relation to the updated Environmental Impact information submitted. (14.12.2022)

Final- Further survey works required given the age of the original surveys submitted. The originally requested biodiversity impact and net gain information is also required (21.04.22)

Initial comments- The Ecology team is satisfied with the ecology information submitted and it can be considered that the development would not harm a protected species. However, insufficient information regarding biodiversity impacts or net gain has been submitted. (11.07.18)

**LDC Environmental Health – Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (16.12.2022)

Initial comments- No objection to the proposals. A full noise survey would be required. (22.06.18; 22.03.22; 05.04.22)

**LDC Joint Waste Service –** No objections. Advice provided with regards to refuse requirements and unobtrusive areas for bin storage and collection protocol. – (12.06.18; 11.03.22; 24.11. 2022)

**LDC Economic Development Officer-** No objections. (03.07.18)

**LDC Conservation & Design Team– Updated-** No further comments to add in relation to the updated Environmental Impact information submitted. (19.12.2022)

Final- An amended Heritage Statement has been submitted. The proposed development would diminish the rural setting of the Conservation Area, resulting in harm. This harm should be given significant weight in the planning balance. (24.02.20 & 08.04.22)

Initial comments- Object to the proposals on the grounds that the proposal would harm the significance of Wigginton Conservation Area. (28.06.18 & 30.12.19)

#### **LETTERS OF REPRESENTATION:**

Upon receipt of the original application, neighbouring properties were notified and site and press notices were posted. 11 Responses were received from neighbouring occupiers/ local residents raising objections to the proposals. Objections are summarised as follows:

- The scheme would have a detrimental impact upon existing services including doctors surgeries and schools which are over capacity at present.
- Effects on amenities of Tamworth residents unacceptable from an additional 210 houses.
- Destruction of the Countryside, Impact on Wildlife, including protected species unacceptable
- Highway impacts in terms of congestion
- Highway safety impacts
- Detrimental impact on the character of the area and loss of green space

- Impact on wellbeing of residents
- Extra houses not required or justified, will just put more pressure on Tamworth services
- Conflict with local plan
- Lichfield DC relying upon development at Tamworth to the detriment of Tamworth

Following the submission of amended information in March 2022, a further re-consultation was undertaken with neighbouring occupiers and local residents. A further 13 responses were received, two from properties who had previously responded, raising objections on the grounds set out above.

Following receipt of updated Environmental Impact Assessment information, a further round of consultation was carried out with neighbouring occupiers and local residents in November 2022. 10 responses were received, raising objections to the scheme on the following grounds:

- Impact on local facilities including doctors surgeries and schools which are already over-subscribed.
- The land is green space and should be retained as such.
- The land is not allocated for development, there is no need for further housing in Tamworth.
- Traffic impacts and congestion on local roads
- Highway safety
- Impact on wildlife
- The site is important green space for the local community.

In addition to the above, letter of objection has been received from Bird, Wilford and Sale Solicitors on behalf of Barwood Land (the developers of the Arkall Farm development) dated 11.04.2022. Objections were raised in relation to the response received from the County Highway Authority dated 13.01.2022. A separate letter raising concerns with the basis for the response was also sent to the County, which submits that there is no rational justification for the response raising no objections. In particular, they consider that this response is based on false information and fails to take into consideration all of the committed development at the nearby Arkall Farm development. It is considered that the scheme would result in a severe impact on the highway network, being in conflict with the requirements of paragraph 111 of the NPPF.

The response suggests the scheme would result in a material and significant risk to the delivery of the Arkall Farm development and questions whether a reasoned, informed and balanced decision can be reached by the Local Planning Authority.

**PLANS/ DOCUMENTS CONSIDERED AS PART OF THIS RECOMMENDATION:**

1:7500 Location Plan dated as received 07 June 2018  
 P16-1451-05-2 Rev K Indicative Masterplan dated as received 19 December 2019  
 Environmental Statement and Appendices dated as received 07 June 2018  
 Planning Policy Update Statement dated as received 25 February 2022  
 Gungate Corridor stage 1&2 Road Safety Audit dated as received 17 March 2022  
 Gungate Corridor Improvement Scheme dated as received 17 March 2022  
 GGLE-HAD-OF-DR-CE-SKO6 Gungate Improvements dated as received 17 March 2022  
 GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1 dated as received 17 March 2022  
 GG-LE-HAD-OF-DR-CE-100 Rev D S278 Overview Layout dated as received 17 March 2022  
 GG-LE-HAD-OF-DR-CE-101 Rev D S278 General Arrangement dated as received 17 March 2022  
 GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1 dated as received 17 March 2022  
 211019\_Traffic Flows\_REV3\_DTA\_mode (traffic flow diagrams) dated as received 17 March 2022  
 Highways Technical Note 21017 dated as received 17 March 2022  
 Highways Technical Note (Response to SCC Highways Comments) dated as received 17 March 2022  
 Residential Travel plan dated as received 22 March 2022  
 J32-4320-PS-001 Site Access Arrangements dated as received 18 March 2022  
 Environmental Statement- Updated Cover Report (Transport) dated as received 12 September 2022

Environmental Statement-Figure 2.1 Updated Off Site Junction Locations dated as received 12 September 2022

Environmental Statement- Updated Highways and Transport Technical Notes 002, 003, 004 Rev C dated as received 20 September 2022

Environmental Statement- updated Air Quality Information dated as received 15 November 2022

Environmental Statement- Updated Cover Report (Air Quality) dated as received 15 November 2022

## **OBSERVATIONS:**

### **Site and Location**

This application relates to an irregular shaped site located to the rear of properties fronting onto Browns Lane in Tamworth. The site equates to 12.89 hectares of land, 12.65 hectares of which is within the Lichfield District Council boundary. The main access to the site would be located in between No's 60 and 68 Browns Lane and lies within Tamworth Borough. The site would adjoin the boundary with an existing residential development of 175 dwellings to the South known as Chestnut Walk. To the north is open agricultural land, with Syerscote Lane beyond. To the West is Main Road, Tamworth and to the East is the Birmingham to Derby Railway line.

Public footpath Tamworth 21 routes through the site from North to South connecting Browns Lane to Public footpath Hopwas No.1 to the North of the site

The site is situated to the north of the urban area of Tamworth and to the south of the village of Wiggington, and falls mainly within the Lichfield District administrative area. The Tamworth Borough Council District boundary runs along the rear boundary of properties fronting onto Browns Lane, meaning that part of the access falls within Tamworth Borough. The site is also largely located within the Wiggington & Hopwas Neighbourhood Plan Area.

The application site is situated outside of Green Belt designation and outside of any Special Area of Conservation (SAC) zones of influence. The site does not fall within any Conservation Area, does not contain any Listed Buildings, or Tree Preservation Orders. It is noted that the village of Wiggington includes a Conservation Area and a number of Listed Buildings. The site is located within Flood Zone 1.

### **Background**

This application is a cross boundary application and as such an application has also been made to Tamworth Borough Council for the same development. The application (Ref 0241/2018) was registered on 11 June 2018 is currently under consideration by Tamworth Borough Council.

The application is in the vicinity of the Arkall Farm development, where outline permission for up to 1000 dwellings was approved under planning reference 14/00516/OUTMEI in the summer of 2019 (following the submission of this application). Consent was granted by the Secretary of State, which included specific conditions to secure a 'monitor and manage' mitigation strategy to monitor, and if necessary, mitigate the transport impacts of phases of the development. The phases, secured through conditions 27, 28 and 29 of the consent require various evidence, information and mitigation to be provided upon the completion/ occupation of 200, 300 and 500 houses. Currently, completion records indicate that over 200 houses have been completed, but the trigger set out in the planning conditions for the occupation of 300 dwellings has not yet been met.

### **Proposals**

This application seeks outline planning permission for the erection of up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. This outline submission is with all matters reserved except access. Matters relating to appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time.

The proposed access would be located between No's 60 and 68 Browns Lane where there is an existing field entrance, with the indicative masterplan showing that residential development would be located broadly to the East of the site, with areas of public open space located to the West. The Planning Statement confirms that 40% of the dwellings (84 Units) would be provided as affordable housing and 5.1 hectares of public open space would be included within the development.

Footpath/ cycle links would run through the development and align with linkages outside of the site and children's play areas are proposed. A storm water attenuation pond which would include biodiversity and ecological enhancements would be located in the Northern area of the site.

The planning statement and indicative masterplan sets out a mix of housing as follows:

Unit size	Number	%
1 bed	4	2%
2 Bed	71	34%
3 Bed	82	39%
4 Bed	53	25%
	210	100%

The application is made in outline, with an illustrative master plan showing how the resultant site could appear. The outline planning submission currently under consideration is with all matters reserved except for access.

The application is supported by a Planning Statement, Environmental Impact Statement, Ecology Surveys, Noise Assessment, Transport Assessment, Archaeological Assessment and Report, Statement of Community Involvement, Landscape and Visual Impact Assessment and drainage information.

The Environmental Impact Statement was updated in part between September and November 2022, in order to reflect the committed development of 1000 houses at Arkall Farm, which was allowed on appeal in July 2019, after the submission of this application in June 2018. Specifically, the Air Quality, Ecology and Transport sections were updated.

### **Determining Issues**

1. Policy & Principle of Development
2. Dwelling Mix
3. Design & Impact on Heritage Assets
4. Residential Amenity
5. Access & Highway Safety
6. Arboricultural Impacts
7. Ecology
8. Drainage
9. Planning Obligations
10. Other Issues
11. Human Rights

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

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location the Wiggington,

Hopwas and Comberford Neighbourhood Plan was also made in 2016 and as such, also carries full material weight.

- 1.2 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.3 The Five Year Housing Land Supply 2021 for Lichfield shows that the District Council can currently demonstrate a 13.4 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.
- 1.4 Given that the Council can demonstrate a 5-year housing land supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.

#### The Local Plan

- 1.5 Core Policy 1: The Spatial Strategy states that growth will be located at the most accessible and sustainable locations in accordance with several stated locations, which includes the North of Tamworth Strategic Development Allocations.
- 1.6 Core Policy 6: Housing Delivery sets out the Councils approach to housing delivery in particular. This policy outlines that the Council will plan, monitor and manage the delivery of at least 10,030 houses between 2008- 2029, with 1000 dwellings coming forward on the North of Tamworth allocated site. 500 of these dwellings would meet the needs arising within Tamworth Borough.
- 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; Encourage the reuse of previously developed land in the most sustainable locations, and encourage the reuse of buildings as a sustainable option; and Ensure that all new development and conversion schemes are located and designed to maximise 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 The Local Plan Allocations Document defines the sites which are allocated for residential development with Policy NT1: North of Tamworth Housing Land Allocations allocating Site NT1: Land at Arkall Farm for 1,000 dwellings and Site NT2: Land north of Browns Lane for 165 units. Both of these sites benefit from planning permission with construction underway on Site NT1 and development at Site NT2 complete. The application site is not within either of these sites and has not been identified and proposed for allocation within the adopted Local Plan or the emerging Local Plan.
- 1.9 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 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. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings is sought and supported by the Local Plan.

#### Wigginton, Hopwas and Comberford Neighbourhood Plan

- 1.10 Policy WHC1 requires that the existing rural environs of the Neighbourhood Plan Area shall be maintained to ensure that there is a clear distinction between the villages of Wigginton, Hopwas and Comberford and the urban area of Tamworth. Any proposed development shall have regard to this distinction and shall only be allowed where it is supported by evidence that the distinctiveness as defined is not adversely affected. There shall be no coalescence with Tamworth. Policy WHC7 provides support for the provision of affordable and retirement accommodation which meets the local needs of the Parish, subject to it not compromising the overall appearance of the village in which it is proposed.
- 1.11 Policy W1 sets out that there shall be no coalescence of any development north of Tamworth with Wigginton and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wigginton Village.

#### Assessment

- 1.12 In location terms, the site is not located within any strategic development allocation within the Local Plan and, is not situated within any defined development boundary. For the purposes of the development plan, the site is considered to be in the open countryside. The Council has adopted a positive approach in seeking to meet the objectively assessed development needs of the District through the Lichfield Local Plan Strategy and the Local Plan Allocations Document. The policies in these documents cover a period up to 2029 and provide a clear framework to guide sustainable growth and the management of change, thereby following the Governments presumption in favour of sustainable development.
- 1.13 Lichfield District Council can demonstrate a healthy 5-year housing land supply, as set out above and as such policies contained within the Local Plan can be considered as up to date.
- 1.14 It is noted that the level of growth proposed by this application would equate to an additional 210 units (or 18%) of growth in excess of the 1,165 dwellings which were allocated to the North of Tamworth through the Local Plan Allocations document and in accordance with Core Policy 1 and Core Policy 6. Both Core Policy 6 and Policy North of Tamworth make allocations through the proper planning making processes, identifying land for development through the Local Plan Allocations document using current information gathered by, and in conjunction with the local community. The land falls outside of the development allocation and is not allocated for development within the 'Made' Neighbourhood Plan.
- 1.15 Whilst it is acknowledged that the housing numbers set out in the Local Plan are only approximate, the proposed development would represent a significant increase in residential development in this area, well in excess of that envisaged through the Local Plan. This level of growth would be contrary to the adopted spatial plan. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Planning Practice Guidance states that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the

impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

- 1.16 Development beyond settlement boundaries or remaining rural areas beyond strategic housing allocations should only be permitted if the exceptions for residential development are met, as set out in Policy CP6 of the Local Plan Strategy. The exceptions include infill development, affordable housing delivered through rural exception sites, changes of use/ conversion schemes, small scale development supported by the Local Plan Allocations Document or a Neighbourhood Plan or agricultural/ forestry workers dwellings. Development which would conflict with and undermine the strategy of an approved development plan and the National Planning Policy Framework when read as a whole, would in planning terms, be harmful.
- 1.17 It is noted that the proposal includes the provision of affordable housing, which can be afforded weight as a material planning consideration. However, in the context of affordable housing delivery within the District, where supply is robust, it is considered that limited weight can be attached to this.
- 1.18 During the course of the application, in February 2022, the applicants submitted an updated Planning Policy Statement. The statement acknowledges the status of the adopted Local Plan and the emerging Local Plan and, concludes that the principle of residential development is acceptable in this location in both the adopted and emerging plans. As set out above, this is not a view shared by Officers in relation to the adopted Local Plan. In terms of the emerging plan, given that this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Notwithstanding this it is noted that, the application site is not proposed to be within an area allocated for residential development and remains outside of settlement boundaries, thereby conflicting with the emerging policies also. The emerging plan does set out a plan for 8% of housing to be within the area known as 'Land North of Tamworth', however this supply of housing is expected to be delivered through existing committed, but not yet completed housing on the Arkall Farm and Browns Lane developments.
- 1.19 The proposals also reduce the area between the established built-form of the Northern Tamworth border and the village of Wiggington, in conflict with the specific requirements of Policy W1 of the Wiggington, Hopwas and Comberford Neighbourhood Plan. The associated impacts on the Wiggington Conservation Area are discussed in more detail in the heritage section of this report.
- 1.20 It is therefore concluded that, due to the location of the site, beyond any defined settlement boundary and the level of growth in the adjacent Land North of Tamworth Strategy Development Allocation already being achieved, that this proposal is contrary to Policies CP1, CP3 and CP6 of the Local Plan Strategy and the aims of paragraph 11 of the framework. The proposed further development of housing in this area is unjustified and represents a significant departure from the Local Plan Strategy.

## 2. Dwelling Mix

- 2.1 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high-quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 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. Therefore, a scheme

which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.

- 2.2 The dwelling mix identified under the requirements of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District’s housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above.

Assessment

- 2.3 Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing in the prevailing economic conditions which currently stands at 40% (AMR 2021). It is noted that the applicant is proposing 40% affordable housing on site, with a tenure split of 65% social rent and 35% intermediate, in accordance with Policy H2. This level of affordable housing provision and tenure split is in compliance with the requirements of the Local Plan.

- 2.4 The Local Plan Strategy outlines the need in the District to create a balanced housing market (Policy H1) this recognises the need for 2 and 3 bedroom properties within the District. This is supported by the evidence in the Southern Staffordshire Housing Needs Study & SHMA Update (2012). Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings should be sought. The table below sets out the proposed housing mix:

Unit size	Number	%	Local Plan 2015 Policy Dwelling Mix
1 bed	4	2%	5%
2 Bed	71	34%	42%
3 Bed	82	39%	41%
4 Bed	53	25%	12%
	210	100%	100%

- 2.5 The indicative mix for the scheme proposes 25% of the dwellings to have 4 bedrooms or more which is significantly higher than the 12% requirement within the adopted Local Plan Strategy, and substantially fewer 1 or 2 bed dwellings with 36% being proposed as confirmed in the supporting planning statement and on the indicative layout plan. As such, the indicative dwelling mix fails to meet with the objectives of the Local Plan and the scheme fails to be compliant with relevant planning policies in this regard.

3. Design & Impact on Heritage Assets

- 3.1 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” and that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- 3.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- create and sustain an appropriate mix;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

- 3.3 The National Planning Practice Guidance has recently been amended to state that, “the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”. In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 3.4 The National Model Design Code advises that, *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*. The Council does not, as yet, have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 3.5 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.
- 3.6 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.
- 3.7 Policy WHC 3 of the Wigginton, Hopwas and Comberford Neighbourhood Plan confirms that new development throughout the Plan Area should protect assets of the historic environment and enhance and reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the Plan Area’s environment. In particular, new development should be of a scale, mass and built form that responds to the characteristics of the site and its surroundings, care should be taken to ensure that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene and impact on any significant wider landscape views. Policy W1 states that there shall be no coalescence of any development north of Tamworth with Wigginton and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wigginton Village.
- 3.8 Policy W1 is specific to Wigginton and sets out that there shall be no coalescence of any development north of Tamworth with Wigginton and separation of new development should have regard to the need to maintain the visual separation and Conservation Area setting of Wigginton Village. Any new development must present a screen of trees and shrubs to the village view by new planting where necessary.

#### Assessment

- 3.9 As described in the ‘Proposal’ section of this report, the application is made in outline, with an illustrative master plan showing how the resultant development could appear. Matters relating to appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time. Notwithstanding this, the proposal would represent a significant number of dwellings and built form located in open countryside, beyond the edge of existing development on the Northern edge of Tamworth. Whilst it is noted that appropriate landscaping may provide mitigation, this would be insufficient to screen the wider landscape

impacts of further encroachment into the countryside and infilling the area between the village of Wiggington and the Tamworth urban areas from the proposed quantum of development. In principle, the landscape impacts associated with the development and the encroachment of land between Tamworth and the village of Wiggington would fail to meet with the design and appearance related policies contained within both the Local Plan Strategy and the Neighbourhood Plan.

- 3.10 In terms of impacts upon heritage, the application is supported by a Heritage Statement which has been updated during the course of the application. As set out above, the proposals would extend the northern edge of Tamworth much closer to the village of Wiggington, of which the historic part is a designated Conservation Area. It is considered that the proposed development would cause harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with views in and out which make a positive contribution to the setting. The Conservation Officer has advised that this harm should be given significant weight in the assessment of the application. In line with the requirements of the NPPF, this harm must therefore be weighed against the public benefits of the proposal, including securing the optimum viable use of the land.
- 3.11 In terms of public benefits, none have been identified which would outweigh the harm to the setting of the Wiggington Conservation Area. Whilst the delivery of housing may be considered a benefit, it is noted that Lichfield District can demonstrate a strong delivery of housing with a 13.4 year housing land supply. New housing within the District is located in accordance with a defined spatial strategy set out in the Local Plan. This site is not allocated within the Local Plan as set out above. In this case, the harm identified to the heritage assets associated within the scheme is not considered to be outweighed by public benefits. In heritage terms, the scheme is considered to be unacceptable in this regard.

#### 4. Residential Amenity

- 4.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.
- 4.2 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling. Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup> and for 5 bedroom dwellings 100m<sup>2</sup>. All gardens should have a minimum length of 10m.

#### Assessment

- 4.3 This application is made in outline with matters of layout reserved for future consideration. To ensure that the above requirements are achieved a condition requiring a Design Code for the development could be conditioned to agree the need to agree spaces around dwelling standard. Similarly, the impacts on existing neighbouring residential dwellings would also be given full and thorough consideration at the necessary reserved matters stage, should the proposals be deemed to be acceptable in principle and on all other matters.

#### 5. Access & Highway Safety

- 5.1 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures, including only permitting traffic generating development where it is or can be made compatible with the existing transport

infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

- 5.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling, 2 bed homes require 1 space.
- 5.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 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.
- 5.4 During the course of the application, additional information has been provided by the applicant in relation to Highways impacts arising from the proposal.
- 5.5 The Wiggington, Hopwas and Comberford Neighbourhood Plan makes reference to traffic along local roads, including the impacts on the village of Wiggington as being a major concern to local residents. Policy W4 requires suitable off-road parking to be provided in new developments where there is a potential to increase the number of vehicles in the village.
- 5.6 During the course of the application, additional information in relation to the highways impacts of the proposal have been provided. In particular, an updated Transport Assessment, visibility splays, vehicle tracking, traffic flow diagrams, junction capacity assessments and an assessment in relation to committed development on the nearby Gungate corridor have been submitted. The forecasts of the submitted information reflect adjacent committed residential developments and their associated impacts until 2029. An updated design for a traffic mitigation scheme along the Gungate Corridor has been provided. It is noted that the County Highway Authority initially objected to the proposals on the basis that further justification was required with regards to the transport assessment, Transport Environmental Statement and the travel plan.

#### Assessment

- 5.7 Throughout the application process the applicant/ agent have engaged with the Highways team at Staffordshire County Council to revise the development proposal, in order to achieve a scheme that can be supported on access and highways safety related grounds. Additional information has been provided which concludes that the impact on the local road network would not, in their view, be severe if the proposed package of mitigation is provided. Such mitigation would be delivered by the developer via the Highways Act as part of a S278 agreement.
- 5.8 Updated plans and information in relation to the proposed access have been provided, which have addressed the initial concerns raised by the County Highway Authority. The overall volume of collisions on Browns Lane itself does not suggest there are any existing safety problems that would be exacerbated by the proposed development. In terms of the impact on the wider road network, including the Upper Gungate corridor which is located within the Borough of Tamworth, Staffordshire County Highways Officers have fully assessed the submissions. It is considered that appropriate mitigation can be secured, which will mitigate the impacts of this proposed development. Traffic flows have been given consideration in relation to committed development in the vicinity of the application site including approved development at Arkall Farm, and its associated monitor and manage approach to mitigating impacts on the local highway network. The County Highways team

have concluded that sufficient information has been provided to conclude that there would not be a severe impact on the Local Highway Network as a result of this development. Conditions are recommended by Highways Officers which would include the securing of the necessary off site highway improvement works prior to the first occupation of the development.

- 5.9 In April 2022, the position of the County Highway Authority has been challenged by representatives of the Arkall Farm Development who are concerned that there is a fundamental highways impact arising from this proposal which could prejudice the delivery of the committed planning consent at Arkall Farm for 1000 houses. The consent for Arkall Farm is subject to a monitor and manage approach to traffic mitigation, which is assessed at different phases during the delivery of the development. A number of conditions allow flexibility in the delivery of highway improvements to support the 1000 dwellings granted consent, which is assessed at the point of the delivery or occupation of 200, 300 and 500 dwelling houses. Currently, the development is in its early stages, with less than 300 dwellings being constructed and occupied. Notwithstanding this, there is a clear commitment to deliver all 1000 houses on Arkall Farm site. The validity of the information submitted (and upon which the Highways Authority have provided a consultation response on) and the need for further Environmental Impact Assessments have been raised as fundamental issues.
- 5.10 The County Highway Authority have been informed of the challenge, as set out above, and have reiterated their position in detail. They note that, the proposal has been assessed on the grounds of its impact along with committed development of up to 300 dwellings from the 1000 permitted at Arkall Farm. The evidence concludes that the proposals, along with 300 dwellings at Arkall Farm and the package of off-site highway works to be delivered by the applicant along the Gungate corridor (to be secured by S278 Highway Works Agreement (design and build) and S106 (programme of delivery)) would result in a nil detriment to baseline traffic conditions in the locality. Whilst they acknowledge that there is a commitment to deliver a further 700 houses on the Arkall Farm site, any mitigation necessary would be captured in the relevant discharges of condition necessary to allow the Arkall Farm development to proceed and the operation of the monitor and manage strategy.
- 5.11 Given the scope of the proposals and the information already provided, it is not considered that a further revised Environmental Impact Assessment is necessary. The updated chapters of the EIA recognise that 1000 homes are committed at Arkall Farm and considers their cumulative potential effect on the environment. This approach to the EIA is justified because there is no equivalent environmental 'monitor and manage' strategy at Arkall and nor is it suggested that the proposal would achieve environmental 'nil-detriment' with the proposals and only 300 dwellings at Arkall Farm (such as with traffic impact). The developer has therefore accepted that the EIA must consider the combined full effect of the proposal and Arkall Farm.
- 5.12 The Council have considered the Arkall Farm developers concerns and the detailed response of the County Highway Authority whose views as a statutory consultee should be given 'great weight' as set out in case law ([Shadwell Estates Ltd. v Breckland DC](#) [2013] EWHC 12). This approach is considered to be reasonable given the Secretary of State decision to approve the Arkall Farm development with a staged monitor and manage approach to traffic mitigation and resolving conflicts on the local highway network. Paragraph 111 of the NPPF sets out 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. The proposed development is considered, in relation to surrounding committed developments to not result in an unacceptable impact and it can be concluded that the proposals would therefore not result in a severe detrimental impact upon the highway network.

- 5.13 In terms of parking provision within the site, this would be assessed as part of the necessary reserved matters application. The requirements of the Sustainable Development SPD which specified parking requirements based on the number of bedrooms proposed within each dwellings would be given full consideration at this stage to ensure there is no harm to the surrounding highway network. A Travel Plan has been submitted, which seeks to reduce the number of single occupancy car trips through a package of measures, including improved public transport information, residential welcome packs and bus/ train taster tickets. The travel plan is considered to be acceptable and should be monitored for a period of 5 years. Monitoring would be carried out by the County Highway Authority with a fee to be paid by the developer through a S106 agreement.
- 5.14 Following the receipt of the professional County Highways advice it would however be considered unreasonable to suggest that the scheme of development would be unacceptable on highway related grounds having no technical evidence to the contrary and the need to give 'great weight' to a statutory consultee's detailed response (as per the Shadwell Estates Caselaw set out above). The development proposal is therefore considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## 6. Arboricultural Impacts

- 6.1 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Policy NR4 is supported by the Councils Tree's, Landscaping & Development SPD.
- 6.2 Policy WHC2 of the Wiggington, Hopwas and Comberford Neighbourhood Plan sets out that all existing trees and hedges are an integral part of the character of the Neighbourhood Plan area and shall be retained wherever possible and where removal is justified the impact of removal shall be mitigated against by the provision of additional appropriate planting. Policy W1 requires any new development to present a screen of trees and shrubs to the village view by new planting where necessary.

### Assessment

- 6.3 The Councils Arboriculture team has advised that although the proposal is outline with all other matters reserved, the scale/ density of the proposal will impact on the scope/ disposition of structural landscaping able to be accommodated within any eventual layout. As per paragraph 131 of the NPPF, planning policy and decisions should ensure that all streets are tree lined. In order to be sustainable and to maintain the integrity of any scheme, trees will need to be planted in areas that are not part of land conveyed into private ownership. It is noted that the proposals do not involve the removal of any protected trees. Notwithstanding the request for further information in relation to landscaping and tree planting, details of landscaping have been reserved for a later stage and, would be assessed on their merits in line with the requirements of National and Local Planning policies. Green Infrastructure detail, along with the tree planting requirements set out in the Neighbourhood Plan can be secured through a masterplan for the site, which could be secured by an appropriately worded condition. In terms of arboricultural impacts, the scheme at this outline stage, subject to conditions, is considered to be acceptable.

## 7. Ecology

- 7.1 Core Policy 13 and Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation



management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

- 7.2 Policies within the Local Plan Strategy are supplemented by the Biodiversity & Development Supplementary Planning Document. The 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 Biodiversity and Development SPD where a requirement of 20% above the biodiversity unit value of habitats lost is confirmed.

#### Assessment

- 7.3 The original application was supported by ecological surveys which were considered to be acceptable. An updated preliminary ecological appraisal was submitted following further surveys of the site carried out in September 2022. The Councils Ecology team have assessed the updated information and are satisfied with the methodology and the information provided in the ecological appraisal and consider that it is unlikely that the proposed works will impact on protected species. No further surveys would be required at this time, however the proposed mitigation and monitoring would need to be secured by appropriate conditions.
- 7.4 Turning to biodiversity net gain, which is a policy requirement as set out above. The Councils Ecology Team have confirmed that insufficient information, including the Biodiversity Unit Metric, has been provided in this respect to ensure that the 20% net gain across the site can be achieved. Whilst it is noted that there is scope to create a net gain within the site, notably the areas of public open space and areas around the SUDs drainage basin would offer significant opportunities within the development, without the necessary data Officers are unable to measure the gain and ensure the 20% requirement is met. In this respect, the proposals fail to meet with the requirements of the Local Plan, a refusal reason is therefore recommended.

#### 8. Drainage

- 8.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding nor increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).
- 8.2 The application site hereby under consideration is situated within Flood Zone 1 and as such there are no flooding related concerns in principle. The Lead Local Flood Authority and Severn Trent Water have raised no objections in principle, requiring drainage details to be submitted. Subject to details of drainage being secured by an appropriately worded planning condition, the development proposal is considered to be acceptable in this regard.

#### 9. Planning Obligations

- 9.1 Under the provisions of Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/ community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/ or by a contribution made for the provision of facilities elsewhere.

9.2 The School Organisation at Staffordshire County Council have been consulted with regards to this development proposal. A total education provision request of £1,619,176 has been requested. This has been calculated at 65 primary school places (65 x £16,750 = £1,088,750) and 23 high school places (23 x £23,062 = £530,426).

9.3 A S106 agreement would be required to secure the above financial requirements along with the provision of affordable housing and the maintenance of any public open space as the Council would not adopt such facilities. Subject to compliance with the appropriate Schedule of the S106 agreement, the development will comply with the requirements of the Development Plan and NPPF, in this regard. The applicant has provided written confirmation that they are willing to enter into a S106 agreement to secure the necessary obligations.

## 10. Other Issues

10.1 The Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (Statutory Instrument 2017 No. 571) (as amended) – the EIA Regulations – form part of the development management system in England. The EIA Regulations cover certain types of development which have the potential to give rise to significant effects on the environment. The EIA Regulations enable planning authorities to take account of the environmental implications of development in their decisions on planning applications.

10.2 In this case, an Environmental Statement has been provided, and recently relevant sections have been updated to reflect the committed development of 1000 dwellings at Arkall Farm which were granted consent by the Secretary of State following the submission of this planning application. The submissions have been subject to the necessary 30-day publicity period, which included consultation with statutory consultees. The Statement has been assessed and is considered to address the requirements of EIA regulations.

## 11. Human Rights

11.1 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. Furthermore, the applicant has a right of appeal in accordance with Article 6.

## **Conclusion**

The proposed development has been revised during the course of the application submission in order to address highways and access related issues and relevant sections of the Environmental Impact Statement have been updated. The overall outline planning submission, with all matters reserved except for access, is considered to be unacceptable in principle in terms of the site not been an allocated housing site, and the reduction in countryside between the built form of Tamworth and the village of Wiggington. The proposal would result in less than substantial harm to the Wiggington Conservation Area, with insufficient public benefits to outweigh this.

The applicant has agreed to s106 heads of terms to provide on site affordable housing and public open space along with the necessary financial contribution towards education requirements arising from the development.

In addition, the proposed dwelling mix as detailed is considered to be unacceptable. Such grounds present the Local Planning Authority with a strong and robust basis to recommend refusal.

The proposal therefore fails to accord with relevant policies within the Development Plan and the National Planning Policy Framework, and therefore this application is recommended for refusal, as set out above.

Lichfield  
district council

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# LOCATION PLAN

21/01595/FULM  
Land At Burton Road  
Streethay  
Lichfield

Scale: 1:2,500

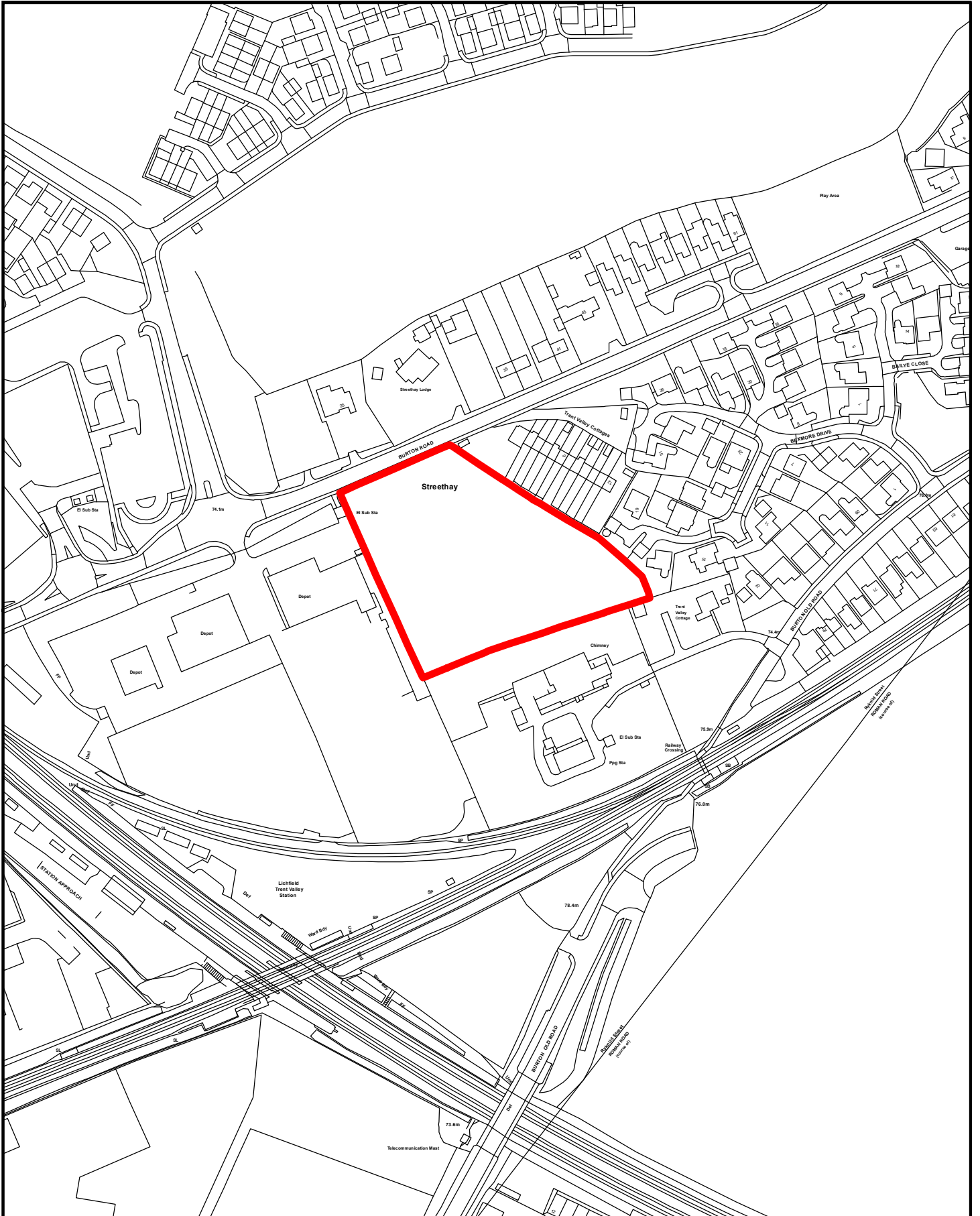
Dated: February 2023

Drawn By:

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## **21/01595/FULM**

**Erection of 30 No. dwellings with access, attenuation basin and associated garaging and works  
Land At, Burton Road, Streethay, Lichfield  
FOR Mr A Maine**

Registered **23/09/2021**

**Parish:** Fradley and Streethay

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections raised by Fradley and Streethay Parish Council. Fradley and Streethay Parish Council objections included:

- Concerns regarding the proposed access and impact upon highway and pedestrian safety
- The proposals lack suitable crossing for pedestrians over the Burton Road
- Overlooking will be an issue, especially from the 3 storey dwellings
- The land is not allocated for housing development
- A full traffic survey has not been provided
- Parking is inadequate for visitors
- No public open space is provided.

### **RECOMMENDATION:**

**(1) Subject to the owners/applicants first entering into a S106 to secure the following:**

- i. **Education Contribution of £420,513.76 (Index Linked to March 2022);**
- ii. **Offsite Biodiversity Units Contribution of £109,200;**
- iii. **Provision of affordable housing on site;**
- iv. **Off-site highway works;**
- v. **Management and maintenance company for the private internal roads and shared parking areas, public amenity areas and communal areas and drainage system;**
- vi. **Healthcare Contribution of £18,610 (Index linked to March 2022);**
- vii. **Cannock Chase SAC- financial contributions towards mitigation of additional visitors to Cannock Chase SAC of £3,195.38 for 11 dwellings (remaining contributions to be collected via CIL).**

**(2) If the S106 legal agreement is not signed/completed by 9<sup>th</sup> April 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

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

### **CONDITIONS**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP4, CP5, CP6, CP13, CP14, ST1, ST2, BE1, NR3, NR4, NR7, IP1, HSC1 and H1 of the Lichfield Local Plan Strategy, Policy LC1 of the Local Plan Allocations Document, the Sustainable Design SPD, Biodiversity and Development SPD, Developer Contributions SPD, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, notwithstanding the submitted details, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include details relating to construction access, hours of construction, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall only be undertaken in strict accordance with the approved details of the CEMP for the duration of the construction programme.

Reason: In the interests of highway safety and to minimise the impact of construction activity on the surrounding environment and neighbouring occupiers, in accordance with the requirements of Policies CP3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

4. Before the development hereby approved is commenced, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the name and contact details of the bodies responsible for the on-going maintenance of the foul and surface water drainage. The development shall be completed in accordance with the approved details prior to first occupation of any dwelling.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
  - A) The archaeological site work shall thereafter be implemented in full accordance with the written scheme of archaeological investigation approved.
  - B) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation, in accordance with Policies CP14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, Historic Environment SPD and the National Planning Policy Framework.

6. Before the development hereby approved is commenced, a Biodiversity Enhancement and Habitat Management Plan (HMP) shall be submitted to and agreed in writing by the Local Planning Authority. The HMP shall detail in full the future habitat creation works (and sustained good management thereof) to a value of no less than 1.58 Biodiversity Units. The

development shall be carried out and managed in accordance with the approved details contained within the HMP.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

7. Before the development hereby approved is commenced, details of all external materials to be used ensuring the product name and manufacturer details (including details of coursing of brickwork, rendering finish and roof) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, and the National Planning Policy Framework.

8. Before the development hereby approved is commenced, full details of noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include all mitigation measures recommended in the submitted noise report reference 13226.03.v1 dated May 2022 and include a plan clearly identifying the location and specification of the acoustic barriers and a glazing and ventilation plan with the specification for noise sensitive receiving rooms clearly marked. The approved mitigation measures shall be implemented prior to the first occupation of the dwellings hereby approved and thereafter retained for the life of the development.

Reason: In the interests of the amenities of future occupiers of the development, in accordance with Policy CP3 and Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. Before the development hereby approved is commenced, a detailed scheme for the provision of works at the Burton Road Junction (to comply generally with the scheme indicated on drawing No. 10 Rev A Proposed pedestrian phase and junction details dated as received 08 January 2023) shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety and to conform to policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

10. Before the development hereby approved is commenced, an updated scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include tree pit details and watering systems/ pipe information.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

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

11. The development shall not be brought into use until the access, parking and turning areas have been provided in accordance with Drawing No 2276/03/02 Rev K Proposed Site Layout dated as received 09 January 2023 and, shall thereafter be retained in accordance with the approved details for the lifetime of the development.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic in the interests of highway safety and to conform to policies ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

12. Prior to the first occupation of any of the dwelling units hereby approved, the cycle storage facilities shown on the approved plans shall be provided and thereafter retained for the life of the development.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

13. No dwelling hereby approved shall be occupied until the eastbound bus stop on the Burton Road (to comply generally with the scheme indicated on drawing No. 10 Rev A Proposed pedestrian phase and junction details dated as received 08 January 2023) has been provided.

Reason: In the interests of highway safety and to encourage sustainable means of travel, in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

14. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping as required under condition 10 above shall be carried out in the first planting and seeding season following the first occupation of the dwelling (s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

15. The scheme of boundary treatments shown on the approved plans shall be provided prior to the first occupation of the respective dwelling which it serves and shall be maintained as such for the lifetime of the development.

Reason: To safeguard the visual amenities of the area and the amenities of occupiers of adjoining properties, in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

16. All existing trees and hedges shown as being retained on the plans hereby approved listed under condition 2 shall be protected in line with the Tree Protection Barrier recommendations contained within figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.

17. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with



the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration, in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the garage accommodation/parking space provided in connection with the development hereby approved shall not be used for any purposes other than the parking of vehicles in relation to the residential use of each dwelling permitted, unless planning permission for any alternative use has first been granted on application to the Local Planning Authority.

Reason: To ensure adequate off-street parking exists to serve the development to avoid vehicles parking on the adjoining road and obstructing the free flow of movement of traffic, in the interests of highway safety and to conform to policies ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. The applicant is advised to refer to the recommendations within the submitted Ecological Appraisal when preparing and submitting a biodiversity enhancement scheme and habitat management plan as required under condition 6 and the updated landscaping scheme as required under condition 13. In particular:
  - Native hedgerow planting is required

- A bird box scheme is required
  - A bat box scheme is required
  - A Wildlife sensitive Lighting Strategy is required
  - Hedgehog friendly fencing and sheltering features are required.
6. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.
  7. The applicant is advised that this consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 agreement of the Highways Act 1980. The developer is advised to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.
  8. The conditions requiring off site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the form or email to [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. [www.staffordshire.gov.uk/highways/highwayscontrol/highwaysworkagreements.aspx](http://www.staffordshire.gov.uk/highways/highwayscontrol/highwaysworkagreements.aspx)
  9. Severn Trent Water advise that there is a public 300mm combined sewer and public pressurised combined sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of proposals located over or within 3m of a public sewer. Under the provisions of Building Regulations 2000 part H4, Severn Trent can direct the building control officer to refuse building regulations approval. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.
  10. The developer is to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.
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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 Development  
Policy CP3: Delivering Sustainable Development  
Policy CP4: Delivering Our Infrastructure  
Policy CP5: Sustainable Transport  
Policy CP6: Housing Delivery  
Policy CP13: Our Natural Resources  
Policy H1: A Balanced Housing Market

Policy H2: Provision of Affordable Homes  
Policy NR3: Biodiversity, Protected Species & their Habitats  
Policy NR4: Trees Woodland & Hedgerows  
Policy NR5: Natural & Historic Landscapes  
Policy NR6: Linked Habitat Corridors & Multi-functional Greenspaces  
Policy NR7: Cannock Chase Special Area of Conservation  
Policy SC1: Sustainability Standards for Development  
Policy SC2: Renewable Energy  
Policy ST1: Sustainable Travel  
Policy ST2: Parking Provision  
Policy BE1: High Quality Development  
Policy Lichfield 1: Lichfield Environment  
Policy Lichfield 2: Lichfield Services and Facilities  
Policy Lichfield 4: Lichfield Housing

#### **Local Plan Allocations Document**

Policy LC1: Lichfield City Housing Land Allocations  
Site L10: Land off Burton Road (West) Streethay.

#### **Supplementary Planning Document**

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

#### **Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy  
Strategic Policy SP2: Sustainable Transport  
Strategic Policy SP3: Sustainable Travel  
Strategic Policy SP5: Infrastructure Delivery  
Strategic Policy SP8: Blue Infrastructure, Water Courses and Flooding  
Strategic Policy SP10: Sustainable Development  
Strategic Policy SP12: Housing Provision  
Local Policy SD1: Sustainable Design and Master Planning  
Local Policy INF1: Supporting and Providing Infrastructure  
Local Policy INF2: Provision of Social and Community Infrastructure  
Local Policy INF3: Retention of Social and Community Infrastructure  
Local Policy INF4: Green Infrastructure, Open Space and Playing Pitches  
Local Policy INF5: New Open Space Requirements  
Local Policy SD2: Renewable and low carbon energy  
Policy LT1: Parking Provision  
Policy H1: Housing Market  
Policy H2: Affordable Housing  
Local Policy NR2: Habitats and Biodiversity  
Local Policy NR3: Trees, Woodland, and Hedgerows  
Local Policy NR5: Cannock Chase SAC

The policies map identifies the site as a strategic housing allocation under Strategic Policy 12 of the emerging plan.

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

### **Other Documents**

Manual for Streets

### **RELEVANT PLANNING HISTORY**

There is no relevant planning history.

### **CONSULTATIONS**

**Fradley and Streethay Parish Council** - Updated- Object. Concerns regarding access and safety in relation to the access remain, along with congestion. The revised information does not overcome previous objections, overlooking will still be an issue and no visitor spaces have been provided. The proposals lack suitable crossing for pedestrians over the Burton Road, it is noted that such a crossing would be required due to there being play area on site. (28.02.2022)

Initial- Object. Highways/ access, land is not allocated, full traffic survey not carried out to inform the review, 3 storey dwellings overlook and not in keeping, parking inadequate for visitors, no public open space. (19.10.2021)

**National Highways**- Confirmed they have no comment to make. (20.10.2021)

**Environment Agency**- Confirmed they have no comments to make as the site is outside of their remit. (28.09.2021 & 11.02.2022).

**Severn Trent**- No objections, subject to a drainage condition and informative relating to existing infrastructure. (05.10.2021 & 17.02.2022)

**Staffordshire and Stoke on Trent Clinical Commissioning Group**- A sum of £18,610 is requested towards the primary care network to provide appropriate health facilities to serve the location. The contribution is unlikely to support an immediate building project in isolation, as such the sum would be pooled to support the future adaptation/refurbishment/expansion of the Westgate Practice and The Langton Medical Group. (04.03.2022)

**Architectural Liaison Officer**- Designing out crime advice provided. (13.10.2021 & 02.03.2022)

**SCC Education**- Final- An education contribution of £420,513.76 (to be index linked from the date of response) is sought from the developer to mitigate the impact on education from the development and to make this development acceptable from an education perspective this contribution should be sealed within a S106 agreement. It is calculated that 28 dwellings would require 9 primary school places, 6 secondary school places and 1 Post 16 place. (01.03.2022)

Initial- The proposals would result in an education contribution of £547,273.04 (index linked) to be sought from the developer to mitigate the impact on education from the development. (14.10.2021)

**SCC Archaeology**- No objections, subject to an archaeological works condition (20.10.2021 & 22.02.2022)

**SCC Flood Team**- Final- No objection, subject to a pre-commencement condition to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase. (01.07.2022)

Updated- There is an outstanding issue regarding the future maintenance of the drainage strategy to be addressed. (02.03.2022)

Initial- Object- insufficient detail provided (15.10.2021)

**SCC Highways- Final**- Following the submission of plans which include a controlled pedestrian crossing, a footpath and bus stop to the frontage of the site, the previous objections are overcome. No objections raised subject to conditions to secure a construction management plan, cycle storage, highway works and the provision of access parking and turning areas. (17.01.2023)

Updated- Recommend refusal, as the site does not provide a safe and suitable access for pedestrians to the surrounding highway, no details of cycle storage have been provided and the proposed site frontage does not connect to the bus stop to the east of the site. (01.03.2022 & 01.11.2022)

Initial- Recommend Refusal due to the lack of cycle storage, access issues, the width of the footway and the details contained within the transport statement regarding off site connectivity. (14.10.2021)

**LDC Arboricultural Officer- Final**- The landscaping scheme is acceptable. Tree Pit details and watering systems/ pipe information is requested. (04.08.2022)

Initial- No objections. Questions whether more vegetation could be retained and a landscaping scheme is required to include future management (15.10.2021 & 14.03.2022)

**LDC Ecology Team- Final**- From the submissions, it can be calculated that 4.70 biodiversity units (BU) are required to achieve a 20% net gain on site. 1.58 BU will be delivered on site. 3.12 BU can be achieved through a financial contribution to deliver the requirement off site. This will cost £35,000 per BU totalling –  $3.12\text{BU} \times 35,000 = \text{£}109,200$ . No objections raised with respect to protected species. (06.01.2023)

Initial- More information required in relation to the biodiversity net gain calculations. (18.10.2021)

**LDC Housing**- No objections raised to the affordable homes that this site proposes in the Streethay area. Additional comments relating to four bedroomed properties and layout of affordable housing onsite provided. (01.03.2022)

**LDC Environmental Health- Final**- The update to the noise assessment satisfies previous concerns. A condition requiring a separate scheme of noise control, encompassing all mitigation measures recommended in the submitted noise report reference 13226.03.v1 dated May 2022 is required. A further condition requiring an overheating risk assessment is required with any mitigation to address any unacceptable risk to be secured and implemented prior to occupation. (28.06.2022)

Updated- The additional information with regards to noise is noted and it is accepted that the report covers issues relating to uncertainty. The applicant is required to consider potential future expansion, in line with national planning policy, and so the acousticians remit should be extended to include consideration of this.

A ventilation strategy could be required by condition once the above matters are addressed, as well as our standard restrictions on construction hours, and an environmental management plan to minimise the impacts of construction on neighbouring amenity. (01.03.2022)

Initial- Environmental Assessment is acceptable. Further information regarding Noise requested. (18.10.2021)

**LDC Joint Waste Officer**-Developments of individual houses must include unobtrusive areas suitable to accommodate at least 3 x 240l wheeled bins. Residents will be expected to present their bins at the nearest appropriate highway on collection days. Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard. A suitable bin collection point

(BCP) may be required with due consideration to the distance from the residents' properties (maximum of 30m) and the main highway. (23.09.2021)

### **LETTERS OF REPRESENTATION**

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

- 3 Storey houses are not in keeping with the locality
- Overlooking/ overbearing impacts
- Loss of privacy
- Scale, Mass and Design of the scheme
- Streethay has already been over developed, the principle of housing on this site is unacceptable
- Highways Issues and further traffic congestion
- Highway Safety
- The submitted traffic Survey is misleading
- The development is unnecessary
- Impacts on Ecology
- Lack of trees in the scheme
- Healthcare provision impacts, notably doctors surgeries are at capacity already
- Noise impacts on future residents
- Risk of flooding
- Loss of Property value
- Disruption during works

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

2281/01 Rev A Location Plan dated as received 23 September 2021  
2276/03/02 Rev K Proposed Site Layout dated as received 09 January 2023  
2281/02 Rev A Topographical Survey dated as received 23 September 2021  
2276/11 Rev B Proposed Street Scenes dated as received 24 January 2022  
2276-H-1-532 Rev B 1 Bed Semi Housetype dated as received 23 September 2021  
2276-H-2-751 Rev A 2 Bed Semi Housetype dated as received 23 September 2021  
2276-H-3-910 Rev A 3 Bed Semi Housetype dated as received 23 September 2021  
2276-H-3-1004 Rev B Chapman Housetype dated as received 24 January 2022  
2276-AH-3-1400 Himsworth 2 Housetype dated as received 24 January 2022  
2276-AH-3-870 Rev B Birch Housetype dated as received 24 January 2022  
2276-AH-3-978 Rev B Cardew Housetype dated as received 24 January 2022  
2276-H-4-1440 Gardener Housetype dated as received 24 January 2022  
2276-H-4-1421 Hatton Housetype- Elevations dated as received 24 January 2022  
2276-H-4-1421 Hatton Housetype- Floor Plans dated as received 24 January 2022  
2276-H-4-1710 Kipling Housetype- Elevations dated as received 24 January 2022  
2276-H-4-1710 Kipling Housetype- Floor Plans dated as received 24 January 2022  
2276-H-5-2373 Webb Housetype- Elevations dated as received 24 January 2022  
2276-H-4-2373 Webb Housetype- Floor Plans dated as received 24 January 2022  
2276-AH-4-1159 Rev A Crawford Housetype dated as received 23 September 2021  
2276-AH-4-1440 Rev A Heywood Housetype dated as received 23 September 2021  
2276-AH-4-1550 Rev B Hudson Elevations Housetype dated as received 24 January 2022  
2276-AH-4-1550 Rev B Hudson Layout Housetype dated as received 24 January 2022  
105 Double Garage dated as received 23 September 2021  
HTL17281 Tree Survey and Arboricultural Impact Assessment dated as received 23 September 2021  
HTL17281 TSS Tree Survey Schedule dated as received 23 September 2021  
004 Basin Section dated as received 23 September 2021  
201 Section through Water Main dated as received 23 September 2021  
2276/12 Proposed Site Section dated as received 02 March 2022

22-024-P-01A Landscaping Plan dated as received 03 August 2022

10 Rev A Proposed pedestrian phase and junction details dated as received 08 January 2023

## **OTHER BACKGROUND DOCUMENTS**

Planning Statement dated as received 23 September 2021

Design and Access Statement dated as received 23 September 2021

Ecological Appraisal dated as received 23 September 2021

Noise Survey dated as received 23 September 2021

Additional Noise information dated as received 08 December 2021

Site investigation Report dated as received 23 September 2021

Flood Risk Assessment and Drainage Strategy Rev B dated as received 26 January 2022

Drainage Calculations dated as received 24 January 2022

Revised Transport Assessment dated as received 08 December 2022

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## **OBSERVATIONS**

### **Site and Location**

This application relates to a broadly rectangular parcel of land located on the Southern side of Burton Road (A5127) in Streethay, North of Lichfield. The site is currently grassland, with hedging to the site boundaries. A field access is provided off Burton Road.

To the East of the application site are residential properties, the back gardens of these properties which include Trent Valley Cottages and dwellings in Bexmore Drive adjoin the Western boundary of the site. To the rear/South, of the site is a South Staffordshire Water building which comprises a pumping station. To the Western boundary are commercial buildings. To the North of the Burton Road is the residential development 'Roman Heights' with its main access off Oak Way. This development includes a primary school, local centre and public open space provision.

The site is located within the 15km zone of influence for Cannock Chase Special Area of Conservation. The site is allocated for residential development under policy LC1 of the Local Plan Allocations Document (Site L10). This allocation allows for up to 38 houses.

### **Background**

The site is allocated in the Local Plan Allocations Document under Policy LC1, reference L10 (Lichfield 10) for the delivery of 38 dwellings. Key development considerations include the requirement to mitigate noise from the A38, potential ecological impacts, a suitable access is required and the site is located within source protection zone 1, as such development should have regard to Core Policy 3.

### **Proposals**

This application seeks permission for the erection of 30 No. dwellings with access, attenuation basin and associated garaging and works.

The proposed dwellings comprise a mixture of 2 and 3 storey dwellings arranged around a cul-de-sac. The proposed dwellings are detached or semi-detached with a group of maisonette flats. Dwellings are mainly located around the perimeter of the site, with the rear gardens adjoining the site boundaries. Properties at the front of the site face the Burton Road, and the proposed materials comprise a palette of brickwork, rendering and grey tiled roofs over. Gable features, traditional window detailing, bay windows and covered porches are included to add visual interest to the street scene.

A landscaping scheme has been submitted which includes new evergreen hedging to be planted to the East, South and Western boundaries. Wildflower meadow and wetland areas would be planted around

the SUDs area and 16 new trees would be planted within the new street scene, and along the frontage with Burton Road and the SUDs area. Shrub planting would be located with the front gardens along with climbing plants and grassed areas. A maintenance and watering schedule has also been submitted to ensure the planting is established in an appropriate way.

The scheme would provide for 11 No. affordable dwellings, 4 of which would be shared ownership and 7 affordable rent properties. The overall housing mix provided by the development would be as follows:

Dwelling Size	Number	Percentage
1 bed	2	7%
2 Bed	10	33%
3 Bed	10	33%
4 Bed	7	23.5%
5 Bed	1	3.5%
Total	30	100%

It is noted that the Himsworth House design includes a flexible layout where a first floor bedroom could be used as a separate living room, and a study is also shown. The study, with a floor area of 5.4 sqm is too small to be considered as a bedroom.

A new vehicular access would be provided off the Burton Road, the layout of the development provides for footpaths within the development on both sides of the road, and off-street parking to serve each property. Dwellings which are not served by a garage would have a cycle storage shed located within the rear garden of each plot.

To the Northern area of the site, between the new properties and the Burton Road would be the necessary Sustainable Urban Drainage (SUDs) pond. Hedging along the frontage of the site, which currently sits at the back of the highway, would be replaced with new hedging set back into the site to allow for a 2m wide public footpath to be provided along the frontage of the site with Burton Road. The scheme also provides for a new bus stop with a cantilever shelter to the frontage of the site on the Southern side of the Burton Road, and a pedestrian crossing to the East of the site at the existing road junction with Oak Way.

To the Southern and Western boundaries of the site, a 2.5m high acoustic fence is proposed in line with the requirements highlighted by the submitted noise surveys.

The overall layout and design of the scheme has been revised during the course of the application, which includes a reduction in the number of dwellings being provided from 36 as originally proposed to 30 No. dwellings. Supporting information with respect to highways impacts and off-site highway works, biodiversity enhancement, landscaping and noise information has also been updated.

### **Determining Issues**

1. Policy and Principle of Development
2. Housing Mix
3. Design and Layout
4. Residential Amenity
5. Access and Highway Safety
6. Arboricultural Impacts
7. Ecology
8. Drainage
9. Public Open Space
10. Cannock Chase SAC
11. Planning Obligations
12. Other Issues
13. Human Rights



## 1. Policy and Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 1.2 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.3 The Five Year Housing Land Supply 2021 for Lichfield shows that the District Council can currently demonstrate a 13.4 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.
- 1.4 Policy CP1 of the Lichfield District Local Plan Strategy sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.
- 1.5 Policy CP6 of the Lichfield District Local Plan Strategy sets out that a sufficient supply of deliverable/developable land is available to deliver around 478 new homes each year. Housing development will be focused upon the following key urban and rural settlements:
- Lichfield City
  - Burntwood
  - Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
  - Adjacent to the neighbouring towns of Rugeley and Tamworth
- 1.6 Policy LC1 'Lichfield City Housing Land Allocations' of the Lichfield Local Plan Allocations Document sets out a number of sites within Lichfield, which, alongside strategic development sites identified within the Local Plan Strategy are allocated for residential development. These allocations are subject to 'key development considerations'. The policy notes that the key development considerations are not all encompassing, other matters may arise during the planning process which the applicants will need to address. The application site is allocated in the Local Plan Allocations Document under Policy LC1, reference L10 (Lichfield 10) for the delivery of 38 dwellings.
- 1.7 Site allocation L10 provides for an allocation of 38 dwelling houses. The site is described as an open greenfield with limited boundary planting and vegetation. The site is located between the existing residential area of Streethay and the existing employment area to the east of Lichfield City.
- 1.8 Key development considerations for the site are:
- Design to consider mitigation for noise from the A38
  - Potential ecological impacts should be considered due to the greenfield nature of the site. For example, site comprises semi-improved/acid grassland and has potential to support protected priority species.
  - Suitable access to be provided

- Site is located within source protection zone 1. Development should have regard to Core Policy 3.

1.9 The proposed development is within the Zone of Influence for the Cannock Chase Special Area of Conservation. Policy NR7: Cannock Chase Special Area of Conservation requires that, before development can be permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect upon the integrity of the SAC having regard to avoidance or mitigation measures. This is considered in more detail later in the report.

#### Assessment

1.10 The site is within the sustainable settlement of Lichfield. The site is allocated for residential development through the Local Plan Allocations Document and the site can be considered as an infill site, given the proximity and siting of surrounding residential development. In principle, the proposal is considered to be acceptable in terms of principle and the policies set out in the Local Plan, by providing a residential development in a sustainable location. In addition, the Councils Housing Team have confirmed that the proposed affordable housing is acceptable. The key considerations associated with the allocation and material impacts of the scheme are addressed in further detail in the report below.

## 2. Housing Mix

2.1 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 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. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.

#### Assessment

2.2 The dwelling mix identified in the explanatory text of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District's housing stock is set out in the table below along with the proposed housing mix. Whilst this mix does not strictly meet with the housing mix required under Policy H1, officers are of the view that on balance, in this instance, given the constraints of developing the site which include easements for water pipes along the boundaries which need to be safeguarded and free from built form, that the precise mix set out in Policy H1 would be difficult to achieve, and given the site area could result in an over intensive form of development. Consequently, the proposed mix of 1, 2, 3, 4 and 5 bedroom homes in this instance is considered to be acceptable and would provide a good choice of housing mix for the location.

Dwelling Size	Number	Policy	Percentage
1 bed	2	5%	7%
2 Bed	10	42%	33%
3 Bed	10	41%	33%
4 Bed	7	12%	23.5%
5 Bed	1	Not specified	3.5%
Total	30	100%	100%

### 3. Design and Layout

- 3.1 The NPPF (Section 12) advises that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” and that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 3.2 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.3 The National Planning Practice Guidance has recently been amended to state that, “the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”. In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 3.4 The National Model Design Code advises that, *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*. The Council does not, as yet, have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 3.5 Local Plan Strategy Policy BE1 advises that “new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”. The Policy continues to expand on this point advising that good design should be informed by “appreciation of context, as well as plan, scale, proportion and detail”.

#### Assessment

- 3.6 The proposals have been revised during the course of the application, which has led to an overall reduction in 6 No dwellings being proposed. In terms of the overall layout, dwellings are placed to provide natural surveillance over public areas, and there is a clear distinction between public and private areas. The layout is considered to be practical and workable for future residents. The design and appearance of the proposed individual dwellings would contribute towards achieving a pleasant street scene, with architectural features such as gables, bay windows and porches providing visual interest. A condition requiring details of materials is recommended to ensure that a high quality development is achieved, and it is considered that the scheme would result in a distinctive modern development of architectural merit. Furthermore, the layout of the scheme avoids a cramped form of development, with adequate garden sizes and off-road parking areas provided alongside areas of planting which would soften visual amenity within the street scenes. Pathways and road widths in accordance with Manual for Streets are also achieved.

3.7 It is therefore considered that the layout and design of this proposal accords with the principles and objectives of both Local and National Planning Policies.

#### 4. Residential Amenity

4.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the nearest neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive daylight and sunlight.

4.2 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD also sets requirements in terms of the size of private amenity space necessary to serve new dwelling houses. For 1 or 2 bedroom dwellings, a minimum garden size of 45 square metres should be provided, for 3 or 4 bed 65 square metres and for 5 bedroom dwellings 100 square metres. All gardens should have a minimum length of 10 metres.

#### Assessment

4.3 It is noted that objections have been raised in relation to impact on the existing amenity of neighbouring occupiers, notably through overlooking issues. In particular, these concerns relate to the rear elevations of the proposed dwellings along the Eastern boundary of the site, and their relationship to Trent Valley cottages and properties in Bexmore Drive to the rear. Proposed gardens of the properties along the Eastern boundary would be a minimum of 10m in depth, with a 30m separation between the existing rear elevation of neighbouring properties and the new two-storey rear elevations of dwellings within the proposed development. These separation distances and depths of gardens accord with the requirements set out in the Sustainable Design SPD, where a 21m separation is required between elevations where primary principal habitable windows, such as kitchens and bedrooms face each other. There are no significant changes in ground levels and it is noted that a separation of 30m is achieved. Cross sections have been provided to confirm the relationship between existing and proposed built form along the Eastern boundary. The SPD also confirms that there should be at least 6m between a primary principle habitable room window and private neighbouring residential amenity space. This requirement is met by the proposed development, whereby garden depths of 10m are proposed. The relevant separation distances and garden areas are met across the development.

4.4 The layout of the development confirms that the minimum private garden areas are exceeded for all plots, and the depth of each garden is a minimum of 10m in line with the requirements of the Sustainable Design SPD. The Councils Environmental Health Officer is satisfied with the submitted noise assessment and mitigation strategy, which includes the use of acoustic fencing to the Southern and Western boundaries. Such mitigation is the subject of a recommended condition. Whilst it is noted that an overheating risk assessment has been requested, this detail would form part of a necessary building regulations application, it is therefore not considered reasonable to request this information for the purposes of the planning application.

4.5 Overall, the proposal would provide an acceptable level of residential amenity whilst causing no unacceptable harm to existing residential amenity, such as light and privacy enjoyed by neighbouring occupiers. As such the development, subject to conditions, would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## 5. Access and Highway Safety

5.1 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns, through a number of measures, including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

5.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling, 2 bed homes require 1 space.

5.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 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.

### Assessment

5.4 Concerns have been raised by the Parish Council and local residents, regarding the proposed access and impact upon highway and pedestrian safety, the lack of suitable crossing facilities for pedestrians over the Burton Road and the details of the traffic survey and parking provision.

5.5 Following the initial submission of this application, additional information in the form of vehicle tracking, junction details, updated transport plan and off-site highway works have been provided and assessed by County Highways Officers.

5.6 In terms of parking provision, each dwelling would be served by sufficient off road parking spaces in line with the requirements set out in the Sustainable Design SPD. The main access to the site has been redesigned to meet the requirements and visibility splays set by the Highway Authority and data provided within the updated transport statement which includes predicted trip information. A full junction capacity analysis has also been submitted, the contents of which have been accepted by the Highways Officers. The transport statement concludes that bearing in mind the predicted modest level of traffic generation and the existing traffic conditions in the area, a safe means of access can be provided to the proposed development and the local highway network can accommodate the additional traffic flows generated without causing demonstrable harm.

5.7 Within the site, footpaths would be provided and sufficient space for refuse lorries can be demonstrated. Outside of the site, the applicant has agreed to provide a 2m wide footpath to the frontage of the site, a new bus stop and an appropriate pedestrian crossing facility on the Burton Road to enable residents to cross safely to access amenities within the Roman Heights development to the North. The crossing facility would include alterations to the kerbs, guard rails and tactile paving.

- 5.8 The County Highways team have raised no objections on highway grounds, subject to relevant planning conditions and off-site highway works as set out above which includes a construction management plan to limit disruption during works.
- 5.9 The application site is considered to be in a sustainable location proximate to local amenities; including bus stops and Lichfield Trent Valley Railway Station. Public footpaths would be provided to connect up to existing footpaths. The site is therefore considered to be sustainably located where the occupiers of the new properties would not be reliant on a car for transport. Further to the comments received from County Highways, it is not considered that the scheme would result in unreasonable traffic generation, and it should be noted that the site has been allocated for up to 38 dwelling houses through the Local Plan Allocations Document.
- 5.10 It is acknowledged that highways related concerns and objections have been presented by local residents and the Parish Council. Following the receipt of the professional County Highways advice, it would however be considered unreasonable to suggest that the scheme of development would be unacceptable on highways related grounds subject to the proposed conditions and having no technical evidence to the contrary.
- 5.11 In respect of the above, subject to conditions being applied to any planning approval to secure the relevant details set out, the development proposal is considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

## 6. Arboricultural Impacts

- 6.1 The NPPF states that: 'Planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments'. This is backed up by other recent government and local guidance such as the National Model Design Code which says: 'All schemes will be expected to follow national policy by achieving a 10% net gain in biodiversity. All new streets should include street trees.'
- 6.2 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Policy NR4 is supported by the Councils Tree's, Landscaping and Development SPD.

### Assessment

- 6.3 The landscape proposals have been updated following the initial submission of the planning application. It is noted that there are no protected trees on the site, and whilst existing boundary hedging would largely be removed, it would be replaced on all boundaries of the application site. To the frontage of the site with Burton Road, the replacement hedging would be set back into the site to allow the provision of a new public footpath and bus stop. It is noted that this detail is not indicated on the submitted landscape plan, therefore an updated version is recommended to be secured by an appropriately worded condition. The remaining boundaries, which are largely to the rear boundaries of the new dwellings would include the replanting of hedging, which in places would replace sparse areas of existing hedging. The hedging would sit within the garden areas between the acoustic fencing and garden areas. Trees, shrubs and grassed areas are included within the new street scenes and the proposed planting schedule has been reviewed by the Councils Tree Officer who has raised no objections. It is noted that further information in relation to tree pit details and watering/maintenance has been requested, such information can be secured by condition.

6.4 Whilst the scheme would result in the loss of 10 individual trees, these have been assessed and are considered as category C trees with low retention value. As set out above, a landscaping scheme will secure necessary planting of new trees and hedges, appropriate to their location. Retained trees will be protected during construction works, appropriate protection will be secured by a recommended condition. The scheme would not affect any protected trees and as such the submissions would comply with relevant local and national planning policies.

## 7. Ecology

7.1 To comply with the guidance contained within Paragraphs 9, 174 and 179 of the NPPF and the Council's biodiversity duty, as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

7.2 Core Policy 13 and policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate. Policies within the Local Plan Strategy are supplemented by the Biodiversity and Development Supplementary Planning Document.

### Assessment

7.3 A Preliminary Ecological Appraisal has been submitted to support the application. The document sets out that the habitats on the site are of low ecological value, although they provide a high value for a number of bird species. Whilst a recommendation was made to retain hedgerows, it was also noted that the loss of hedgerows could be overcome through a diverse native planting scheme being implemented. The Councils Ecology team are satisfied with the methodology and the information provided in the ecological appraisal and consider that it is unlikely that the proposed works will impact on protected species.

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.

7.5 Turning to the requirement to achieve a net gain in biodiversity across the site of 20%. The submitted biodiversity metric has assessed the site's biodiversity value. This document has been updated following queries raised by the Councils Ecology Team. It can now be considered that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition).

7.6 It has been confirmed that in terms of biodiversity units, 3.92 units would be lost as a result of this development. This requires, with the necessary policy compliant 20% uplift, a total of 4.70 biodiversity units (BU) to be delivered as part of the proposals. The submissions indicate that 1.58 BU could be delivered on site, which has been agreed with the Ecology team. It is appreciated that further amendments to the proposals are unlikely to achieve the necessary biodiversity uplift without detrimentally affecting the viability of the scheme. As such, the applicant has agreed to a financial contribution to deliver the remaining 3.12 BU off site. This would be secured through the recommended S106 agreement. In line with the Councils current charging schedule of £35,000 per BU, a financial contribution of £109,200 is required in this respect.

7.7 Subject to the aforementioned conditions and financial obligation, the proposals are acceptable in ecology terms and meet the requirements of relevant local and national policies.

## 8. Drainage

8.1 The National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

### Assessment

8.2 The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of the relevant specialist consultations the County Council as Lead Local Flood Authority and Severn Trent Water have raised no objection, subject to a pre-commencement drainage condition being incorporated should planning permission be granted.

8.3 Overall, subject to details of drainage being secured by an appropriately worded condition, the development proposal is considered to be acceptable in this regard.

## 9. Public Open Space

9.1 Policy HSC1 of the Local Plan Strategy sets out open space standards for new development and confirms that the Council will improve the quantity, quality and accessibility of green spaces, particularly where there are known deficiencies in an area. Within the policy, open space types are broken down to play, amenity green space, natural green space and allotment provision. Appendix D of the Developer Contributions SPD then sets out the cost of providing each typology.

### Assessment

9.2 It is noted that the Parish Council have raised objections on the grounds of the lack of public open space provision. On site, whilst there are grassed areas and vegetation, particularly to the frontage of the site, there are no specific areas of public open space proposed to be provided. For the play, amenity green space and natural green space typologies, Policy HSC1 sets a standard of a 10 minute walk distance from new development. In this case, whilst public open space and allotments are not being provided on site, it is noted that the nearest facilities, located in the Roman Heights development to the North would be within 10 minutes walk. As set out in section 5 above, the applicant will be providing pathways and an off-site pedestrian crossing to enable residents to safely access such facilities. Taking into consideration the policy requirements and the availability within the vicinity of the site, it can be considered that the public open space requirements arising from the development are met by the proposals.

## 10. Cannock Chase SAC

10.1 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.



- 10.2 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC, unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 10.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

#### Assessment

- 10.4 It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. In this case, as the proposal involves a net increase of 30 dwellings being provided. An Appropriate Assessment has been undertaken and it can be concluded that the development in itself or in combination with other development it will have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC.
- 10.5 A bespoke form of mitigation is therefore required, or the applicant can choose to contribute towards the Cannock Chase Partnership Detailed Implementation Plan at the current rate of £290.53 per dwelling to mitigate the impacts of the development. The required CIL payment will cater for this contribution and therefore no separate contribution will be sought in respect of this, unless the property being provided is an affordable dwelling (which is CIL exempt). As there are 11 affordable dwellings, the financial mitigation for these 11 properties will be included in the S106.
- 10.6 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

#### 11. Planning Obligations

- 11.1 Should Members be minded to grant permission, a Section 106 agreement would be required with regards to a range of required planning obligations to make the proposals acceptable. The applicant has agreed to the following provisions.
- 11.2 Firstly, as recommended by the School Organisation Team at Staffordshire County Council should planning permission be granted an education contribution of £420,513.76 (index linked from March 2022) should be sought from the developer to mitigate the impact on education from the development. It has been noted by the School Organisation Team that the scheme would be acceptable from an education perspective subject to a S106 agreement which meets this requirement. The requirement is in line with the objectives of policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD which seek to ensure that appropriate infrastructure needs arising from a development are delivered.
- 11.3 Should planning approval be recommended, as the Council would not be adopting any open space, communal areas, shared parking spaces, hedgerows or verges etc or the future maintenance of the drainage system. Arrangements would be required to ensure that the future maintenance of areas are covered by a suitable management organisation and plan. Such would be required as part of a Section 106 agreement should approval be recommended.
- 11.4 The Integrated Care Board (formerly known as the Clinical Commissioning Group) have requested the sum of £18,610 towards the improving local facilities within the primary care network to provide appropriate health facilities to serve the residents of the development.

This request is in compliance with policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD.

- 11.5 The scheme includes the provision of affordable housing, the scheme includes the provision of policy compliant affordable housing, this would need to form part of the Section 106 agreement to ensure it is delivered and a registered provider secured.
- 11.6 As set out in section 7 above, due to site and development constraints it is necessary for off-site biodiversity enhancement works to be funded. Such works would cover a 30 year period and funded by the applicant. In order to deliver the 3.12 units required to offset the development, a contribution of £109,200 is required.
- 11.7 The off-site highway works, which include pavement provision and enhancement, a bus stop and pedestrian crossing facility across the Burton Road will need to be provided prior to the first occupation of the dwelling houses. These works will be provided as part of a Highway Works agreement, however their detail will be secured by condition and delivery will be ensured through the S106 agreement.
- 11.8 This development is likely to have an impact upon Cannock Chase SAC (CC SAC). Protection measures for the CC SAC are set out under Policy NR7 of the Local Plan Strategy. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. From 1<sup>st</sup> April 2022, the Zone of Influence incorporates all dwellings within a 15km range of the Cannock Chase SAC. In this case, the development falls within the Zone of Influence and as such a financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development at a rate of £290.58 per dwelling in mitigation. The Councils latest Infrastructure Funding Statement confirms that where a development is non CIL-liable or exempt from CIL, planning obligations are secured to mitigate for the harm of the development on the Cannock Chase SAC through a S106 agreement. Contributions received will be spent on projects to mitigate the harm on the SAC in accordance with adopted Local Plan policy. In this case, 11 of the dwellings are affordable dwellings which are CIL exempt. As such, the financial contribution of £3195.38 will be secured through the S106 legal agreement. Payments for the remaining 19 market dwellings will be collected through CIL payments. It is noted that without an agreement secured to ensure appropriate Cannock Chase SAC mitigation, the proposals are unacceptable, on such grounds.
- 11.9 The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date. This application falls within the higher charging area as identified on the CIL Charging Schedule and would be charged at a rate of £55 per square metre for residential development (not including indexation).

## 12. Other Matters

- 12.1 It is noted that in the housing allocation LC10 of the Allocations Document, the site is listed as being located within source protection zone 1 which is a possible constraint for the future development. This constraint relates to pollution prevention measures in relation to ground water. The shape and size of a zone depends on the condition of the ground, how the groundwater flows through the ground, how fast it reaches the abstraction point from the pollution source and other environmental factors. From this the Environment Agency have developed a model of the groundwater environment on which to define protection zones. Notwithstanding the presence of the protection zone, the Environment Agency have been consulted and raise no objections to the proposals. Given the protection zone, the Environment Agency would be consulted on, and would need to provide the necessary agreement to any drainage strategy secured by condition.

12.2 Objections have been raised on the grounds of loss of property value and disruption during works. Whilst these objections are noted, loss of property value is not a material planning consideration which can be given weight in the assessment of a planning application. With respect to disruption during works, a Construction Environment Management Plan will be secured prior to works commencing on site to minimise any disruption.

### 13. Human Rights

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

### **Conclusion**

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

The proposed erection of 30 dwellings is considered to present a sustainable and appropriate form of development within this location. The principle of development is considered to be acceptable in that the application site lies within the settlement boundary of Lichfield within an allocated site for residential development.

The highway impacts of the proposal have been fully addressed and the County Highways Authority no longer raise any technical objections to the scheme. The proposals include provisions for off-site highway works to support the development. The overall design of the scheme has been amended and is considered to be acceptable, and the development would provide an acceptable level of amenity for both existing neighbouring occupiers and future residents with appropriate access to local facilities and sustainable transport modes.

Relevant points arisen through the consultations carried out have been addressed through the submission of amended plans and updated supporting information and consequently this planning application is recommended for planning approval, subject to a S106 agreement and relevant planning conditions as set out above.

Lichfield  
district council

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# LOCATION PLAN

21/01956/OUTFLM

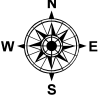
Land South Of Shortbutts Lane  
Lichfield

Scale: 1:5,000

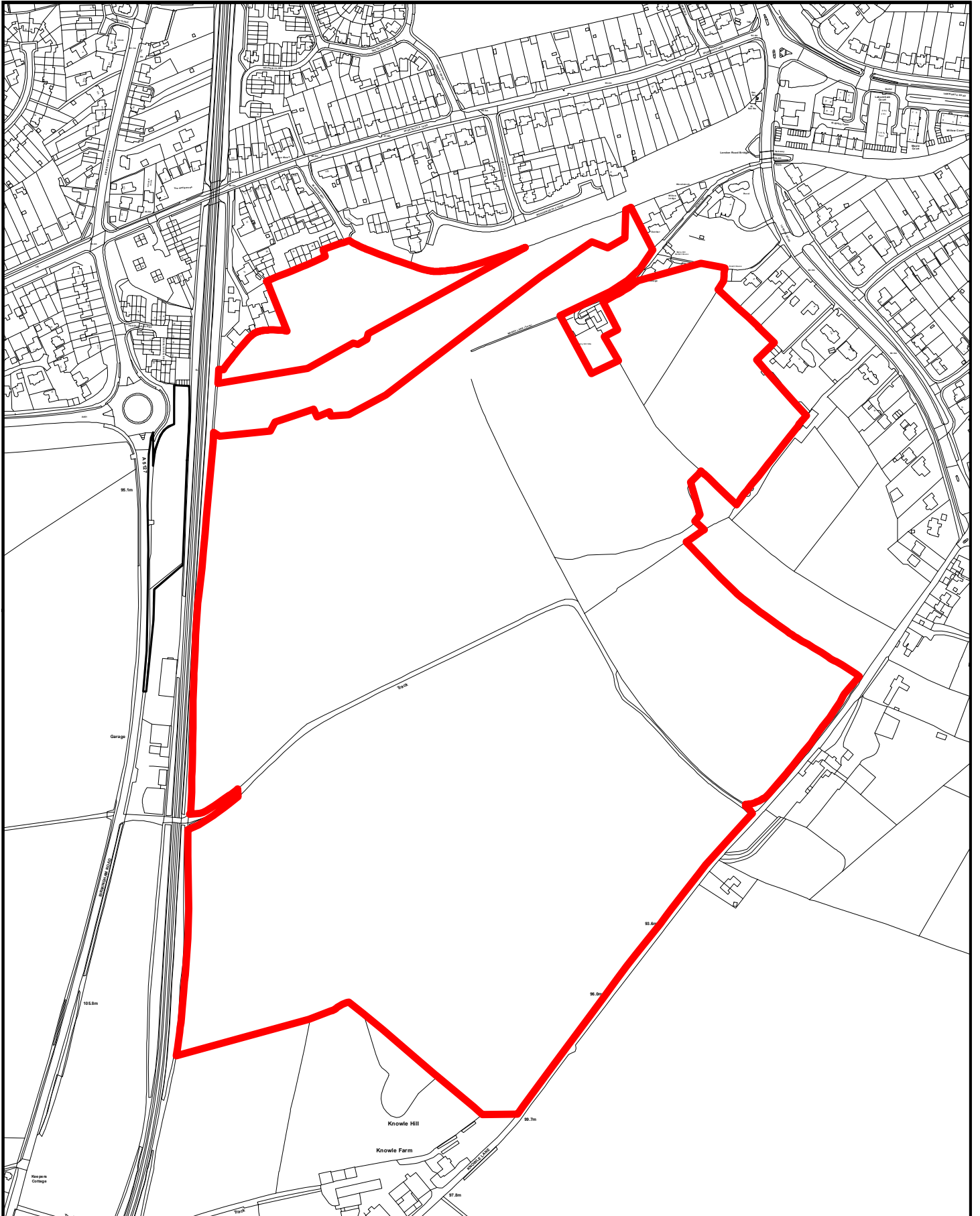
Dated: February 2023

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Licence No: 100017765



## **21/01956/OUTFLM**

Full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating 169 dwellings (phase 2A) approved and built under 19/00478/REMM).

Land South Of, Shortbutts Lane, Lichfield, Staffordshire  
FOR Persimmon Homes West Midlands

Registered **03/12/2021**

**Parish:** Lichfield City

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections raised by the Parish Council and that there are more than 2 planning obligations.

Lichfield City Council Parish objections are summarised as follows:

Density of the development and design and character of the location; The significance of this major allocated Strategic housing site and the number of S106 obligations required to make this development acceptable.

### **RECOMMENDATION:**

- (1) **Subject to the owners/applicants first entering into a S106 legal agreement to secure the following:**
- i. **38% Affordable Housing Provision - split as 65% Shared ownership, 35% Intermediate applicable across all phases A, B, C, D and E (Note Phase A is already constructed) in connection with an approved provider.**
  - ii. **A total financial contribution towards primary/secondary education of £4,500,000 less previous contributions paid under the previous outline permission.**
  - iii. **Bus service contribution – total of £750,000 (split into 3 equal parts of £250,000, plus indexation) with 1<sup>st</sup> payment due pre-occupation of 200<sup>th</sup> Dwelling, the 2<sup>nd</sup> payment due pre -occupation of 300<sup>th</sup> Dwelling and the final payment due pre-occupation of the 400<sup>th</sup> dwelling.**
  - iv. **A financial contribution of total £8,800.00 towards a Framework Travel Plan (which reflects the changes in costs since the original permission £15,000 less the previous payment made of £6200.00**
  - v. **Community Building provision.**
  - vi. **Commercial provision.**
  - vii. **Public Art provision.**
  - viii. **Provision for laying out public open space, allotments, LEAP, trim trails.**
  - ix. **Management plan for the public open space, playing pitches and changing facility.**
  - x. **Management and maintenance of landscape and trees (management company to be set up).**
  - xi. **Primary Care Health Infrastructure provision of £324,996.00 - to support Primary Healthcare infrastructure across the Lichfield PCN.**
  - xii. **A financial contribution towards the Cannock Chase Special Area of Conservation (separate Unilateral Undertaking)**
  - xiii. **The Payment appropriate management and monitoring fees of S106 for District & County Councils.**

- (2) **If the S106 legal agreement is not signed/completed by the 31<sup>st</sup> July 2023 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.**

**RECOMMENDATION: Approve, subject to the following conditions,** with delegated authority provided to officers, in consultation with the Chair of Planning Committee, to agree all final wording of such conditions:

#### **CONDITIONS**

1. The detailed development (including the residential phases, open space, play areas, allotments and sports provision) hereby approved and granted full planning permission shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Core Policies 3 and 6 and Policies H2, BE1 and Lichfield 6 (South of Lichfield) of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

3. Application(s) for the approval of any reserved matter(s) in relation to the outline elements in any phase; including for the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis, hot food takeaways and drinking establishments with expanded food provision) and the community building (F2b), must be made before the expiration of three years from the date of this permission. The development for which permission is granted must be begun before the expiration of two years from the final approval of the reserved matter(s) or, in the case of approval on different dates, the final approval of the last reserved matter to be approved.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

4. No phase of development included within the outline elements hereby approved (including the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and community building (F2b), shall be commenced until details of the access; appearance; landscaping; layout and scale of these elements, (hereinafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be therefore carried out as approved.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

5. Before the submission of the first Reserved Matters application relating to commercial uses (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision) and community building (F2b), pursuant to Conditions 1 and 4, a detailed Masterplan and a Design Code, for these elements of the development shall be submitted to and approved in writing by the Local Planning Authority.

Works shall be carried out strictly in accordance with these details.

The masterplan for the commercial and community areas, shall include the following, where relevant:

1. Land use including - (quantum of development uses)
2. A Movement framework, including street types/layout and how large/wide vehicles can be accommodated
3. Green infrastructure, including (location function and character)
4. Pedestrian and cycle networks
5. Connection to the surrounding area for all transport nodes
6. Views towards the City and Cathedral

The Design Code of the Commercial area shall include

1. Energy efficiency including principles, with details on how the commercial buildings will achieve 'BREEAM excellent'
2. Building heights
3. Layout
4. Principle of design and materials palette
5. Principle of entrances and service arrangements
6. Parking strategies including covered/secure cycle provision and Electric Vehicle charging points

Reason: In order to secure the satisfactory development of the application site, in the interests of good design and highway safety in accordance with Core Policies 3, 4 and 5 and Policies BE1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

6. No development or any other works shall take place (excluding demolition) on any phase (excluding Phase 2A) or reserved matters submitted, until a phasing plan for the construction and implementation of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved phasing plan.

Reason: This is required as a pre-commencement condition, in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing, in order to secure the satisfactory development of the application site in accordance with Core Policies 3 and 4 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

7. Before the development of any phase hereby approved (excluding Phase 2A), including any works of demolition, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following:
  - (i) Measures (including wheel wash facilities) to control the deposit of mud and similar debris on adjoining highways.
  - (ii) Details of parking of vehicles of site personnel, operative and visitors.
  - (iii) Details of working hours.
  - (iv) A programme of works (including traffic management measures.
  - (v) Routes for HGV construction traffic.
  - (vi) Pedestrian and cyclist protection.
  - (vii) Arrangements for turning vehicles in that they may leave in a forward gear.
  - (viii) Details of loading and unloading of plant and materials.

- (x) Details of storage of plant and materials used in constructing any part of the development.

All development and all operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the construction programme.

Reason: To Ensure the safe operation of the highway network and ensure highway safety is maintained for all users, in accordance with Core Policies 3, 4 and 5 and Development Management Policies IP1, SC1, ST1 and BE1 of the Lichfield Local Plan Strategy and the NPPF

- 8. Before the development hereby approved is commenced (excluding demolition works) in any phase (outline or detailed applications, except in respect of phase A) details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall thereafter be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 as the information is required prior to development commencing, in order to secure the satisfactory development of the application site in accordance with Policy BE1 of the Lichfield Plan Strategy and the National Planning Policy Framework.

- 9. Before the development of any reserved matter/s relating to the primary school is commenced, the applicant shall provide details of the earth modelling works to achieve access of 1:25 and level area from south to north at 1:100. These details shall be submitted to and approved, in consultation with Staffordshire Country Council Education and the agreed details shall be implemented on site prior to any land/transfer handover the school site to the County.

Reason: In order to secure a satisfactory form of development and access arrangement to the development, in the interests of pedestrian highway safety, in accordance with Core Policies 3, 4 and 5 and Policies BE1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework

- 10. Before the development of any of the reserved matters (in any phase), a drainage scheme to address the following requirements shall be submitted to and approved in writing by the Local Planning Authority.

(i) Managed surface water drainage, incorporating the following information:

The development should limit surface water discharge to the equivalent site-specific greenfield run off rate for all return periods up to the 1 in 100 year plus climate change event (a climate change allowance of 30% is to be provided and 10 allowance for development creep).

Include the implementation of SuDS within the development to achieve the three key principles of SuDS; Quantity Control, quality Control and Biodiversity and Amenity Value. Priority must be given to the above ground attenuation wherever feasible.

Include detailed calculations, with supporting network layout plan, to demonstrate the proposed network performance (for all events up to and including the 100yr plus 30% climate change event) are required. Evidence of this should include details of design criteria, water level, surcharged, depth flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details under each event, and may take the form of software simulation results.



Network performance should be evaluated for storm durations of 15, 30, 60, 120, 240, 360, 480, 960 & 1,440 minutes.

(ii) - Ensure the development is flood resilient by submitting an assessment of exceedance flows (i.e. intense summer storms); submitting levels plans and flow paths to demonstrate that the surface water flood risk associated with exceedance event has been mitigated on and off site.

Proposed finished floor levels should be designed to mitigate risk of flooding to people and property. All property levels should be set to a minimum of 150mm above surrounding ground levels and attention should be given to the surface water flood risk within the adjacent highways.

The scheme shall be fully implemented and maintained in accordance with the schemes' timing and phasing arrangement or within any other period as may be subsequently agreed in writing by the local Planning Authority.

Reason: To ensure suitable conditions are made in terms of flood and drainage across the site and amenities are protected in accordance with Core Policies 2 and 3 and Policies SC1 and BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

11. Before the first submission of reserved matters for each phase (including for the primary school (F1a); mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision and community building (F2b), the applicant shall submit to the Local Planning Authority for prior written approval, a full up to date tree survey and Arboricultural Implications Assessment (AIA) taking account of all the trees on the site and on adjoining land, including on the public highway. This shall be undertaken in accordance with British Standard 5837 'Trees in Relation to Design, Demolition and Construction recommendations (BS5837:2012 and any subsequent edition). The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site, in accordance with Core Policy CP3 and Policy BE1 of the Lichfield District Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

12. Before the development of the detailed residential phases and open space elements hereby approved are commenced (excluding Phase 2A), full details of tree protection measures for all trees and hedges to be retained, including trees adjacent to the site with root protection areas which may be impacted upon by the development, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure protection in accordance with BS 5837:2012, with details to be first submitted to and approved in writing by the Local Planning Authority to demonstrate this. The approved tree protection measures shall be implemented prior to commencement of any works, including any demolition works and shall be retained for the duration of the construction (including any demolition and/or site clearance works). No fires, excavation, changes 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 part of the development have been completed, and all equipment, machinery and surplus materials have been removed from the site.

Reason: In order to secure the satisfactory development of the application site, in accordance with Core Policy CP3 and Policy BE1 of the Lichfield District Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

13. Before the development in any phase of the detailed application (residential phases, excluding Phase 2A) hereby approved are commence, drainage plans for the disposal of foul and surface

water flows shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved drainage details, before the development in the relevant phase is first brought into use or first occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, in accordance with Core Policy 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

14. Before the development of any works connected to the playing pitch provision on site is commenced, full details of the sports pavilion/changing room facilities to be provided on site shall be submitted to the local planning authority for prior written approval. This sport pavilion/changing room facility building shall thereafter be constructed in accordance with the approved details and brought into use prior to the completion of laying out of the sports pitches on site.

Reason: To secure adequate provision of facilities to support the outdoor playing pitches, in accordance with Core Policy 11, Policies Lichfield 6: South Lichfield, HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

15. Before the development on site in respect to Phase 2D and/or prior to the approval of reserved matters in connection with the commercial land is commenced, details of the land levels earthworks and the landscape buffer adjacent to Network Rail Land (NRL) on the western boundary shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The details shall include plans and specification of a steel palisade trespass proof fence of a minimum height of 1.8m adjacent to the boundary with the railway land and set off 1m from NRL boundary. The landscape buffer shall be installed as approved, prior to construction works on Phase 2D or the any development within the commercial land.

Reason: In order to ensure protect national infrastructure and Network Rail's liability, or and ground instability or soil slippage, in accordance with Core Policy 3 and Policy SC1 and the National Planning Policy Framework.

16. Before the development of any part of the residential Phase 2D is commenced and before the approval of reserved matters in connection with the commercial land area hereby approved, a detailed drainage scheme, which includes the following, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail:

(i) How all the surface water and foul waters drain away from the direction of the railway boundary and the locations of the soakaways placed at least 30m from the railway boundary. (Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems).

(ii) Details of the management and maintenance of these systems shall be provided to ensure no run-off to NR land/property.

The development shall be implemented in accordance with the approved details and maintained as such in perpetuity.

Reason: In order to ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage in accordance with Core Policy 3 and Policy SC1 and paragraphs 167 and 183 of the National Planning Policy Framework.

17. Before the development of any phase of the detailed residential or open space development (excluding Phase 2A) is commenced, a Construction Environmental Management Plan (CEMP)

shall be submitted to and approved by the Local Planning Authority. This plan shall include details of how noise, vibration and dust associated with the construction phases are to be controlled and minimised. The construction of the phases of development shall thereafter be undertaken strictly in accordance with the approved details.

Reason: In order to ensure that the amenities of nearby/neighbouring premises and existing properties are adequately maintained, in accordance with Core Policy 3 and Policy SC1 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

18. Before the development of the phase involved in laying out the southern area of Public Open Space (POS) the following details shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of the ground conditions (including drainage and topography) of the land proposed for the playing field which identified constraint which could adversely affect playing field quality, and;
- (ii) Where the results of the assessment to be carried out pursuant to requirement (i). A detailed scheme to address such constraints. The scheme shall include a written specification of the proposed soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The development shall be carried out in full and in accordance with the approved details and programme of implementation. The scheme shall thereafter be maintained in accordance with the approved details and made available for playing field use in perpetuity.

Reason: To ensure that the playing fields are prepared to an adequate standard and is fit for purpose and, to accord with Development Plan Policies HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

19. Before the development of the phase involved in laying out the southern area of POS (or at a timescale otherwise agreed in writing with the Local Planning Authority) is commenced, a schedule of playing field maintenance, including a programme for implementation for a minimum period of five years starting from the commencement of use of the development shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Sport England. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the playing field is established and functions as playing fields to an adequate standard and is fit for purpose, in accordance with Policy HSC1 and HSC2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

20. a) The archaeological site works shall be implemented in full accordance with the approved scheme of archaeological investigation submitted in support of the application.

b) Before the development of the part of the any detailed development phases is commenced (except Phase 2A) a further site investigation and post fieldwork assessment (within the southern area of POS) shall be completed in accordance with the approved written scheme of archaeological investigation and provision is made for analysis, publication and dissemination of the results and archive deposition has been secured by agreement in writing of the Local Planning Authority, in consultation with Staffordshire Archaeological Services and the results carried out in strict accordance of the details submitted and approved.

Reason: To ensure that any archaeological remains are duly recorded and protected, in accordance with Core Policy 14 and Policies BE and BE2 of the Lichfield District Local Plan Strategy, Historic Environment SPD and the National Planning Policy Framework.

21. Before the development of any phase of the detailed residential/open space development (except for Phase 2A), the applicant shall submit in writing to the Local Planning Authority an Updated Badger Survey. The details of which shall be approved in writing by the Local Planning Authority. Works and mitigation as required, shall be carried out strictly in accordance with the approved scheme and timescales.

Reason: To ensure that statutory provisions are undertaken and species are protected, if found to be on any part of the development site, in accordance with Core Policy 13 and Policy NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the guidance in the National Planning Policy Framework.

22. Before the development of any phase of the detailed development, including the residential and open space phases (excluding Phase 2A), a Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP), detailing in full the future habitat creation works and sustained good management thereof to a value of no less the 20 BU as outlined in the Biodiversity Metric provided for the site, shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP an HMP shall include details as follows:

- i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example lowering of soil PH via application of elemental sulphur).
- ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on are utilised for habitat creation;
- iii) Details of both species composition and abundance (% within seed mix etc) where planting is to occur including post development habitat maps and plans;
- iv) Detailed design and working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location of proposed works for a period of no less than 30 years;
- v) Assurances of achievability;
- vi) Timetable of delivery for all habitats;
- vii) A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be managed should the monitoring deem it necessary; and,
- viii) That Ecological monitoring reports are submitted to the Local Planning Authority every 5 years thereafter.

The development and works shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure habitat creation work are successful in achieving habitat and condition in accordance with Core Policy 13 and Policies 3, 4 and 5 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

23. Before the first occupation of any part of the development (excluding Phase 2A) details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be

installed in accordance with the approved details and thereafter maintained as such for the life of the development.

Reason: This is required to enhance the nature conservation interest of the site in accordance with Policy NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

24. Before the development of any part of the residential phases (excluding phase 2A) details of suitable controls for surface water management as part of any temporary works associated with the permanent development and, to provide the finished floor levels, (showing 150mm above the back of the footpath level, to ensure that with driveways drain away from homes either to a channel or collection drain) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure the impact of flooding is reduced to the development and to any future occupiers, in accordance with Core Policies 2 and 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

25. No dwelling, building or use hereby approved (excluding Phase 2A) shall be occupied or the use commenced, until a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority and, the sustainable drainage for the development has been completed, in accordance with the approved sustainable drainage scheme. The approved drainage system shall be operated and maintained thereafter in accordance with the approved agreement with the adopting party and the approved Sustainable Drainage Operation and Maintenance Plan.

Reason: To ensure suitable management is made in terms of flood and drainage across the site and amenities are protected, in accordance with Core Policy 2 and 3 and Policies SC1 and BE1 of the Lichfield District Local Plan Strategy and paragraph 169 of the National Planning Policy Framework.

26. No part of the residential phases of the development (excluding phase 2A) shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reasons: To ensure a satisfactory development, in accordance to ensure there is no risk to human health of contaminated land and in accordance with the principles of Core Policy 3 and Policy SC1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

27. Before the first occupation of any of the dwellings in any phase hereby approved (excluding phase 2A), the parking and turning areas associated with each respective property shall be provided in a bound material and sustainably drained and thereafter retained for their designated purpose for the life of the development.

Reason: In order to secure the satisfactory development of the application site, in the

interests of highway safety, in accordance with Core Policies 3 and 5 and Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

28. Before the first occupation of any of the dwellings in any of the residential Phases (excluding phase 2A) hereby approved, the road connecting the dwellings to the public highway shall be constructed and surfaced to a minimum of base course level.

Reason: In order to secure the satisfactory development of the application site, in the interest of highway safety, in accordance with Core Policies 3 and 5 and Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

29. Before the occupation of the 250th dwelling anywhere within the residential development hereby approved, the southern improvement works to the Bowling Green Roundabout shall be fully implemented and completed, in accordance with Drawing No D0198G-S1-R01-01 Rev RO.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety, in accordance with Core Policy 3 and 5 and Policies BE1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

30. Before the occupation of the 250th dwelling hereby approved anywhere within the residential development, the footway/cycle works along Upper St John Street and Birmingham Road shall be fully implemented and completed with Drawing No's D0198G-S3-P-02 Rev PO and D0198G-S3-P-01 Rev PO.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3 and 5 and Policy BE1, Policy ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework

31. Before the occupation of the 250<sup>th</sup> dwelling full details, including timescales, of the improvements to Sainte Foy Avenue as broadly indicated on Drawing Number 778/35, shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall thereafter be constructed in accordance with the approved details and timescales.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

32. Before the 190<sup>th</sup> occupation of any dwelling on the development hereby approved or use of any non-residential buildings within any phase of the development, or other trigger as may be agreed in writing by the Local Planning Authority (in consultation with National Highways and the Local Highways Authority), a scheme of highway improvement works referred to as 'Phase B' on drawing Tr-0001 Rev P3 "Swinfen Island Proposed Design Scheme" shall be implemented in full and open to traffic. The detailed design of the scheme of highway improvement works shall first be submitted to and agreed in writing by the Local Planning Authority, in consultation with National Highways and the Local Highway Authority.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 2, 3, 4 and 5 and Policy SC1 and ST1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

33. Secured, covered and safe cycle parking facilities shall be provided within all residential plots that do not benefit from a garage, prior to the occupation of any dwelling it is to serve, in accordance with a scheme that has first been submitted to and approved in writing by the Local planning Authority. The approved facilities shall be retained in perpetuity.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Polies 3 and 5 and Policy ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

34. Secured, covered and safe cycle parking facilities shall be provided adjacent to the sports changing facility, pitches and allotments, in accordance with a scheme that has first been submitted to and approved in writing by the Local planning Authority and installed and fully operational prior to first use of the approved facilities and shall be retained as such in perpetuity.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Policies 2, 3, 4 and 5 and Policy SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

35. Before any of the sports pitches, changing facilities or allotments are brought into first use, the car parking provision, as shown on the approved drawing shall be provided and thereafter retained for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety and sustainable development in accordance with Core Policies 2, 3, 4, 5 and 10 and Policies SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

36. Before the first use of any building within the commercial land, the car parking, servicing and circulation areas for each respective building shall be provided. The car parking spaces, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter shall be retained in accordance with the approved plans for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

37. Any cycle parking associated with commercial premises (including showers and locker facilities) within the commercial land shall be implemented, in accordance with the approved details prior to first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Core Policies 3, 4 and 5 and Policies ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

38. The Framework Travel Plan (Dated November 2021) hereby approved, shall be implemented and monitored accordingly to the target contained therein, for a minimum period of 5 years post completion of the development hereby permitted.

Reason: In order to secure the satisfactory development of the application site, in the interests of highway safety and sustainability in accordance with Core Policies 2, 3, 4 and 5 and Policies SC1, ST1 and ST2 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

39. Details of the proposed boundary treatments of any phase of the reserved matters shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These details shall include plans showing the locations of existing, retained and proposed new

boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use hereby permitted and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site, in accordance with Policy BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

40. Notwithstanding the landscaping implemented on site, all works shall be carried out in accordance with the details as provided and approved and, a landscape management and maintenance plan, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To ensure landscaping is completed and to protect the landscape character and amenity of the development site over the long term in accordance with Policies Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

41. No phase of the development hereby approved (except phase 2A) shall be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority for the respective phase. The detailed lighting scheme/s shall include site annotated plans showing lighting positions for the public open space, external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including, colour, wattage and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of each phase of the development and thereafter maintained as approved.

Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character and ensure minimal disturbance of protected species in accordance with Policy BE1 and Policy NR3 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

42. No, prior to the occupation of any dwelling in Phase 2E, details to be submitted to and approved by the Local Planning Authority in respect to the location/design of a '1m stand-off' northern boundary to be achieved in association with this phase and existing properties. The respective stand-off boundary treatment element shall be implemented prior to occupation of the dwelling(s) hereby permitted in Phase 2E and shall be retained thereafter.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

43. Before the first occupation of any dwelling hereby approved (except those within phase 2A), details including samples of the materials to be used in the construction of the external surfaces of the dwelling(s)/development hereby approved shall be submitted for prior written approval by the Local Planning Authority for each phase of development. The development shall thereafter be carried out in accordance with the submitted and approved details prior to the occupation or use of the dwelling or building it relates to.

Reason: In order to secure the satisfactory development of the application site in accordance



with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

44. Before the public open space is first brought into use, full details of the 'trim trail' and associated equipment to be provided, these details shall be submitted to and approved in writing by the Local Planning Authority, and thereafter installed on site, in accordance with the details provided and retained as such in perpetuity.

Reason: In order to secure the satisfactory development of the application site in accordance with Core Policy 3 and Policies HSC1 and BE1 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

45. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) any residential garage (within Phases B, C, D and E) shall not be converted or used for any business or any residential living purposes and shall be kept available for the parking of vehicles in connection with the residential use only.

Reason: In order to ensure a satisfactory and adequate parking provision is provided in accordance with Policies BE1 and ST2 of the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

46. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no development granted under Part 3 Schedule 2 in Classes A – F shall be undertaken for Plots 171, 172, 179-187 (inclusive) and plots 192 and 193 unless otherwise approved on application to the Local Planning Authority

Reason: In order to ensure a satisfactory appearance to the development and secure adequate amenity levels for neighbouring properties are maintained, in accordance with Policy BE1 the Lichfield District Local Plan Strategy, Sustainable Design SPD and the National Planning Policy Framework.

47. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone will be set up to avoid disturbance until the young have fledged.

Reason: To ensure breeding birds are protected in accordance with Core Policy 13 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

48. The applicant shall implement the landscaping and planting in accordance with the approved details and provide details of the biodiversity net gain established on the site. Once complete on site these details shall be submitted to and approved by the Local Planning Authority that the 20.14% biodiversity metric (supplied in Spreadsheet 11989 and Report 11989 R09JD CW Dated 5.1.23) has been achieved.

Reason: To ensure biodiversity net has been achieved through landscape and planting in accordance with Core Policy 13 and Policies BE1 and NR3 of the Lichfield District Local Plan Strategy, Biodiversity and Development SPD and the National Planning Policy Framework.

49. The gross retail floorspace shall not exceed 100m<sup>2</sup>, unless prior to the submission of any reserved matters for the purposes of the community hub/neighbourhood centre, a retail impact assessment has been submitted to and agreed in writing by the Local Planning

Authority, demonstrating that more than more than 100sqm can be accommodated within the development, without causing harm to the vitality and viability of the Lichfield City centre and other local neighbourhood centres. The development shall thereafter be carried out in accordance with the approved details.

Reason: No retail impact assessment has been submitted with the application and therefore condition required to ensure the retail elements remain small scale and do not unduly impact on retail facilities in the city, in accordance with Core Policy 7, Policy E1 and Lichfield 6: South of Lichfield in the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
3. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
5. This Consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. The developer should be advise to contact Staffordshire County Council to ensure that approval and agreement are secured before commencement of the off site highways works which will require Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. [Highways.agreement@staffordshire.gov.uk](mailto:Highways.agreement@staffordshire.gov.uk)

The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

6. The developer is requested to covenant properties with a shared soakaway to take extra precautions in respect to building works and the increase of risk for flooding
7. The developer is encouraged to contact Staffordshire County Archaeology Team to discuss potential works in respect to the Public Open Space and archaeological work/dig with respect to Knowle hill
8. Developer is advised to consult with the Biodiversity and Development SPD and be aware of their provisions and obligations under the Wildlife and Countryside Act
9. Care should be given to open trenches during construction period and wildlife and routes for escape should be provided as required.

In addition to the above the applicant must interface with NR and undertake works as follows:

10. The developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.
11. The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations.

*Please see separate letter outlining all requirements*

12. This application/development is granted subject of a S106 legal agreement.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Design Guide  
DCLG Technical Standards  
National Model Design Code  
Manual for Streets

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy  
Core Policy 2 - Presumption in Favour of Sustainable Development  
Core Policy 3 - Delivering Sustainable Development  
Core policy 4 - Delivering our Infrastructure  
Core Policy 5 - Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 7 - Employment and Economic Development  
Core Policy 8 - Our centres  
Core Policy 10 - Healthy and Safe Lifestyles

Core Policy 11- Participation in Sport and Physical Activity  
Core Policy 13 - Our Natural Resources  
Core Policy 14- Our Built and Historic Environment  
Policy SC1- Sustainability Standards for Development  
Policy IP1 - Supporting and providing our Infrastructure  
Policy IP2 - Lichfield Canal  
Policy ST1- Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1- A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy E1 – Retail Assessments  
Policy HSC1 - Open Space Standards  
Policy HSC2 - Playing Pitch and Sport Facility Standards  
Policy NR1 - Countryside Management  
Policy NR3 – Biodiversity, Protected Species and their habitats  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR5 – Natural and Historic Landscapes  
Policy NR6 – Linked Habitat Corridors and Multi-Functional Green Spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy BE2 – Heritage Assets  
Policy Lichfield 1 – Lichfield Environment  
Policy Lichfield 2- Lichfield Services and Facilities  
Policy Lichfield 4- Lichfield Housing  
Policy Lichfield 6 – South of Lichfield

#### **Local Plan Allocations**

Policy IP2- Lichfield Canal  
Policy NR10- Cannock Chase Areas of Outstanding Natural Beauty  
Policy BE2- Heritage Assets

#### **Supplementary Planning Document**

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

#### **Lichfield City Neighbourhood Plan**

Policy 3 Primary Movement Routes  
Policy 9 Views of Lichfield Cathedral

#### **Lichfield District Local Plan 2040 (emerging)**

The emerging Lichfield District local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic objective and priority 3: Climate Change  
Strategic objective and priority 4: Our Infrastructure  
Strategic objective and priority 5: Sustainable transport  
Strategic objective and priority 6: Meeting housing need

Strategic objective and priority 7: Economic Prosperity  
 Strategic objective and priority 8: Employment opportunities  
 Strategic objective and priority 11: Healthy and safe lifestyles  
 Strategic objective and priority 12: Countryside character  
 Strategic objective and priority 13: Natural resources  
 Strategic objective and priority 14: Built environment  
 Strategic objective and priority 15: High quality development  
 Strategic Policy OSS1: Presumption in favour of sustainable development  
 Strategic Policy OSS2: Our spatial strategy  
 Strategic Policy OSC1: Securing sustainable development  
 Strategic Policy OSC2: Renewables and low carbon energy  
 Strategic Policy OSC3: Sustainable building standards for non-domestic buildings  
 Strategic Policy OSC4: High quality design  
 Strategic Policy OSC5: Flood risk, sustainable drainage & water quality  
 Strategic Policy INF1: Delivering our infrastructure  
 Strategic Policy OST1: Our sustainable transport  
 Strategic Policy OST2: Sustainable travel  
 Local Policy LP1OST: Parking provision  
 Strategic Policy OHF1: Housing provision  
 Strategic Policy OHF2: Providing a balanced housing market and optimising housing density  
 Strategic Policy OHF4: Affordable housing  
 Strategic Policy OEET1: Our employment and economic development  
 Strategic Policy OEET2: Our centres  
 Strategic Policy OHSC1: Healthy & safe communities  
 Preferred Policy OSR2: Open space and recreation  
 Strategic Policy OHSC2: Arts and culture  
 Strategic Policy ONR2: Habitats and biodiversity  
 Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation  
 Strategic Policy ONR4: Green infrastructure and connectivity  
 Strategic Policy ONR5: Natural and historic landscapes  
 Strategic Policy OBHE1: Historic environment  
 Strategic Policy OBHE2: Loss of heritage assets  
 Strategic Policy OBHE4: Evidence to support heritage proposals  
 Local Policy LC1: Lichfield economy  
 Local Policy LC2: Lichfield environment  
 Local Policy LC3: Lichfield services and facilities

*The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.*

#### **RELEVANT PLANNING HISTORY**

12/00182/OUTMEI	Construction of a sustainable mixed use urban extension, comprising of up to 450 dwellings; a primary school, mixed use community hub to include retail development (A1/A2/A3/A4/A5) and community buildings (D1); comprehensive green infrastructure including footpaths, cycleways, multi-functional open space including childrens' play areas, open space for sport and sustainable urban drainage systems; foul and surface water drainage infrastructure including balancing ponds; safeguarded route of Lichfield Canal; link road to form part of Lichfield Southern Bypass; site vehicular access point opposite Shell Garage, London Road; demolition of no 22 London Road to allow provision of second vehicular access from London Road	Approved	10.08.2018
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	and other associated ancillary infrastructure and ground re-modelling.		
19/00053/FULM	Construction of link road to form part of Lichfield Southern Bypass on Land between Birmingham Road and London Road, Lichfield.	Approved	04.09.2019
19/00478/REMM	Application of approval of reserved matters (layout, landscaping, scale and appearance) for the erection of 169 dwellings and associated works (Phase 2A) in accordance with application 12/00182/OUTMEI.	Approved	16.10.2019
12/00182/AMD	Non-Material Amendment to vary the wording of condition 16 relating to highways construction on the future former 22 London Road, Lichfield site & condition 23 relating to the submission of an ecology license following demolition of 22 London Road, Lichfield to amend the trigger points for the submission of information	Approved	31.10.2019
20/00478/REM	Application of Reserved Matters application relating to application 12/00182/OUTMEI for the installation of 1no electricity sub-station including details of appearance, scale, layout and landscaping (Access reserved)	Approved	28.05.2020
19/00053/AMD	Non Material Amendment : Alteration of line of Bypass to enable the retention of Lock 23		22.10.2020
21/00235/REMM	Application for approval of reserved matters following outline permission 12/00182/OUTMEI for the erection of 281 no. dwellings and associated infrastructure including appearance, landscaping, layout and scale (Phases 2B, 2C, 2D and 2E)	Withdrawn	20.12.2021
19/00478/AMD	Non-Material Amendment: Amend wording of condition 11 relating to materials plan to P18-0382 Rev N instead of P18-0382 Rev K	Approved	11.12.2020
12/00182/AMD1	Non-Material Amendment: Amend the wording of Condition 19 (Off-Site Cycleway Improvements)	Withdrawn	06.09.2021
19/00478/AMD1	Non-Material Amendment: Amend wording of condition 11 relating to materials plan to 19253-0382_08S-Materials Plan Exp_2021-02-03 instead of P18-0382_08N-Materials Plan	Approved	27.05.2021
12/00182/AMD2	Non-Material Amendment: Amend the wording of Condition 8 (Phasing of Development) relating to provision of Green Open and Space and occupation of residential units from 200 to 400	Withdrawn	12.05.2021
19/00478/AMD2	Non-Material Amendment: Changes to condition 2 of planning permission 19/00478/REMM as a result of changes to the planning layout, enclosures plan, and landscaping for St John's Phase 2A	Approved	06.09.2021
21/01358/SCREE	EIA Screening Opinion: Proposed mixed use development	Issued	2.08.2021
19/00478/AMD3	Non-Material Amendment: Changes to condition 11 of planning permission 19/00478/REMM as a result of changes to the materials for plots 1, 2, 5, 6, 7, 8 and 32 for St John's Phase 2A	Approved	02.11.2021
19/00053/AMD1	Non-Material Amendment: Relocation of noise barrier.	Undetermined	30.11.2021

19/00053/AMD2	Non-Material Amendment: Extension of noise barrier behind the Shortbutts Lane gardens to the boundary of 21 Wordsworth Close, and provision of additional noise barrier on the northern side of the bypass to give acoustic protection to the residences on Wordsworth Close	Approved	14.03.2022
19/00478/AMD4	Non Material Amendment: changes to condition 11 of reserved matters planning permission 19/00478/REMM as a result of material changes onsite	Approved	11.04.2022

## **CONSULTATION**

**Lichfield City PC** – Final Comments – Concerns about quality of the resulting development given the numbers and density of the scheme along with the impact of the development and the impact on access to infrastructure re doctors surgery/facilities. Further comments re walking routes and pedestrian links. (22.12.22)

Early Comments - No Objections, provided there is sufficient storage for bins within unadopted road. Disappointing there is no mention of a doctors surgery. (16.12.2021)

**Environment Agency- Final Comments** - No comments to make further to previous. (6.7.22)  
Initial Comments - No comments to make as constraints fall outside statutory remit. (15.12.2021).

**National Highways- Final Comments**– Recommend Conditions – Satisfied that the further data and evidence provided by agents Transport consultants regarding the trip generation against the development quantum is acceptable and the impacts would not be considered significant. Given the adjacent site on Cricket Lane NH recommend a condition for road improvements for ‘Swinfen Junction’ and London Road and CEMP to be approved by NH and the LPA. (22.9.22)

Initial Comments – Objection - recommend non-approval of this application. Discussions with the transport consultant has been ongoing and clarifications have been requested on the data provided in terms of existing and proposed vehicle numbers to ensure that there is no negative impact on the A38 Strategic Route. (14.4.22)

**Historic England- Final comments** - Have no further comments on the scheme. (9.12.21)

Initial comments – No comments to make (22.9.22)

**Ramblers Association-** No comments to make. (22.9.22)

**Network Rail-** Initial Comments – Holding Objection – Landscape buffer will require a trespass proof fence on applicants’ land at their expense of height of 1.8m. Fence should be set back at least 1m from NR Land. NR – need to understand the drainage and the excavation and earthworks in the location of the railway. Development distances are taken from NR boundary rather than the railway track. Details of RAMS assessment to be provided to NR for consideration. Notes and informative re RAMS. 22.9.22

**Western Power Distribution** - No objections – informative re: existence of any power assets in area of works. (22.9.22)

**Cadent Gas Limited** -No comments received.

**Sport England- Final Comments** – Open space and playing pitch provision per standards as required request conditions. (29.11.22)

Initial Comments - Objection - Note that the new Playing Pitch Strategy is now newer than the existing Local plan Strategy so may be more appropriate to consider of site contribution rather than on site provision. Note 1 adult pitch, 1 x 9/10 and u7/8 football pitch and parking is provided however no changing or pavilion. Pitches should be in accordance with SE Natural Turf for Sport Design Guidance Notes and orientation of u7/8 pitch is altered. Provision of a pavilion is required in line with policy HSC2. (27.9.22)

**Severn Trent-** No objection, subject to condition re details for water flows etc. (20.12.21)

**Canals and Rivers Trust (CART) -Final Comments**- no further to make. (6.10.22)

Initial Comments - Development would not directly affect the trusts waterways and therefore we would not be a statutory consultee. Note the route of the Lichfield Canal is safeguarded in the local Plan and the restoration is promoted through local plan policies. CART are supportive of restoration initiatives of the Lichfield and Hatherton Canal Restoration Trust (LHCRT) and support consultation with the trust and their restoration objectives. (17.12.21)

**Inland Waterways Association** - No objections. Note the changes to the land and proposal re access and number of dwellings. Note red line is outside the Southern Bypass. IWA is content that the route has been safeguarded and the land is to conveyance of the canal land is underway to the Lichfield and Hatherton Canal Restoration Trust. (20.12.21)

**Lichfield and Hatherton Canals Restoration Trust Ltd-** No objection to the granting of planning consent for the application and is in fact supportive. There has been collaboration with the applicant to demonstrate that at this stage is compatible with the restoration of the Lichfield Canal. Calverts have already been installed and any run-off has to be agreed with Severn Trent and given the design of the canal in a cutting any run off is unlikely to create any flooding. The LHCRT supports approval of this application. (24.12.21).

**South Lichfield Alliance (SLA)- Further Comments** – Increase in house numbers from outline to 529. This increase has an impact on

1. Dwelling provision increased represents at 17.5% increase. Affordable housing increased to 39%
2. Traffic by vehicle cycle and foot, increased pressure for
3. Parking pressures with increased numbers
3. Increased impact on utilities and constraints on open space provision and moreover impact on density of the development along with increased pressure on
4. Local services like doctors and schools.
5. Affordable housing leads to increased density without provision of any viability. There is a need to provide for EV charging points for households. Energy efficiency of the houses including solar panels and ground source heat pumps. If so, what visual impact will these have. The need for affordable housing is not disputed however increase of affordable housing is not justified by any mechanism.
7. Employment more housing puts pressure on new jobs and a good proportion should be provided locally. Cricket Lane provides very little and how does this development impact on this?
8. Education there is a need to provide for a school site which delivers both primary and secondary provision and SCC had indicated that there is insufficient supply and concerns that this will lead to capacity issues.
9. Cycle routes – despite acknowledging a pinch point the SLA does not agree that this route should be dispensed with.

Overall, a lower quality development without the necessary evidence to back it up.

Evidence base for smaller units is considered outdated and given changes since COVID there is a demand for spaces around dwellings to increase and large housing types are in short supply with families looking to upscale.



SUSTRANS involvement when cycle routes query this involvement rather than SLA. Cycle route should be provided from the development to the city and should include Cricket Lane. Of the two options of Upper John Street and Birmingham Road only Upper St John Street should be considered. (6.1.22)

Initial Comments - Number of issues that had been previously raised regarding the Boundaries to the properties in the original application 21/000235/REMM. It has been agreed with the developer to convey a 1.0m offset given there are restrictive covenants on the properties. Suggest condition for 6ft timber fence and no built offset to ensure nothing closer is provided.

Layout and design of houses has been altered to move away from a pattern of house garage where heights vary. This has been removed leaving some properties with limited space between each plot. given land given floor levels have been increased which can cause an issue of overshadowing. There is a possibility to move the plots and access to reduce impact on the existing properties. Would like to comment further on the scheme when amended. (29.12.21)

**Lichfield Civic Society-** The outline application was for the construction of 450 dwellings and the current application treats the Local Plan as irrelevant with an increase in number of 17.5% with no justification. There is a pattern with Cricket Lane which is now 520 dwellings. There is no GP practice and inadequate education provision for this and both are exacerbated by new builds. New development is crammed and the density will not afford good amenity levels. (7.1.22)

**Stoke and Staffordshire Clinical Commissioning Group - Final Response** - Further comments made funding should be secured for primary care infrastructure in S106. (5.12.22)

Initial Response - No initial objections, note the impact the increase of households will have on the local infrastructure and as such consider a e agreement of suitable provisions within a Section 106 Agreement to secure the funding and enable the funds to be drawn down at an appropriate time.

Based on average household size of 2.4, the likely impact of the development on primary care health services within Burton is an additional 1269.6 patients.

The development site sits in the South East Staffordshire and Seisdon Peninsula CCG locality within Lichfield PCN area. The site falls within the catchment area boundary of three practices, which are Darwin Medical Practice, Langton Medical Group and Westgate Surgery. The CCG has commissioned an independent study of the capacity of practices across PCN areas. This study has identified that there is a significant shortfall of space to deal with future capacity across the whole of the PCN. 16.12.21

**Staffordshire Police Architectural Liaison Officer –Design** – It is important that a high level of security is incorporated in the proposal. Support layout as it mainly is outward looking aspect and back to back for security. Side boundaries to footpath or car parking should have defensive planting or trellis. Meters should be to side of dwelling. Footpaths should be open to provide natural surveillance and lit where possible with care towards planting of heavy standard trees to avoid conflict with pedestrian use. Refer to Secure by Design standards Homes 2019. (12.2.22)

**Staffordshire Fire and Rescue Service- Final comments** - no further comments to make - 15.9.22

Initial Comments - Appropriate supplies of water should be available to fire fighting and distance should no more than 45 metres from the property. Consideration should be given to access to the appliance and weight of vehicle on unadopted road. Furthermore, consideration given to fire suppression systems. (09.12.2021)

**Staffordshire County Council Historic Environment Officer (Archaeology) - Final Comments** - The proposals have been reviewed against the information held by the Staffordshire Historic Environment Record (HER) and the Heritage Statement (HS). Archaeology Team are satisfied that the archaeological potential of the two separate phases are accepted and are happy to recommend that Condition 10 of the original outline application (12/00182/OUTMEI) could be discharged based on this. However, given the alterations in this application to what was proposed in 12/00182/OUTMEI,

particularly in relation to the proposed allotments and playing fields (and associated infrastructure) in an area of the site not previously subjected to archaeological trial trenching, there is potential for groundworks associated with these impacting on previously unknown archaeological features (and indeed the remains post medieval farmstead). This potential is particularly more pronounced in the southern part of the site due to the presence of the Roman road and a possible Bronze Age barrow at Knowle Hill.

Further archaeological evaluation is required suggest condition and note all archaeological works must be undertaken by an appropriately experienced archaeological organisation. (5.10.22)

Initial Comments - Note archaeological report and accept contents note impact on Knowle Hill further survey required. (22.2.22)

**Staffordshire County Council (School Organisation)** - Final Comments -Further submission amending the details of Planning Application REF 21/01956/OUTFLM at Shortbutts Lane (Land South of) ' reducing the housing delivery to 500 Dwellings.

Having considered the impact of this amendment on education provision and the latest costs to deliver the necessary places, the required education contribution remains at £4,500,000 for primary and secondary education. This figure will reduce to reflect contribution already made in terms of the outline application and is required as part of the s106. (22.12.22)

Further comments - 2.3 hectares will be transferred to County Council for delivery of school Our response of the 29 September 2022 provides further detail in respect of the requirements from the developer to ensure that the development can mitigate its impact on education. This information should continue to be used as part of our response. Need to provide for suitable access to school and levels within the site should be provided south to north due to embankment. (5.12.22)

Initial Comments - Planning Application REF 21/01956/OUTFLM at Shortbutts Lane (Land South of) for the proposed delivery of 529 Dwellings. This response is based on the information contained within the planning application. However, we have taken into account that the developer already has full planning approval for 169 of the 529 dwellings within this application and as an education contribution has been previously secured we will honour the original agreement for those 169 dwellings. Therefore, 169 dwellings have been deducted from our calculations and our response is based on the potential delivery of a further 360 dwellings.

Based on an agreed set of standard triggers the size of this development will necessitate payment of this education contribution at the following point(s):

30% on commencement of the development

30% on commencement 30% of dwellings

40% on commencement of 60% of dwellings (29.9.22)

**Staffordshire County Council (Highways)** - Final comments – No objections subject to conditions and provision of works. Details commentary relating to the history of the site and road improvement works as required. Parking provision is met across the site. Small number of plots have isolated parking which may lead to vehicles being parked in front of property which is noted. Some plots have garages and not all are sized to count as a parking space and have been discounted. Parking at these plots meet guidance in terms of house type/size. (18.12.22)

Initial Response - Relates to Phase 2C (4.10.22)

Initial Responses - Relates to phase B, E and D only. Parking spaces would be required to be labelled and to understand why some plots have different parking levels to others. Amendments to pavement widths and whether elements can be adopted should be changed accordingly. Areas not maintained by the Council should be part of a management company.

Some of the vehicle tracking shown refuse vehicles overrunning the kerb with rear wheels. Visibility spaces show 25m when 20m splays are required. (4.10.22 and 11.10.22)

**Staffordshire County Council (Minerals and Waste)-** No comments to made and the site does not fall inside the parameters for involvement. (22.9.22)

**Staffordshire County Council (Rights of Way Officer) - Final Comments** - Confirm that no public rights of way cross the site and no application has been received to modify. This does not preclude the possibility of a right of way at common law under Section 31 of the Highways Act therefore suggest that local enquiries are made to ensure that there is no route. (8.12.21)

**Staffordshire County Council (Flood Risk Officer) Final Comments** – No objections to granting planning permission subject to conditions and informatives. (4.11.22)

Further Comments – Still insufficient information to demonstrate that an acceptable drainage strategy is proposed. Outstanding issues are the 1. discharge method and to confirm that the soakaways are placed at least 30m from the railways boundary and 2. The contact name address and details of the parties responsible for maintenance. (22.9.22)

Initial Comments - There is insufficient details to fully demonstrate that an acceptable drainage strategy is proposed. Recommend that the application be held until these matters are concluded satisfactorily. Calculations of the flood period and minimum of return periods. 2. A Maintenance of the party responsible for the drainage and 3. Exceedance levels with plans showing flooded area and flow paths in any exceedance event. (21.12.21)

**Economic Development Officer LDC-** Commercial facilities will be welcomed and should support population and be complementary to the existing commercial offer in the location. Employment can be generated from the commercial opportunities and from the construction phase of the development. (9.12.21)

**Ecology Team - LDC - Final Comments** - Amended Biodiversity metric to reflect changes to layout etc is accepted. (15.12.22)

Further comments-The Ecology Team is satisfied with the quantitative data submitted by the applicant at this time via the Biodiversity Metric 3.0 and the Ecological Assessment Report. (19.3.22 & 23.9.22)

The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 131.93 Biodiversity Units (BU).

Recommend conditions in respect to a CEMP Construction Ecological Management Plan and HMP/ Habitat Management Plan to demonstrate habitat creation and good management The below information should become a prior to submission of reserved matters condition of any future planning approval. The applicant will need to submit to the LPA a Construction Ecological Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) to a value of no less than 158.93 BU. This should be supported by an updated biodiversity metric for the site.

Initial comments: Within the CEMP and HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition. This should be supported by an updated biodiversity metric for the site, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements.

The ecological assessment report cross references to ecological reports and planning conditions from previous permissions. These surveys, planning conditions and recommendations are still relevant to the application that has been submitted. They will need to be adhered to in any planning permission granted going forward.

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).

All recommendations and methods of working detailed within the Ecological Assessment must be made condition of any future planning approval. See section 5 which include the following:

1. Implementation of site-wide sensitive working techniques in relation to small mammals and amphibians, to be adopted with a Construction and Environmental Management Plan (CEMP) for each phase which should be submitted prior to commencement of each phase
2. Installation of bird and bat boxes in each phase
3. Sensitive timing of vegetation clearance in relation to nesting birds
4. Update site-wide badger survey before groundworks commence.

In addition to the Ecology Team's comments detailed above the applicant is advised to consult the Biodiversity and Development Supplementary Planning Document (SPD) and take account of all advice detailed within where it may relate to their application. (28.01.2022)

**Environmental Health Team - LDC – Final Comments** – considered the site investigation reference ST15715 and am satisfied with its conclusions, the remedial work proposed will be required by condition. (21.12.22)

Further Comments- In regards noise impacts, advise that the submitted noise assessment considers the impacts of noise arising from the school and the commercial areas of the development. Whilst the application in regards these elements is only outline, the implications of these proposed uses are such that they are likely to have a significant impact upon the residential dwellings, and so mitigation may have a bearing on the final layout and design of the dwellings. (21.9.22)

Also, advise that further consideration is given to the noise from the existing commercial units to the west of the site, and the railway line, to be sure that the previous assessment remains relevant.

Further comments will follow in regards air quality. (20.8.22)

Further Comments – await update from AECOM in respect to comments. (20.8.22)

Initial Comments - Satisfied that the site investigation and or any remedial works will require conditions. In respect to noise, report indicated consideration of noise from the school and commercial area however these are in outline however noise would need to be considered from the west of the site and the railways line. (21.12.21)

**Conservation and Urban Design Team – LDC- Final Comments** - Appreciate a number of changes have been made in respect to layout and reduction in numbers. Original outline was large site and less houses. Ongoing concerns over parking dominance and frontages. House types: This needs to be broken up. Detailed elements in respect to compliance with the masterplan and the layout with runs of parking et. Need to bring landscape into the development. Scale and heights are accepted variation of house types would improve overall scheme. Conditions to ensure materials detailing roof and RWG. (14.1.2022)

**Health And Wellbeing Development Manager - LDC** – No comments received.

**Spatial Policy and Delivery Team - LDC** - The site is within the South of Lichfield Strategic Development Allocation (SDA)

Outline planning consent was granted for a sustainable mixed use urban extension including up to 450 dwellings (Application Reference: 12/00182/OUTMEI) on 10 August 2018. 169 of these dwellings are already under construction at Phase 2A, as approved by 19/00478/REMM on 16th October 2019.

Lichfield Local Plan Strategy and Allocations Document - Lichfield District Council adopted its Local Plan Strategy in 2015 and the Local Plan Allocations was adopted on 19th July 2019. The proposed development forms part of the Strategic Development Allocations South of Lichfield allocated for development as part of Policy Lichfield 6: South of Lichfield, as such the principle of the development of the site is clearly established within the adopted Local Plan.

Core Policy 1 states that throughout the District, growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. The application site falls within one of these areas; South of Lichfield Strategic Development Allocation (SDA). Core Policy 6 Housing Delivery details that this is to provide for up to 450 homes.

Core Policy 6: Housing Delivery provides further detail as to where housing will be delivered across the District and identifies 450 homes to the South of Lichfield). Whilst this is increase in the overall number of dwellings requirement, the figures set out within the Local Plan are considered to be minimums and therefore there is no objection in principle from a policy perspective to the increase in dwellings where this accords with other policies within the local plan.

Policy Lichfield 6: South of Lichfield outlines key development criteria for the development of approximately 1,350 dwellings within the allocations identified south of Lichfield City which includes land south of Shortbutts Lane. The criteria includes integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network and improve access through the completion of the Lichfield Southern Bypass.

Further the development of this site would need to comply with the guidance given in the South of Lichfield SDA Concept Statement at Appendix C, together with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

Affordable housing and dwelling mix - Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the current level of required affordable housing. At the time of validation the latest viable target was set out within AMR 2020, this target was 38%. The AMR 2021 has since been published (17 December 2021) and sets the current target at 40%. However, given the application was validated prior to the publication of the AMR 2021 the target within the AMR 2020 should be used in this instance.

Note that the application proposes a provision of 38% affordable housing within the areas outside of Phase 2A land. When taking into account Phase 2A, the overall provision across the whole site is 36.5%.The requirement for affordable housing within the s106 agreement attached to the outline approval 12/00182/OUTMEI was 31%.

Nonetheless, there remains a shortfall between the application, which covers the whole site including Phase 2A, and the requirement set out in the AMR 2020 (1.5%) which will need to be addressed.

With regards to housing mix, the Local Plan Strategy outlines the need in the District to create a balanced housing market and Policy H1 sets out the need for 2 and 3 bedroom properties within the District. For guidance, the policy identifies a preferred dwelling mix of 5% one bed dwellings, 42% two bed dwellings, 41% three bed dwellings and 12% four plus dwellings. Therefore, the scheme of 2 and 3 bed dwellings would be sought and supported by the adopted Local Plan.

The mix of homes proposed within this application is broadly consistent with the dwelling mix identified within the adopted Local Plan and is supported.

Open space, sport and recreation- The indicative masterplan indicates areas of accessible open space incorporating a large district park, children's equipped play, amenity greenspace and playing pitches. The incorporation of these open space facilities are welcomed.

Policy HSC1: Open Space Standards sets out the open space provision required for all Strategic Development Allocations. The policy requires new allotment space at a minimum of 1 plot per 32 households within the South Lichfield SDA.

Lichfield Canal restoration - The site lies adjacent to the route of the Lichfield Canal. Whilst the canal route is outside of the application red line boundary, it is noted that the route has already been safeguarded as part of the work already undertaken and permitted by the outline and reserved matters consents.

Education and Highways It is noted that the development proposals include the provision of a primary school, in line with Local Plan Strategy Policy Lichfield 6: South of Lichfield which requires the provision of a community hub to include a one form entry primary school.

As SCC is responsible for the provision of education within the District they should be consulted regarding the details of the amount of land required to accommodate expansion of the existing school or with regard to any contributions required for both primary and secondary school places arising from proposals.

Public artwork- The application does not make any reference to public art provision.

Neighbourhood Plan - The Lichfield City Neighbourhood Plan was made on 17 April 2018 and as such now forms part of the development plan for this area. Of consideration for this application due to its close proximity to the site is Policy 3: Primary Movement Routes which seeks to identify Primary Movement Routes from development and supports proposals to enhance these routes.

Five Year Housing Land Supply - The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper 2021. The District Council can currently demonstrate a 13.4 years supply of housing land against the housing requirement within the adopted Local Plan Strategy.

Community Infrastructure Levy - The District Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply to all relevant applications determined after this date.

Conclusion - In conclusion, there are no policy objections to the residential development of this site as the site already benefits from outline permission and is identified within the Policy Lichfield 6: South of Lichfield in the Local Plan Strategy as a Strategic Development Allocation for up to 450 dwellings. (29.12.21)

**Directorate of Leisure And Parks – LDC-** The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all POS areas are covered by a suitable management organisation and Plan. Items which need consideration, include; Boundary treatments street furniture. Sufficient play facilities are provided to accommodate the number of homes, range of age groups and abilities, in line with the Fields of Trust 'Guidance for Outdoor sport and Play'. Creating places of shade on open spaces, which are located in an accessible location of the development for as many householders as possible. Sufficient Dog and general litter bins are provided and located in convenient positions near entrances/exits for users and maintenance. Accessibility for all users. Consider carbon impact improvements from reducing hard landscaping, tree planting and maintenance requirements. (10.12.2021)

**Waste Management LDC -** Developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present their bins at the nearest appropriate

highway on collection days a suitable bin collection point (BCP) may be required with due consideration to the distance from the residents properties (maximum of 30m) and the main highway. (22.4.22)

**Tree Officer – LDC- Final Comments** - The amendments to the proposed landscaping scheme are relatively minor to accommodate changes to the plot layout and these are accepted. The EON drawings (showing proposed street lighting) show potential conflict with street trees. In addition, the lighting column locations may also conflict with tree pit design/provision. (21.12.22)

Further comments - Substantial amendments have been made to address previous comments of the 12th of July 2022. Most comments have been largely addressed. A question remains regarding the use of management company strips as highlighted within the previous comments. It is assumed that the previous submission (17th Nov 2022) including maintenance plans/details, tree pit details and planting schedules remains relevant except for the specific amended drawings submitted for assessment. (11.12.22)

Early Initial comments - Note substantive works to provide for open space. Number of plans to reflect planting and concerns over the details of tree roots in ball and tree pit details and how trees will be managed within each plot. (12.9.22, 14.4.22 & 22.2.22)

**Housing Manager – LDC-** Final comments noted that this site will now deliver a reduced number of 500 homes and that while the number of affordable homes is also reduced, provision as a percentage the total new housing has been maintained at previously accepted values. Have no specific objection to the affordable housing proposed in this application, though confirmation that this revised scheme is acceptable to the Registered Provider acquiring the units is requested to offer full support. (1.12.22)

Initial comments - Scheme has been revised to deliver 521 homes and that while the number of affordable homes is also reduced, provision as a percentage the total new housing has been maintained at previously accepted values. Have no specific objection to the affordable housing proposed in this application, though confirmation that this revised scheme is acceptable to the Registered Provider acquiring the units. (12.9.22)

## **LETTERS OF REPRESENTATION**

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

Initial comments received between 08.12.2021- 08.02.2022 are summarised as follows:

- Knowle Hill, which the site is based on and around is a site of archaeological importance. The development will have a significant impact on this.
- Significant concerns raised about the increase in the amount of traffic on the roads and the pressure that the added housing increase will put on local services such as hospitals, GP Surgeries and Water supply.
- Residents of Shortbutts Lane and Sanders Way raise significant objections about the development being very close to the rear of their properties. Residents would like to see hedges retained and note that the development would cause a loss of valuable greenspace and biodiversity.
- Objections raised on the grounds of a loss of amenity space, a feeling of enclosure and a loss of privacy due to the skyline being highly dominated by brick buildings.
- The concentration of homes is too high and would be out of character with the area.
- For the residents of Sanders Way specifically, concerns raised that the building works could damage the foundations of their properties.

- A significant lack of communication with the local community and there is already considerable noise disturbance from works and construction traffic so controls over these factors would be welcomed.
- A serious threat to highways safety through the way the access has been designed and the parking arrangements for the proposed homes.
- Several additional engineering works will need to be carried out to facilitate this development. These may have an adverse effect on the Grade II Listed Berry Hill. Concerns were raised about the flooding that can occur on Marsh Lane and whether this may be made worse by the development. In addition, the level of pollution caused by the development was also raised as a concern.

Neighbour responses received (objections) between 22.04.2022- 13.09.2022 are summarised as follows:

- The density and type of homes is out of character with Lichfield as a whole, the preference would be for larger plot sizes and 4-5-bedroom houses.
- Comment from the Westgate GP Surgery stating concerns about the already immense pressure on their staff and being unable to meet the demands of an increased patient list. This concern was echoed by other neighbour objectors.
- Significant overshadowing and a loss of privacy.
- The removal of the hedgerows on Sanders Way and the lack of soft landscaping plans.
- None of the new associated infrastructure has appeared.
- Concerns about the increased traffic in the area and how this will impact services.
- Questioning whether this is a sustainable development.

Neighbour responses received (objections) between 27.09.2022- 09.01.2023 are summarised as follows:

- Density of homes is too high for the site, would prefer to see 4-5-bedroom houses.
- Pressure on local services particularly the GP surgery and an increased amount of traffic in the area.
- Question whether there is a need for a fast-food takeaway in the area.
- Concerns were once again raised about the effect the development will have on the archaeological history of the site and the Grade II Listed, Berry Hill.
- Concerns about the boundary treatments and what will be removed. There is a lack of provision for greenspaces.
- Overshadowing and Loss of Light.
- A specific comment was made about the design of plot 172 and the side elevation windows looking into an already existing bungalow.

### **OTHER BACKGROUND DOCUMENTS**

Acoustic Assessment Update AECOM (60666052) 14.04.22

Acoustic MEMO - AECOM (60598001\_1) 27.01.22

Air Quality Assessment - AECOM (60666052\_AQ) October 2021

Affordable Housing Statement- Persimmon (November 2022)

Site Waste Management Plan- Persimmon - 01.10.21

Framework Travel Plan PJA (05835) November 2021

Transport Assessment - PJA (05835) November 2021

Arboricultural Impact Assessment – RPS (JSL4182) 15.11.22

High Level Overview Of Landscape And Visual Considerations- RPS (JSL 4197-RPS-XX-EX-RP-L-9030-P01RPS - Cannock Chase SAC Impact Assessment (JBB8917.C7819) 26.08.21

RPS - Daylight and Sunlight Assessment (AAH5738) November 2021



RPS - Daylight and Sunlight Assessment Addendum (AAH5738) September 2022  
RPS - Design and Access Statement (AAH5738\_RPS-21-ZZ-PL-A\_Rev P03) November 2021  
RPS - Flood Risk Assessment (HLEF81248) 01.11.21  
RPS - Planning Statement (JBB8917) 24.11.2021  
Tyler Grange - Ecological Assessment Report (11989\_R08a\_EA\_JD\_CW) 19.11.21  
Tyler Grange – Biodiversity Net Gain Note (11989\_R09\_JD\_CW) 05.01.23  
Cannock Chase SAC Partnership - HRA 04.07.22  
Wardell Armstrong - Coal Mining Risk Assessment (ST15751) August 2021  
Wardell Armstrong - Site Investigation and Ground Conditions Assessment (ST15751) May 2018  
Worcestershire Archaeology - Heritage Statement V2 (P6178) November 2021

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

AMEY - Off-Site Cycle Works Birmingham Road (I-D0198G-S3-P-01 P0) 13.10.21  
AMEY - Off-Site Cycle Works Upper St John Street (CD0198G-S3-P-02 P0) 13.10.21  
AMEY - Off-Site Works Bowling Green Roundabout Southern Arm (D0198G-S1-R01-01-R0) 13.10.21  
PJA - The Friary Roadworks - Sainte Foy (778-35) Rev  
PJA 03847-Tr-0001-P3 Swinfen Island - Proposed Design Scheme  
Proludic - St Johns Phase 2A LEAP (1904.22170)  
Proludic - St Johns Phase 2B-2D LEAP (2010.27459)  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-02-P04 Flood Route Plan Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-03-P04 Flood Route Plan Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-111-04-P04 Flood Route Plan Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-01-P01-Storm Drainage Area Plan Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-02-P01-Storm Drainage Area Plan Phase 2B  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-03-P01-Storm Drainage Area Plan Phase 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-112-04-P01-Storm Drainage Area Plan Phase 2E  
EON - Preliminary Street Lighting (01950-01 Rev B) Phase 2E  
EON - Preliminary Street Lighting (01950-02 Rev B) Phase 2C  
EON - Preliminary Street Lighting (01950-03 Rev B) Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-01-P10 Refuse Vehicle Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-02-P10 Refuse Vehicle Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-117-03-P10 Refuse Vehicle Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-01-P08 Fire Tender Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-02-P08 Fire Tender Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-118-03-P09 Fire Tender Tracking Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-01-P06 Private Drive Fire Tracking Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-02-P06 Private Drive Fire Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-03-P06 Private Drive Fire Tracking Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-01-P06 Private Drive Fire Tracking Phase 2B  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-02-P06 Private Drive Fire Tracking Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-119-03-P06 Private Drive Fire Tracking Phase  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-09-P12 Levels Drainage Concept Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-10-P12 Levels Drainage Concept Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-11-P11 Levels Drainage Concept Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-12-P07 Section Through Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-13-P07 Section Through Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-14-P07 Section Through Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-15-P06 Proposed Slab Levels Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-16-P06 Proposed Slab Levels Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-600-17-P08 Proposed Slab Levels Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-801-02\_P11 S38 Adoption Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-801-03\_P09 S38 Adoption Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-801-04\_P09 S38 Adoption Phase 2E  
RPS - AAC5375\_RPS-xx-xx-DR-C-Vis-2-P07 Visibility Splays Phase 2B 2D  
RPS - AAC5375\_RPS-xx-xx-DR-C-Vis-3-P06 Visibility Splays Phase 2C  
RPS - AAC5375\_RPS-xx-xx-DR-C-Vis-4-P07 Visibility Splays Phase 2E

RPS - Amenity Assessment Plan (AAH5738-RPS-GR-01-DR-S-8110) Rev  
RPS - Chimney Plan (AAH5738-RPS-GR-01-DR-S-8112) Rev E  
RPS - Education Provision Plan (AAH5738-RPS-GR-01-DR-S-8115)  
RPS - Electric Vehicle Charging Point Plan (AAH5738-RPS-GR-01-DR-S-8113) Rev B  
RPS - Enclosure Plan (AAH5738-RPS-GR-01-DR-S-8107) Rev E  
RPS - JSL4197-RPS-XX-XX-DR-L-9001\_General Arrangement Plan\_01\_P09  
RPS - JSL4197-RPS-XX-XX-DR-L-9002\_Detailed Soft Landscape Proposals\_02\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9003\_Detailed Soft Landscape Proposals\_03\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9004\_Detailed Soft Landscape Proposals\_04\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9005\_Detailed Soft Landscape Proposals\_05\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9006\_Detailed Soft Landscape Proposals\_06\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9007\_Detailed Soft Landscape Proposals\_07\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9008\_Detailed Soft Landscape Proposals\_08\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9009\_Detailed Soft Landscape Proposals\_09\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9010\_Detailed Soft Landscape Proposals\_10\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9011\_Detailed Soft Landscape Proposals\_11\_  
RPS - JSL4197-RPS-XX-XX-DR-L-9012\_Detailed Soft Landscape Proposals\_12\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9013\_Detailed Soft Landscape Proposals\_13\_P09  
RPS - JSL4197-RPS-XX-XX-DR-L-9014\_Detailed Soft Landscape Proposals\_14\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9015\_Detailed Soft Landscape Proposals\_15\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9016\_Detailed Soft Landscape Proposals\_16\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9017\_Detailed Soft Landscape Proposals\_17\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9018\_Detailed Soft Landscape Proposals\_18\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9019\_Detailed Soft Landscape Proposals\_19\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9020\_Detailed Soft Landscape Proposals\_20\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9021\_Detailed Soft Landscape Proposals\_21\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9022\_Detailed Soft Landscape Proposals\_22\_P07  
RPS - JSL4197-RPS-XX-XX-DR-L-9023\_Detailed Soft Landscape Proposals\_23\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9024\_Detailed Soft Landscape Proposals\_24\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9025\_Detailed Soft Landscape Proposals\_25\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9026\_Detailed Soft Landscape Proposals\_26\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9027\_Planting Schedules + Specification\_27\_P05  
RPS - JSL4197-RPS-XX-XX-DR-L-9028\_Planting Schedules + Specification\_28\_P08  
RPS - JSL4197-RPS-XX-XX-DR-L-9031\_Tree Canopy Cover Plan\_P06  
RPS - JSL4197-RPS-XX-XX-DR-L-9032\_Tree Pit Location Plan\_P02  
RPS - JSL4197-RPS-XX-XX-DR-L-9033\_Tree Pit Location Plan\_P02  
RPS - JSL4197-RPS-XX-XX-DR-L-9034\_Tree Pit Detail\_P01  
RPS - JSL4197-RPS-XX-XX-DR-L-9036\_Tree Maintenance Plan\_P06  
RPS - LLFA Response (Version 2 HLEF81248) 17.11.22RPS - Location Plan (AAH5738-8104 Rev C)  
RPS - Materials Plan (AAH5738-RPS-GR-01-DR-S-8104) Rev H  
RPS - Net Dev Plan (AAH5738-RPS-GR-01-DR-S-0001)  
RPS - Parking Assessment Plan (AAH5738-RPS-GR-01-DR-S-8108) Rev F  
RPS - Phase 2B 1 in 1 Year Critical Storm.  
RPS - Phase 2B 1 in 2 Year Critical Storm.  
RPS - Phase 2B 1 in 30 Year Critical Storm.  
RPS - Phase 2B 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2C 1 in 1 Year Critical Storm.  
RPS - Phase 2C 1 in 2 Year Critical Storm.  
RPS - Phase 2C 1 in 30 Year Critical Storm.  
RPS - Phase 2C 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2D 1 in 1 Year Critical Storm.  
RPS - Phase 2D 1 in 2 Year Critical Storm.  
RPS - Phase 2D 1 in 30 Year Critical Storm.  
RPS - Phase 2D 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase 2E 1 in 1 Year Critical Storm.  
RPS - Phase 2E 1 in 2 Year Critical Storm.  
RPS - Phase 2E 1 in 30 Year Critical Storm.

RPS - Phase 2E 1 in 100 Year Plus 30% Critical Storm.  
RPS - Phase Plan (AAH5738-RPS-GR-01-DR-S-8111) Rev C  
RPS - Planning Layout (AAH5738-RPS-GR-01-DR-S-8105) Rev Z  
RPS - Planning Layout Coloured (AAH5738-RPS-GR-01-DR-S-8105) Rev Z  
RPS - Storey Heights Plan (AAH5738-RPS-GR-01-DR-S-8106) Rev D  
RPS - Street Scenes (AAH5738-RPS-xxx-xx-DR-A-7802) Rev A  
RPS - Street Scenes (AAH5738-RPS-xxx-xx-DR-S-7801) Rev G  
RPS - Street Scenes (AAH5738-RPS-xxx-xx-DR-S-7803) Rev A  
RPS - Tenure Plan (AAH5738-RPS-GR-01-DR-S-8110) Rev P01.06  
Tyler Grange - Biodiversity Metric 3.0  
Tyler Grange - Biodiversity Metric 3.0 (05.01.23 Update)  
Arts and Craft - Affordable 73 (73-788-04) Rev B  
Arts and Craft - Affordable 83 (83-896-03) Rev B  
Arts and Craft - Albermarle (AE-2422-01) Rev C ELEVATION  
Arts and Craft - Albermarle (AE-2422-02) Rev C FLOORPLAN  
Arts and Craft - Barnwood (BW-1012-01) Rev B  
Arts and Craft - Bond (BD-1843-01) Rev C  
Arts and Craft - Chedworth (CD-1222-01) Rev C  
Arts and Craft - Compton (CM-WD01) Rev C  
Arts and Craft - Fenchurch (FH-WD01) Rev C  
Arts and Craft - Foxford (FX-1445-01) Rev C  
Arts and Craft - Hatfield (HT-969-02) Rev C  
Arts and Craft - Hatfield Corner (HTC-969-01) Rev C  
Arts and Craft - Holborn (HB-WD01) Rev C  
Arts and Craft - Large Rufford (RF-1054-01) Rev C  
Arts and Craft - Portland (PD-2167-01) Rev C  
Arts and Craft - Trafalgar (TG-699-03) Rev C  
Arts and Craft - Wareham (WH-863-02) Rev C  
Arts and Craft - Whinfell (WH-1151-02) Rev C  
Canal Wharf - Greyfriars (GF-1068-01) Rev C  
Canal Wharf - Greyfriars (GF-1068-02) Rev C  
Canal Wharf - Greyfriars (GF-1068-03) Rev C  
Canal Wharf - Towcester (TW-1059-01) Rev  
Canal Wharf - Towcester (TW-1059-02) Rev  
Single and Double Garage (SGD-01) Rev B  
Traditional - Affordable 73 (73-788-01) Rev C  
Traditional - Affordable 73 (73-788-05) Rev  
Traditional - Affordable 73 (73-788-06) Rev  
Traditional - Affordable 83 (83-896-01) Rev C  
Traditional - Affordable 83 (83-896-05) Rev  
Traditional - Affordable 83 (83-896-06) Rev –  
Traditional - Affordable Grizedale (GZ-1166-01) Rev B  
Traditional - Affordable P50 (P50-538-635-01) Rev C  
Traditional - Alnwick (AN-638-02) Rev C  
Traditional - Barnwood (BW-1012-02) Rev B  
Traditional - Bungalow 2bb (2bb-1091-01) Rev C  
Traditional - Chedworth (CD-1222-02) Rev A  
Traditional - Foxford (FX-1445-02) Rev C  
Traditional - Hatfield (HT-969-01) Rev C  
Traditional - Hatfield Corner (HTC-969-02) Rev C  
Traditional - Hatfield Corner (HTC-969-03) Rev C  
Traditional - Trafalgar (TG-699-02) Rev C  
Traditional - Wareham (WH-863-01) Rev C  
Traditional - Whinfell (WH-1151-01) Rev C

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## **OBSERVATIONS**

### **Site and Location**

The application site is located on the southern edge of Lichfield City approximately 1.5km from the City Centre. The site is approx. 38 hectares, consisting mainly of agricultural land (predominantly arable). Its western boundary is formed by the Lichfield to Birmingham Cross City railway line, which sits on an embankment at this point, with a row of commercial units facing the A5127 Birmingham Road beyond.

To the east the site adjoins the rear of residential dwellings fronting London Road. To the south and south-eastern boundary of the site is Knowle Lane, with the western part of the southern boundary lying adjacent to Knowle Hill (a significant land form). Here the land is rural in nature. Beyond Knowle Lane is the London Road/A38 ('Ryknild Street')/A5148 roundabout and its associated highway infrastructure to the wider highway network).

As part of the site but in a discrete separate parcel on the northern boundary with the By-Pass and with parts of an eastern boundary the land abuts established residential properties on Shortbutts Lane / Wordsworth Close / Sanders Way and London Road / Marsh Lane respectively.

The majority of the site is therefore enclosed by existing infrastructure, including residential development. Also, to the north is a linear park running from London Road to Wordsworth Close which was the former route of the Lichfield Canal.

The first phase of the original site area has been developed with residential units, with the rest is partially cleared and then the land extends beyond this, in part, made up of a number of arable fields separated by boundary hedges. Apart from those trees within the existing hedgerows there is little in the way of individual trees within the site except an area of woodland in the north-eastern corner. The site therefore has a relatively open character.

The levels of the site are lowest at the north-east end of the site. It then rises gradually to the south, towards Knowle Hill, and to the north-east with the landform creating a small ridge across the site on a south-east to north-west axis, before falling away to the south, towards Knowle Lane on the site boundary.

There are no public footpaths crossing the site. The southern parcel of the application site remains opens and lies within the confirmed West Midlands Green Belt.

### **Background**

A proposal for outline consent was originally submitted in May 2012 under reference 12/000182/OUTMEI for up to 450 dwellings and approved in 2018, subject to conditions and S106 agreement.

Since the original outline permission was granted the Southern Bypass route (link road) was submitted under reference 19/00053/FULM and approved on 11<sup>th</sup> April 2019 and has since been constructed under this consent

A further reserved matters has been considered and approved under application 19/00478/REMM for 169 dwellings as part of the original outline consent (12/000182/OUTMEI) and is identified as 'Phase 2A'. Much of this phase has now been built out and is occupied and this element also includes the 'wharf area' around the protected route of the Lichfield Canal fronting the Bypass.

Since the original application and the early reserved matters being approved, the site boundary has had to be revised, as access is no longer proposed via 22 London Road along with the additional land to the rear. This has resulted in a reduction in the site area, which is inconsistent with the red line approved under the original outline consent. As a result of this the remaining phases of the

development under the original outline application cannot be implemented, hence the hybrid application now under consideration.

The current proposal includes a full, detailed application for the residential land elements and outline provision for an area for a primary school and one for a community hub /local centre. Importantly this current application now excludes land belonging to No. 22 London Road and the field to its rear (within the eastern corner of the site).

This current application also includes, the 'as built out' Phase 2, in order to provide context to the revised proposals. Access to the development is from the Bypass (Phase 2e) to the north via one access point and to the south, via two access points off the Bypass via phase 2a into (Phases b, c and d). The proposals still also include the 'outline elements' for the community hub and retail units along with the primary school site.

The site also provides for a 2 x Local Equipped Areas of Play (LEAPs), one is phase 2a, a large area of open space/parkland (Knowle Hill), 3 x playing fields, trim trial, changing facilities and allotments towards the southern end of the site.

### Environmental Assessment Regulations

The development of this site has been screened under the provision of the Environmental Impact Assessment Regulations prior to the application being submitted (2.8.21), as evidenced in the planning history.

The site does not fall within Schedule 1 but does fall with Schedule 2 Part 10 (b) of the regulation as it is an urban development project where the area exceeds 5 hectares and is also for more than 150 dwellings. It does not exceed the sensitivity area test or threshold test and therefore an EIA application is deemed not required.

### Proposals

The amended application description is as follows:

This application seeks permission of a full application for the construction of 500 dwellings, access via Lichfield Southern Bypass, footpaths, cycleways, public open space, play areas, sports pitches, landscaping, district park including biodiversity enhancement area, drainage and development infrastructure (part retrospective); and OUTLINE application (all matters reserved) for a primary school (F1a), a mixed use community hub to include commercial development (Ea, Eb, Ec, Sui Generis hot food takeaways and drinking establishments with expanded food provision and a community building (F2b). (Amended description to reflect reduced number of residential properties proposed and incorporating the 169 dwellings (phase 2A) approved and built under 19/00478/REMM).

### Access

Access to the 500 units (169 dwellings in Phase 2a; as built) and remaining 331 proposed dwellings is made from part of the link road that forms the Lichfield Southern Bypass. Three separate access points are proposed in this case. A single access point to the north from the Bypass directly into Phase 2e. To the south are two separate access from the bypass which serves the completed Phase 2a and links up the proposed development through to phases 2b, c and d.

Pedestrian and cycle access is made from the Southern Bypass via a 3m wide shared footway and cycle way which runs the full length of the bypass. The Bypass also has pedestrian crossing points.

It is noted that no formal public rights of way run through the site.

Phase 2b is accessed from the consented 2a development and is located between south of Phase 2a with phase 2d to the west and the boundary of the school and public open space to the east. Phase 2b

is separated from phase 2d by a linear form of open space. Pedestrian and cycle routes (only) link the two phases across the open space. This phase has linked internal roads which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and a number of garages have been provided for a number of the house types.

Phase 2c – This phase is also accessed through from the consented Phase 2a and is located to the eastern boundary of phase 2a and the rear gardens of London Road. This phase has been designed to accommodate internal roads, which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and garages have been provided for a number of the house types.

Phase 2d - This phase is also accessed through from the consented Phase 2a. It is located to the west for the development, adjacent to the cross-city line and the linear open space across from phase 2b to the east. This phase has suitable internal roads/private drives which allow emergency vehicles to access all areas and to leave in a forward gear. Parking is provided off road within plots and garages have been provided for a number of the house types.

Phase 2e - This phase is separate to the other phases being located to the north of the Bypass. It has a single access point with roads and pavements which have suitable internal road widths for vehicles and large refuse and emergency vehicles to enter and leave in a forward gear. Parking provision in this phase 2e is fully met. All the plots have off street parking and, some have garages which are suitable to meet national standards for parking of a vehicle.

To the south of the proposed dwellings are three playing pitches, changing facilities and allotments. 36 dedicated car parking spaces are proposed to serve these facilities.

Two local equipped areas of play are provided within the development. One within phase 2A and the other within the open space to the south. This area also benefits from a trim trail and cycle and pedestrian looped pathways.

### **Number of dwellings**

The detailed residential development of the proposal is for total of 500 dwellings. 169 of these dwellings have already been completed in Phase 2a.

The development as outlined provides for the dwellings already constructed and for the remaining 331 dwellings in a mix of property size and tenure. Phase 2a (as built) provides for 33% affordable provision and Phases 2b, c and d propose a 38% provision split, including 65% socially rented and 35% intermediate affordable tenures.

The housing areas are split into 4 remaining phases since the construction of phase 2a. The density of these phases vary and are outlined as follows:

Phase 2a – 41.01 dph (completed)

Phase 2b – 35.22dph

Phase 2c – 24.97 dph

Phase 2d – 39.65 dph

Phase 2e – 36.55 dph

The densities of the proposals remain wholly consistent with each other. Phase 2c is lower given it reflects the area of woodland retained along with open space provided within this phase. The residential layout has a traditional perimeter block layout with the majority of gardens having back-to-back arraignment to provide privacy levels. The design of the dwellings is a mixture of traditional styles set over 1, 2 and 2.5/3 storeys, with larger and the majority of taller properties facing the Bypass. The properties have a consistency in materials between phases with brick detailing variances/cladding, following a similar theme to that of phase 2a.

## **Green and blue infrastructure**

Phase 2e is bordered by the tree lined Bypass to the south and a balancing 'SuDs' feature to the north east. Established hedgerows run along the northern boundary of this site

The border of the developed area and the parkland is demarked by an extensive linear SUD's feature which is proposed along the majority of the edge of the open space/parkland.

The southern element of the site mainly provides for open space/parkland mainly to the south of the site. This space also benefits from 3 different sized playing pitches, changing facilities, allotment garden areas and landscaped/contoured public open space which is laid out to provide pedestrian walkways along with an outdoor fitness area (trim trail), in combination with a Locally Equipped Play Area (LEAP) alongside the Locally Equipped Play Area LEAP outlined in Phase 2a.

A narrow 'finger' of linear open space extends up from the southern area to the north through the development defining the green space between Phase 2d and 2b. This green corridor also provides for a positive visual link to the north out towards the city and the landmarks of the cathedral spires.

## **Commercial and school land (outline)**

This is a hybrid application and the details of both the commercial retail/community hub and the school site have been identified in outline only, with no details provided at this stage and so all matters are reserved for later consideration in respect of these elements of the development.

These two sites extend to 2.3 hectares for the primary school and 1.5 hectares for the commercial/community hub respectively and are located to the east for the commercial element and south-west for the school. Details of the quantum of the floor space provision is not fixed but envisages uses including a pub and takeaway is identified along with a community hub building. This is to provide a local community centre to serve the local population

## **Determining Issues**

- 1) Policy & Principle of Development
- 2) Housing Mix and Affordable Housing
- 3) Design, Density, Siting and Relationship to the Built Form /Character
- 4) Landscape and Visual Impact
- 5) Arboricultural Impacts (Trees and Hedgerows)
- 6) Impact on Highway Network, Sustainable Transport and Other Transport Implications
- 7) Flood Risk and Drainage Issues
- 8) Public open Space, Sports Facilities, Green Infrastructure,
- 9) Impact on Ecological Interests, including Cannock Chase Special Area of Conservation
- 10) Impact on Residential Amenity
- 11) Sustainability and Energy Issues
- 12) Impact on Archaeology and Cultural Heritage
- 13) Planning Obligations (including Community Infrastructure Levy)
- 14) Other Issues
- 15) Human Rights

### **1.0 Policy & Principle of Development**

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield Neighbourhood Plan was also made on 17<sup>th</sup> April 2018 and as such, also carries full material weight.

- 1.2 The emerging Local Plan (2040) was subject to Regulation 19 pre-submission public consultation, completing this stage in August 2021. It was submitted to the Secretary of State in autumn 2021 and Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. Therefore, at this stage of the adoption process, the emerging plan policies carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.
- 1.3 Paragraph 8 of the NPPF considers how sustainable development can be achieved. The planning systems have three overarching objectives which interrelate to each other and these are as follows:
- a. *an economic role* – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - b. *a social role* – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - c. *an environmental role* – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 1.4 There is a presumption in favour of sustainable development where development accords with the development plan. The scheme having both a school, residential and commercial elements to support a local community. The local centre is to come forward at a later reserved matters stage with retail and community use building. To ensure these remain suitable for the location, conditions are recommended so the facilities remain suitable in type and size and has a design code/standard.

#### Land Supply

- 1.5 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.6 Lichfield's latest 5 year land supply position as at 1st April 2021 indicates that the District maintains a 5 year supply of 13.4 years. (Source: LDC 5 years Housing Land Supply 2021 (August 2021)). In this case the application proposal should be assessed against the NPPF and policies of the Development Plan, Allocations Document and Lichfield City Neighbourhood Plan.
- 1.7 The Local Plan Strategy sets a strategic requirement to deliver a *minimum of 10,030 dwellings* during the plan period. Core Policy 1 of the Local Plan Strategy establishes the Council's Spatial Strategy, which seeks to direct growth to the identified sustainable settlements.
- 1.8 Lichfield is identified as a Key Urban Settlement, whilst the South of Lichfield Strategic Development Allocations (SDAs); of which this application site forms part;



will be a location where future development will be directed. Core Policy 6 and Policy Lichfield 4: Housing, states that Lichfield will play a significant role in meeting housing need by providing growth of around 3,900 new dwellings within the community, with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period.

- 1.9 Specific details of the sites allocated to deliver part of this housing provision, *approximately 1,350 dwellings across the South of Lichfield*, are identified under Policy Lichfield 6: South of Lichfield. This specific site, which forms part of this wider allocation, and is outlined in Appendix C (South of Lichfield – South of Shortbutts Lane).
- 1.10 Appendix C of the Local Plan Strategy sets out the ‘Concept Rationale Objectives’ for the site, which includes development of up to 450 dwellings, drawing upon the qualities and topography of the landscape to achieve a well-designed, sustainable urban extension, providing strong sustainable travel mode provision, through the development and access to local facilities and ensuring a good degree of physical and social integration with the existing settlement. It specifically considers the topography of the land rising to Knowle Hill and the management of the transition between that of town and country.
- 1.11 The Design Principles are outlined in 15 points covering main elements of the site development. These include briefly:
- A strong emphasis to the provision of a range of housing in accordance with Development Management Policies H1 and H2.
  - The provision of open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2, incorporating playing pitches, amenity green space, equipped play and allotments.
  - Also, a landscape framework and strategy and way of detailing the urban edge where it meets open countryside.
  - Routes through the development for both vehicles and pedestrians with an emphasis of choice for public transport.
  - The provision of a strong link to views to a from the city and how it might be achieved.

#### Quantum of Development

- 1.12 It is important to note the other strategic sites in South Lichfield that form part of the overall quantity of development provided. To the east of this site is the Land at Cricket Lane SDA residential development site (application ref. 18/01217OUTFLM). This recently granted permission for up to 520 dwellings, with the Concept Statement at Appendix I of the Local Plan setting out that the development would integrate approx. 450 homes.
- 1.13 The Dean Slade Farm SDA gained full planning permission (for the housing element of the proposal) under application ref. 17/01191/OUFMEI on 25th March 2019, for the erection of 475 dwellings. (Concept Statement Appendix H of the Local Plan)
- 1.14 Couple these two figures along with the 500 units proposed by this development and this represents a total housing over provision 145 across the three South Lichfield sites contained within the wider Strategic Development Allocations.
- 1.15 The proposal could potentially therefore, in isolation and in combination with the abovementioned neighbouring sites, result in a minor over delivery of housing for the South of Lichfield area. However, the figure of 1,350 dwellings, identified within the Development Plan is a minimum figure and establishes an appropriate parameter of housing delivery. A potential over delivery on this site of approximately of 50 dwelling or collectively of 145 dwellings from the 3 Concept Statements does not over-ride the main policies of the Local Plan as set out in Core Policy 6 and Lichfield Policy 6, as neither refers to upper housing delivery limits.

- 1.16 Comments and objections have been received in respect to this oversupply status. However, LDC planning policy team have raised no objections to numbers on this nor on any of the other allocated housing sites and, it is noted that both national and local policies seek to boost housing supply, as given requirement figures are generally indicated as a minimum and, subject to no significant infrastructure or design issues and the wider context. Therefore, it is considered that in exceeding this minimal number of dwellings, does not make the proposals contrary to the provisions of the Development Plan as a whole.
- 1.17 Overall, it is considered that, subject to the development complying with the wider requirement, as detailed within the Local Plan, including that set out in Appendix C of the Local Plan Strategy, the residential element of this development, will comply, in principle, with the requirements of the Development Plan and NPPF in this regard.
- 1.18 The Lichfield City Neighbourhood Plan was made on the 17th April 2018. The document focuses primarily on employment and tourism considerations and as such raises no specific policies or matters for consideration specific to the residential phase of this development.
- 1.19 The National Planning Practice Guidance has recently been amended to state that, *“the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”*. In addition, the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area. The National Model Design Code advises that, *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*.
- 1.20 The Council does not, as yet, have a local design guide and therefore the above noted documents are important resources for securing good quality design. Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*.
- 1.21 The site forms part of the South of Lichfield Strategic Development Area Policy 6 which is outlined in Core Policy 6 of the Local Plan Strategy. The elements of the Policy 6 seek to provide a sustainable, well-designed development with a range of housing, open space and infrastructure to support this allocated. The South Lichfield Development Area and this proposed site is considered a good location for development, hence the allocation given its relationship to the City and ease of access to facilities and sustainable modes of transport.
- 1.22 Paragraph 182 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development is likely to have a significant effect on a habitats site unless appropriate assessment has concluded that the project will not have any adverse effect on the integrity of the habitats site. The site does fall within the area of Cannock Chase SAC and suitable mitigation would be required in this case.
- 1.23 Appropriate Assessment has been undertaken at strategic level by the Cannock Chase Partnership to inform the preparation of local authority core strategies, but concludes that no appropriate assessment is needed in relation to this particular proposal because, subject to the mitigation measures put forward by the applicants and agreed by Natural England, that the proposal is not likely to have a significant impact on the Cannock Chase SAC.
- 1.24 The site as part of the South Lichfield SDA is in a suitable and sustainable location, there are no insurmountable technical barriers to its development, it is deliverable in the sense that it is in the control of a developer with a confirmed intention to develop it.

## Use of land within the Green Belt

- 1.25 The southern element of the application site lies within the West Midlands Green Belt, wherein there is a general presumption against inappropriate development. Inappropriate development is, by definition, considered harmful to the Green Belt. Although most new buildings will be considered inappropriate, other forms of development can be considered appropriate within the Green Belts providing they preserve its openness and do not conflict with the purposes of including land within it.
- 1.26 It is proposed to use the Green Belt area as a landscaped public open space and 1 adult and 2 x junior sports pitches, a trim trail, LEAP, allotments and paths/routes around the open space of Knowle Hill for walkers, dog walkers and cyclists. A changing facility and small parking area are also proposed for use in association with the sports pitches and open space. Due to the unique alignment of the Green Belt at the southern part of this area and these proposed 'open' uses, it is not considered that elements of this part of the proposed development would be inappropriate within the Green Belt and as such would comply with the provisions of paragraphs 149 and 150 of the NPPF and policy NR2 of the Lichfield Local Plan Strategy. Therefore, these development elements would constitute an appropriate form of development in the Green Belt, in so far as it would provide appropriate facilities for outdoor sport and would not conflict with the purposes of including land within it.
- 1.27 It is therefore considered that the proposal accords with the core planning principles contained within the NPPF and that the proposal is of a scale and in a location that accords with the spatial strategy for the District.

## Policy Conclusion

- 1.28 The development site is identified as a sustainable site for residential development as defined within the adopted Local Plan. Therefore, it is considered that the principle of the development, including the local centre and school is considered acceptable and therefore there are no objections raised that would justify reasons for refusal that can be legitimately substantiated on policy grounds.

## 2.0 Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures, based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high-quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District, with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The dwelling mix identified under the requirements of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District's housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above.

Appendix C of the Local Plan Strategy advises that this *development with emphasis on "integrate with existing neighbourhood and encourage sustainable travel modes to access local facilities complement existing settlement in terms of housing mix, scale and mass" and deliver a range of facilities including open space and amenities*".

## Assessment

- 2.3 It is noted that under the original outline approval ref. 12/00182OUTMEI, 56 affordable homes were to be provided on Phase 2a land as follows:

### 2A Land Affordable Homes – 56 Homes

Housetype	Beds	Type	Social Rent	Shared Ownership
Type 45	1 Bed	House	2	
Type 50	1 Bed	Apartment	6	
Type 65	2 Bed	House	2	8
Type 73	2 Bed	House	21	
Type 79	2 Bed	House		6
Type 83	3 Bed	House	5	6
			36	20

- 2.4 Of these 56 homes, it includes a breakdown of 36 social rented and 20 shared-ownership, which is considered broadly in line with the Councils requirements of 65% social rent and 35% Intermediate.
- 2.5 This hybrid application proposes a further 331 homes and of this a total of 126 homes are to be provided as affordable. 82 (65%) will be socially rented and the remaining 44 (35%) shared ownership this is in line with the target identified within the Lichfield District Council Local Plan Strategy Policy H2.

The number of bedrooms for the units across all the phases are shown in the table below:

Phases B, C, D AND E			Complete Dev Including Phase 2a	
No of Bedrooms	Social rent	Intermediate	Social Rent	Intermediate
1 bed	18 (22.9%)	0 (0.0%)	26	0 (0.0%)
2 bed	29 (35.49%)	22 (50.0%)	52	30 (46.9%)
3 bed	31(37.8%)	22 (50.0%)	36	34 (53.1%)
4 bed	4 (0.0%)	0 (0.0%)	4	0 (0.0%)
TOTAL	82	44	118	64

- 2.6 The site is over the threshold for the provision of affordable housing, as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report issued in 2020 is for 38% of the units proposed.
- 2.7 The reserved matters application for Phase 2a under reference 19/00478/REMM identified a requirement for 31% affordable housing, as the dynamic model required at the time when the original outline application 12/00182/OUTMEI was approved. Of these 56 units in Phase 2a. The quantum represented an overprovision of 4 affordable units.
- 2.8 The remainder of the phases are to be provided in line with the more recent dynamic model of 38% with a tenure split of 65% social rented and 35% intermediate. Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social

rented and managed by a registered provider, with the remaining 35% intermediate. It is understood a local registered provider is interested in Phase 2a.

- 2.9 There have been numerous comments in respect to the number affordable units and house types offered within the development, however when assessing this in line with the Councils' own provision the applicant has proposed a wholly policy compliant affordable housing scheme, which will deliver 182 affordable dwellings.
- 2.10 This hybrid application considers both the combination of the earlier phase and the later ones which equate to a total of 182 affordable units with 118 social rent and 64 shared ownership, in line with the policy recommendation and is higher than what would have been previously provided under the original outline permission, this in fact represents an additional 42 affordable homes. This provision is recommended to be secured via the s106 legal agreement.
- 2.11 It is noted that within the Housing Manager's response to this application, the current demand for affordable housing in this area is for 2 bed houses, 1 bed flats and 1 bed bungalows. Delivery of the latter would evidently help to meet the aspirations of the Council in this respect.

#### Housing Conclusion

- 2.12 Given the above the development will provide a range of mixed tenure housing meeting the tenure split and the mix of properties offered, represents a well-balanced range of property types in line with 'Registered Providers' feedback that homes are located in clusters and spread throughout the development in line with the Lichfield District Council Developers Contributions SPD 2016. The provisions indicate that affordable housing should be integrated across the general development to deliver a sustainable community. The development complies with the requirements of the Development Plan and NPPF in this regard.

#### 3.0 Design, Density, Siting and Relationship to the Built Form /Character

- 3.1 The site presently has a greenfield character (except phase 2a built out), given its current/former agricultural use. It is important to acknowledge that the land has been specifically identified as a sustainable urban extension to the city in the adopted Local Plan.
- 3.2 Local Plan Strategy Core Policy 14 states that "*the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment*".
- 3.3 Local Plan Strategy Policy BE1 advises that, "*new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views*". The Policy continues to expand on this point advising that good design should be informed by "*appreciation of context, as well as plan, scale, proportion and detail*".
- 3.4 The NPPF (Section 12) advises that, "*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*". The document continues to state that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".
- 3.5 The recently released National Model Design Code advises that, "In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings". It is important to note that The Council does

not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.

3.6 The Planning Statement/design statement summarises the applicant's main ambitions for the development of the site to be as follows:

- Function and quality – providing a distinctive identity which, whilst having its own character, integrates with the surrounding built form and landscape context, providing a well-connected permeable structure that supports social cohesion between existing and new communities.
- Sense of place – allowing key design characteristics of surrounding settlements to influence the character of the development, providing a hierarchy of connected spaces and places, integrating existing and proposed landscape features to soften the built form, utilising green infrastructure to structure and define the layout, creating a clearly defined public realm and providing outward facing development to the majority of the site's edges.
- Access to services and facilities – integration of the development into the existing movement network, including new including bus stops located within easy walking distance of all new dwellings and employment buildings. Maximisation of the opportunities for sustainable modes of transport, including the enhancement and extension of the existing pedestrian network, facilitating convenient, safe and direct access to existing and proposed local services and facilities.
- Response to context – reflecting the pattern of streets and blocks found locally within the scheme's layout, integrating development into the existing built fabric of south Lichfield, responding to existing topography, providing outward facing development, retaining key landscape features and habitats and protecting the amenity of existing and proposed residents.
- Safe and accessible environments – creation of a clearly defined public realm and hierarchy of connected spaces and places, allowing ease of movement for all users and control of access to private areas.
- Sustainability – provision of a mix of uses and links to surrounding areas to ensure everyday needs are catered for. Making efficient use of land and ensuring individual buildings can adapt to changes over time.
- Promote good design – providing development that responds to local character and identity to create architectural and landscape designs that are visually attractive environments where people will want to live, work, socialise and relax.

#### Assessment

3.7 It is clear that the layout and design of the proposed scheme in each of the phases has drawn a number of criticisms. This has been mainly due to the layout and density of the development phases, the use of materials and the perceived 'lack of architectural merit' and character that has been applied across the development.

3.8 During the course of the consideration of the application, a number of iterations to the design/layout of the scheme have been considered, with ongoing themes and comments and amongst other comments have resulted in an overall reduction in the number of dwellings to 500 from 529; this was to overcome initial comments regarding the density of the Phases when considering good quality design.

3.9 It is acknowledged by the Councils' Urban Design officer that this site is a modern urban extension to the city and the latest reduced version does represent an improvement over the original versions. It is also accepted that the development will clearly be seen on arrival to the city by train and from some other vantage points and this, in itself is not necessarily harmful as the site clearly is outlined for development as part of a wider strategic site.

- 3.10 The developer has provided a design and access statement and visual analysis to justify the overall design approach to the layout in this case and, also a building height plan/house type plan and a density plan which ranges between 24 and 39 dph. However, the Urban Design officer has continued to raise inconsistencies between the provisions of the 'masterplan' and the layouts for the various phases. It should be noted, the masterplan provides broad parameters of layout forms and does not provide detailed layouts /parking layouts. It is however accepted that, matters of detail have to be interpreted and applied throughout each phase. It is important to note that with respect to the individual density across all of the phases they all remain fully consistent with the built out phase 2a and this is accepted.
- 3.11 Lichfield is a beautiful and characterful City and with its cathedral and associated spires as part of its historic core. House types in and across the city widely vary, with not just one age, housing type and one material used, but a wide range and varied mix. The strong historic core with its number of significant and noteworthy buildings and beyond other developments constructed in different periods reflecting differing architecture taste and design and materials at the time. (i.e. non consistent use of stone, brick and render).
- 3.12 In the case of this development, the developer has chosen to provide more of a 'stock book' approach to house types, rather than provide perhaps a more varied and bespoke approach to house types within the site. This has also led to a number of criticisms of the overall scheme, in terms of design and approach to the layout and how this relates to surrounding development and whether the development represents good design.
- 3.13 Revisions have included breaking up parking frontages, with more landscape within the layout which has been assisted with the reduced number of dwellings. It is noted that throughout the phases there is range of house types, within this is a palette of variances and approaches including a mix of roof types, brickwork detailing, window and door alignment, chimney features and window sizing, (to name some) that have formed the overall benchmark for the house types proposed on this site, which is an appropriate approach.
- 3.14 Moreover, it is important to note that the new phases continue to follow the main principles of the development built out so far and the original masterplan for the previous outline consent, in terms perimeter blocks and frontage development with a strong definition of public and private space advocated by 'Secure by Design'. It is also to be acknowledged that part of the scheme (Phase 2a); which is part of this proposed application, is already consented and is nearing completion. As such, a number of design parameters have already been established on part of this development. In order to draw a design consistency across the remaining phases the developer has included similarities to the general approach adopted in respect to layout for the wider site. It is not to say that the developer has not applied variations to house typology to increase design improvements, but has still managed to maintain but an overall consistency between each phase to a degree, that would result in the built out phase not appearing incongruous when considered as part of any of the proposed phases.
- 3.15 The main frontage in Phase E follows the canal side wharf in phase A, creating a strong emphasis along the Bypass directly opposite the 'Wharf phase to the opposing side. Taller house types are also dotted along the major routes in each phase with two-storey being the predominating house type. Streets are broken up with house types providing both parking at the front or to the side, some with garages provided within a number of plots. In recognition of the 'masterplan', there is an application of the use of similar materials, such as a 'red brick' palette and plain red /grey roof tiles with elements of neutral render and cladding as feature materials. This approach is recognised and accepted by the Urban Design officer.
- 3.16 Concerns have been raised in respect to the density of the scheme and coupled with that, the larger runs of frontage parking which may detract from the quality of the design of the street. It is a 'fine balance' to provide adequate parking levels that meet standards and provide this in a useable and legible form when considering layout and design especially for incoming

residents. It is acknowledged that in any design 'over provision' of frontage parking can lead to a reduction in the quality of a 'sense of place'. Space between development can just be as important as the development itself. The approach to the overall design, layout and to a mix of parking provision, especially some larger areas of frontage parking within the phases, whilst not ideal, is 'on balance' accepted. Each phase follows a similar density and layout and ensures the character of the development would be positively reinforced (as noted above). This has to be balanced with the provision of the majority of open space to the south where no building will occur, as the land remains designated as Green Belt.

- 3.17 The density of the scheme is fairly consistent (as outlined previously) with the greatest density around the community/commercial areas, with lower density elsewhere. The edges facing the green space is made from private drives which help soften this interface between the built areas and open space and the wider countryside edge.
- 3.18 Boundary treatments have remained consistent throughout the development, with a majority of close boarded fences to provide rear garden security. Exposed side plots to highways have wall feature boundaries. Frontages that are set back from the bypass and well-defined edges to the open space are defined by 1.1m rails. Knee rails to the wooded area around Phase 2C and a feature entrance is also proposed with a dwarf wall and brick piers. These all help in providing definition of public and private spaces and, continue to provide a degree of design continuity between each phase of the built form and open space.
- 3.19 The provision of the parkland open space and linear park form part of the masterplan principles and, the open space to the south is fully supported by urban design and the landscape and tree office and the layout of the space helps provide meaningful links through and across the linear open space with footpaths and links in the wider open space, allowing access into the district park and the open countryside around Knowle Hill. The planting of these areas is discussed in more detail later in the report, however it is important to note that a maturing landscape and appropriate management and maintenance and accessibility of these spaces, is an important part of the design of this part of site, as it will become part of the character of this location. The appropriate legal agreement/mechanism will ensure this is managed and maintained for future generations.

#### Design/Character: Conclusion

- 3.20 The overall layout and approach continues to echo the masterplan and, whilst significant concerns have continued to be raised in respect to the design of the remaining phases, it is noted that the development has evolved more positively during the course of the consideration of the application and it is important to note that part of the development has already been constructed, with the remaining phases continuing this consistent theme and approach. Therefore, 'on balance' it is considered that the form, layout and design is acceptable and continues to positively reinforce the first phase built out and elements of the previously approved masterplan and so, it accords with the broad principles of policy BE1 of the Lichfield Local Plan Strategy and the guidance in the NPPF.

#### 4.0 Landscape and Visual Impact

- 4.1 The site forms part of the Strategic Development Allocation of the southern edge of Lichfield and the policy base for this within Core Policies 1, 4 and 6 and Policies Lichfield 4, 5 and 6. Core policy 1 states that natural environment and landscape around the City will be protected and enhanced and, development should be carefully designed and located so not as to detract from key views into the City.
- 4.2 Policy Lichfield 6 states allocations should provide a sustainable safe and well-designed mixed use of approximately 1350 dwellings delivered by 2029. The policy also states the allocations will provide open space for sport and recreation facilities in line with the development



management policies. Here development management policies HSC1 and HSC2 apply for the provision of playing pitches.

- 4.3 The policy also states retention of landscape and green infrastructure should be retained including trees and hedgerows, where possible. Appendix C of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of “a landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed”.
- 4.4 The document continues to advise that the proposal should include, “A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, courtyard and garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive, but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City”.
- 4.5 Policy NR2 of the Lichfield District Local Plan Strategy identifies constraints of land within the Green Belt and the southern portion of this site is located within the area. The main characteristic of Green Belt is its ‘openness’.
- 4.6 The Landscape and Visual Impact Assessment (LVIA) document has been provided by the applicant. This assessment considers the wider landscape and the nearest environs impact of the development, in the context of National Landscape Character Areas and more localised townscape vantage points.
- 4.7 The quality and interest associated with the landscape is defined as the Sandstone Estatelands Landscape Character Type (LCT) which covers the large area to the south and west of Lichfield. This land is open and gently rolling with arable farmland of large regular fields. The sensitivity of the landscape is considered low to moderate given the rolling nature of the land and containment of tree cover.
- 4.8 The assessment carried out utilised fourteen points, 1 at the centre and 13 towards the edge of the site to inform the study called the Zone of Theoretical Visibility. (ZTV). Evidence by way of photographs were taken from public viewpoints. Views were limited from the south due to the boundary with Knowle Farm. The view from Birmingham Road is limited given the trade units and hedgerows. The main view is from The Spires on the opposite side to the development.
- 4.9 With regard to the quality of the landscape, the site is not subject to any national or regional landscape designations. The LVIA states that “The assessment of impacts on landscape character has determined that the significance of effect on the ‘Sandstone Estatelands’ LCT will be ‘minor adverse’. In order to consider impacts at a more detailed level, the assessment has also considered the site and its local landscape context; at this level the assessment concludes that the proposed development will result in a ‘minor to moderate adverse’ effect.
- 4.10 There is currently no public access to the site and its recreational value is low. From the wider landscape, the site is generally screened by the influence of rolling landform and vegetation, and where visible, it is seen in the existing context of the settlement edge, characterised by the residential areas rising across Knowle Hill.
- 4.11 There will be some views to the northern edge of the proposed development. Given the nature and scale of visual effects, when considered overall, these highly localised effects are not considered significant. Overall, it is concluded that the proposed development will result in limited impact at a localised level, to a landscape considered of low value.

- 4.12 The application submission has been subject to a series of landscape plans, which outline the main green areas. These details proposed planting plans and species and how these may be and managed for future generations. The Arboriculture Officer has commented on these plans and has secured amendments to ensure that the correct species are planted there is a provision of native species, which are suitable for their locations and to break up road frontages. Planting will both help retain the benefit of the open areas, park and park/woodland areas, to ensure that they also assists towards increased biodiversity of the wider site. For these reasons, the application is recommended with conditions and link to the wider management of the open space, to be set out within the S106 heads of terms.

#### Landscape Conclusion

- 4.13 It is considered, based upon the information contained within the LVIA and the comprehensive landscape proposals/plans that, the development will have an acceptable effect upon the landscape area and that the landscaped can be appropriately conditioned and managed and maintained as such, and will comply with the requirements of Policy NR4 and BE1 the Development Plan and NPPF.

#### 5.0 Arboricultural Impacts (Trees and Hedgerows)

- 5.1 Paragraphs 131 of the NPPF advises that trees make an important contribution to the character and quality of urban environment and help to mitigate for climate change. It is also important the parks have appropriate measures to secure retention of trees and secure long term maintenance of newly planted trees.
- 5.2 Core Policy 13 of the Local Plan Strategy seeks to protect veteran trees, whilst. Policy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed in line with the guidance of the NPPF.
- 5.3 The applicant has provided a full 'arboricultural impact assessment' in support of this application, along with planting and tree pits as and where required. The main trees are to be located within the district park and this is subject to conditions, to ensure the correct woodland species are secured, planted and maintained. This would also form part of the wider element of a management scheme to be secured through the S106. Trees would also be located around the periphery of the site and through the linear POS facing north. Street trees area also proposed through the development.
- 5.4 Appendix C of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of *"A landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed"*.
- 5.5 The document continues to advise that the proposal should include *"A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, and garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City"*.
- 5.6 The Arboricultural Impact Assessment, identifies that there are individual trees and groups of trees to be retained or removed as part of the development.

- 5.7 The Council's Arboriculture Team advise that the impacts on existing trees of the development have been properly assessed and quantified.
- 5.8 In order to mitigate for the loss of any of the trees and also deliver the abovementioned SPD requirement, specific to tree canopy cover, significant, sustainable and well-designed landscaping will need to be designed and thereafter planted. Such expectations, along with details for measures to protect retained trees during the course of development, will be confirmed within the Design Code and Landscape Management Plan, which are both recommended to be secured via condition. On this basis, no objections are raised to the above identified tree works. A Landscape Management Plan, which is recommended to be secured, via condition should also identify how the development will achieve a 20% tree canopy cover by mid-century, supply suitable levels of tree planting within the car parking areas associated with the residential units and deliver suitable street trees.

#### Tree Conclusion

- 5.9 Given the above considerations with regard to tree and landscaping provision and , with reference to green infrastructure this development is considered to comply with the requirements of the Policy N4 and BE1 of Development Plan and NPPF.
- 6.0 Impact on Highway Network, Sustainable Transport and Other Transport Implications
- 6.1 The NPPF indicates in Paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.
- 6.2 The NPPF advocates the need to provide a mix of transport opportunities, including priority to the pedestrian and cycle user. It also requires safe access to emergency and service vehicles along with electric plug-in facilities being part of the development.
- 6.3 This is echoed in the Lichfield District Strategy Core Policies 2 and 3, which advocate sustainable development and, to ensure that development consider means to reduce the overall need to travel and optimising other forms such as cycling walking and use of public-transport.
- 6.4 Policy ST1 that requires development to secure more sustainable travel patterns considering impacts on the local and wider highway network and to provide good standards of layout and an adequate parking provision to meet demand as part of policy ST1.
- 6.5 The proposed development has been supported by a full and comprehensive suite of drawings as well as a Transport Assessment and Technical Notes. The site proposes three entrances for the development area all from the new link road of 7.3m width from the Lichfield Southern Bypass. The residential development proposed in Phase 2E is accessed via a single access to the bypass while Phases 2B, 2C and 2D are accessed from two access points to the south.
- 6.6 This link bypass road was opened in October 2021, linking Birmingham Road to London Road. A four-armed roundabout links the Birmingham Road and signalised three-armed junction links London Road. This approved bypass was designed to accommodate a bus service to link to the City, Tamworth and to Birmingham.
- 6.7 This application differs from the previously consented scheme as there is no longer a direct road access to the site from London Road.
- 6.8 The site is approximately a 20-minute walk to the nearest train station that connects the City to Birmingham and Bromsgrove via the cross-city line. A number of bus services runs from Birmingham to Lichfield via Sutton Coldfield and there are also buses running to Walsall and Tamworth, close to the site. Staffordshire County Council (SCC) have indicated that a legal

agreement towards a bus contribution for the provision of a service to link the city centre and railway station would be required and, this is accepted and should link to the wider adjacent site at 'Cricket Lane' site, so both communities could make use of these facilities.

- 6.9 The application is supported by a full Transport Assessment and addendums. The Transport Assessment (TA) provides details of the existing highway network situation, in order to highlight the likely impact of the development upon the local and wider highway network through analysis of impacted junctions.
- 6.10 Significant comments and concerns have continued to be raised in respect to this development and the impact of traffic on the highway network. Following initial consultation, a number of concerns were raised within the application process by both the National Highways and Staffordshire County Council (SCC), regarding the extent and method of modelling and assessment work undertaken. To this end, the National Highways issued a holding objection.
- 6.11 Further, details were then duly submitted by the applicants transport consultants and this data has satisfied National Highways in respect to the impact on the wider strategic network, namely the A38 that the impact would not be severe and for these reasons National Highways have recommended conditions.
- 6.12 Staffordshire County Council (SCC) highways have considered the road networks and the internal road hierarchy (larger feeder road to main route and smaller estate road /private drive) within the development linking to the bypass and integrated wider pedestrian and cycle route. The site is designed with all access onto large roads which create access connections to the smaller estate roads and private drives. Staffordshire County Council (SCC) has commented on the total quantum of parking provision meets LDC parking standards. Appropriate access and turning facilities have also been provided for emergency and refuse vehicles across the proposed development this is by way of tracking plans and, this has also been accepted.
- 6.13 Comments/concerns have been received in respect to the level and amount of parking provision for plots within each phase and the implications of the displacement of vehicles parking in the highway around the development and adjacent to it. Staffordshire County Council (SCC) recognise these concerns and have fully considered the implications of vehicle displacement should inadequate parking provision be provided. Importance should be given to dedicated on plot provision and the majority of the development is acceptable.
- 6.14 Staffordshire County Council (SCC) note that a few plots have provided isolated parking (in front of house adjacent to POS), a proportion of plots have garage spaces, some do not meet internal size standards, whilst this is not ideal, but they raise no objections as there is sufficient parking provision made across the whole of the development and in few instances where garages have been discounted, due to their size there is sufficient off road parking provision provided per plot.
- 6.15 Staffordshire County Council (SCC) raises no objection to the provision of the footpath network within the development and the links to the bypass and towards the city. A number of conditions and a legal mechanism to secure works have been recommended and these are considered both reasonable and appropriate.

#### Transport Conclusion

- 6.16 New development must be supported by appropriate and required infrastructure in a timely and safe manner. The proposed development secures a continuous network of pedestrian, cycle and vehicular routes which connect the green spaces within the development and integrate successfully to the and safe access into and around the development, along with the provision for service and emergency vehicles across all phases.

6.17 Parking provision is considered acceptable and this integrates successfully into the development in line with policy ST1 of the Lichfield Local Plan Strategy and the guidance contained within the NPPF. The development does provide a continuous networks of pedestrian and vehicular which connect the green spaces within the development and, integrate successfully to the wider area and the impact of the development on the local and wider highway networks would not be severe as to find the development unacceptable.

#### 7.0 Flood Risk and Drainage Issues

7.1 The application site is located within Flood Zone 1 which is defined as having little or no risk of flooding from rivers or streams. The Environment Agency have indicated that they have no comments to make in terms of the risk from main river flooding.

7.2 Such zones generally comprise land assessed as having a less than 1 in 100 annual probability of river or sea flooding in any year. The NPPF states that for proposals of 1ha or greater in Flood Zone 1, a Flood Risk Assessment (FRA) is required and such a FRA has been submitted with the application.

7.3 In terms of pluvial flooding, the Lichfield Strategic Flood Risk Assessment (SFRA) does not identify any occurrences of surface water flooding within the vicinity of the site, and as such there is low flood risk from this source.

7.4 The applicant has proposed a detailed drainage strategy incorporating three options which will see surface water drained into linked attenuation basins and swales and into either the culverted watercourse along the line of the former Lichfield canal route to the north, or into the new Lichfield Canal. These would provide water quality treatment and attenuate flows up to a 1 in 100 year storm plus 30% for climate change.

7.5 The submitted FRA also recommends that all dwellings have a finished floor level 150mm above adjacent ground levels, where practicable, which will mitigate flood risks associated with surface water run-off.

7.6 Concerns have been raised in respect to Marsh Lane however, the acceptability of the drainage proposals have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development. Subject to the application of conditions, the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.

#### 8.0 Public Open Space, Sports Facilities, Green Infrastructure

8.1 The submitted Green Infrastructure Parameter Plan indicatively shows the main area of green infrastructure within the development itself to be the district park sports facility and SUDs area proposed to the southern end of the site; along with the peripheral green space and vertical green POS green space extending between phase D and B.

8.2 There are a total of 2 Local Equipped Areas of Play (LEAP) proposed across the site, with details of the equipment to be installed within these play areas.

8.3 Details of facilities within the Open Space/park such as changing facilities, benches or bins, have not yet been provided and will be secured under the provisions of the S106 agreement.

8.4 The requirements for open space are set out in Policy HSC1 of the Local Plan Strategy and the Council's Open Space Assessment Document (2016), further details of which are provided within the below table. For information, it should be noted that given the proposal is for 500 dwellings, an estimated population, utilising data of average household estimates, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015)), results in 1,120 residents.

- 8.5 Policy HSC1 of the Local Plan Strategy states that, “All new Strategic Development Allocations to provide equipped play to ensure all parts of the development are within 480m / 10 minutes walk time of a safe and over-looked equipped play facility”.
- 8.6 The furthest distance likely from a dwelling within the site to a LEAP, as shown on the masterplan, is approximately 250m, whilst each location is capable of accommodating a scale of LEAP as laid out and is therefore compliant with the abovementioned guidance.
- 8.7 There is a need to ensure the appropriate provision of ancillary facilities and equipment, suitable footpath access, designed to be free from harm or crime and containing equipment of a requisite standard. No objection from the LDC Leisure team has been raised in respect to the LEAP provision, trim trail sports pitches as proposed.

#### Public Art

- 8.8 Core Policy 12 of the Local Plan Strategy advises that “new strategic housing... development will incorporate public art”. Appendix C of the Local Plan Strategy identifies that development within the application site will need to deliver “Opportunities for public art to be integrated within the design of the development”.
- 8.9 The provision of public art within the site is proposed to be secured through the s106 agreement, although exact details of such, will not be provided until an appropriate phase of development. This will ensure compliance with the requirements of the Development Plan in this regard.

#### Allotments

- 8.10 Local Plan Policy HSC1 details the extent of allotment provision required within the SDAs (as detailed within the above table) and continues to state that, “allotments will be well maintained and well managed and will be designed so as not to have a detrimental visual impact upon the wider landscape. Depending upon the location, in some circumstances this may require restrictions upon the number and type of buildings which can be erected to serve the site such as individual sheds”.
- 8.11 The layout submitted with this application shows such allotments to be provided within the southern part of the site. The indicative location, served off a secondary road, with its own share 36 spaces off-street car parking area is considered to be broadly acceptable. The creation of this area and its maintenance and management thereafter, is recommended to be secured by means of the s106 agreement.

#### Sports Facilities

- 8.12 Policy HSC2 of the Local Plan Strategy requires all SDA to “*provide playing field facilities at a minimum level of 1.23ha per 1,000 population, including around 200m<sup>2</sup> for changing and pavilion space and 0.025ha for parking*”.
- 8.13 Facilities for sport and recreation will be focussed within the green space, located to the south the site. Indicatively three different sized football pitches are presently shown within this area. The type of pitches provide both adult and junior pitch provision. Also, a changing facility and associated off street car park is to be provided. Additionally, there will be a series of on-site gravel bound recreational trails for walking, cycling and running and the trim trail.
- 8.14 Sport England have been consulted on this application, along with the Council’s Health and Well Being Development Manager. The advice received by the Council is that the provision to be supplied within the development is acceptable (as demonstrated above), subject to the

application of conditions to secure a suitable design and layout of the playing pitches, pavilion and car park, prior to the occupation of any dwellings within the relevant phase of development and S106 to deliver and maintain such.

- 8.15 Such conditions are considered reasonable and necessary and will enable the delivery of the sports facilities within and appropriate time frame to meet policy advice and guidance

#### Public open Space, Sports Facilities, Green Infrastructure Conclusion

- 8.16 Given the above assessment, the recreational and public open space provision proposed within the development, as submitted, is considered to be compliant with the requirements of Core Policy CP3, CP11, Policy and Policy HSC1 and HSC2 the Development Plan and NPPF, in this regard.

#### 9.0 Impact on Ecological Interests, including Cannock Chase Special Area of Conservation

##### Protected Species

- 9.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CRoW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The Act protects both individual badgers and their setts.
- 9.2 A detailed desk study of known ecological records within the site has been undertaken, as well as field surveys covering an array of species. Specific habitat assessments relating to bats, badgers, breeding birds and reptiles have been undertaken. The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecology Manager has considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable, subject to the application of conditions, which detail the need to submit a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and Construction Environmental Management Plan (CEMP).
- 9.3 Reasonable Avoidance Measures (RAMS), including further surveys, as required, throughout the phasing of the development. In addition, any development works undertaken during bird nesting season will need to be suitably supervised.
- 9.4 The Ecology Manager is satisfied with the assessments and, subject to conditions relating to carrying out works in accordance with the details as provided, the development is considered acceptable and will continue to comply with the principles of Core Policy 13 and Policy NR3 and NR4 of the Lichfield District Local Plan.

##### Biodiversity Net Gain

- 9.5 To comply with the guidance contained within the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 9.6 Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant EU obligations and statutory requirements" stated in the NPPF.

- 9.7 Under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity. This can include establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020.
- 9.8 A measurable 20% net-gain to biodiversity value, is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy, which feeds into the Council's Biodiversity and Development SPD.
- 9.9 The submitted biodiversity metric has been updated and revised and assessed due to the reduction of the development area and number of dwellings. In this case habitat created is mainly confined to the south of the site (open space) and garden areas and taking into account both outline areas will be fully developed.
- 9.10 The Ecology Manager considers that the quantitative data within this revised document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as Biodiversity Units (BU). In addition, it is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development.
- 9.11 The baseline value of the site remains unchanged at 131.93 units. Taking into account the changes to the scheme, the post development value has been calculated at 158.49 units which results in an overall uplift of 26.56 units or a 20.14% increase.
- 9.12 The applicant's intention is therefore to deliver net gains of BU (20.14%) as part of the proposed development scheme. The Ecology Manager approves of the new habitats and their management proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping.

#### Biodiversity Conclusion

- 9.13 As such, the development scheme is viewed as likely to be able to achieve in excess of 20% net-gain to Biodiversity Value and so complies with the requirements of the Development Plan and Biodiversity SPD and NPPF in this regard.
- 9.14 The applicant will still need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof), demonstrating a net gain to a value of no less than BU as indicated. It is recommended that these requirements be secured via appropriately worded conditions.
- 10.0 Impact on Residential Amenity
- 10.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Appendix C of the Local Plan Strategy advises of the need for "Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis".
- 10.2 The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate



principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.

- 10.3 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 10.4 Finally, the SPD aspiration identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup>. Gardens should have a minimum length of 10m. It states that where there is a deficit, flexibility should be applied especially given distance from open space.
- 10.5 The applicant has provided a full amenity plan as part of the revised package. This plan extends across all phases B, C D and E which deliver the remaining 331 dwellings. The majority of houses meet and exceed distance separation and where they do not fully meet intervening boundaries, properties are offset or angled to each other. Across the whole of this development 17 plots (5%) do not fully meet the required garden sizes. This deficit ranges from around 2- 5sqm max. In consideration of this deficit, a much larger proportion (314 plots) or 95% meet or exceed the minimum. Of the plots identified only 4 fall short of a minimum 10m rear garden depth (compromised by rear bin access) these range from 8.5m to 9.5m in depth. The plots which have been identified as constrained should, as the guidance suggests, be interpreted flexibly, and all are still located within easy walking distance from large areas of public open space, therefore this can be accepted.

#### Daylight and Sun Light

- 10.6 There have been objections to the scheme in respect to amenity to existing properties and the proximity to the boundary. This is with particular regard to Phase 2e (north of the bypass) There is an existing boundary treatment and naturalised around the Northern Boundary with properties located to the north of Phase 2e. It is reasonable to require the retention of this hedgerow and ensure its protection to secure amenity is retained in this case
- 10.7 The applicant has provided a detailed daylight and sunlight impact assessment which covers impacts during morning midday and afternoon timings. This assessment has highlighted that there is a marginal impact during morning (around 9am) and this impact reduces to negligible with respect to timings later during the day given the orientation of the existing and proposed dwellings for this reason, it is considered unreasonable to justify a refusal of the application on this element. Particular concern relates to plot 172 which is a bungalow. The amended plans have no window facing the adjacent existing plot and the intervening boundary and orientation of this plot secures the amenity for both parties. The relationship is therefore considered to be acceptable.

#### Noise and Air Quality

- 10.8 Paragraph 185 of the NPPF advises that, "the planning system should ensure that new development is appropriate for its location and should take into account the impact on pollution on human health. It goes on to define air quality and noise as significant factors affecting amenity.
- 10.9 Appendix C of the Local Plan Strategy advises of the need for "Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis".
- 10.10 Core Policy 10 considers the impacts of health and wellbeing on existing and future residents of the District.

- 10.11 Concerns have been raised with respect to the construction period and the potential for harm to the nearest neighbouring properties to the development this is with particular regard to vehicular activity and construction works.
- 10.12 The application has provided both an Air Quality and Noise assessment and addendums to the original report. The site and location is not within an Air Quality Management Area as the nearest location is based around 'Streethay'.
- 10.13 Air quality can be recorded by way of air particulates (PM10) which is normally due to traffic conditions. The assessment considers existing conditions, construction periods and post construction impacts and the results provide no significant impacts to the levels of particulates in the air.
- 10.14 It is true that dust may arise from the construction phase of the development, however a Construction Environment Management Plan, as recommended by condition, would secure suitable controls/mitigation over dust emissions should they be necessary.
- 10.15 A noise assessment has been provided as part of the proposal and this considers the impact on both the existing and proposed households. This is with particular emphasis to the railway line and to the commercial/community area. The houses have been located at an adequate distance from the railway, to ensure that no additional mitigation is required and, this has been confirmed by Environmental Health Officers. The impact of the commercial and community centre is yet to be established as this area is in outline form.
- 10.16 Concerns have been raised in terms of both noise and dust. Existing residents are entitled to enjoy their properties without additional concerns and, this would be particularly relevant during the construction period with potentially additional traffic movements and deliveries. These concerns are noted and the applicants reports conclude that no additional mitigation is required in this case.
- 10.17 Environmental Health accept these findings and a CEMP or Construction Management Plan is proposed by way of condition to ensure residential amenity is maintained.

#### Amenity Conclusion

- 10.18 Given the above assessments, it is concluded that the development will not, subject to the above identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of Policy BE1 the Development Plan, Sustainable Development SPD and NPPF in this regard.

#### 11.0 Sustainability and Energy Issues

- 11.1 The NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development.
- 11.2 Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy however, the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built form.
- 11.3 Therefore, no conditions are required under the requirements of this policy, to secure sustainable built technologies within the residential phases of this development.

- 11.4 Local Plan Strategy Policy SC1 continues to set out requirements that major non-residential development, with a floor area in excess of 1,000 square metres, should achieve the BREEAM excellent standard from 2016.
- 11.5 It is considered reasonable to require that any building achieves BREEAM Excellent requirement it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM very good would effectively deliver the level of sustainable built form that the policy seeks to capture.
- 11.6 The wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition as part of the code for the reserved matters to secure the provision of these matters for the community commercial, the development is considered to be compliant with national policy in terms of sustainable building techniques.
- 11.7 The applicant has provided a plan providing the location of the Electric Vehicle Charging points across the site. These points are provided in at least one space per plot within the dedicated off-site provision and within the garages as proposed. This will ensure choice to future households in the development and is acceptable and may be suitably controlled by conditions. The properties will be constructed to meet the higher standards required under Building Regulations.
- 11.8 The applicant has also provided a waste strategy to ensure sustainable construction methods and recycling of materials is undertaken which is accepted. In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.
- 12.0 Impact on Archaeology, Historic Environment and Cultural Heritage
- 12.1 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular, S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 12.2 Paragraph 194 of the NPPF requires that through the application process the applicant should identify and describe the significance of heritage assets which may be affected by the development.
- 12.3 Policy NR5 considers the importance of any historic landscapes and how they should be considered as part of any development proposal. Policy BE1 details how consideration has to be given to the significance of any historic or archaeological landscape.
- 12.4 It is noted that there are no designated heritage assets within the application site area. There are however a number of assets within the 1km study area surrounding the site, including listed buildings, with the following located within close proximity to the site:
- Knowle Lodge – Grade II Listed
  - Knowle Farmhouse – Grade II Listed
- 12.5 Rykniel (Ickniel) Street, forms the site's south-eastern boundary, Berry Hill Farm associated with the field identified in 1947 suggesting a local brick working site.

- 12.6 Below ground elements of the Lichfield Canal which was filled in the mid-20<sup>th</sup> century and likely to survive in the north eastern corner of the site where evidence was found and recorded during a watching brief on the construction of the southern link road.
- 12.7 Knowle Hill - Detailed public comments have raised the sensitivity of Knowle Hill and the potential for archaeological interest from the Bronze Age rather than being a natural landform.

#### Archaeology

- 12.8 Staffordshire County Council Archaeology (SCC Arch) have also commented on this aspect and had found the original archaeological report satisfactory. Given the more recent revisions and the development moving into the southern area i.e. for the provision of pitches/allotments, Staffordshire County Council Archaeology (SCC Arch) have recommended a further survey prior to works commencing to ensure any historic artefacts or archaeology is formally recorded to ensure the areas correctly recorded, in accordance with policy and guidance.

#### Listed Buildings/Historic Assets

- 12.9 The effects of the development on the above identified heritage assets are assessed in the applicant's Heritage Statement, in terms of construction impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases, the submitted Heritage Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. This includes impact upon the Grade I Listed Cathedral Church of the Blessed Virgin Mary and St Chad, where it is considered that there are no perceivable historic associations between the site and the Cathedral, whilst the development of the site will not result in any adverse effects on the setting of this building. No harm to the setting of Lichfield Cathedral and the building is presently identified, it should be acknowledged, that one of the key design principles for this site, as defined within Appendix C of the Local Plan Strategy, is for the scheme to take into account "views out of the city and across the site, as well as views into Lichfield, towards the Cathedral and church spires, which will be used to generate the planned layout.
- 12.10 Paragraph 134, the NPPG advises that public benefits can be "anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7)... benefits do not always have to be visible or accessible to the public in order to be genuine public benefits". Evidently, this development will secure a large number of dwellings and employment floor space, on an allocated site and as such, offers significant wider economic and social benefits, which includes amongst other matters, the provision of public open space and sports facilities to the wider community, which when weighed against the identified low level of conservation harm, leads to the conclusion that the proposal in principle, is acceptable and compliant with the requirements of the Development Plan and NPPF, in this regard.
- 13.0 Planning Obligations (including Community Infrastructure Levy)
- 13.1 Policy IP1 of the Local Plan Strategy, major new developments are required to make provisions for social/community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.
- 13.2 The provisions required are as follows:
- Education Contribution to provide for financial mitigation funding for the provision of Primary and secondary school provision in the area from this total contribution amounts should be deducted to reflect the total contribution less amounts already received via the outline consent.

- Affordable Housing – 38% provided across the whole of the site in 65% and 35% split tenure split, as set out in the housing section of the report.
- Provision of community building within the site
- Provision of commercial retail buildings/community hub
- Healthcare - Primary healthcare provision contribution
- Management and maintenance of open space, SUDs and trees
- Laying out of open space management and maintenance thereof
- Changing facilities building provision and its management and maintenance
- Provision of allotments, trim trail, LEAP provision and management and maintenance thereof.
- Public Art - Strategy for Public art within the site and provision prior occupation of any part of phases B, C, D or E
- Bus service contribution – Total of £750,000 (split into 3 equal parts of £250,000 (plus indexation) with 1<sup>st</sup> payment due pre-occupation of 200<sup>th</sup> Dwelling, the 2<sup>nd</sup> payment due pre- occupation of 300<sup>th</sup> Dwelling and the final payment due pre-occupation of the 400<sup>th</sup> dwelling).
- Travel Plan – Difference between current Travel Plan fee of £15,000 and the £6,200 already paid equates to £8,800
- Fees to District and County for the management and monitoring of the obligations contained in the S106.

13.3 It is considered reasonable to request the above in order to ensure the development accords with adopted development plan policy, including policies IP1, Lichfield 6 and the Appendix C of the Local Plan Strategy and the Developer Contributions SPD.

#### 14.0 **Other Issues**

##### Land stability/Coal Mining

14.1 Paragraph 183 of the NPPF requires policies and decisions to take into account ground conditions and risk arising from land instability and contamination. This also involves risk from activities like mining and the need for mitigation. This would ensure the effective use of land by ensuring safe and healthy living conditions.

14.2 This land had a previous arable use however the applicant has provided a detailed ground conditions survey and a coal mining report. These reports conclude that there is no recognised ground contamination and, the site is relatively stable and that there is no evidence of subsidence or instability.

14.3 The reports do reference areas around the north-east of the site show evidence of being made up and this indicates works that took place when the Lichfield Canal was filled.

14.4 There are no implications in terms of land conditions for the land under consideration and construction matters would be covered by the current Building Regulations. Building Regulations will also ensure suitable foundations and any concerns raised in respect to the impact of potential for any damage to existing properties is a civil matter between each party the imposition of conditions during construction will ensure amenity levels are secured.

##### Financial Considerations (including Community Infrastructure Levy)

14.5 This development is a CIL (Community Infrastructure Levy) liable scheme set within the SDA lower charging zone, where the applicable rate is £14 per square metre of floorspace.

14.6 This will be payable accordance with the Council's adopted CIL instalments policy, unless otherwise agreed. The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through

supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.

14.7 The construction of the proposed scheme could support approximately 160 full-time equivalent temporary construction jobs and a further 265 indirect/induced full-time equivalent temporary jobs. The economic contribution per annum during construction is estimated to be approximately £26.2 million GVA.

14.8 The development will furthermore generate New Homes Bonus and Council Tax.

14.9 The proposal includes a range of uses within the community hub area, including retail. It is envisaged this would be small scale retail. This would accord with the provisions of policy Lichfield 6, which notes that neighbourhood facilities, including community hubs...and small-scale convenience retail provision would be provided. To ensure the retail provision within the development does remain 'small scale' a condition is recommended to restrict any retail to no more than 100 sqm gross floorspace, unless a retail impact assessment is submitted and agreed to allow additional retail floorspace. Otherwise, retail provision larger than this would require a retail impact assessment in line with policy E1 of the Local Plan to ensure the retail provision within the city is not impacted upon.

#### 15.0 Human Rights

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

### **Conclusion**

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

This proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses and whose future residents would support both existing and proposed facilities within the area. Socially, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site.

The scale of development is compliant with the requirements of the Council's Development Plan. The site occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space can be provided on site, to meet the needs of future and existing residents, whilst new sports provision, will be provided on site, to ensure the health and well-being of existing and future residents.

The number of dwellings and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District.

The development will cause less than substantial harm to the setting of nearby listed buildings and non-designated heritage assets, with the degree of harm likely to be further lessened through the application of an appropriate conditions for further archaeology works and a landscaping scheme.

The development demonstrates that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the three vehicular access points to ensure that the development can be safely and appropriately accessed, without harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact on both the Local and the Strategic Highway Network, subject to conditions and planning obligations.

Subject to suitable conditions, there will be no adverse impact on protected or priority species. A positive biodiversity net gain impact will be created and can be successfully established within the site.

Adequate details and mitigation for drainage, can be provided and that, subject to appropriate conditions to ensure no material harm will be caused.

It is considered that the proposal development is in conformity with the requirements of the Development Plan, subject to conditions, in that it will ensure successful integration into the development's green infrastructure and local environs. It is considered that a balanced and appropriate recommendation has been arrived at.

Whilst, there are concerns with regard to layout and design elements, as set out above, on balance, taking into account the above assessment and the weight attributable to the delivery of residential led development through the NPPF, it is recommended that this application is in conformity with the Development Plan, no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, subject to the signing of a S106 agreement, as set out above and unilateral undertaking in respect of Cannock Chase SAC mitigation, and conditions the proposals are considered to be acceptable.

It is therefore recommended that this application be approved, as set out above.

Lichfield  
district council

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# LOCATION PLAN

22/00242/FUL  
The Trooper Inn  
Watling Street  
Wall Village Lichfield

Scale: 1:1,250

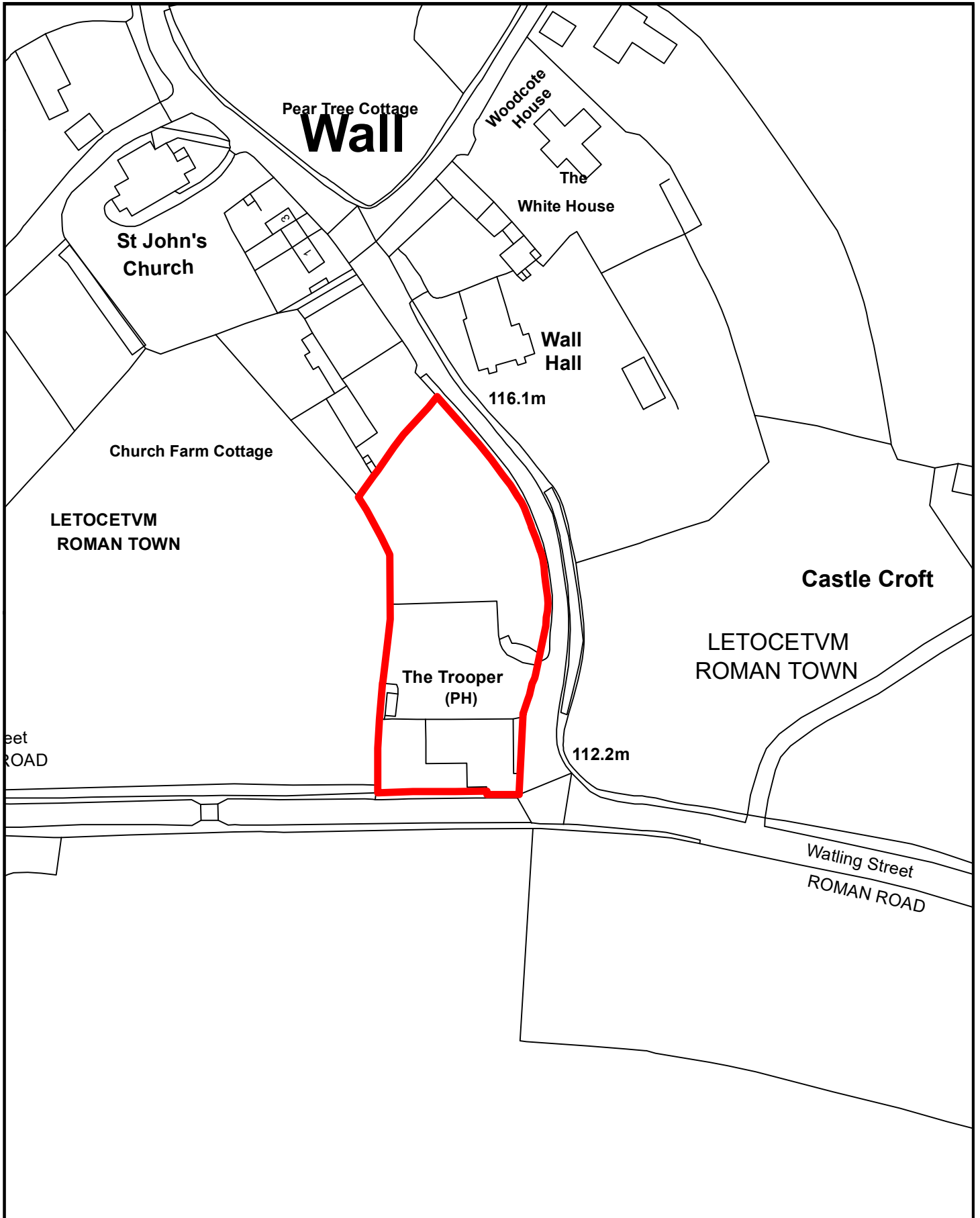
Dated: February 2023

Drawn By:

Drawing No:



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## **22/00242/FUL**

**Retention of 2 No. doors and juliet balconies to the western elevation of the building.  
The Trooper Inn, Watling Street, Wall Village, Lichfield  
FOR Mr C Chance**

Registered **14/02/2022**

**Parish:** Wall

**Note:** This planning application is being reported to the Planning Committee due to significant planning objections raised by Wall Parish Council.

The objections raised by Wall Parish Council are set out as follows:

- This is a retrospective application and the replacement windows that have been installed have uPVC frames. The Heritage Statement that accompanies this application makes no mention of this, nor the fact that the Trooper has been given Local Listing status in the Wall Conservation Area Plan of December 2018.
- A condition of any planning approval should therefore be that the uPVC frames are replaced with timber frames befitting an historic and Locally Listed building in the Wall Conservation Area.

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

### **CONDITION**

1. The development authorised by this permission shall be retained in complete accordance with the approved plans and specification, as listed on this decision notice.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP2, CP3, CP4, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, Wall Conservation Area Plan and the National Planning Policy Framework.

### **NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

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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 Development

Policy CP3 - Delivering Sustainable Development

Policy CP13 - Our Natural Resources

Policy CP14 - Our Built & Historic Environment

Policy BE1 - High Quality Development

Policy NR2 - Development in the Green Belt

Policy NR7 - Cannock Chase Special Area of Conservation

Policy SC1 - Sustainability Standards for Development

Policy BE1 - High Quality Development

### **Local Plan Allocations**

Policy BE2 - Heritage Assets

### **Supplementary Planning Document**

Sustainable Design SPD

Historic Environment SPD

### **Other**

Wall Conservation Area Appraisal and Management Plan (2018)

It is noted that there is no Adopted Neighbourhood Plan.

### **EMERGING POLICY**

#### **Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy SP1: The Spatial Strategy

Strategic Policy SP10: Sustainable Development

Strategic policy 16 (SP16): Natural and historic landscapes

Strategic policy 17 (SP17): Built and historic environment

Local Policy SD1: Sustainable Design and Master Planning

Local policy NR5: Cannock Chase Special Area of Conservation

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

### **RELEVANT PLANNING HISTORY**

14/00261/FUL- Demolition of existing storage buildings and bottle wash/prep area and erection of an extension to restaurant and the construction of an extension to restaurant and disabled access with revised parking facilities- Approved subject to conditions. 01.05.2014.

11/00925/FUL- Demolition of existing detached storage buildings and bottle wash/prep area and erection of an extension to restaurant and cellar and the construction of a disabled access and revised parking facilities- Approved subject to conditions. 14.11.2011.

98/01034/FUL- Construction of terrace to front of premises to replace existing parking area; Extension of kitchen to incorporate existing free-standing cold store; Modifications to the entrance; Formation of 6 no. car parking spaces- Approved subject to conditions. 09.11.1999.

## **CONSULTATIONS**

**Wall Parish Council – Updated-** The Councillors unanimously voted to not withdraw previous objections. They are not convinced that the application discloses the full extent and impact of the work already undertaken. (18.01.23)

**Initial-** Object to the proposal. This is a retrospective application and the replacement windows that have been installed have uPVC frames. The Heritage Statement that accompanies this application makes no mention of this, nor the fact that the Trooper has been given Local Listing status in the Wall Conservation Area Plan of December 2018. A condition of any planning approval should therefore be that the uPVC frames are replaced with timber frames befitting an historic and Locally Listed building in the Wall Conservation Area. (14.04.2022)

**Architectural Liaison Officer -** No objections, however, recommendations are made regarding amendments to the current alarm systems and CCTV (internal and external) in order to take the proposals into account. (11.03.2022)

**LDC Conservation And Urban Design Team- Updated-** The application is for the retention of 2 UPVC doors with Juliet balconies. UPVC would not usually be appropriate within a conservation area and scheduled monument setting. However, with this particular example, given the harm caused to the building by previous changes, it is not considered that the introduction of the 2 UPVC doors with balconies would result in further harm. (16.01.2023)

**Initial-** No objections have been raised to the introduction of the Juliet balconies and the change of existing window openings to inward opening double doors. It is considered that these changes will not cause any visual harm to the appearance of the property. In terms of impact to the scheduled monument it is considered that the proposal will not cause any harm to the setting or historic significance compared to what exists currently. (03.03.2022)

## **LETTERS OF REPRESENTATION**

No responses were received from neighbouring occupiers or local residents.

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

- 2191.1 Proposed ground floor plan
- 2191.2 Existing first floor plan
- 2191.3 Existing ground floor plan
- 2191.4 Proposed first floor plan
- 2191.5 Existing and proposed elevations
- 2191.6 Location and block plan
- Heritage Statement

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## **OBSERVATIONS**

### **Site and Location**

The application site relates to The Trooper Inn Public House. The Trooper Inn is a locally listed public house (as noted in the Wall Conservation Area Appraisal and Management Plan 2018) located within the Wall Conservation Area. It is located in a prominent position within the Conservation Area and forms a prominent local landmark. As well as being located within the conservation area, the site is

immediately adjacent to the scheduled monument (Roman Letocetum). The site is also adjacent to Watling Street, which was a principal highway within Roman Britain. Letocetum was an important staging post on Watling Street, the Roman military road to North Wales. The road network was crucial to the Romans control over their empire, and at staging posts like Wall Roman officials could find lodging for the night and change their horses. The remains of an inn and public baths are present in an area to the West of the application site. This monument is scheduled under the Ancient Monuments and Archaeological Areas Act 1979 as amended as it is of national importance.

The nearest residential properties are located in Green Lane to the North (rear) of the site. The Public House benefits from a large car park to the rear and an outdoor terraced area to the side.

The application site is located within the Parish of Wall and the West Midlands Green Belt.

## **Background**

The building is locally listed and is therefore considered as a non-designated heritage asset in itself. However, it is also located within the Wall Conservation Area and therefore constitutes part of a much wider designated heritage asset in this respect.

Planning application 14/00261/FUL in May 2014 permitted the demolition of existing storage buildings and bottle wash/ prep area and erection of an extension to the restaurant with disabled access and revised parking facilities. Condition 2 (i) of this permission required prior approval of sections and details of all external joinery including fenestration and doors and external finish to be submitted to the Local Planning Authority for approval. This permission has been implemented, without discharge of the relevant conditions. The permission resulted in window proportions being altered from those of the original public house to comprise dark grey modern contemporary designs (soft wood materials). Whilst no specific details were submitted for assessment under a discharge of condition application, the design and appearance of the windows and doors installed matched those indicated on the approved plans. Whilst the condition relating to fenestration and door details was not formally discharged, it would not be expedient for the Council to take enforcement action at this stage given the details matched in design and appearance to those set out on the approved plans and were constructed from timber.

In addition, in 2021 the windows on the main front elevation of the building were replaced with UPVC diamond leaded window designs of similar proportions and appearance to the timber framed windows which they replaced. Whilst the windows replaced were timber framed, they were not representative of the original windows of the building. Although, the replacement windows have UPVC frames, these would not have required planning permission, as they reflected the design of the windows they replaced such that the replacement would not have constituted a material change to the external appearance of the building and there is no Article 4 Directive imposed on the Conservation Area preventing such changes.

The elevation adjoining the carpark to the rear of the building retains the original dark grey colour timber leaded windows and there are also two other timber windows at first floor rear level, which may also soon require repair, or replacement.

## **Proposals**

This application is retrospective. It seeks permission for retention of 2 No. UPVC doors and Juliet balconies in the western elevation of the building.

The 2 No. doors windows which are the subject of this application are located on the ground floor on the Western elevation of the building. Previous small casement windows have been replaced with UPVC inward opening patio doors with a wrought-iron Juliet balconies. The patio doors have increased the depth of the original window openings.

The application proposal has been revised to clarify that the retrospective permission is for retention of 2 No. UPVC doors with Juliet balconies only. Re-consultation was undertaken and a revised site notice displayed.

A number of internal changes to the layout have been made. These internal changes do not form part of the application as the works affect only the interior of the building and do not materially affect the external appearance of the building and hence do not constitute development.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Impact upon Heritage Assets
3. Residential Amenity
4. Highway Implications
5. Human Rights

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

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document.

1.2 Core Policy CP1 of the Local Plan Strategy sets out the spatial strategy for the District and confirms that in relation to the District's existing settlements, appropriate proposals which contribute towards their improved sustainability, cohesion and community well-being will be supported. Core Policy 3 builds upon this, seeking to improve residents' quality of life through the provision of adequate infrastructure, services and facilities.

1.3 Notwithstanding the above, as the site is located within the West Midlands Green Belt the proposal engages Policy NR2 of the Lichfield Local Plan, which states: -

'Within the Lichfield District portion of the West Midlands Green Belt, as defined on the policies map, opportunities to enhance the beneficial use of the Green Belt will be supported. This may include opportunities to provide access, for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land.

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. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings is regarded as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework. In addition, limited infilling within Green Belt villages will be allowed, with appropriate 'infill' boundaries being determined through the Local Plan Allocations document, which may, where appropriate, be informed by local community-led plans.'

1.4 The exceptions referred to in Policy NR2 are set out in paragraphs 149 and 150 of the NPPF, of which the former relates to the construction of new buildings in the Green Belt. These include at paragraph 149(c) 'the extension or alteration of a building provide that it does not result in

disproportionate addition as over and above the size of the original building'. Given the nature of the proposal it would constitute an alteration of a building which would not result in any significant increase in the size of the building. As such it would constitute one of the exceptions set out in paragraph 149 of the NPPF and therefore would be acceptable in principle.

1.5 However, proposals that are acceptable in principle are still required to meet all other relevant policy tests. This report will now go on to look at those other relevant policy tests.

## 2. Design and Impact upon Heritage Assets

2.1 The NPPF (Section 12) advises that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" and that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

2.2 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Achieve appropriate densities
- Respond to local character and history, and reflect local surroundings and materials
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and appropriate landscaping.

2.3 In this respect the application site is located within the Wall Conservation Area which is a 'Designated Heritage Asset'. In this respect the proposal engages Section 72 of the Planning Listed Building and Conservation Areas Act 1990 which places a duty upon the Local Planning Authority to pay special attention to preserving or enhancing the character or appearance of a Conservation Area. The proposal also engages the relevant parts of Policies BE1, CP3 and CP14 of the Local Plan Strategy; Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF.

2.4 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should protect and enhance the character and distinctiveness of the District and be of a scale and nature appropriate to its locality. New development should carefully respect the character of the surrounding area.

2.5 Core Policy 14 'Built and Historic Environment' sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE2 'Heritage Assets' of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.

2.6 Section 16 (paras 189 to 208) of the NPPF sets out the policy approach to 'conserving and enhancing the historic environment'. Paragraph 195 of the NPPF sets out that local planning authorities 'should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise' adding they 'should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'. Furthermore, paragraph 199 makes it clear that when 'considering the impact

of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)' adding 'this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 2.7 The NPPF sets out the policy tests in respect to whether proposal would cause 'substantial harm' or 'less than substantial harm' to a designated heritage asset or harm to a non-designated heritage asset.
- 2.8 Paragraph 200 confirms that any harm to, or loss of significance of a designated heritage asset should require clear and convincing justification.
- 2.9 Paragraph 202 sets out that where 'a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 2.10 Finally, paragraph 203 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

#### Assessment

- 2.11 In accordance with Policy BE2 of the Local Plan Allocations Document and paragraph 194 of the NPPF the applicant has submitted a heritage statement. Although this does not include reference to the local listing of the building or the proposed materials, the significance of the heritage assets and the impact of the development on them has been reviewed by the Conservation Officer, who has stated that there are no objections to the proposal on heritage grounds.
- 2.12 The application is for retention of 2 No. UPVC doors and Juliet balconies to a locally listed building located within a conservation area and within the setting of a scheduled ancient monument. An objection has been received from Wall Parish Council regarding the UPVC materials used for the window frames and request they are replaced with timber frames befitting an historic and locally listed building in the Wall Conservation Area. The Parish Council also raise concerns on the grounds of works previously carried out.
- 2.13 In terms of the works previously carried out, although conditions relating to window materials have not been discharged as set out above it is not considered that it would be expedient to take action, given the design of the timber windows installed conformed to the approved elevation plans for Planning application 14/00261/FUL. In respect to the windows on the front elevation, which were replaced in 2021, it should be noted that, despite being constructed of UPVC, these were so similar in terms of their external appearance to the original windows that they did not constitute a material change to the external appearance of the building and therefore did not require planning permission.
- 2.14 In respect to the details of the application that are currently under consideration the applicant has submitted a purported 'heritage statement'. Although this statement fails to recognise that the Trooper is an undesignated heritage asset and does not provide any substantive assessment of the significance of the heritage assets that potentially have been affected it does go on to make the following observations: -

'The footprint of the building will not change internal alterations provide the desired accommodation.

On the whole the external appearance will only change with the introduction of the Juliet balconies and the change of existing window openings to inward opening double doors.

The location of The Trooper does mean these doors and Juliet balconies are visible from Watling Street, but they are not dissimilar in proportion to other windows to the main restaurant area which overlooks the terrace and will not impinge on any important views particularly of that from the ancient Wall site and so the proposals will not detract from their setting or produce any material harm to the significance of the Conservation Area'.

- 2.15 Whilst the purported heritage statement is undoubtedly poor it has been, along with the details of the application, assessed by the Conservation Officer to provide the following advice: -

**Impact on Conservation Area**

The proposed Juliet balcony will be visible within the street scene and as noted above the Trooper Inn is a prominent building with the Conservation area. The Juliet balcony is not typical of the Wall Conservation Area. However, when assessing the harm it will not be [sic] detract from the quality [sic] of the conservation area.

**Impact on Appearance of Property**

The biggest change to the external appearance is with the introduction of the Juliet balconies and the change of existing window openings to inward opening double doors. It is considered that these changes will not cause any visual harm to the appearance of the property.

**Impact Scheduled Monument Setting**

In terms of impact to the scheduled monument it is considered that the proposal will not cause any harm to the setting or historic significance compared to what exists currently.'

- 2.16 Having had regard to the Conservation Officer's comments it is noted that the proper tests in respect to the impacts on the Wall Conservation Area are whether the proposal would fail to preserve the character, appearance and significance of the Conservation Area and not its 'quality'.

- 2.17 In terms of significance the Wall Conservation Area Appraisal and Management Plan (WCA&MP) states the Wall Conservation Area is significant for the following reasons:

- It contains the archaeological remains of the roman settlement of Letocetum. As a site of national importance a large area of the settlement is designated as a scheduled monument.
- The current village of Wall grew up along Watling Street as a continuation of occupation along the former Roman road, which remains an important route.
- The conservation area includes a number of important historic buildings including seven Grade II listed structures dating from the early 18th century to the late 19th century.

- 2.18 The WCA&MP goes on to state 'Originally all the properties would have had wooden windows, a mixture of mainly casements and some sash windows. Some of the properties retain these, although many have lost these traditional features which have then been replaced with poor quality modern replicas'.

- 2.19 With this in mind it is noted that the Trooper Inn has had a range of alterations and extensions to its western elevation including a flat roofed extension to the roof. In addition, at the distance that the alterations would be observed at the use of UPVC would not be readily discernible from the use of painted timber. Against this backdrop the installation of the patio doors and a juliet balcony constitute somewhat minor alterations and do not appear as a



discordant alteration to the locally listed building. Overall they have had a neutral impact on the significance of the building as a locally listed building.

2.20 Furthermore, the alterations, by virtue of their nature has not had an impact on any archaeological remains within the local area and has not resulted in an adverse impact on the Roman heritage of Wall. As such it is concluded that the alterations have not had an adverse impact on, and therefore have preserved, the character, appearance and significance of the Wall Conservation Area' and the setting of the Scheduled Ancient Monuments.

2.21 It is therefore concluded that the retention of the alterations would not be contrary to Policies BE1, CP3, CP14 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations document and Section 16 of the NPPF or the design and heritage policies in the emerging Local Plan.

### 3. Residential Amenity

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

#### Assessment

3.2 The proposals have had no impact on the intensify the established use of the premises as a Public House/ restaurant. Furthermore, the proposed doors are located a substantial distance from any neighbouring residential properties and overlook an existing permitted external terrace area/ beer garden. Overall, the planning submission is considered to be acceptable with regards to residential amenity and in accordance with the aforementioned policies.

### 4. Highway Implications

4.1 Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.2 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.

4.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD.

#### Assessment

4.4 As set out above, the proposals have not given rise to a significant intensification of the use of the premises. The Public House is served by a large car park to the rear which remains unaffected by the proposals. No changes are proposed to the existing access. The parking requirements as set out in the Sustainable Design SPD are met by the proposals. The proposals are therefore considered to be acceptable in terms of highway implications.

## 5. Human Rights

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

### **Conclusion**

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

The proposal does not result in harm to the non-designated, or designated heritage assets. There has been a neutral impact the character and appearance of the conservation area and historic environment or on any of the other acknowledged interests identified in the report. Consequently, it is recommended that this application be approved, subject to conditions, as set out above.

Lichfield  
district council

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Telephone: 01543 308000  
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# LOCATION PLAN

22/01179/FUL  
121 Highfields Road  
Chasetown  
Burntwood

Scale: 1:1,000

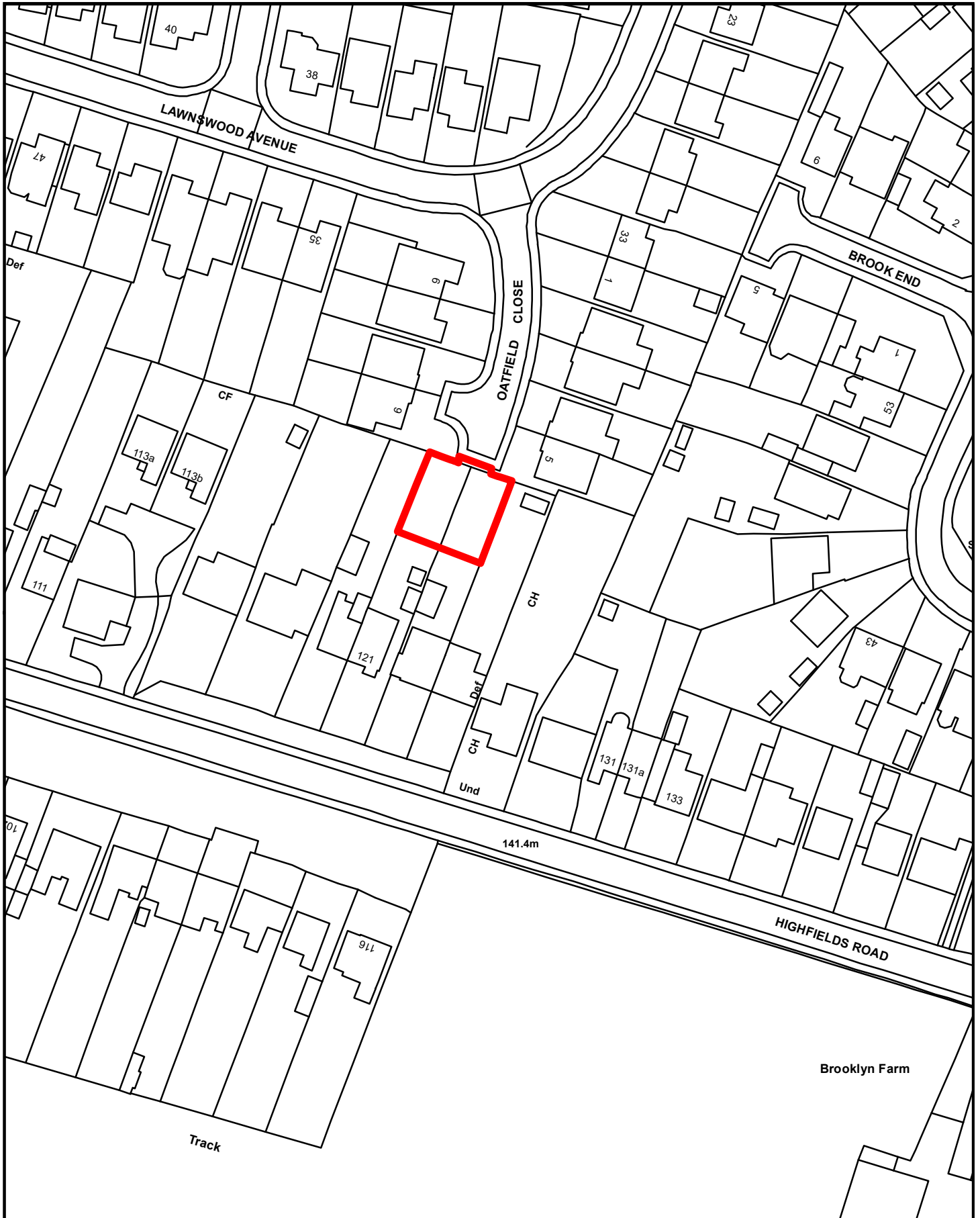
Dated: February 2023

Drawn By:

Drawing No:



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## **22/01179/FUL**

**Erection of 1 No. bungalow**

**121 Highfields Road, Chasetown, Burntwood, Staffordshire**

**FOR Mr A Humphreys**

Registered **15/11/2022**

**Parish:** Hammerwich

**Note:** This planning application is being reported to the Planning Committee due to planning objections raised by Hammerwich Parish Council, which include:

- Creating parking congestion on Oatfield Close
- The proposal is out of character with the area
- This proposal is back land development, contrary to policy
- Bus services do not adequately serve the site

**RECOMMENDATION: Approve, subject to the prior completion of a S106 TCPA 1990 Unilateral Undertaking relating to the payment for recreational mitigation for the Cannock Chase SAC and the following conditions:**

### **CONDITIONS**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.

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.

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of policies CP1, CP2, CP3, CP5, CP6, CP13, H1, NR3, NR4, BE1, NR7, ST1, ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping & Development SPD, Biodiversity and Development SPD, the Hammerwich Neighbourhood Plan and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced a scheme for construction management during works shall be submitted to, and approved in writing by, the Local Planning Authority for (a) parking of vehicles of site personnel and operatives (b) loading and unloading of plant and materials (c) storage area of plant and materials used during the construction of the development. Each of the facilities shall be provided and maintained during the construction of the development hereby permitted.

Reason: In the interests of highway safety and in accordance with the aims of Policies CP3 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

4. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been provided in full in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

5. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure adequate off-street parking exists to serve the development in accordance with the requirements of policies CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

6. The boundary treatments indicated on the approved plans shall be installed prior to the first occupation of the dwelling house hereby approved. The fencing shall be 'hedgehog' friendly with 13 cm x 13cm holes at ground level within at least one fence panel in each of the boundaries to allow permeability for hedgehogs.

Reason: To protect the amenities of neighbouring residents and to encourage enhancement in biodiversity in accordance with Policies CP3, CP13, NR3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

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

7. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Policy H2 of the Hammerwich Neighbourhood Plan and the National Planning Policy Framework.

8. A bird box shall be installed as indicated on the approved plans within 1 month of first occupation of the dwelling hereby approved. The bird box shall thereafter be retained as such for the life of the development.

Reason: In order to encourage enhancements in biodiversity and habitat and to ensure that appropriate mitigation planting is provided, in accordance with Policies CP3, CP13, CP14, BE1 and NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, the Trees, Landscaping & Development SPD and the National Planning Policy Framework.

9. All planting, seeding or turfing shown on the approved plans/ approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities

of the locality and in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Trees, Landscaping and Development SPD, the Hammerwich Neighbourhood Plan and the National Planning Policy Framework.

- 10 Notwithstanding the provisions of Schedule 2, Part 1, Classes A-G of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason: In the interests of neighbour and visual amenity of this rural locality, to able the local planning authority to control further alterations on the dwelling in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the Hammerwich Neighbourhood Plan and National Planning Policy Framework.

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

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) , Lichfield District Local Plan Allocations (2019) and the Hammerwich Neighbourhood Plan (2021).
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. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department.
5. The applicant is advised that the site should be cleared sensitively. Removal of any vegetation possibly utilised by birds must occur outside of nesting bird season between September-February. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance

works. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged. All nesting birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981, and it is thus an offence, with certain exceptions to: Intentionally kill, injure, or take any wild bird. Intentionally take, damage, or destroy the nest of any wild bird while it is in use or being built. If any clearance works are to occur, caution is needed in case of nesting hedgehogs when clearing the site, particularly piles of deadwood or leaves and areas of long grass or dense vegetation, and when using machinery within a foot of ground level. This planning permission does not absolve the applicant from any responsibilities relating to wildlife legislation.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Policy CP13 – Our Natural Resources  
Policy H1 – A Balanced Housing Market  
Policy NR4 – Trees, Woodland and Hedgerows  
Policy NR3 – Biodiversity, Protected Species and their Habitats  
Policy BE1 – High Quality Development  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Provision

### **Local Plan Allocations**

Policy NR10: Cannock Chase Area of Outstanding Natural Beauty

### **Hammerwich Neighbourhood Plan**

Policy H1 - New Housing Development – Siting And Mix of Housing Types  
Policy H2 - Housing Development Design  
Policy T1- Increased Traffic from New Developments

### **Supplementary Planning Documents**

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

### **Lichfield District Local Plan 2040**

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and the draft Local Plan has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities. Planning Inspectors were appointed, but a pause in the examination has since been agreed for up to 12 months and so no date for public examination has been set. At this stage limited weight is given to the draft Emerging Local Plan Policies. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight. Relevant policies in the emerging Local Plan include: -

Strategic Policy (SP1): The Spatial Strategy  
Strategic policy 2 (SP2): Sustainable transport  
Strategic policy 3 (SP3): Sustainable travel  
Strategic Policy 10 (SP10): Sustainable Development  
Strategic policy 12 (SP12): Housing provision  
Local Policy SD1: Sustainable Design and Master Planning  
Local policy LT1: Parking provision  
Local policy NR2: Habitats and biodiversity  
Local policy NR3: Trees, woodlands and hedgerows  
Local policy NR5: Cannock Chase Special Area of Conservation

The above policies reflect the thrust of their counterpart policies within the current adopted Local Plan and do not change the overall conclusions arrived at in the in the determination of this application.

### **RELEVANT PLANNING HISTORY**

No relevant planning history.

### **CONSULTATIONS**

**Hammerwich Parish Council** – Objects to the proposals for the following reasons:

- Creating parking congestion on Oatfield Close
- The proposal is out of character with the area
- This proposal is back land development, contrary to policy
- Bus services do not adequately serve the site

(9th September 2022)

**Severn Trent Water**- No objections raised as the proposal would have minimal impact on the public sewerage system. A drainage condition would not be required. (9th September 2022)

**Staffordshire County Council (Highways)** – No objections, subject to planning conditions seeking the provision of the access and parking facilities prior to the use of the development. (2nd September 2022)

**LDC Tree Officer** – Confirmed they have no comments to make on the application. (10th January 2023)

**LDC Ecology Team** - No objection. No ecology survey work is required. Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. Boundaries and barriers within and surrounding the development, including fencing, railing and gates, should be made to allow movement, such as:

- fence panels with 13 x 13 cm holes at ground level (hedgehog holes)
- leaving a sufficient gap beneath gates
- leaving brick spaces at the base of brick walls

As per the requirements of Policy NR3 in the Local Plan, all development must provide a net gain to biodiversity value. The ecological proposals set out in the submitted landscape/ecology plan must be adhered to in order to sustain and achieve biodiversity value on site (9th September 2022)

**LDC Environmental Health Team** - No objections. (10th September 2022)



**LDC Waste Management** – Proposals for individual houses must include unobtrusive areas suitable for accommodating at least 3 x 240l wheeled bins. The Joint Waste Service offers a kerbside collection service; therefore, residents will be expected to present their bins at the nearest appropriate highway on collection day and return the bins as soon as possible after emptying (19th August 2022)

### **LETTERS OF REPRESENTATION**

8 letters of representation have been received. The comments are summarised as follows:

- Parking congestion would be increased on Oatfield Close
- The design does not complement the character of the area
- The foundations could impact upon neighbouring tree
- An extra dwelling would further drainage issues on the street
- The proposal is backland development, therefore contrary to policy
- The proposal would have ecological impacts
- The dwelling would create a loss of light and views for neighbouring properties

### **OTHER BACKGROUND DOCUMENTS**

N/A

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

Location Plan	363-001
Site / Location Plan	363-003C
Proposed Elevations / Plans	363-004
Proposed Elevations / Plans	363-005B
Proposed Elevations / Plans	363-006A

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### **OBSERVATIONS**

#### **Site and Location**

This application relates to a site that makes up partial areas of the gardens of 121 and 123 Highfields Road in Chasetown. No's 121 and 123 Highfields Road are traditional semi detached dwellings which front onto Highfields Road, with rear boundaries adjoining Oatfield Close to the North of the site. Oatfield Close comprises dormer bungalows arranged in a cul de sac. The access to the site would be provided off the hammer head at the southern end of the close. The existing boundaries of the site comprise of 1.8- 2m high close board fencing and there is a tree located within the rear garden of No.125 Oatfield Close.

The site is surrounded by residential properties and the area can be considered as residential in character. The site is located within the zone of influence for Cannock Chase Special Area of Conservation.

#### **Proposal**

This application seeks permission for the erection of a bungalow on a site formed from partial areas of the gardens of 121 and 123 Highfields Road.

The proposed bungalow would have rendered elevations with a gable roof over, and gable forward and rear projections. The bungalow would be single storey in height and solar panels are proposed to the South West (rear) roof slope.

Internally, open plan kitchen, dining and living areas are proposed, along with two bedrooms and a family bathroom. A third bedroom/ study room is also proposed.

Vehicular access would be provided off Oatfield Close and two off-street car parking spaces along with a bin storage area are proposed. Full details of materials and landscaping have been included with the submissions.

The application is supported by a Design and Access Statement. During the course of the application details in respect of the existing tree located within the rear garden of No.125 Close have also been provided.

### **Determining Issues**

1. Policy & Principle of Development
2. Design and Impact on the Character of the Area
3. Residential Amenity
4. Access and Highway Safety
5. Ecology
6. Cannock Chase SAC
7. Other Issues
8. Human Rights

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

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Hammerwich Neighbourhood Plan was also made in December 2021 and as such, also carries full material weight.

1.2 Core Policy 1 of the Local Plan Strategy states that the Council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2008 and 2029 within the most sustainable settlements and growth will be located at the most accessible and sustainable locations. Burntwood is one of the areas that the District Council will direct the majority of growth to, with Burntwood being categorised as a 'Other large centre' within the Settlement Hierarchy set out at table 4.1.

1.3 Policy H1 of the Local Plan Strategy states that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. There is currently an imbalance of dwelling types within the district. To redress this, the District Council will actively promote the delivery of smaller properties including two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The policy also states that such development should seek to provide, where appropriate, accommodation suitable for older people, such as bungalows. The applicant is seeking planning permission for a two/ three bedroomed detached bungalow and as such the application complies with this adopted policy.

Assessment

1.4 The site lies within the sustainable settlement of Chasetown, Burntwood. Core Policy 1 seeks to direct the majority of new housing development towards this settlement. Core Policy 6 notes that much of the new housing required in Burntwood is to be located within the existing urban area. Policy H1 of the Hammerwich Neighbourhood Plan states that new small-scale infill housing development will be supported on suitable sites within the Triangle Ward, within which the site is located. Therefore, the principle of development is acceptable. Matters related to the general development management criteria are discussed below.

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

2.1 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* and that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

2.2 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Achieve appropriate densities
- Respond to local character and history, and reflect local surroundings and materials
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and appropriate landscaping.
- Opportunities should be taken to incorporate trees

The proposal also engages paragraphs 126, 130 and 131 of the NPPF, which relate to design and the achievement of well-designed places.

2.3 Policy BE1 of the Local Plan Strategy requires new development to carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.

2.4 Policy H2 of the Hammerwich Neighbourhood Plan states that all new development will be expected to:

1. complement adjoining land uses;
2. have good access to sustainable forms of transport;
3. define clearly public and private areas;
4. maintain and/or improve footpaths and access points, and provide for easy access for people with disabilities into and around the site;
5. provide sensitively designed, high quality, street furniture where this is necessary for the development;
6. provide adequate storage for bins, recycling and cycles;
7. incorporate additional roads (if these are needed) that are designed to reduce vehicle speeds;
8. provide for sustainable drainage methods where this is feasible and desirable; and
9. incorporate charging points for electric vehicles convenient to the parking spaces.
10. relate well to surrounding land and buildings in style, scale and mass, and be landscaped and designed to minimise the impact on views from open countryside;

11. not have a detrimental effect on local facilities such as public footpaths, playing fields and public open spaces unless adequate mitigation in the form of compensatory facilities is provided;
12. make positive use of site characteristics e.g. topography, trees, hedges, natural habitats etc.;
13. provide sufficient off-road parking for residents and visitors; and
14. not give rise to an increased risk of localised flooding, and must not increase levels or rates of surface water run-off from the developed site.

#### Assessment

- 2.5 Objections have been raised that the proposals are out of character with the area. Taking into consideration the layout of the scheme, which would result in a bungalow fronting onto Oatfield Close, there would be no impacts on Highfields Road. Having had regard to the above, it is noted that Oatfield Close largely comprises dormer bungalows which have been modified in various ways and mostly constructed of red brick and concrete tile. There are examples of front facing gables, dormer windows and render finishes to the elevations of these properties. The proposed dwelling would cause no harm to the character and appearance of the street scene and would appear in context with the surrounding built form.
- 2.6 The proposal is for a bungalow with a 95sqm footprint, front, side and rear facing gables, and would be finished with white render and grey tiles. In this respect, the proposed dwelling would fall within the design, size, scale parameters and palette of materials that make up the character of the immediate area.
- 2.7 While the proposal would be considered backland development, as it would be constructed in the rear garden areas of 121 and 123 Highfields Road, the access is proposed from Oatfield Close. Therefore, whilst objections have been raised on the grounds that the scheme would result in backland development, it would not give the appearance of tiered development, nor would there be a need for a new accessway to the side of 121 or 123 Highfields Road. It is noted that policies do not preclude backland development. In this case, the rear garden areas would be directly adjacent, similar to those between Lawnswood Avenue and Highfields Road to the west of the site. Whilst the resulting built foot print to garden ratio would not reflect those of Highfields Road, it would be similar to those on Oatfield Close.
- 2.8 A landscaping plan has been provided which is appropriate and includes shrub planting and grassed areas which will aid the assimilation of then dwelling into the plot.
- 2.9 It is therefore considered that the proposal meets the requirements of Policy BE1 of the Local Plan Strategy, Policy H2 of the Hammerwich Neighbourhood Plan and the design requirements of the aforementioned paragraphs of the NPPF.

### 3. Residential Amenity

- 3.1 Policy BE1 of the Local Plan Strategy states that proposals should not have a negative impact on amenity, and development should avoid unreasonable levels of disturbance through traffic generation, noise, light, dust, fumes, or other disturbance. This Policy is supplemented by the Council's Adopted Supplementary Planning Document: Sustainable Design which sets out the Council's requirements for space about dwelling within Appendix A.
- 3.2 The Sustainable Design SPD guidance includes requirements in terms of the size of private amenity space necessary to serve dwellings, whereby 65sqm should be provided for dwellings with 3 bedrooms, and private amenity space should be a minimum of 10m in length. It is noted that flexibility may be applied.

## Assessment

- 3.3 It is noted that objections have been raised regarding the impact on neighbour amenity. The dwelling is single storey and will have 2m high timber fencing along both side boundaries and will therefore have no issues with overlooking of neighbouring properties. However, given the building footprint to site area ratio, conditions are recommended to be imposed to remove permitted development rights for the dwelling, as further built development on the site may have a detrimental impact upon the residential amenity of neighbouring properties.
- 3.4 Turning to amenity space. The proposed rear amenity space of the new bungalow would measure 6m in length, however it would also measure 85sqm in area. This excess of 20sqm is considered to offset the loss of 4m in the minimum length. The proposed amenity space is considered to be commensurate with the scale of the proposed dwelling. The loss of garden space to the rear of no. 121 and 123 Highfields Road is noted and considered acceptable due to the large footprints of these amenity spaces. Therefore, the resultant garden spaces will still meet with the requirements of the SPD and be able to adequately cater for dwellings of that size.
- 3.5 Consequently, it is considered that the proposal will sit well within the plot without detriment to the amenity of the neighbouring properties and would provide a high standard of living for future and existing residents of the locality in accordance with the requirements of Local policies and paragraph 130(f) of the NPPF.

## 4. Access and Highway Safety

- 4.1 Paragraph 111 of the NPPF states '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 Policy ST1 'Sustainable Travel' sets out that the Council will seek to secure sustainable travel patterns through a number of measures including only permitting traffic generating development where it is or can be made compatible with the existing transport infrastructure. The access and egress onto the public highway and maintaining highway safety are factors which should be given consideration.
- 4.3 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD guidance states that the maximum parking standard for 3 bed dwellings is two spaces per dwelling.
- 4.4 Policy T1 (Increased traffic from new developments) of the Hammerwich Neighbourhood Plan requires an assessment of the impact of any increase in traffic that new developments may generate.

## Assessment

- 4.5 Seven representations have been received objecting on the basis of parking issues on Oatfield Close. It has also been observed that residents use both parts of the turning area for parking vehicles. A number of objections stated that the proposal would lead to a loss of parking spaces on the street, in reference to this area. However, this area is not intended for parking, but for the turning of vehicles; a common feature at the end of cul-de-sac streets. County Highways raised no objection to the proposal and the site can cater for the minimum number

of vehicles that a three bedroom dwelling requires. Therefore, these arguments hold no weight in the assessment of the proposal's impact on parking provision within Oatfield Close.

- 4.6 The submitted site layout demonstrates that 2 parking spaces are proposed in accordance with the standards set out in the Sustainable Design SPD. Conditions are recommended that will ensure that the parking and access are provided prior to the first use of the dwelling, as recommended by Staffordshire County Council Highways.
- 4.7 Drawing no. 003 Rev. C shows the location of an Electric Vehicle Charging Point (EVCP). Electric vehicle charging points would be secured under the Approved Document S of the Building Regulations 2010. Therefore, it would not be reasonable to attach a condition ensuring the installation of the EVCP in this case.
- 4.8 The Parish Council have raised objections on the grounds that bus services do not adequately service the site. Whilst these comments are noted, the site is within walking/ cycling distance of bus services which operate along Highfields Road, High Street and Queen Street. The site is located within an established residential area where there are local services such as schools, convenience shops in the vicinity.
- 4.9 It is considered that, subject to conditions, the proposal would not result in an unacceptable impact on highway safety and therefore accords with the development plan with regard to access, sustainable transport and parking provision, Local Plan Strategy and the NPPF, in this regard.

## 5. Ecology

- 5.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

### Assessment

- 5.2 The site does not benefit from any nature conservation designation and is not known to support any species or habitat that is protected or of special nature conservation importance. The Council's Ecologist raised no objection. However, it is noted that the current application provides an opportunity to seek biodiversity enhancements through a condition to ensure that the ecological proposals set out in the submitted landscape plan are adhered to in order to sustain and achieve biodiversity value on site. The plans indicate that a bird nesting box will be provided along with shrub planting to enhance biodiversity.
- 5.3 Subject to the proposed condition, it is considered that the proposal would meet the requirements of policies CP13 and NR3 of the Local Plan Strategy and paragraph 174 of the NPPF.

## 6. Cannock Chase SAC

- 6.1 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of

Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.

- 6.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

#### Assessment

- 6.3 In accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution.
- 6.4 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. This requirement forms part of the recommendation.

#### 7. Other Issues

- 7.1 A number of objections were received from the Parish Council and neighbouring residents. The parking issues have been addressed in section 4 of this report. Other issues include a loss of light, views and privacy. The single storey scale of the proposed dwelling and the distances to neighbouring properties minimises any potential impact upon these issues.
- 7.2 Other issues included the impact on ecology, drainage and the character of the area. The Council's Ecologist stated that proposed works are unlikely to negatively impact upon protected or priority species or habitats. The site is located within Flood Zone 1 and has stated that it will utilise a soakaway for surface water drainage. Severn Trent Water have raised no objections and have provided confirmation that a drainage condition would not be required in this case. Finally, as previously mentioned, Oatfield Close comprises of residential properties which have been subject to alteration. Therefore, the introduction of a bungalow type dwelling is not considered to be detrimental to the character of the area.
- 7.3 An objection regarding a mature tree on the neighbouring site at 125 Highfields Road was raised by the owner of that property. Access was granted to the applicant's arboriculturist to assess the potential impact on the tree. They found that the tree was a low quality Category C tree and provided photographic evidence that there were no roots within the proposed footprint of the dwelling. The Council's arboriculturist agreed with these findings and has raised no objections to the proposals. Therefore, it can be considered that the proposal will cause no detrimental impact upon neighbouring trees.
- 7.4 Therefore, while the objections have been noted, none are considered to have raised an issue that would warrant the refusal of the application.

## 8. Human Rights

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

### **Conclusion**

It is considered that the proposal constitutes an appropriate form of development in this location and the proposal would not detrimentally impact upon the character and appearance of the area or the amenity of neighbouring occupiers. The Waste Management, Ecology, County Highways, and Environmental Health teams, as well as Severn Trent, have been consulted and have raised no objections to the scheme.

In respect of the above, the proposal constitutes a sustainable form of development that enables further housing to an important settlement within the district; whilst complying with the relevant policies contained within the Local Plan Strategy and the relevant policies within the NPPF. Consequently, it is recommended that this application be approved, subject to conditions, as set out above.