

LEOMANSLEY AREA RESIDENTS ASSOCIATION

Chairman: Jeff Fry 4 Caterbanck Way Lichfield WS13 6LR
Secretary: Ken Lawrence, 8 Colling Drive, Darwin Park, Lichfield

18 December 2012

Dear Mr. Harris,

12/01236/FUL | Erection of a pub / restaurant with ancillary manager's accommodation and associated landscaping and car parking | Land Adjacent To Darwin Community Hall Stonneyland Drive Lichfield Staffordshire

Case officer: Mr Paul Harris Tel 01543 308151

LARA object to this application and wish to see it refused on the following grounds: -

1. The type of development is inconsistent with the current Local Plan

In May 2007 Lichfield District Council (LDC) organised a community event "Darwin Park; Shape the Future" in which they collected 372 responses from residents of Darwin Park. They also conducted a workshop in the following June utilizing a professional facilitator and having representation from all stakeholders.

The main purpose of both exercises was to ascertain whether there might be support for modification of the Local Plan policies on the Western Recreation Zone in advance of the adoption of a new Local Plan. The Western Recreation Zone is the location of the proposed site. The results failed to find sufficient support for any changes and the Council resolved not to progress any changes outside the Local Plan process. That was a sensible decision since modifying the approved Local Plan policies through an informal consultation process, which is not subject to the public inquiry processes, is particularly inappropriate given the clear and unambiguous commitments given by the Council to protect the Western Recreation Zone.

The relevant parts of the saved Local Plan policy are:-

Policy L.36

Recreation Zones

The following areas are defined as recreation zones:

1. ..

2. A western recreation zone south of Walsall Road and east of the proposed Lichfield Southern Bypass.

3. ..

...

In the western recreation zone development other than for recreation purposes will not normally be permitted unless it is essential to the operation of agriculture or forestry and could not be reasonably located elsewhere. The land shall remain open in the long term and shall not be used for built development other than that normally associated with outdoor recreation or agriculture.

The explanation to policy L.36 specifically states that

“...However, it is intended that the land should remain open in the long term and the District Council will not therefore contemplate the extension of the urban area of Lichfield into this recreation zone. Any buildings should therefore be consistent with policy R.3.”

A public house is not a recreational building being constructed in connection with open space or other sporting or recreational facilities or agriculture. It is a commercial catering activity which should be located on land allocated for that purpose. The erection of the Darwin Hall for community uses does not in our view constitute a precedent for construction of a public house.

Any release of land in this location should be properly planned. This development is being proposed without regard to any overall plan for the adjoining land or the Western Recreation Zone. Given the Council's previous commitment to public consultation no permission should be granted or change in status allowed without full public consultation on the future use of all the land in this general location.

The Local Plan Strategy has not addressed the issue of Recreation Zones and the Council's Open Space Assessment dated July 2012 in paragraph 6.30 expressly indicates *"The future designation of the Western Recreation Zone will be considered through the Local Plan Allocations document which will follow the emerging Local Plan Strategy due to be adopted in Spring 2013."*

In addition the Statement of Community Involvement about the Development Plan Document for land allocations states *"Site specific allocations and policies must be made in a Development Plan Document and sites identified must be based on a proper assessment of the suitability and availability of land for a particular use/uses."* and *"This LDD will contain site specific land allocations and although consultation events have been undertaken relating to the urban capacity study and housing strategy, the LDF process will provide further opportunities for the community and stakeholders to debate the suitability of potential allocations."* The proper processes should be followed before any permission is granted for either this application or any adjoining land including the Western Recreation Zone. This application is clearly premature and should be refused on those grounds.

2. Environmental impact :

- The pub car park is open 24 hours thus leaving residents open to undue noise pollution from vehicular traffic and general pub operation.
- There are a number of very near homes on Colling Drive. The nearest house is only approximately 15m from the car park of the pub thus even incidental noise from the amount of cars especially in the evening coming and going 15m away would be detrimental to family life.
- The National Planning Policy Framework (NPPF) addresses noise and development issues. Under the heading of Conserving and Enhancing the Natural Environment, noise aims are detailed at s.123, which states that:

- i. *Planning policies and decisions should aim to:*
 - 1. *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
 - Also, clause 109 of the NPPF states The planning system should contribute to and enhance the natural and local environment by:
 - i. *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;*
3. Health and Safety of preschool children
- The pub beer garden backs directly onto the outdoor fenced play area of preschool children. The preschool for these children is located at Darwin Hall (a community hall). The preschool is in operation Monday through Friday. Preschool age children are present from 9am – 2pm Tuesday, Wednesday and Thursday and 9am – 12 noon Monday and Friday. Thus there would be regular exposure. Our points are:
 - i. Children acquire language through interaction with their parents and the environment that surrounds them. It is rare if not unheard of for a pub to be next to a preschool or any school. Regular exposure to the kind of language used in a pub beer garden cannot be healthy for preschool age children who are in the prime years of language acquisition.
 - ii. Secondary smoke harms health. That is a fact of recent scientific studies. It is especially harmful towards children. The Environmental Protection Agency (EPA) in the United States led studies showing that “children are particularly vulnerable to the effects of second-hand smoke.”
(<http://www.epa.gov/smokefre/healtheffects.html#Serious%20Health%20Risks%20to%20Children>).
 - iii. The Surgeon General submitted a 685-page report by the title: **“The Health Consequences of Involuntary Exposure to Tobacco Smoke.”**
 - iv. The UK Department of Health started a campaign in March this year, warning of the dangers of second-hand smoke. The campaign says "there is no safe level of secondhand smoke, particularly around children". (See:<http://www.dh.gov.uk/health/2012/03/secondhand-smoke/>)

Thank you for your consideration of these issues.

Sincerely,

Jeffrey S. Fry
On behalf of Leomansley Area Residents Association