AGENDA ITEM NO. 4

ITEM B

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

22nd June 2009

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09/00418/OUT

PROPOSED SPLIT LEVEL 1 & 2 STOREY HOUSE WITH INTEGRAL GARAGE (OUTLINE)
1 SANDERLING RISE, BURNTWOOD, LICHFIELD
FOR: MR PETER ALLEN
Registered on 21st April 2009

Parish: Burntwood

Note: This application is being reported to the Planning Committee as the Town Council has raised significant planning objections to the application with regards to over intensification and highway issues.

RECOMMENDATION: Approve, subject to the following conditions and summary of reasons for granting consent:

CONDITIONS:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, which ever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

2. This is an outline planning permission and no development hereby approved shall be commenced until details of the design of the buildings and any ancillary structures; the external appearance of all buildings and structures including the materials to be used on all external surfaces; and the landscape and planting of the site, including a plan showing the position of all trees and hedges to be retained/removed and a plan of all protective fencing for retained trees and hedges, have been submitted to and approved in writing by the Local Planning Authority by way of a reserved matters application(s). The development shall thereafter be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

3. No development hereby approved shall be commenced until full details of the construction method of the access rear of the highway boundary including a gradient not exceeding 1 in 7 for a distance of 4.5m from the rear of the highway boundary, and full details of parking and turning areas within the site, have been submitted to and approved in writing by the Local Planning Authority. The approved access and parking and turning areas shall thereafter be provided in accordance with the approved details before the development is first occupied and retained for the life of the development.

4. No development hereby approved shall be commenced until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water. The system shall subsequently be implemented in accordance with the approved details prior to the development being first occupied, unless otherwise agreed in writing by the Local Planning Authority.

5. No development hereby approved shall be commenced until details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority.

6. No development hereby approved shall be commenced until full details of the finished floor levels of the proposed dwelling, including its relationship to the levels of the highway, existing development and existing ground levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with these approved details, unless otherwise agreed by the Local Planning Authority.

All other CONDITIONS to be complied with:

7. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

8. No trees, shrubs, or hedgerows planted or to be retained as part of the approved landscape and planting scheme carried out in pursuance of Condition 2 shall be pruned or removed without the prior consent of the Local Planning Authority, unless as otherwise agreed in writing by the Local Planning Authority.

9. Before the development hereby approved is brought into use, visibility splays of 2.4m x 33.0m shall be provided. The land within the visibility splays shall be cleared of hedges/fences/walls and levelled to within 900mm of the adjacent carriageway levels.

10. Before the development hereby approved is brought into use, the access drive shall be built with surface water drainage interceptors, which shall be sited across the access immediately to the rear of the highway boundary.

11. The garage to the dwelling hereby permitted shall be retained for the parking of motor vehicles.

12. The access shall be ungated.

REASONS FOR CONDITIONS:

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

2. For the avoidance of doubt as layout and means of access are approved at this outline stage and to ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with Policy D2 of the Structure Plan and Policies H3 and DC1 of the Local Plan.

3. To safeguard the character and appearance of the area and in the interests of highway safety in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

4. To ensure the provision of adequate drainage facilities in accordance with Policy DC1 of the Local Plan.

5. To safeguard the character and appearance of the area in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

6. To safeguard the character and appearance of the area in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

7. To safeguard the character and appearance of the area in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

8. To safeguard the character and appearance of the area in accordance with Policies D2 and NC13 of the Structure Plan and Policies DC1 and DC17 of the Local Plan.

9. In the interests of highway safety and to comply with Staffordshire County Council requirements for access in accordance with Policy T13 of the Structure Plan and Policy DC1 of the Local Plan.

10. In the interests of highway safety and to comply with Staffordshire County Council requirements for access in accordance with Policy T13 of the Structure Plan and Policy DC1 of the Local Plan.

11. In the interests of highway safety and to comply with Staffordshire County Council requirements for access in accordance with Policy T13 of the Structure Plan and Policy DC1 of the Local Plan.

12. In the interests of highway safety and to comply with Staffordshire County Council requirements for access in accordance with Policy T13 of the Structure Plan and Policy DC1 of the Local Plan.

NOTES TO APPLICANT:

1. The Development Plan comprises the Regional Spatial Strategy for the West Midlands (2008), the Staffordshire and Stoke-on-Trent Structure Plan (2001) (saved policies) and the Lichfield District Local Plan (1998) (saved policies).

2. The applicant's attention is drawn to Article 21 of the Town and Country Planning (General Development Procedure) Order 1995 as amended and Circular 04/2008, which now requires that any written request to discharge a planning condition(s) shall be accompanied by a fee of £25 for a householder application or £85 for any other application including matters.

3. The proposed soakaways shall be located a minimum of 5 metres rear of the highway boundary.

4. The access to the site shall be constructed in accordance with the attached Y2 conditions. Please note that access requires a Section 184 Notice from Network Management (see attached details for contacts).

5. No part of the proposed building or associated walls/foundations, fixtures and fittings shall project forward of the highway boundary.

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant planning permission has been taken as the Council is satisfied, subject to the imposition of conditions, that the principle of residential development on this site is

acceptable, as the site lies within the settlement boundary of Burntwood and the proposal does not involve the loss of visually or recreationally important open space, nor the unacceptable subdivision of existing residential grounds or loss of mature trees. It has been demonstrated that the site can be satisfactorily sub-divided without detriment to the character and appearance of the area. Furthermore, the development would not adversely affect highway safety or detract from the amenity of neighbouring occupiers.

The decision to grant planning permission has also been taken having regard to all the relevant material planning considerations and to the following relevant policies and proposals in the Development Plan: Policies QE3 (Creating a High Quality Built Environment for All), of the Regional Spatial Strategy for the West Midlands; Policies D1 (Sustainable Forms of Development), D2 (The Design & Environmental Quality of Development), NC13 (Protection of Trees, Hedgerows and Woodlands) and T13 (Local Roads) of the Structure Plan; Policies DC1 (Amenity & Design Principles for Development), DC17 (Existing Trees and Hedges on Development Sites), H3 (Housing Design Standards), H5 (New Housing within Settlements) and T4 (Parking) of the Local Plan; guidance contained in the Council's adopted Supplementary Planning Documents: A Planning Guide to Residential Extensions and Residential Design Guide and Government guidance contained within Planning Policy Statement 3 (Housing).

PLANNING POLICY

Major Departure - No

West Midlands Regional Spatial Strategy
Policy QE3 – Creating a High Quality Built Environment for All

Staffordshire and Stoke on Trent Structure Plan
Policy D1 - Sustainable Forms of Development
Policy D2 - Design and Environmental Quality of Development
Policy NC13 - Protection of Trees, Hedgerows and Woodlands
Policy T13 - Local Roads

Lichfield District Local Plan
Policy DC1 - Amenity and Design Principles
Policy DC17 – Exiting Trees and Hedges on Development Sites
Policy H3 - Housing Design Standards
Policy H5 - New Housing within Settlements
Policy T4 – Parking

Supplementary Planning Documents
A Planning Guide to Residential Extensions.
Residential Design Guide.
Manual for Streets

National Government Guidance
PPS3 - Housing

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Arboricultural Officer – No objections, subject to condition. (01/05/09)

Burntwood Town Parish Council – Object to the proposal on the grounds that the proposal is inappropriate and is highly intensive and will lead to highway safety issues. Recommend that a site visit be made and that Town Council Ward members be invited to that meeting. (15/05/09)

Staffordshire County Council Highways – No objections, subject to conditions relating to access and parking details. (15/05/09)

LETTERS OF REPRESENTATION

1 letter of objection has been received from a concerned neighbour, which can be summarised as follows:

- The proposed dwelling will be sited in a dominant position, over looking their property.
- Over recent years there has been problems with flooding from the road and dwellings at the rear. This development will increase this problem.
- There will be highway safety issues with regards to a new access point.
- An application by 16a Huntsmans Gate for an access off Bramble Lane was refused planning permission.

OTHER BACKGROUND DOCUMENTS

Design and Access Statement.

OBSERVATIONS

Site and Location

The application site lies in a residential area within the settlement boundary of Burntwood. The site is located on the northern side of Bramble Lane, and currently comprises part of the garden area for No. 1 Sanderling Rise. The application site is at an elevated position compared to Bramble Lane. Mature hedging and trees on the southern and eastern boundaries screen the site respectfully.

The surrounding area is characterised by detached dwellings with separate double garages sited within moderately sized plots. The neighbouring dwellings are predominantly two-storey, including a variety of styles but all with fairly consistent scale, height and plot size.

Proposals

Outline planning permission is sought for a detached dwelling and garage. The application includes means of access and layout to be considered at this stage. All other matters are reserved for future approval. The dwelling would be two-storey but due to significant differences in ground levels across the site, the proposed dwelling would be built on split-levels. A new vehicular access will be created on the southern boundary off Bramble Lane.

Determining Issues

1. Policy
2. Principle of Development
3. Character and Layout
4. Amenity Issues
5. Highways Issues
6. Impact on Existing Trees and Hedges
7. Other Issues
8. Human Rights

1. Policy

1.1 Policy D1 of the Structure Plan relates to 'Sustainable Forms of Development' and states that sustainable forms and patterns of new development will be sought which concentrate as much new built development as possible within the fabric of existing urban areas, while protecting or enhancing their distinctive character and environmental quality. Policy H5 of the Local Plan reflects this policy approach and states that new residential development within settlement boundaries will be acceptable provided that the development would not result in the loss of visually or recreationally important open space, or the unacceptable subdivision of large residential grounds where development would detract from the character of the area.

1.2 Paragraph 12 of PPS3 states that good design and layout of new development can help to improve the quality and attractiveness of residential areas and help to achieve higher densities. This guidance is enshrined within Policy D2 of the Structure Plan and Policies H3, and DC1 of the Local Plan, which requires development to have regard to the character of the area and should seek to achieve a harmonious relationship with their setting. Policy QE3 of the Regional Spatial Strategy similarly supports this approach.

1.3 In respect of neighbouring amenity Policy D2 of the Structure Plan states that development should generally conserve and where possible improve the quality of life and the environment. Policy DC1 of the Local Plan adds that proposals should not cause a loss of amenity to neighbouring occupiers or their surroundings. The Council's SPD: A Guide to Residential Extensions sets out standards to achieve adequate amenity.

1.4 Policy NC13 of the Structure Plan and Policy DC17 of the Local Plan relate to the protection of existing trees and hedgerows on development sites and require proposals to retain, protect and conserve established and mature trees.

1.5 In respect of highways issues, Policy T13 of the Structure Plan relates to 'Local Roads' and states that the priorities for local roads will be to improve safety for all users. Policy DC1 of the Local Plan advances this policy approach further, stipulating that the traffic resulting from development should not result in problems or increases in existing problems of congestion or danger on the local road network, and that adequate vehicular access, parking and manoeuvring space should be provided to meet current standards. Policies T16 the Structure Plan and T4 of the Local Plan relate to car parking and state that adequate parking provisions should be provided to meet current standards, adding that proposals should seek to avoid traffic, environmental and safety problems caused by on-street parking.

2. Principle of Development

2.1 This site lies within the settlement boundary of Burntwood and falls within the definition of previously developed land, as set out in PPS3. The site does not comprise visually or recreationally important space. The proposal does involve the sub division of the existing site, but the sub division is not considered to detract from the character and grain of the surrounding area. It is considered that the provision of the dwelling will reflect the character of surrounding development.

2.2 Paragraph 16 of PPS3 states that development should be well integrated with and compliment the neighbouring buildings and the local area in terms of scale, density, layout and access, and should create or enhance a distinctive character that relates well to the surroundings. There are a variety of plot sizes within the locality, but generally those to the immediate south are of average size with a density of approximately 10

houses per hectare. In my opinion the proposal is comparable, in terms of density, as it equates to 6 houses per hectare and accordingly would be in-keeping within its immediate surroundings.

3. Character and Layout

3.1 The layout of the dwelling is to be considered at this outline stage. It is proposed to site the new dwelling facing onto Bramble Lane, with rear facing windows looking out towards properties fronting Rake Hill. Due to the fact that the site is partly on a sloping embankment, it is intended to create a two-storey dwelling on separate levels, giving the appearance of a two-storey dwelling to the frontage and single storey to the rear. Although no design details have been submitted as part of this outline application, the proposal appears to have a similar footprint to that of adjacent properties, with a detached single garage sited on the south western boundary, to the rear of neighbouring property's (No.1 Sanderling Rise) existing double garage.

3.2 In my opinion this layout is reflective of the character of the locality. Whilst I note the comments of the Town Council, I do not consider that the siting of the dwelling will be inappropriate and highly intensive within a well laid out locality. The property will be set back and well screened from Bramble Lane and will be viewed in context with existing properties along Sanderling Rise and Huntsmans Gate.

3.3 Members will recall that a similar planning application (ref: 06/00352/FUL) at 2 Sanderling Rise was refused at Committee in June 2006 on the grounds of a cramped form of development. This application was later approved on appeal. The Inspector in considering this appeal felt that the plot size was generous and although it lead to the subdivision of an existing plot, the two resulting properties would nevertheless continue to be substantial in size. Therefore, as the application plot is slightly larger than the plot at 2 Sanderling Rise, which contains a similar sized two-storey dwelling, I do not consider refusal on grounds of over intensification could be justified at appeal in this instance. Furthermore, the submission of a reserved matters application will enable a design to be secured which is compatible with and respectful of the immediate surroundings. I therefore consider that the principle, density and layout of one dwelling is acceptable.

4. Amenity Issues

4.1 Existing residential dwellings lie to the north, south and west of the application site. Concern has been raised by a nearby neighbour in regards to overlooking. However, I consider that none of the surrounding dwellings will be affected adversely by the proposal, as the distances between the proposed and existing dwellings exceeds those set out in the Council's adopted SPD: A Planning Guide to Residential Extensions.

4.2 There would be a distance separation of 19 metres between the rear elevation of the new dwelling and the rear of No. 49 Rake End. The SPD states that where there is an intervening fence, the distance between ground floor facing windows should be 15 metres. However, due to the differences in ground levels only the proposed roof will be visible from any principle windows overlooking the application site, therefore there would be no direct overlooking or loss of privacy.

5. Highways Issues

5.1 A new private access drive will be formed to serve the proposed dwelling off the existing road; Bramble Lane. Although no detailed design of the dwelling is shown, siting is included as part of the proposals. The layout plan does show a detached single garage

together with frontage parking for at least two vehicles. Additionally, the access drive will provide a turning area, which will enable vehicles to leave the site in a forward gear.

5.2 Staffordshire County Council (Highways) has raised no objection to the proposal, subject to conditions with respect to the provision of the access; parking spaces and turning area; visibility splays; surface water drainage and the access being widened to highways requirements. Such conditions are recommended.

5.3 Whilst I note the comments of a concerned neighbour and the Town Council with regard to the creation of a new access off Bramble Lane, using what is considered by local residents to be a dangerous road, due to its incline and width, no objection has been raised by Staffordshire County Council (Highways). Therefore, in my opinion refusal on highway grounds would be unlikely to be upheld on appeal. Neighbours have commented that a previous application for a detached dwelling with access off Bramble Lane was refused on highways grounds (ref: 03/00247/FUL), this is incorrect. The application was withdrawn, and a further application was later submitted which incorporated a different access, however, Staffordshire County Council (Highways) raised no objections to either proposal. I therefore consider the proposals are acceptable in terms of highways matters.

6. Impact on Existing Trees and Hedges

6.1 The application site is currently in use as garden area for the existing dwelling (No. 1 Sanderling Rise), therefore the majority of the application site is set out as lawn with flowerbed areas, and there also are a number of trees on the eastern boundary of the site.

6.2 The illustrative block plan shows that part of the existing hedgerow to the southern boundary (Bramble Lane) is to be partially removed in order to create the access into the site. The applicant has also indicated that the trees on the eastern boundary are to be retained. The Council's Arboricultural Officer has raised no objections to the scheme, provided it is conditioned in accordance with the submitted plan.

6.3 Therefore, as the application is in outline only with landscaping reserved for future approval, it is recommended that conditions are imposed with respect to the submission and approval of a landscape and planting scheme, which includes details of existing trees to be retained, in addition to any new planting. Subject to this, I consider the proposals are acceptable in landscape terms.

7. Other Issues

7.1 The nearby neighbour has raised concerns with respect to flooding from surface and foul drainage in the locality. I consider that the imposition of a condition requiring details of the drainage for both surface and foul water would ensure that the development will not exacerbate any existing situation.

8. Human Rights

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

report and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan.

Conclusion

The principle of residential development on this site is considered to be acceptable, as it lies within the settlement boundary of Burntwood and, the proposal does not involve the loss of visually or recreationally important open space, nor the unacceptable sub-division of existing residential grounds or loss of important mature trees. It has been demonstrated that the dwelling can be suitably accommodated within the site without being of detriment to the character and appearance of the area, or to neighbouring residential amenity. Furthermore, subject to conditions the proposals would not cause detriment to highway safety or existing vegetation. I therefore recommend the application for approval.

09/00473/FUL

ERECTION OF A 3 BEDROOM DORMER BUNGALOW WITH INTEGRAL GARAGE
LAND ADJACENT TO HOLLOWS END, CHURCH HOLLOW, EDINGALE, TAMWORTH
FOR: MRS JAN BOWMAN
Registered on 27th April 2009

Parish: Edingale

Note: This application is being reported to Planning Committee due to significant planning objections raised by Edingale Parish Council in relation to the impact on neighbouring properties.

RECOMMENDATION: Approve, subject to the following conditions and summary of reasons for granting consent:

CONDITIONS:

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

2. The development hereby approved shall be carried out in complete accordance with the originally submitted plan, except insofar as those details have been amended by details submitted on 4th June 2009 (Drawing No. 2339/102A; 103A; 104A), unless otherwise required by other conditions to which this permission is subject.

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

3. Notwithstanding any description/details of external materials in the application documents, no development hereby approved shall be commenced, until details of all external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

4. No development hereby approved shall be commenced, until details of the height, type and position of all site and plot boundary walls, retaining walls, fences and other means of enclosure to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details before the development is first occupied, unless otherwise agreed in writing with the Local Planning Authority.

5. Notwithstanding any levels stated on the plans hereby approved, no development shall be commenced, until full details of the finished floor and ridge levels of the proposed dwelling, including its relationship to the levels of the highway, existing development and existing ground levels, have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.

6. No development hereby approved shall be commenced, until a detailed landscape and planting scheme incorporating the retention of existing hedges on the site, has been submitted to and approved in writing by the Local Planning Authority. The approved landscape and

planting scheme shall thereafter be implemented within eight months of the development being brought into use, unless otherwise agreed in writing by the Local Planning Authority.

All other CONDITIONS to be complied with:

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any Order revoking or re-enacting the Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected without the prior written permission, on application to the Local Planning Authority.

8. Notwithstanding the details shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), the door and en-suite bathroom window in the south-east side elevation shall be fitted with obscure glazing and, shall thereafter be retained as such for the life of the development, unless otherwise agreed by the Local Planning Authority.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any Order revoking and re-enacting the Order with or without modification), the dwelling hereby approved shall not be enlarged or extended, nor shall any windows, dormers or other openings (other than those hereby permitted) be inserted without the prior permission on application to the Local Planning Authority.

10. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

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

2. For the avoidance of doubt in that amended plans were submitted after the submission of the original application and to ensure a satisfactory form of development, in accordance with the requirements of Policy D2 of the Structure Plan and Policy DC.1 of the Local Plan.

3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

4. To ensure the satisfactory appearance of the development and safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with the provisions of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

5. To ensure the satisfactory appearance of the development and safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with the provisions of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

6. To ensure the satisfactory appearance of the development and safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with the provisions of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

7. To ensure the satisfactory appearance of the development and safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with the provisions of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

8. To safeguard the residential amenity of neighbouring occupiers, in accordance with the provisions of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

9. An unrestricted permission would allow extensions and alterations to the dwelling and the installation of windows which may be harmful to the amenity of neighbouring occupants or the visual character of the area, contrary to Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

10. To ensure the satisfactory appearance of the development and safeguard the character and appearance of the area, in accordance with the provisions of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

NOTES TO APPLICANT

1. The Development Plan comprises the Regional Spatial Strategy for the West Midlands (RPG 11) (2004), the Staffordshire and Stoke-on-Trent Structure Plan (2001) and the Lichfield District Local Plan (1998).

2. The applicant's attention is drawn to Article 21 of The Town and Country Planning (General Development Procedure) Order 1995 as amended and Circular 04/2008, which now requires that any written request to discharge a planning condition(s) shall be accompanied by a fee of £25 for a householder application or £85 for any other application including reserved matters.

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant planning permission has been taken because the Local Planning Authority is satisfied that the principle of residential development on this brownfield site within the settlement boundary of Edingale is acceptable. It is considered that the design of the proposed dwelling would be in keeping with the general character of the streetscene. Furthermore, subject to conditions, the development would have no material impact on the amenities of existing adjoining occupiers and the proposed access and parking arrangements are considered to be acceptable.

The decision to grant planning permission has been taken having regard to all the relevant material planning considerations and to the following relevant policies and proposals in the Development Plan: Policies CF2 (Housing beyond the Major Urban Areas), CF4 (The Reuse of Land and Buildings for Housing), QE1 (Conserving and Enhancing the Environment and QE3 (Creating a High quality Built Environment for All) of the Regional Spatial Strategy for the West Midlands; Policies D1 (Sustainable Forms of Development), D2 (Design and Environmental Quality Of Development), D3 (Urban Regeneration) and T13 (Local Road) of the Structure Plan; Policies H3 (Housing Design Standards), H5 (New Housing Within Settlements), T4 (Parking) and DC1 (Amenity and Design Principles for Development), of the Local Plan, the Council's adopted Supplementary Planning Documents; A Planning Guide to Residential Extensions and Residential Design Guide and, National Government Guidance contained in PPS3 (Housing), PPS1 (Delivering Sustainable Development) and PPG13 (Transport).

PLANNING POLICY

Major Departure - No

West Midlands Regional Spatial Strategy
Policy CF2 - Housing Beyond the Major Urban Areas
Policy CF4 - The Re-use of Land and Buildings for Housing
Policy QE1 - Conserving and Enhancing the Environment
Policy QE3 - Creating a High Quality Built Environment for All

Staffordshire and Stoke on Trent Structure Plan
Policy D1 - Sustainable Forms of Development
Policy D2 - The Design and Environmental Quality of Development
Policy D3 - Urban Regeneration
Policy T13 - Local Roads

Lichfield District Local Plan
Policy H3 - Housing Design Standards
Policy H5 - Housing within Settlements
Policy T4 - Parking
Policy DC1 - Amenity and Design Principles for Development

Supplementary Planning Documents
Planning Guide to Residential Extensions
Residential Design Guide

National Planning Guidance
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport

RELEVANT PLANNING HISTORY

None.

CONSULTATION

Edingale Parish Council - Object. The construction of the proposed bungalow will have a deleterious effect on the elderly in the bungalows adjacent to the site. Driving vehicles past their properties will be noisy and unpleasant. (13/05/09)

Arboricultural Officer - No objections. (01/05/09)

Staffordshire County Council (Highways) –Consider that the access will work, noting that any car gaining access to the site would have to keep close to the boundaries of 1-5 Woodyard Drive and then turn in. (28/05/09)

Ramblers Association – No objection. (19/05/09)

Open Spaces Society – No comment. (18/05/09)

LETTERS OF REPRESENTATION

7 letters of representation have been received, one of which raises no objection to the development provided no dormers are introduced to the front elevation and access is from

Woodyard Drive. The objections raised by the 6 other letters may be summarised as follows:

- Loss of light and outlook
- Loss of privacy
- Devaluation of property
- Inadequate access
- Nuisance from construction traffic
- Increased noise and general disturbance during construction
- Danger to pedestrians and other road users – potential conflict due to access in close proximity to public right of way and lack of pavements on surrounding roads.
- A single storey property would be more appropriate.

OTHER BACKGROUND DOCUMENTS

Design and Access Statement.

Land registry plans (demonstrating that the applicant has a right of access to the site from Woodyard Drive).

OBSERVATIONS

Site and Location

The site comprises part of the garden to the side and rear of an existing bungalow known as Hollows End, within the settlement boundary of Edingale. Neighbouring development to either side and opposite the site comprise single storey properties.

The existing bungalow (Hollows End) sits roughly in the centre of its curtilage with a garage to the east and some 15m of side garden to the west. The rear garden extends to between 8.5m and 10.5m in length and, the applicants' ownership includes Church Walk, which is a public right of way to the north of the bungalow. Vehicular access to Hollows End is currently gained from Church Hollow to the east but the applicant also enjoys a right of access from Woodyard Drive to the west.

Proposals

The application seeks approval for a three bedroom dormer bungalow within the side garden area. The bungalow, measuring 10.8m wide, between 11m and 13.7m deep and 6.25m high to its ridge line would provide lounge, kitchen/diner, en-suite bedroom, integral garage, cloak room and WC on the ground floor and a further 2 bedrooms and bathrooms on the first floor. Vehicular access is proposed from Woodyard Drive and, as well as the single garage space, there would be parking for two further cars plus space to turn provided within the site.

The scheme as originally submitted included a small bay window extending from the front projecting gable which appeared overly fussy and not in keeping with the design and character of its closest neighbour. This has now been omitted from the proposals.

Determining Issues

1. Policy and Principle of Development
2. Design and Layout
3. Impact on Neighbouring Residents
4. Highways
5. Human Rights

1. Policy and Principle of Development

1.1 With regard to advice contained within Planning Policy Statement 3: Housing, preference is given to the reuse of brownfield sites for new residential development. The application site constitutes brownfield land. The development would also accord with Policy UR1 "Implementing Urban Renaissance" of the Regional Spatial Strategy and Policy D3 "Urban Regeneration" of the Structure Plan, in that it would involve the reuse of derelict and underused land.

1.2 Policy H5 of the Local Plan stipulates that new residential development within settlement boundaries will be acceptable provided that the development would not result in the loss of visually or recreationally important open space, or the subdivision of large residential grounds where the development would detract from the character of the area, or result in the loss of mature or well-established trees. The application site constitutes previously developed land lying wholly within the settlement boundary of Edingale. It is not considered to represent visually or recreationally important open space, and no significant trees would be affected. Although it would constitute the subdivision of the residential grounds of Hollows End, this property has a substantial curtilage to begin with and would retain sufficient amenity space were permission to be granted. It is not considered that the development would detract from the character of the area. On this basis, it is considered that the development is in accordance with Policy H5 of the Local Plan.

1.3 Policy H3 of the Local Plan states that proposals will be required to have regard to the character of the area and local building styles and should seek to achieve a harmonious relationship with their setting, respecting the scale and density of adjoining properties. Policy D2 of the Structure Plan adds that proposals should be informed by, or be sympathetic to the character and qualities of its surroundings in its location, scale and design. Policy DC1 of the Local Plan similarly requires proposals to respect the character and appearance of their surroundings. These matters are discussed below.

1.4 In respect of neighbouring amenity, policy D2 of the Structure Plan states that development should generally conserve and where possible, improve the quality of life and the environment and should minimise nuisance from noise and pollution by artificial sources of light. Policy DC1 of the Local Plan adds that proposals should not cause a loss of amenity to neighbouring properties or their surroundings through overlooking, loss of privacy, noise, dust, fumes or other disturbance. This aim is supported in the Supplementary Planning Document on Residential Extensions, which sets out required standards to maintain amenity. These matters are addressed below.

2. Design and Layout

2.1 The application proposes the erection of a single dormer bungalow to the west of the existing bungalow known as Hollows End. The proposed building would follow a similar frontage building line to Hollows End and its square gabled design, with its ridgeline running east to west, parallel to Church Walk, and front projecting gable mirror that of the existing bungalow. The new dwelling would be 1.05m taller than Hollows End to enable accommodation to be provided in its roof space, but it would be set into the ground by some 0.35m resulting in a ridge height just 0.7m higher than Hollows End. I consider that including dormer windows on the rear elevation only, with none to the front, helps the development to blend with surrounding development where dormers are not prevalent.

2.2 The Councils adopted Supplementary Planning Document, A Planning Guide to Residential Extensions (SPD), sets standards for amenity space which should be

afforded for residential development. This states that there should be a minimum of 65 square metres of private garden space for dwellings of 2 bedrooms and above and that gardens should average at least 11m in length and 5m wide. Whilst neither the proposed bungalow nor the existing Hollows End would have gardens 11m in length they would be considerably wider than 5m, resulting in private garden areas of some 134 square metres and 210 square metres respectively.

2.3 The plot is of sufficient size to accommodate the new dwelling with sufficient private amenity space, and the proposed bungalow would be of similar scale and design to its immediate neighbour, Hollows End, and other dwellings in the immediate vicinity. Therefore, I consider the proposal is acceptable in terms of its design and layout.

3. Impact on Neighbouring Residents

3.1 Several neighbours have expressed concern that they would suffer loss of privacy, light and outlook should the scheme be approved. The bungalow has been designed so that its principle windows would face north and south with only a small window to an en-suite bathroom and a side door on the eastern elevation, facing towards its immediate neighbour, Hollows End and, no windows or doors in its west elevation. There are two obscure glazed windows on the west side of Hollows End which would face towards those in the new property, but as all of these would be obscure glazed and there is scope for boundary treatment of up to 2m in height between them, there would be no unacceptable privacy issues arising.

3.2 The separation distance to The Bungalow opposite would exceed the minimum 21m stipulated in the Council's adopted SPD on residential extensions. Although the rear garden, at 9.4m, would fall short of the 11m minimum length set out in the SPD, there would be no first floor windows facing the boundary at less than 10m distance and no ground floor windows at less than 6m; as required by the SPD standards to maintain privacy of neighbouring occupants. The occupant of Fort Joe; a two storey dwelling to the south-west of the proposed bungalow, has expressed concern that his property would be overlooked, but the nearest window would be in excess of 21m from any window in the new bungalow and as such the relationship would be in accordance with adopted standards, ensuring no undue overlooking.

3.3 The front of the new property would not project beyond the front of Hollows End and the rear projection of just 1.4m would not conflict with the 45 and 25 degree rules set out in the SPD. Therefore, there would be no loss of light to the neighbouring property.

3.4 To the west of the proposed new dwelling is a row of three bungalows with their rear gardens facing towards the site. Separation from the rear of these properties to the side gable of the new dwelling would be between 11.6m and 12.4m. This compares favourably with the stipulated separation distances for these situations as set out in the SPD. The SPD states that there should be a minimum of 13m between two storey elements or 10m in the case of bungalows or single storey extensions. It could be argued that as these bungalows are set at a slightly lower ground level and the proposal is for a dormer bungalow, this should be judged as a two storey development, however, I do not agree that the effect would be the same and in any event, separation at the highest point of the proposed bungalow would be 12m, which I consider is acceptable.

3.5 In terms of the other concerns raised by the Parish Council and neighbouring occupants, the issues raised relating to the level of nuisance, noise and additional traffic which would arise during the construction process would be common to any development and, as such would not constitute grounds to refuse. Furthermore, any statutory noise nuisance could be controlled through Environmental Legislation. The impact of a

development on the value of surrounding properties is not a material planning consideration which can be cited as a refusal reason.

4. Highways

4.1 Staffordshire County Council (Highways) have confirmed that the access arrangements proposed would be acceptable. Furthermore, adequate car parking would be provided. I therefore consider the proposals are acceptable on highway grounds.

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 individuals' rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan.

Conclusion

I consider that the site is of sufficient size to accommodate the building without appearing cramped or over-developed and, the dwelling would be in keeping with its surroundings. The development would not cause unacceptable detriment to neighbouring occupiers and the proposals are acceptable on highway grounds. In view of the above, I recommend approval.

09/00475/FUL

TWO STOREY SIDE EXTENSION AND LOFT CONVERSION TO FORM ENTRANCE PORCH, RECEPTION, BATHROOM AND BEDROOMS
7 NEW STREET, CHASETOWN, BURNTWOOD
FOR: MR LLOYD SHELLEY
Registered on 29th April 2009

Parish: Burntwood

Note: This application is being reported to the Planning Committee as significant planning objections have been raised by Burntwood Town Council in respect of over intensification of the site.

RECOMMENDATION: Approve, subject to the following conditions and summary of reasons for granting consent:

CONDITIONS:

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

2. The development hereby approved shall be carried out in complete accordance with the amended plans and specification received on the 29th May 2009 (Drawing no. 3/09 Rev A and LDC 02 Rev A), unless otherwise agreed in writing by the Local Planning Authority.

3. Notwithstanding any description/details of external materials in the application documents, the facing materials to be used in the construction of external walls and roof shall match in colour and texture those of the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

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

2. For the avoidance of doubt in that amended plans were submitted after the submission of the original application and to safeguard the character and appearance of the streetscene, in order to meet the requirements of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

3. To ensure the satisfactory appearance of the development, in accordance with the requirements of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

NOTES TO APPLICANT:

1. The Development Plan comprises the Regional Spatial Strategy for the West Midlands (2008), the Staffordshire and Stoke-on-Trent Structure Plan (2001) (saved policies) and the Lichfield District Local Plan (1998) (saved policies).

2. The applicant's attention is drawn to Article 21 of the Town and Country Planning (General Development Procedure) Order 1995 as amended and Circular 04/2008, which now requires that any written request to discharge a planning condition(s) shall be accompanied by a fee of £25 for a householder application or £85 for any other application including matters.

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant planning permission has been taken because the Council is satisfied that, subject to the imposition of conditions, the development will be physically well related to the existing dwelling and its surroundings and there will not be any significant detrimental impact on the amenity of neighbouring occupiers.

The decision to grant planning permission has also been taken having regard to all the relevant material planning considerations and to the following relevant policies and proposals of the Development Plan: Policy QE3 (Creating a High Quality Built Environment for All) of the Regional Spatial Strategy for the West Midlands; Policy D2 (The Design and Environmental Quality of Development) of the Structure Plan; Policy DC1 (Amenity and Design Principles for Development) of the Local Plan; and the Council's adopted Supplementary Planning Document: A Planning Guide to Residential Extensions.

PLANNING POLICY

Major Departure - No

West Midlands Regional Spatial Strategy
Policy QE3 – Creating a High Quality Built Environment for All

Staffordshire and Stoke on Trent Structure Plan
Policy D2 – The Design and Environmental Quality of Development

Lichfield District Local Plan
Policy DC1 – Amenity and Design Principles for Development

Supplementary Planning Document
Planning Guide to Residential Extensions

RELEVANT PLANNING HISTORY

None

CONSULTATIONS

Burntwood Town Council - Object, as the proposal would result in over intensification of the site. (15.05.2009 and 01.06.2009)

Staffordshire County Council (Highways) – No objection. (27.05.2009)

LETTERS OF REPRESENTATION

1 letter of representation received from a neighbouring resident (21st May 2009). Their comments are summarised as follows:

- The party wall between numbers 5 and 7 is single brick construction therefore would request the construction be made sound proof.
- Need to take into consideration where the pipes for water supply run.

OTHER BACKGROUND DOCUMENTS

None

OBSERVATIONS

Site and Location

The application site relates to a two-storey semi detached dwelling located within a residential area of Chasetown, Burntwood. The properties situated along this part of New Street are mainly semi detached dwellings, of similar style.

The application property currently has 1 parking space to the side of the property accessed direct from New Street and, 3 off-street car parking spaces available to the rear of the property accessed via a driveway between Nos. 3 and 5 New Street and extending to the rear of the property.

Proposals

The proposal relates to a two-storey side extension and loft conversion, to form an entrance porch, reception, bathroom and bedrooms (in the roof conversion). The overall height of the extension is to be stepped down 0.8m from the ridge-line of the original dwelling, and the extension is to be stepped back 1m at ground floor level and a further 1m at first floor level from the front elevation of the property.

On the front elevation of the extension, there would be a window and door to serve the entrance and porch at ground floor level with a bathroom window at first floor, and small rooflight. On the rear elevation, a first floor window to serve the landing area is proposed with a further roof light. In addition 2 roof lights are proposed in each of the front and rear roof slopes of the existing dwelling, to serve the new bedrooms in the loft conversion.

The extension will be constructed of materials to match those of the existing property, which includes brickwork finished with render, red/brown clay roof tiles and white UPVC windows and doors.

Determining Issues

1. Principle, Design and Appearance
2. Residential Amenity
3. Highways and Parking
4. Human Rights

1. <u>Principle, Design and Appearance</u>

1.1 Policy D2 of the Structure Plan states that proposals should be informed by, or be sympathetic to the character and qualities of its surroundings in its location, scale and design. Policies DC1 of the Local Plan and QE3 of the Regional Spatial Strategy similarly require proposals to respect the character and appearance of their surroundings.

1.2 The adopted Supplementary Planning Document on residential extensions sets out that extensions should respect the balanced design of the original house and should be subordinate. The initially submitted scheme did not satisfy these requirements and therefore amendments were sought to the height and depth of the extension.

1.3 The amended plans subsequently received show the ridge height of the extension reduced by a further 500mm so that the ridge of the extension would be 0.8 metres lower than the main ridgeline of the dwelling and, the extension has been stepped back from the front elevation, so the extension will appear subordinate to the original dwelling. I am satisfied that the amended scheme now meets the requirements of the Council's Supplementary Planning Guidance for residential extensions and that no undue terracing effect will result.

1.4 It is considered that the proposal would not result in an over intensification of the site. The extension is of a sympathetic scale and design that will be in keeping with the existing dwelling house and, sufficient garden amenity space and parking would remain for the property. It also to be noted that a similar two-storey side extension has been constructed at a neighbouring property, 13 New Street, and therefore the extension is not out of character with the surrounding area.

1.5 Whilst the concern of the Town Council is acknowledged, the design is in accordance with the guidance contained in the adopted Supplementary Planning Document and, I do not consider that the extension will cause harm to the character and appearance of the house or streetscene.

2. Residential Amenity

2.1 Policy DC1 states that development should not cause loss of amenity to adjacent properties or the neighborhood through overlooking or loss of privacy, noise, dust, fumes or other disturbances.

2.2 It is noted that the extension does not extend beyond the front or rear elevation of the dwellinghouse and will therefore have no impact on neighbouring occupier's outlook, daylight or sunlight. Furthermore, I am satisfied that the proposed extension and loft conversion will not give rise to any overlooking issues in respect of neighbouring privacy, as no new side facing windows are proposed. In light of the above, I consider that the proposed development is acceptable in this regard.

2.3 The occupier of No.5 New Street has raised concern regarding drainage issues and the need for sound proofing. I do not consider that noise nuisance would be an issue in such a proposal and drainage issues will be a matter for the Building Regulations.

3. Highways and Parking

3.1 Although one parking space to the side of the property would be lost as a result of the extension, the property has 3 car parking spaces available to the rear of the property, which are accessed via a side road between Nos. 3 and 5 New Street. It is considered that this would be sufficient space to accommodate car parking to serve the additional floorspace. I therefore consider the proposals are acceptable in respect of highway safety and parking.

4. Human Rights

4.1 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 and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan.

Conclusion

For the reasons outlined above, I consider that the proposed extension, as amended, subject to conditions would result in a form of development that would be physically well related to its surroundings and the streetscene in terms of its scale and design. Furthermore, I consider that the extension would not cause harm to the amenity of neighbouring occupiers. I accordingly recommend approval.

09/00486/COU

CHANGE OF USE FROM ENGINEERING WORKS TO 2 NO. 2 BEDROOM DWELLINGS PLUS EXTENSION AND REFURBISHMENT TO EXISTING FRONTAGE BUILDING TO FORM RETAIL/CRAFT WORKSHOP/GALLERY
10 LOMBARD STREET, LICHFIELD
FOR MR JAMES EVANS
Registered on 27th April 2009

Parish: Lichfield

Note: This application is being reported to Planning Committee as significant planning objections have been raised by Lichfield City Council due to concerns about parking.

RECOMMENDATION: Approve, subject to the following conditions and summary of reasons for granting consent:

CONDITIONS:

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

2. The development hereby approved shall be carried out in complete accordance with the approved plans and specification and with the additional information submitted on 8th June 2009 (Drawing. Nos. 2431-05 and perspective), except insofar as may be otherwise required by other conditions to which this permission is subject.

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

3. No development hereby approved shall be commenced, until a scheme for protecting the 2 no. dwellings from noise from the street and nearby commercial properties has been submitted to and approved in writing by the Local Planning Authority. The approved scheme of noise protection shall be installed before the development is first occupied and shall thereafter be maintained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

4. No part of the development hereby approved shall be commenced until the application site has been subjected to a detailed scheme for the investigation and recording of any contamination of the site and a report has been submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first occupation of any part of the development, unless otherwise agreed in writing by the Local Planning Authority.

5. Notwithstanding any details shown on the approved plans or within the application documents, no development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

a) bricks to be used in the construction of the external walls

b) render to be used on the external walls
c) exterior roof materials
d) sections at a minimum scale of 1:5 and elevations at 1:20 of all external joinery including fenestration, doors, shop front and gates
e) eaves and verge detailing
f) surface materials for the courtyard areas
g) rainwater goods, including their materials and design
h) Conservation rooflights
i) mortar mix, colour, gauge of jointing and pointing, including sample panel
j) Cladding panels.

The development shall thereafter be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

6. No demolition works hereby approved shall be commenced, until the applicant has secured the stability and safety of those parts of the building, which are to remain, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

7. No development hereby approved shall be commenced, until a full repairs schedule for the frontage building and any parts of the rear building, which are to be retained, has been submitted to and approved in writing by the Local Planning Authority. The repairs shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

All other CONDITIONS to be complied with:

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no development contained in Classes A, B, C, D, E, F and G of Schedule 2 (Part 1) or Class A of Schedule 2 (Part 2) of the Order shall be carried out without the prior written permission, on application, to the Local Planning Authority.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any Order revoking and re-enacting the Order with or without modification) no windows, dormers or other openings shall be created in the dwelling(s) in addition to or as enlargements of any which may be hereby approved without the prior written permission, on application, to the Local Planning Authority.

10. The windows hatched black on the approved plans, namely those serving the kitchens, halls, stairs and landings shall be fitted with obscure glazing and shall thereafter be retained as such for the life of the development.

11. The commercial premises within the frontage building shall be open for custom only between the hours of 7am and 7pm on Mondays to Saturdays inclusive and between 10am and 4pm Sundays, Public and Bank Holidays.

12. No materials, plant or machinery of any kind shall be stored, and nor shall any processes be carried out, in the open which are associated with the use of the building to be used for commercial purposes and cross hatched black on the approved plans.

REASONS FOR CONDITIONS:

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

2. For the avoidance of doubt in that additional information was submitted after the submission of the original application and to safeguard the character and appearance of the Conservation Area, in accordance with the requirements of Policies D2 and NC19 of the Structure Plan and Policies C2 and DC1 of the Local Plan.

3. To safeguard the occupiers of the approved dwellings from undue noise and disturbance, in accordance with the requirements of Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

4. In the interests of human health and to prevent pollution of the water environment, in accordance with the requirements of Policy D2 of the Structure Plan and Policies E17 and DC1 of the Local Plan.

5. To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, and to safeguard views from the Conservation Area and the setting of nearby Listed Buildings, in order to meet the requirements of Policies D2, NC19 and NC18 of the Structure Plan and Policies DC1, C1 and C2 of the Local Plan.

6. To ensure the satisfactory appearance of the development and to preserve the character of the Conservation Area, in accordance with Policies D2 and NC19 of the Structure Plan and Policies C2, H3 and DC1 of the Local Plan.

7. To ensure that the external appearance of the development is physically well related to existing buildings and its surroundings, and to safeguard views from the Conservation Area and the setting of the nearby listed buildings, in order to meet the requirements of Policies D2, NC19 and NC18 of the Structure Plan and Policies DC1, C1 and C2 of the Local Plan.

8. To safeguard the appearance of the development and the amenity of the neighbouring occupiers, in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

9. To safeguard the amenity of the neighbouring occupiers, in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

10. To safeguard the amenity of the neighbouring occupiers, in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

11. To safeguard the amenity of the neighbouring occupiers, in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

12. To safeguard the amenity of the neighbouring occupiers, in accordance with Policy D2 of the Structure Plan and Policy DC1 of the Local Plan.

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:

The decision to grant planning permission has been taken as the Council is satisfied that the proposed development constitutes appropriate development within the City Centre. Subject to conditions, the proposal will not cause any significant detrimental impact on the views into and out of the Lichfield City Conservation Area, to the streetscene or to the setting of surrounding Grade II Listed Buildings. Furthermore, subject to conditions, the development will not have a significant detrimental impact on the amenity of neighbouring occupiers or on highway safety.

The decision to grant planning permission has also been taken having regard to all the relevant material planning considerations and to the following relevant policies and proposals in the

Development Plan: Policies QE1 (Conserving and Enhancing the Environment), QE3 (Creating a High Quality of Built Environment) and QE5 (Protecting and Enhancing the Historic Environment) of the Regional Spatial Strategy for the West Midlands; Policies D1 (Sustainable Forms of Development), D2 (Design and Environmental Quality of Development), T13 (Local Roads), T16 (Car Parking), NC18 (Listed Buildings) and NC19 (Conservation Areas) of the Structure Plan; Policies DC1 (Amenity and Design Principles of Development), C1 (Listed Buildings), C2 (Character of Conservation Areas), E17 (Contaminated Land), H3 (Housing Design Standards), H5 (New Housing in Settlements), L16 (Secondary Retail Area) and T4 (Parking) of the Local Plan; Supplementary Planning Document: A Planning Guide To Residential Extensions and National Planning Guidance contained in PPS3 (Housing) and PPG15 (Planning and the Historic Environment).

NOTES TO APPLICANT

1. The Development Plan comprises the Regional Spatial Strategy for the West Midlands (2008), the Staffordshire and Stoke on Trent Structure Plan (2001) (saved policies) and the Lichfield District Local Plan (1998) (saved policies).

2. The applicant's attention is drawn to Article 21 of The Town and Country Planning (General Development Procedure) Order 1995 as amended and Circular 04/2008, which now requires that any written request to discharge a planning condition(s) shall be accompanied by a fee of £25 for a householder application or £85 for any other application including reserved matters.

PLANNING POLICY

Major Departure – No

West Midlands Regional Spatial Strategy
Policy QE1 – Conserving and Enhancing the Environment
Policy QE3 – Creating a High Quality of Built Environment
Policy QE5 – Protecting and Enhancing the Historic Environment

Staffordshire and Stoke on Trent Structure Plan
Policy D1 - Sustainable Forms of Development
Policy D2 - Design and Environmental Quality of Development
Policy T13 - Local Roads
Policy T16 - Car Parking
Policy NC18 - Listed Buildings
Policy NC19 - Conservation Areas

Lichfield District Local Plan
Policy DC1 - Amenity and Design Principles of Development
Policy C1 - Listed Buildings
Policy C2 - Character of Conservation Areas
Policy E17 - Contaminated Land
Policy H3 - Housing Design Standards
Policy H5 - New Housing in Settlements
Policy L16 - Secondary Retail Area
Policy T4 - Parking

Supplementary Planning Document
Planning Guide to Residential Extensions

National Government GuidancePPS3 - Housing
PPG15 - Planning and the Historic Environment

RELEVANT PLANNING HISTORY

L940492 - Proposed extension and alteration to office. Approved 2.8.94.

CA940004 - Demolition of garage and outbuildings. Approved 2.8.94.

CONSULTATIONS

Conservation Officer – Additional information is required in order to determine the application. There are no elevations of the link building at the front of the site, which is attached to a Listed Building. The alterations to the building at the rear are acceptable in Conservation terms as they will not adversely affect the nearby Listed Buildings or the Conservation Area. (22.5.09)

Re. The additional information submitted- The frontage building structure appears to be retained and extended. A repairs schedule will be required but this can be done by condition. The streetscene perspectives, when viewed from the junction of Tamworth Street, show that the building will not cause harm to the views of the tree and the openness behind the roofs of the frontage buildings. No objections, subject to conditions with respect to materials, eaves, shopfront, windows and doors, guttering, rooflights and repairs schedule. (9.6.09)

Environmental Health – No objection, subject to conditions relating to noise insulation and contaminated land. (28.5.09)

Staffordshire County Council (Highways) – No objections. Note that there is no parking provision although they raise no objection because it is a highly sustainable location. (21.5.09)

Lichfield City Council – Recommend refusal, as there are concerns about parking. (7.5.09)

Development Plans & Implementation - No objection, as it considered that a conversion to a mixture of residential and retail/craft would reflect a mixture of city centre uses. (6.5.09)

Lichfield Civic Society - This is a welcome, ingenious and imaginative use of a very difficult site. Note that the general style of the proposal is contemporary, although they are sad that it will not be visible in the locality. It represents a rejection of pastiche that must be applauded. A single dwelling would have been preferable to two flats. The frontage lacks confidence and gives no indication of what lies behind. Some original features, however, should be retained. (5.6.09)

LETTERS OF REPRESENTATION

4 letters of objection/representation have been received from nearby occupiers. Their comments are summarised as follows:

i. Noise and disruption will affect nearby businesses.
ii. The sewage system is of a very poor standard and the additional burden from the additional use will cause further disruption and cost to existing people who pay for the sewers to be flushed through to the main road.
iii. The views from and the light to the two storey flat above the shop at 47 Tamworth Street will be significantly affected.
iv. Over-development of the site.
v. Increased demand for the already limited parking on Lombard Street.
vi. Further increase in traffic movement along Lombard Street.

vii. Change of use will give rise to more movements within the site as dwellings will be occupied 24 hours a day 7 days a week with an associated increase in people traffic, vehicle traffic, noise and other disturbance contrary to Policy DC1.
viii. The window in the north-west elevation will be higher than shown on the plans and this would give rise to overlooking and loss of privacy for the occupiers of 12 Lombard Street. The kitchen and bedroom would be overlooked from this window and by users of the stepped entrance.
ix. The increase in height would impact on the daylight into the kitchen and bedroom and curtail sky views. The white rendering will not mitigate this fact.
x. The removal of parking facilities from this site and the insertion of a shop frontage will cause a loss of parking spaces and lead to an increase in parking problems along Lombard Street.
xi. The over-intensive nature of the proposal together with the existing commercial uses will result in problems of congestion and danger to the local road network.
xii. The resultant building will be some 3.5 metres higher than the existing single storey building and its contemporary design will not be in keeping in terms of scale, design and materials with surrounding development and will not preserve or enhance the Conservation Area.
xiii. Although the new residents, employees of the commercial unit and occupiers of 12A would have keys to access the secure area, this would be open to abuse and would not reduce opportunities for crime.
xiv. There is no provision for waste management and an unsuitable location within the site would cause smells and harm to outlook of neighbouring occupiers.
xv. There is a tree in a neighbouring garden and the works would require the removal of its crown. This has not been addressed in the planning statement.
xvi. Design does not include inclusive access for the disabled.
xvii. No landscaping for garden area making it unsuitable for families.
xviii. A single storey dwelling with parking provision and no overlooking windows would be more suitable.

OBSERVATIONS

Site and Location

The application site lies on the eastern side of Lombard Street approximately 45 metres north-west of its junction with Tamworth Street. The area is primarily commercial and lies within the Lichfield City Conservation Area and the secondary retail area. There are some residential dwellings to the north of the site at Nos. 12, 14, 14A and 16, with offices at No. 12A. Offices and shops also lie to the west, south and east with a number of properties to the north, west and south being Grade II Listed Buildings. The application site comprises a frontage building with archway at ground floor level leading into the yard, allowing access to the main building at the east of the site, which is some 2.5 metres above street level. The site has formerly been in use as an engineering works, although is currently vacant.

Proposals

The application proposes the change of use of the engineering works to 2 No. 2 bedroom dwellings which will necessitate the demolition of part of the building and extensions and alterations to the building. Also, it is proposed to extend and refurbish the existing frontage building to form a retail/craft workshop/gallery. There will be no on-site parking provided. The 2 No. dwellings will be accessed via a pedestrian gate between the workshop and No. 12 Lombard Street and, each will have a small rear private courtyard area.

Determining Issues:

1. Policy
2. Principle of Use/Development
3. Design and Impact on the Conservation Area
4. Amenity of Neighbouring Occupiers
5. Highway Issues
6. Other Issues
7. Human Rights

1. Policy

1.1 Policy D1 of the Structure Plan relates to 'Sustainable Forms of Development' and states that sustainable forms and patterns of new development will be sought which concentrate as much new built development as possible within the fabric of existing urban areas, while protecting or enhancing their distinctive character and environmental quality. Policy H5 of the Local Plan relates to 'New Housing Within Settlements' and stipulates that new residential development within settlement boundaries will be acceptable provided that the development would not result in the loss of visually or recreationally important open space, or the subdivision of large residential grounds where development would detract from the character of the area.

1.2 Policy H3 of the Local Plan relates to 'Housing Design Standards'. The Policy states that proposals will be required to have regard to the character of an area and local building styles and should seek to achieve a harmonious relationship with their setting. The Policy adds that proposals should respect the scale and density of adjoining properties and protect significant existing site features. This approach is supported by Policy D2 of the Structure Plan and Policy DC1 of the Local Plan, which similarly seek to ensure that the scale, massing and design of proposed developments are consistent with their surroundings.

1.3 Paragraph 12 of PPS3 (Housing) states that, "Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities". The guidance continues "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted". PPS3 also states that Local Planning Authorities should, when assessing the quality of design, consider how development is integrated with, and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access (paragraph 16). This guidance is enshrined within Policy H2 of the Structure Plan, which states that new residential development should complement rather than duplicate the existing housing stock and encourage the use of recycled land in urban area. Policy QE3 of the Regional Spatial Strategy reflects the above Policy considerations.

1.4 Policy NC18 of the Structure Plan and Policy C1 of the Local Plan relate to Listed Buildings and state that proposals which adversely affect the setting of Listed Buildings will not be permitted. Policy NC19 of the Structure Plan and Policy C2 of the Local Plan relate to Conservation Areas and state that proposals should either preserve or enhance the character and appearance of a Conservation Area and care should be taken to ensure that important views from public places to, or from Conservation Areas remain unspoilt. Development which would materially detract from such views and thereby harm the character and appearance of the Conservation Area will not be permitted.

1.5 Highways implications are assessed against the provisions of Policy T13 of the Structure Plan which states that the priorities for local roads will be to improve safety to all users,

and to reduce the impact of motor vehicular traffic on people and environmentally sensitive areas. Policy DC1 of the Local Plan advances this approach further, and stipulates that traffic resulting from development should not result in problems or increases in existing problems of congestion or danger on the local road network. The Policy adds that adequate vehicular access, parking and manoeuvering space should be provided to meet current standards.

1.6 In respect of neighbouring amenity, Policy DC1 of the Local Plan states that proposals should not cause a loss of amenity to adjacent properties or their surroundings through overlooking, loss of privacy, noise, dust, fumes or other disturbance. The Council's Adopted Supplementary Planning Document: A Guide to Residential Extensions sets out the Council's requirements for space about dwellings. Policy D2 of the Structure Plan adds that proposals should minimise nuisance from noise and pollution by artificial sources of light. In respect of drainage, Policy DC1 of the Local Plan stipulates that adequate means of surface and foul water drainage must be available or can be provided for new developments.

1.7 The site also lies within the Secondary Retail Area of Lichfield where Policy L16 applies. Within such areas the change of use of existing non-retail premises to retail uses will be encouraged and general office units at ground floor level will not be permitted except where the use falls within Use Class A2 of the Use Classes Order (financial and professional services) and where proposals will not result in an unacceptable concentration of such uses undermining the vitality and viability of the shopping centre.

1.8 Matters arising from these policies are addressed in detail below.

2. <u>Principle of Use/Development</u>

2.1 The premises have previously been used been used as an engineering works (Class B1) and, although not having been used as such for approximately two years, could still be used for light industrial purposes without the need for planning permission.

2.2 The site also falls within the Secondary Retail Area of Lichfield. The application proposes to refurbish and partly reconstruct the frontage building to form a retail/craft workshop/gallery and to change the use of the rear building to form 2 dwellings. Such a mixed use development would comply with the requirements of Policy L16.

2.3 The application site is also highly sustainable, being situated in a city centre location close to all amenities.

2.4 It is my view, therefore, that the proposal is acceptable in principle. This is a view shared by the Council's Development Plans and Implementation Manager.

3. <u>Design and Impact on the Conservation Area</u>

3.1 The majority of the application site is landlocked, being bounded by a number of buildings which front Lombard Street and Tamworth Street and, some of the existing walls, on the southern elevations, form the boundaries with the properties on Tamworth Street.

3.2 The frontage building comprises a brick building, with accommodation at first floor over a gated arch, which allows for vehicular access into the site. It is proposed to form a shop frontage behind the existing archway gates and provide a single storey extension at the rear with the resultant building, providing a retail/craft workshop/gallery with storage

facilities at first floor. General repairs and refurbishment of the existing structure will also be required. The improvement of this frontage building is welcomed, as it would improve its appearance within the Conservation Area and the setting of the adjacent Listed Building.

3.3 The building works proposed to the rear of the site to form 2 dwellings will mainly be of modern construction. The dwellings will have part brick and part rendered walls with areas of red cedar cladding and coated stainless steel standing seam roof. The works to this building would include part demolition of the rear most part of the existing works building, to provide 2 No. private courtyard areas (one for each dwelling), and the raising of the walls and roof of the main part of the existing building to allow for the provision of the residential units. Whilst being of a more modern appearance, and using modern materials, these resultant buildings will not, in my view, cause harm to the character and appearance of the Conservation Area or to the adjacent Listed Buildings. This is a view shared by the Conservation Officer.

3.4 To the rear of the site, the demolition of part of the original building will allow for a more modern, mainly glazed rear elevation to be provided, which will allow views into newly formed courtyard areas to serve the dwellings. These elements will not be visible within the Conservation Area and therefore would cause no harm to it.

4. <u>Amenity of Neighbouring Occupiers</u>

4.1 The majority of the properties adjoining the site are used for commercial purposes and the users of those buildings will not be harmed by the proposals.

4.2 No. 12 Lombard Street is directly adjacent the site. This is a residential property which has windows facing the site, both at the side and the rear that serve principal habitable rooms. The occupiers of that property have expressed concern with regard to loss of amenity in terms of increased noise, loss of privacy through overlooking and loss of light and views.

4.3 Whilst I note the concerns of the occupiers of No. 12, it is my view that there will be no significant loss of amenity sufficient to warrant a refusal of the application. The application proposes to extend the height of the building to the rear although, this extended section will be set back at first floor by 6m from the rear elevation of No. 12 Lombard Street and will not have any facing windows which would directly overlook the courtyard area of that dwelling. The main part of the first floor extension, directly to the rear of No. 12, will be 2.2m higher than the existing brick wall with a further 1m high roof, although the roof will slope away from No. 12. However, the first floor extension will be set back some 1.8m from the existing front elevation of the building and 6m from the rear elevation No. 12. Whilst this distance would fail to comply with the Council's 'Space About Dwellings Standards', the applicant proposes to render the first floor extension with a light colour finish in order to reflect the light and, in my view, this will enhance the appearance of the building from that which currently exists, to the benefit of the outlook of the occupiers of No. 12.

4.4 There are windows at first floor level directly to the rear of No. 12 but these windows, which can be obscure glazed by condition, will serve the landing areas. The kitchen window to the northern most unit will be a corner window, which will not offer any direct views. Similarly, the windows in the southernmost unit, both at ground and first floors, will offer only oblique views of the courtyard and principal habitable room windows of No.12. I therefore consider that subject to conditions, no undue overlooking would result.

4.5 I note also the comments of the occupier of the flat at 47 Tamworth Street, that his views and light would be affected by the development. However, it is my opinion that the occupier of that property would not suffer any significant loss of light or outlook from the proposed development. The increased height of the building nearest to that occupier will be mainly formed by the roof and, the remaining increased side elevation will be of a sufficient distance away so as not to cause any significant loss of light or view.

4.6 In terms of increased noise from the occupiers of the residential units and the retail premises, I am of the view that this would not be so significant to warrant refusal of the application. In reaching this conclusion, I am mindful that if the factory were to be operational and used for light industrial purposes, such a use may have more impact in terms of comings and goings and noise, as there are no restrictions on the operating hours. Furthermore, the properties are within a City Centre location where some level or movement/disturbance is to be expected. I am however recommending a condition to restrict the hours of opening of the commercial unit, in order to protect the residential amenity of neighbouring properties.

4.7 In terms of the amenity of future occupiers, the apartments will benefit from small rear courtyard areas. Being in the City Centre, close to a number of restaurants and public houses, it is recommended that a condition be imposed to ensure that the dwellings are provided with noise protection to safeguard their future amenity free from noise.

4.8 Subject to conditions, as referred to above, I consider there would be no undue impact on the residential amenity of existing surrounding occupiers or on the future occupiers of the new dwellings.

5. <u>Highway Issues</u>

5.1 Due to the proposed alteration to the frontage building, to provide a ground floor retail unit, there will be no parking facilities within the site. Concern has been raised by Lichfield City Council and by neighbouring occupiers that the proposed development will not provide any on-site parking, and consider that this will be detrimental to the locality and lead to increased pressure for on-street parking along Lombard Street.

5.2 Council parking standards would normally require that residential units of this nature should provide one space per dwelling plus one for visitors, resulting in a requirement of 3 spaces for this development. Retail units would also normally be expected to provide parking at a rate of one space per shop.

5.3 However, given that the retail unit will be within the Secondary Retail Area of the City Centre and the residential units are within a sustainable location, with on-street parking and public car parks nearby, I consider on-site parking is not necessary. Government Guidance, as contained in PPG13, states that there should be flexibility in terms of parking requirements and that reducing the amount of parking in new development is essential to promote sustainable travel choices.

5.4 Furthermore, Staffordshire County Council (Highways) has raised no objection to there being no on-site parking facilities, having taken into account the sites' highly sustainable location close to all amenities. For such reasons, it is my view that lack of on-site parking facilities would not be a sustainable reason to refuse planning permission in this instance.

5.5 I note the comments of neighbouring occupiers with respect to the increase in vehicular movements in the area of Lombard Street, but I am of the view that the movements

associated with the dwellings and the retail unit would not significantly add to the congestion within the area.

5.6 I accordingly consider the proposals are acceptable on highway grounds.

6. Other Issues

6.1 I note the comments of neighbouring occupiers with respect to drainage. Policy DC1 states that new development should not overload essential services such as foul sewerage. I am of the view that the provision of two residential units and one retail unit would not significantly increase the pressure on the system than that which could be associated with the use of the premises by employees of the light industrial unit. Furthermore, the provision of adequate drainage systems for developments would be covered by other legislation.

7. Human Rights

7.1 The proposals set out in the above report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individuals/objector's rights under Article 8 of Schedule 1 of 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 has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of National Planning Policy and the policies of the Development Plan.

Conclusion

It is considered that the proposed use of the premises for mixed use residential with retail/craft workshop/gallery is acceptable in principle. No harm will be caused to the character and appearance of the Lichfield City Conservation Area or the setting of the adjacent Listed Buildings. Subject to conditions, there will be no significant detrimental impact on the amenity of nearby residential occupiers, the users of the neighbouring business premises or on highway safety. The proposal is therefore considered to comply with the requirements of the Development Plan and, accordingly I recommend approval of the application.