

# Public Document Pack

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29 April 2021

Dear Sir/Madam

## PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 10TH MAY, 2021 at 6.00 PM IN THE COUNCIL CHAMBER AT** District Council House, Lichfield to consider the following business. Access to the Council Chamber is via the Members' Entrance.

In light of the current Covid-19 pandemic and government advice on social distancing, whilst this meeting will be held at the District Council Offices, a limited number of people can attend the meeting. Therefore it will be live streamed on the Council's [YouTube channel](#) for all members of the public to view. Only pre-agreed participants will be able to attend the meeting in addition to all the Members of the Committee and relevant Officers.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Christie Tims'.

Christie Tims  
Head of Governance and Performance

## To: Members of Planning Committee

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cox, Eagland, L Ennis, Evans, Ho, Humphreys, Leytham, Matthews and Tapper



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## AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of Previous Meeting** 5 - 8
4. **Planning Applications** 9 - 86



**PLANNING COMMITTEE**

**12 APRIL 2021**

**PRESENT:**

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cox, L Ennis, Evans, Ho, Humphreys, Leytham, Matthews and Tapper

**29 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Eagland.

**30 DECLARATIONS OF INTEREST**

Councillor Birch declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as he is the Chair of Burntwood Town Council's Planning & Development Committee who have raised significant objections.

Councillor Checkland declared a personal interest in Agenda Item 4 (Application no - 20/01085/FUL) as the Applicant's Agent, Mr Timothy, is known to him.

Councillor Cox declared a non-pecuniary interest in Agenda Item 4 (Application no - 20/00932/FUL) as the Applicant's Agent, Mr Deffley, is known to him and also declared a non-pecuniary interest in application no 20/01236/FUL as he is the Ward Member for Armitage with Handsacre and a significant number of residents' objections had been received.

Councillor Marshall declared a personal interest in Agenda Item 4 (Application no - 19/01736/FULM) as he knows a Director of AB Farms.

Councillor Matthews declared a personal interest in Agenda Item 4 (Application no - 20/01085/FUL) as the Objector is known to him.

Councillor Tapper declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as he is a Member of Burntwood Town Council who have raised significant objections although he is not a Member of the Burntwood Planning & Development Committee.

**31 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting held on Monday 8 March 2021 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

**32 PLANNING APPLICATIONS**

Applications for permission for development were considered with the recommendations of the Head of Economic Growth and Development and any letters of representation and petitions of observations/representations together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 20/01238/COUM, 19/001736/FULM, 20/01236/FUL, 20/01085/FUL and 20/00932/FUL.

20/01238/COUM - Oak Tree Farm, Drayton Lane, Drayton Bassett, Tamworth  
Conversion and extension of existing barn to form gospel hall (Use class F.1(f)) as a place of worship, with demolition of other agricultural barns and provision of car parking, landscaping and associated works  
FOR: GGHT (Greenmere Ltd)

**RESOLVED:** That the planning application be **REFUSED** for the following reasons:-

The proposals are contrary to policies NR1 (Countryside Management), NR2 (Development in the Green Belt), Rural 1 (Rural Areas), ST1 (Sustainable Travel), CP2 (Presumption in Favour of Sustainable Development) and CP3 (Delivering Sustainable Development) of the Lichfield District Council Local Plan Strategy 2008-2029. This is because insufficient information has been submitted to justify the proposed development in this location, there is insufficient highways information and the applicant has failed to explain how these policies have been met. Further, the proposals would not be sustainable, would not enhance quality of life, nor meet the needs of the local community.

(Prior to consideration of the application, representations were made by Parish Councillor Ian Watkins, Drayton Bassett Parish Council (Objector), Ms Chloe Bennett (Supporter) and Mr Andrew Beard of AB Planning (Applicant's Agent)).

19/001736/FULM - Barn Farm, Cranebrook Lane, Hilton, Lichfield  
Erection of 1 no. agricultural building for cold storage with lean-to canopy, private way/track to serve potato grader, hardstanding and associated works (part retrospective)  
FOR: Mr A Horsfield

**RESOLVED:** That this planning application be approved subject to the conditions outlined in the report of the Head of Economic Growth and Development and the supplementary report, and subject to additional/amended conditions related to CCTV drainage condition report; removal of permitted development rights and that the original access only be used for access to residential properties not for any farm access. Wording of amended and/or additional conditions read as follows:

4. Within 6 months of the date of this permission, the existing access shall be reduced in width in accordance with dwg no. 3186-65. This access shall thereafter only be used by cars and other vehicles to access the residential properties and shall not be used by vehicles in association with the farm operation or use, including for any staff access.

11. Within two months of the date of this permission, a full capacity and condition CCTV surface water flooding report shall be submitted to the Local Planning Authority. No further works related to drainage shall be undertaken until this report and any required mitigation works (if required) have been agreed by the Local Planning Authority. Any required and agreed mitigation works shall thereafter be undertaken in accordance with the agreed details and timescales.

13. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015, or any order revoking or re-enacting that Order, there shall be no extensions to the existing buildings, new buildings erected nor any other operational development undertaken within the application site without the written consent on application to the Local Planning Authority.

(Prior to consideration of the application representations were made by Ms Catherine White (Objector) and MS Charlotte El Hakiem of CT Planning (Applicant's Agent)).

**STANDING ORDERS - 10.0 - DURATION OF MEETING** from the Constitution was recited by the Legal Officer and the majority of Members present consented to the continuation of the meeting beyond 3 hours.

20/01236/FUL - Land Adjacent The Crown Inn, Uttoxeter Road, Handsacre, Rugeley  
Creation of field access with installation of gate and ramp down to field  
FOR: F B Developments Premier Ltd

**RESOLVED:** That the planning application be **REFUSED** for the following reasons:-

The proposal would result in the excessive loss of hedgerow, due to the unnecessary width of access proposed and, the area of ramp proposed also would be excessive. It is considered such development would not be required for the purposes of agriculture and accordingly constitutes overdevelopment, which would have a detrimental impact on the character and visual amenity of the area and to biodiversity. The proposals are therefore contrary to policies BE1 (High Quality Development) and NR3 (Biodiversity, Protected Species & their Habitats) of the Lichfield District Council Local Plan Strategy 2008-2029.

(Prior to consideration of the application, representations were made by Mr Alastair Richards (Objector) and Mr Mike Lapworth (Applicant's Agent)).

**After a majority vote Members decided due to the duration of the meeting and on the basis that the following two matters had public speakers, the meeting be adjourned and the Chairman fix an alternative date to consider the remaining business at a further Committee meeting.**

20/01085/FUL - Windy Ridge, Commonsides, Gentleshaw, Rugeley  
Demolition of existing dwelling to be replaced by erection of a 4 bed dwelling and associated works  
FOR: Mr & Ms I & J Toddington & Harrison

**RESOLVED: To be decided at alternative date.**

20/00932/FUL - The Grange, Church Street, Chasetown, Burntwood  
Erection of 2 bedroom bungalow (resubmission of application 20/00331/FUL)  
FOR: Mr & Mrs Scott Wright

**RESOLVED: To be decided at alternative date.**

(The Meeting closed at 9.27 pm)

CHAIRMAN

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# Agenda Item 4

## Planning Committee

10 May 2021

### Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

## Report of the Head of Economic Growth and Development

### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

### FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

**ITEM 'A'** Applications for determination by Committee - **FULL REPORT**

**ITEM 'B'** Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council.

**ITEM 'C'** Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

## **AGENDA ITEM NO. 4**

### **ITEM A**

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

10 May 2021

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
20/01439/REMM	Land off Halifax Avenue, Fradley Park, Fradley	Fradley and Streethay
20/01443/REMM	Land at Fradley Park, Halifax Avenue, Fradley	Fradley and Streethay

### **ITEM C**

**APPLICATIONS FOR DETERMINATION BY THE COUNTY COUNCIL ON WHICH OBSERVATIONS ARE REQUIRED (IF ANY); CONSULTATIONS RECEIVED FROM NEIGHBOURING LOCAL AUTHORITIES ON WHICH OBSERVATIONS ARE REQUIRED (IF ANY); AND/OR CONSULTATIONS SUBMITTED IN RELATION TO CROWN APPLICATIONS IN ACCORDANCE WITH THE PLANNING PRACTICE GUIDANCE ON WHICH OBSERVATIONS ARE REQUIRED (IF ANY).**

#### **CONTENTS**

Case No.	Site Address	Authority
20/00722/SCC (L.20/03/867 M)	Land South Of the A513, Orgreave, Alrewas	Staffordshire County Council



# LOCATION PLAN

20/01439/REMM  
Land off Halifax Avenue  
Fradley Park  
Fradley

Scale: 1:3,000

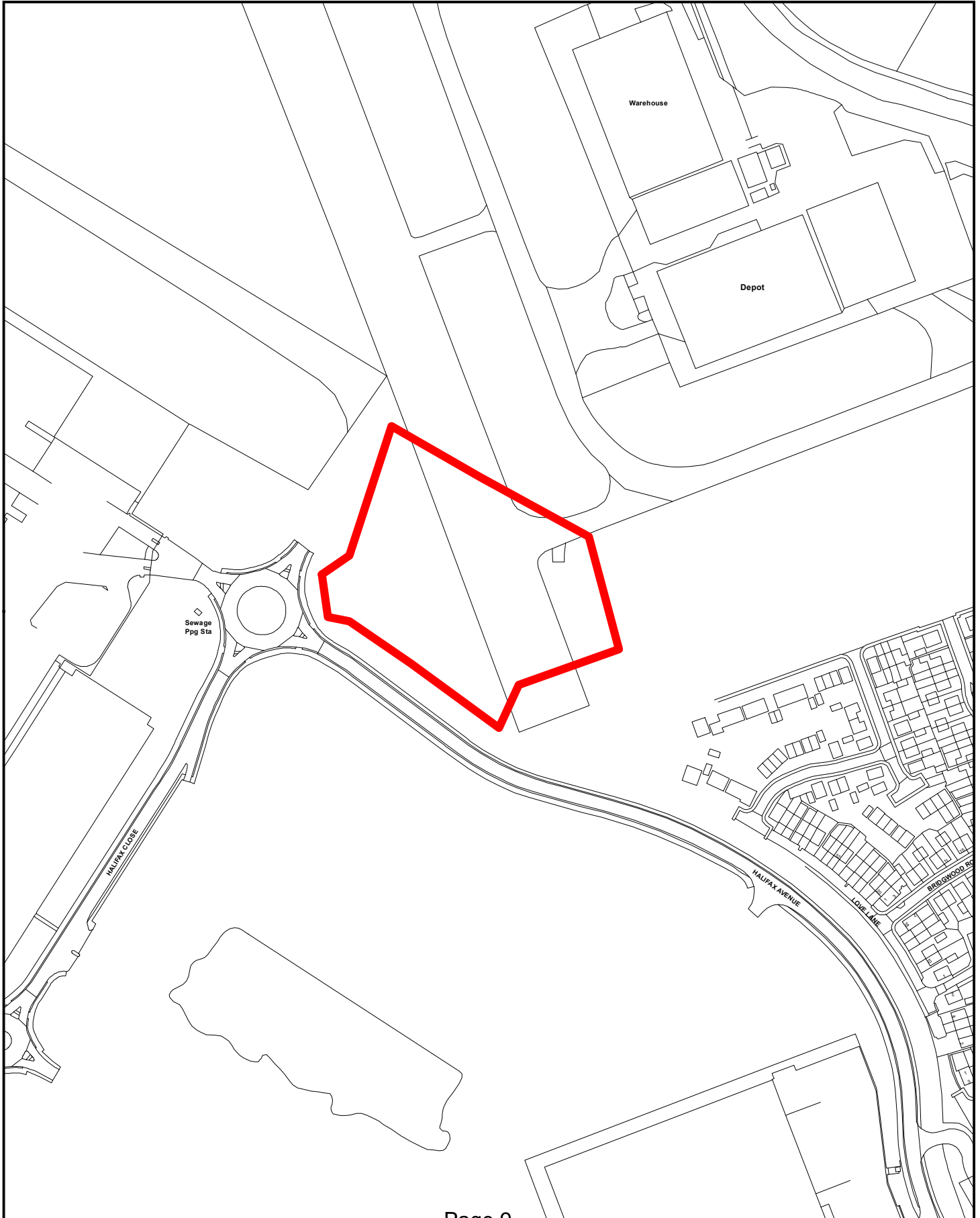
Dated: May 2021

Drawn By:

Drawing No:



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## 20/01439/REMM

**Reserved matters application for the erection of a new two phased 2FE primary school with MUGA, football pitch, external landscaping, car parking and associated facilities  
Land off Halifax Avenue, Fradley Park, Fradley,  
FOR Staffordshire County Council**

Registered **19/10/2020**

**Parish: Fradley and Streethay**

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

The concerns raised by the Parish Council are summarised as follows: The location of the school within the site, relative to neighbouring property and junctions, the location of the access and the lack of dedicated drop off facilities for the school, will result in significant parking congestion on surrounding roads, causing highway safety issues. To address this issue, either the school should be relocated within the site, to an area where on street parking would be less problematic and the access of a more standard construction, or a new dedicated drop off facility must be created within the adjacent development land parcel.

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

### **CONDITIONS**

1. This approval of Reserved Matters is granted in respect of Outline permission 10/01498/OUTMEI and the development hereby approved shall comply in all respects with the terms of that permission and the conditions imposed on it.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

### **CONDITIONS to be complied with PRIOR to the commencement above slab level of development hereby approved:**

3. Before the development hereby approved is commenced above slab level, full details including samples of the external materials to be used in the construction of the walls and roofs of the school building, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
4. Before the development hereby approved is commenced above slab level, foul drainage details for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to the first use of the school.

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

5. Before the development hereby approved is first brought into use, the approved means of access, turning, servicing and parking areas identified on plan reference Drg. No.A-0009 Rev. P2 shall be provided in a bound material; with the parking bays clearly delineated; and shall thereafter be maintained for their designated purpose for the life of the development.

6. Before the development hereby approved is first brought into use, full details of safe, secure and weatherproof cycle parking facilities, to provide a minimum of 45 spaces, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be constructed prior to the first use of the building and thereafter be retained for the life of the development.
7. Prior to the first use of the school hereby approved, the fencing scheme shown on approved drawing 5730-EPS-XX-XX-DR-A-0015 P2 shall be erected and thereafter shall be retained for the life of the development. Notwithstanding the detail shown on this approved plan, the enclosure provided around the MUGA should, however, be of an acoustic ball stop design, in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The approved acoustic fencing shall thereafter be erected prior to the first use of the MUGA and retained for the life of the development
8. Prior to the first use of the school hereby approved, the visibility splays shown on approved drawing shall be provided and thereafter be kept free of all obstructions, over 600mm in height above the adjacent carriageway level, for the life of the development.

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

9. The development hereby approved shall be built in accordance with the details contained within the approved Construction Vehicle Management Plans, reference 5730-EPS-XX-XX-DR-A00117 P1 (Phase 1) and 5730-EPS-XX-XX-DR-A00118 P1 (Phase 2). Construction traffic shall only access the site to the south via Wood End Lane and Common Lane. Wood End Lane would be accessed from the west from Lichfield Road (A515) and the east from Rykneld Street (A38 Trunk Road). No HGV traffic shall use Hay End Lane.
10. The development hereby approved shall be carried out in accordance with the noise mitigation measures identified within the Hepworth Environmental report no. P19-282-R01v2 dated September 2020. The mitigation measures shall be implemented in full, prior to the first use of the development and thereafter be maintained for the life of the development.
11. The development hereby approved shall be carried out in accordance with the lighting strategy as shown on approved plan 5730-EPS-XX-XX-DR-E-0001-P1. The lighting scheme shall be implemented in full, prior to the first use of the development and thereafter be maintained for the life of the development.
12. All external windows shall be set back a minimum of 50mm from the outer face of the walls.
13. The landscape and planting scheme shown on approved plans reference 5730\_EPS-XX-XX-DR-A-0011 P2 - Proposed Landscape Plan Phase 1 and 5730\_EPS-XX-XX-DR-A-0012 P3 - Proposed Landscape Plan Phase 2 shall be implemented within eight months of the development being brought into use, for each phase.
14. Any tree, hedge or shrub planted as part of a landscaping 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, for each phase, 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.
15. Before the installation of any external plant, machinery or water storage tanks, full details of them, including a further noise assessment for the fixed plant, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, with the approved brick wall enclosure shown on approved plan 5730-EPS-XX-XX-DR-A-0015 P2, erected prior to the first use of the

plant, machinery or water tank, which shall thereafter be maintained for the life of the development.

16. The MUGA (Multi Use Games Area) hereby approved, shall only be used for associated school purposes and for no other purposes.

**REASONS FOR CONDITIONS:**

1. To ensure the satisfactory appearance of the development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
2. For the avoidance of doubt and to ensure a satisfactory form of development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
3. To deliver a high quality development and to safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
4. To ensure that the development is provided with a satisfactory means of drainage in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
5. In the interests of highway safety and to ensure that there is adequate parking provision to serve the development, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
6. To promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Sustainable Design, Policy FRANP11 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
7. To safeguard the character and appearance of the area and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
8. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
10. To safeguard the character and appearance of the area and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
11. To safeguard the character and appearance of the area and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local

Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

12. To deliver a high quality development and to safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
13. To ensure that an approved landscaping scheme is implemented in a speedy and diligent way in accordance with the requirements of Policy BE1 of the Local Plan, the Supplementary Planning Document Trees, Landscaping and Development, Policy FRANP8 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
14. To ensure that any initial plant losses to the approved landscaping scheme are overcome, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development, Policy FRANP8 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
15. To safeguard the character and appearance of the area, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
16. To safeguard the character and appearance of the area and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

**NOTES TO APPLICANT:**

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Fradley Neighbourhood Plan (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. The proposed site access works will require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

5. The applicant is advised that in order for any road markings to the front of the school, to be enforceable, a Traffic Regulation Order will have to be made by the Highways Authority.
6. The applicant's attention is drawn to the associated Section 106 Agreement pertinent to the Outline approval (10/01498/OUTMEI) and those obligations that will require action during the implementation of this decision. In particular the requirement to deliver a BREEAM 'Very Good' building is noted.
7. The applicant is advised to note and act upon as necessary the comments of the Council's Customer Relations and Performance Manager specific to Waste Services as detailed within their consultation response dated 4<sup>th</sup> February 2021.
8. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer dated 25<sup>th</sup> February 2021. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
9. The applicant is advised to note and act upon as necessary, the comments of the Staffordshire Fire and Rescue Service, as detailed within their consultation response, dated 5<sup>th</sup> February 2021.
10. The applicant is advised to note and act upon as necessary the comments of Western Power Distribution as detailed within their consultation response dated 4<sup>th</sup> February 2021.
11. The applicant is advised to note and act upon as necessary the comments of Staffordshire County Council Highways, as detailed within their consultation response dated 27<sup>th</sup> April 2021, with reference to potential conflict between the site access and a tree within the landscaping scheme approved for the wider development.
12. The applicant is advised that during the course of development and operation of the permitted use no obstruction, prevention of use or diversion of the public footpath No. 43 Fradley and Streethay must occur.
13. The applicant is advised that any planning permission does not construe the right to divert, extinguish or obstruct any part of a public footpath. For further information the applicant is advised to read Section 7 of DEFRA's Rights of Way Circular (01/09). Should footpath No.43 Fradley and Streethay need to be diverted as part of these proposals, the applicant will need to apply to the Council under Section 257 of the Town and Country Planning Act 1990.
14. The applicant is advised that the playing field should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).
15. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

**Plans considered as part of this recommendation:**

- 5730\_EPS-XX-XX-DR-A-0004 P3 - Proposed Site Drainage
- 5730\_EPS-XX-XX-DR-A-0005 P2 - Proposed Site Levels Phase 1
- 5730\_EPS-XX-XX-DR-A-0006 P2 - Proposed Site Levels Phase 2
- 5730\_EPS-XX-XX-DR-A-0007 P2 - Proposed Fencing Layout Phase 1
- 5730\_EPS-XX-XX-DR-A-0008 P2 - Proposed Fencing Layout Phase 2

5730\_EPS-XX-XX-DR-A-0009 P2 - Proposed Site Plan Phase 1  
5730\_EPS-XX-XX-DR-A-0010 P2 - Proposed Site Plan Phase 2  
5730\_EPS-XX-XX-DR-A-0011 P2 - Proposed Landscape Plan Phase 1  
5730\_EPS-XX-XX-DR-A-0012 P3 - Proposed Landscape Plan Phase 2  
5730\_EPS-XX-XX-DR-A-0015 P2 - Proposed Fencing Details  
5730\_EPS-XX-XX-DR-A-0055 P1 – Proposed Visualisations  
Hepworth Acoustics 27 01 21  
SK400A School Land Transfer Plan Sheet 1 [developer's drainage scheme]  
FRADLEY PARK PRIMARY SCHOOL - Soft Landscaping and Street Furniture Specification Rev A

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Model Design Code  
National Policy for Waste  
National Design Guide  
Manual for Streets  
Planning Policy – Planning for Schools Development

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 13 – Our Natural Resources  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1 – A Balanced Housing Market  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR5 – Natural & Historic Landscapes  
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy Frad 1- Fradley Environment  
Policy Frad 2 – Fradley Services & Facilities  
Policy Frad 3 – Fradley Economy  
Policy Frad 4 – Fradley Housing

### **Local Plan Allocations (Focussed Changes)**

Policy ST5: Road and Junction Improvements – Fradley  
Policy NR10: Cannock Chase Area of Outstanding Natural Beauty  
Policy BE2: Heritage Assets  
Policy F1: Fradley Housing Land Allocations

### **Supplementary Planning Documents**

Sustainable Design

Trees, Landscaping and Development  
Developer Contributions  
Biodiversity and Development  
Historic Environment  
Rural Development

### **Fradley Neighbourhood Plan**

Policy FRANP1: Fradley Village Settlement Boundaries  
Policy FRANP2: Existing Community Facilities  
Policy FRANP5: Provision of Play and Youth Facilities  
Policy FRANP6: Character and Design  
Policy FRANP8: Minimising the Landscape Impact of Development  
Policy FRANP11: Cycling, Walking and Disability Access Routes  
Policy FRANP12: Highway Capacity at Key Road Junctions  
Policy FRANP13: Residential Parking  
Policy FRANP14: Meeting the Housing and Care Needs of Older People

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

Strategic objective and priority 3: Climate Change  
Strategic objective and priority 4: Our Infrastructure  
Strategic objective and priority 5: Sustainable transport  
Strategic objective and priority 6: Meeting housing need  
Strategic objective and priority 7: Economic Prosperity  
Strategic objective and priority 8: Employment opportunities  
Strategic objective and priority 11: Healthy and safe lifestyles  
Strategic objective and priority 13: Natural resources  
Strategic objective and priority 14: Built environment  
Strategic objective and priority 15: High quality development  
Strategic Policy OSS1: Presumption in favour of sustainable development  
Strategic Policy OSS2: Our spatial strategy  
Strategic Policy OSC1: Securing sustainable development  
Strategic Policy OSC2: Renewables and low carbon energy  
Strategic Policy OSC4: High quality design  
Strategic Policy OSC5: Flood risk, sustainable drainage & water quality  
Strategic Policy INF1: Delivering our infrastructure  
Strategic Policy OST1: Our sustainable transport  
Strategic Policy OST2: Sustainable travel  
Local Policy LP1OST: Parking provision  
Strategic Policy OHF1: Housing provision  
Strategic Policy OHF4: Affordable housing  
Strategic Policy OEET1: Our employment and economic development  
Strategic Policy OEET2: Our centres  
Strategic Policy OHSC1: Healthy & safe communities  
Preferred Policy OSR2: Open space and recreation  
Strategic Policy OHSC2: Arts and culture  
Strategic Policy ONR2: Habitats and biodiversity  
Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation  
Strategic Policy ONR4: Green infrastructure and connectivity  
Local Policy FR1: Fradley environment  
Local Policy FR2: Fradley services and facilities  
Local Policy FR3: Fradley economy

### **Other**

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018  
Draft Environment (Principles and Governance) Bill 2018  
Natural Environment and Rural Communities Act (2006)



The Conservation (Natural Habitats, &c.) Regulations (1994)  
 The Conservation of Habitats and Species Regulations (2017)  
 The Countryside and Rights of Way (CRoW) Act 2000  
 The Protection of Badgers Act 1992  
 Defra Net Gain Consultation Proposals (2018)  
 Lichfield Employment Land Review (2012)  
 Staffordshire and Stoke on Trent Joint Waste Local Plan  
 Staffordshire Residential Design Guide (2000)  
 Housing and Planning Act (2016)  
 Annual Monitoring Review (2020)  
 Lichfield District Council Strategic Housing Land Availability Assessment (2016)  
 Lichfield District Council Housing and Economic Needs Assessment (2019)  
 Lichfield District Council Independent Living Study (Draft) (2019)  
 Strategic Housing Marketing Assessment (2012)  
 Providing for Journeys on Foot (2000)  
 Urban Capacity Assessment  
 Five Year Housing Land Supply Paper (2020)  
 Water Framework Directive  
 Lichfield District Economic Development Strategy  
 Lichfield District Nature Recovery Network (2019)  
 Staffordshire Historic Environment Record  
 Statement of Community Involvement (2019)  
 AONB Management Plan 2014-2019  
 Active Design – Planning for Health and Wellbeing through Sport and Activity  
 Natural England’s approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)  
 Recreation to Cannock Chase SAC Report (2012)  
 Cannock Chase SAC – Planning Evidence Base Review (2017)  
 European Site Conservation Objectives for Cannock Chase SAC (2014)  
 Planning for Landscape Change – Staffordshire County Council (2000)  
 ‘A Hard Rain’ – Staffordshire County Council’s Corporate Climate Change Strategy (2005)  
 Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)  
 Climate Change Act (2008)  
 Lichfield District Council Air Quality Annual Status Report (2017)  
 Professional Practice Guidance on Planning and Noise: New Residential Development (2017)  
 Air Quality Management Guidance (2014)  
 Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (England) (2018)  
 Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning Protocol between Constituent Local Planning Authorities and the Cannock Chase AONB Joint Committee (2019)

## **RELEVANT PLANNING HISTORY**

10/01498/OUTMEI	Demolition of existing buildings and redevelopment of the site to provide up to 750 new homes, primary school, health centre, nursery, public house, public and private open space, car and cycle parking together with landscaping and associated servicing (all matters reserved except points of access)	Approved	09/10/2013
18/00481/REMM	Reserved matters application (appearance, landscaping, layout and scale) for the erection of 374 dwellings comprising 14no. 1 bedroom dwellings, 109no. 2 bedroom dwellings, 142no. 3 bedroom dwellings, 102no. 4 bedroom dwellings and 8no. 5 bedroom dwellings within phases 2, 3 and 4 pursuant to outline approval 10/01498/OUTMEI	Approved	03/04/2019
19/01399/REMM	Variation of conditions 2 (approved plans), 5 (External Materials), 8 (Boundary Treatments) and 10	Approved	06/08/2020

(Landscaping Scheme) of permission 18/00481/REMM  
in relation to phase 3 of development and additional  
plans

20/01443/REMM Application for approval of Reserved Matters for  
appearance, layout, scale and landscaping of 35  
dwellings (Phases 1 and 2) and associated works

Undetermined

## **CONSULTATIONS**

**Fradley & Streethay Parish Council** – Object. Some of the initial masterplan layout options for the primary school and sports fields/play areas, included land to the south of this site that is now proposed for 23 dwellings via planning application 20/01443/REMM.

One key difference between the school layout as shown on the masterplan and that now proposed is that all vehicular traffic will now use the proposed entrance in the north-east corner of the site. In the original masterplan proposal, all vehicular traffic would have entered/exited directly via Halifax Avenue.

The masterplan layout would have been compliant with the Staffordshire County Council Design Guide, with the road fronting the two application sites being 6.7m wide with two 2m wide footways, one separated from the carriageway by a 3m verge. In addition, the bends are to Standards and the traffic calming is well thought through. However, with the introduction of the School and Infill development site access proposals, substantial problems are introduced as set out below:

- The introduction of the school access bell-mouth and the vehicular entrance to the Area B Infill Residential development are both too close to the other junctions and do not conform to Standards for junction spacing;
- The school access bell-mouth will conflict with 4 private driveway crossings, which is very unsafe and would likely be highlighted in a Road Safety Audit (RSA);
- The school access bell-mouth and the Area B residential junction are both directly at the base of a ramp, so any vehicle turning left out (or left in) would have to go up the ramp whilst still in the process of turning;
- The road from the 'square' at the south-west end of the 'green boulevard', to the square serving Violet Walk, is virtually continuous private driveway crossings, therefore parents dropping off or collecting children would either not have any parking or would park on driveway crossings;
- Professional experience demonstrates that parents doing the 'school run' have little regard for private driveways etc., and regularly park across such features, causing major frustration for occupants of nearby property;
- It would also be likely that 'school run' parking would occur on the road serving the proposed Area B infill residential site;
- The distance between the proposed school access bell-mouth and the centreline of the Area B infill residential site junction measures approximately 30m on the PDF drawings, and it should be 90m (minimum junction spacing on the same side of the road is 90m and 45m on opposite sides);
- The distance between the centreline of the Area B infill residential site junction and the junction 'square' serving Violet Walk is even less at approximately 22m;
- This is less than half the separation required under the Staffordshire County Council Design Guide and therefore the Area B infill residential site junction should not be located where shown; and
- The 'square' outside the school is likely to be a hotspot for illegal parking.

Substantial importance has been placed on siting the school building at the south-western end of the 'green boulevard' on the line of a former runway. Unfortunately, with the school pupil entrance made to face out towards this 'green boulevard' this has resulted in a very unsatisfactory location for the pupil entrance.

If the design criterion of having the school building as a 'feature' at the south-west end of the 'green boulevard' could be removed, then from a highway and school pupil access viewpoint, the site could be modified with the school moved westwards. This would enable the school entrance to be placed along the long straight section of carriageway, with residential development along one side only, and therefore having much less future conflict potential. With such a layout, the road could be made 3m wider, with a properly designed and marked section of longitudinal parking for the parent drop-off/collect vehicles.

If the design objective of having the school building cannot be removed, then it would be essential to have a parent drop-off and collection parking facility adjacent to the school entrance. Without such a facility, congestion around school entrances would be inevitable, leading to severe highway safety problems.

There may be an opportunity to provide an 'off-site' drop-off/collection facility within the Area B infill residential site, if the number of dwellings were reduced. This could be positioned along this site's northern boundary shared with a dedicated pedestrian route from the parking area created into the school via a security gate.

In its current form, this application would cause severe highway safety issues (18/11/2020).

**Staffordshire County Council (Flood Risk Officer):** No objection (14/04/2021).

**Object.** Insufficient detail has been submitted to fully demonstrate that an acceptable drainage strategy is proposed (22/03/2021 & 25/02/2021).

**Police Architectural Liaison Officer:** No objection. Provides guidance on measures to help reduce the potential for crime within the development (25/02/2021 & 12/11/2020).

**Staffordshire Historic Environment Officer (Archaeology):** No objection. Archaeology is covered by Condition 10 of the original Outline planning application 10/01498/OUTMEI (23/02/2021 & 13/11/2020).

**Ecology Team: LDC -** No objection. The development should be carried out in accordance with the requirements and conditions of planning permission 10/01498/OUTMEI. It is advised however that updated ecological surveys be conducted prior to commencement to ensure protected/priority species are fully considered (26/02/2021 & 12/11/2020).

**Conservation & Urban Design Manager:** No objection. Elevations of the boundary treatments and visuals of the school building have been provided. These show that parts of the 2.4m high brick wall facing the highway and the POS have been replaced with a metal mesh fence and this has been combined with soft landscaping. This will slightly soften the view of the school from this direction. The visitors' entrance will be within the metal mesh fencing which will be less austere than the previously proposed visitors' entrance being within a 2.4m brick wall.

The impact of the store, plant rooms and kitchens to the front of the main hall which all present almost blank elevations has been reduced by reducing the height of the kitchen structure and using green louvres to screen the plant on the flat roof rather than a brick parapet.

The provision of the service area, including bin stores and the sprinkler tank at the front of the site necessitates these being screened by a significant brick wall. This has been moved back into the site to allow some soft landscaping between the back of the footpath, in order to soften its impact in the streetscene.

The number of bike stands has been increased from 28 to 45. This is an improvement but still doesn't seem sufficient for a 2FE school with around 450 pupils. This still doesn't seem sufficient to encourage as many children as possible to cycle to school. Cycle stores should also be provided for staff (23/02/2021).

Previous Comments: Object. The school has been located within the site to provide an end-point to a long, linear POS that runs the full length of the wider development. This linear POS reflects the historic use of the site as an airfield and this is its runway. The north-east elevation of the school building will therefore provide an important feature within the site that will be visible from a considerable distance. It is therefore disappointing that the proposed north-east elevation will present an almost entirely blank façade, incorporating only 3 sets of doors and no windows. Despite the 3 different facing materials that are proposed to be used on this elevation, this is not an appropriate or welcoming design for such a prominent location.

In front of the north-east end of the building, directly opposite the POS is the service area, including the sprinkle tank and the bin stores. These are shown to be screened by a wall which is 2480mm high. The visitor's entrance enclosure would be through metal gates set into a brick wall that is also shown to be 2480mm high. This would appear overbearing directly adjacent to a footpath and would also be an inappropriate end-point for the linear POS. Between the service area and the visitor's entrance will be 2000mm high weld mesh fence with planting in front of it. There would be access points on either side of the north-east boundary. It is unclear what these would look like.

The application proposes 28 bike stands. Given that the site will eventually accommodate a 2FE school with around 450 pupils, this seems insufficient (11/11/2020).

**Environmental Health Team – LDC:** Confirms that all matters have addressed, subject to conditions to ensure the MUGA has acoustic ball stop fencing; the MUGA is used only by the school and that a further noise assessment of fixed external plant is undertaken and agreed before it is erected. They confirm this has been agreed with the applicant. (28/04/2021)

Previous Comments: Confirms their original concerns have largely been addressed and is awaiting further information in regards to plant noise. (26/04/2021)

Responses are agreed and address their concerns, subject to one point of query. The submitted documentation states that, *'The noise design limit proposed in our report would apply outside the nearest dwelling façade to any proposed building services equipment. It is recommended that when details of the exact location and specification of any such equipment are known a detailed noise assessment should be undertaken to demonstrate that the proposed noise limit will be achieved'*. Plant noise should be acceptable at the boundary of the nearest dwelling as opposed to the façade, so that garden amenity is safeguarded (20/04/2021).

Previous Comments: Object. Requests further information with regard to the proposed noise limits for fixed plant and equipment, in order to demonstrate such will not adversely impact upon the amenity of residents.

Requires further consideration of the impact of the MUGA areas on the neighbouring housing. Notes there is potential for noise from the facility impacting on neighbouring amenity. Should the proposed use be restricted to school use only, then these concerns could be addressed by ensuring that the fencing along the boundary with residential property is of an acoustically treated ball-stop design. If wider community use into the evenings is proposed, then an assessment of the impacts arising should be undertaken (24/02/2021 & 15/11/2020).

**SCC Rights of Way Officer SCC:** Public Footpath No. 43 Fradley and Streethay Parish runs to the south of the site. The proposal may have a direct impact on this public right of way and this needs to be addressed before planning permission is given. If the proposed new access will not impact on the

definitive line of the footpath, this needs to be made clear in the plans. Ability to use the right of way should be secured throughout the course of construction (08/02/2021 & 02/11/2020).

**Staffordshire County Council (Planning):** No objection (08/02/2021 & 21/10/2020).

**Staffordshire County Council (Highways):** No objection. Notes that the CEMPs fail to define the route construction traffic will take to the site. Given that routing through the adjacent housing estate to the east would be unacceptable, a condition to require traffic access the site via Hay End Lane is recommended. Notes that a tree is located within the highway verge opposite to the site entrance is tight on the radius kern of the school access and as such the landscaping scheme should be amended accordingly (27/04/2021).

Previous Comments: No objection, subject to conditions requiring that prior to first use of the building, the proposed access, junction, servicing, turning, cycle parking facilities and parking bays shall be provided and thereafter retained. Finally, before the proposed development is brought into use, the off-site traffic management scheme comprising new Zig-Zag lines as indicated on drawing A-0009 Rev. P2 shall be implemented. Requests that a s106 agreement be utilised to secure a Travel Plan, with an associated monitoring sum of £5,000 (16/02/2021 & 19/01/2021).

**Tree Officer – LDC:** No objection. The revised details have addressed the points raised in previous arboricultural comments (27/04/2021).

Previous Comments: Object. Note that there is proposed to be a sharp change in levels between the football pitch playing surface and the adjacent boundary to the north, which is an area of landscaping. The tree species adjacent to the football pitch have not been amended. It is considered likely that these trees will impact the use of the pitch and this, along with the impact of the hedge, needs further consideration (13/02/2021).

Object: Note that there are two phases of landscaping proposed. Both phases show a number of levels across the sports field that would make playing football difficult. Therefore requests that the applicant confirm the current and finished levels for these areas.

The tree planting in both phases does use some large trees, which is generally acceptable, but would ask for the impacts of the large trees to be considered on the adjacent fencing, which in some areas is very close and may also impact on the football pitch. Nearly 50% of the proposed trees, discounting hedges, come from the same family and therefore requests greater variety be introduced. The tree pit detail is not to standard, the watering pipe is below the root ball and for many of the tree pits this detail won't fit given the proximity to hardstanding or fences (05/02/2021).

Object: The submitted landscaping details contain insufficient information and are not reflective of the submitted drainage plans (22/10/2020).

**Spatial Policy and Delivery Team:** No objection. The site is identified as being within the Fradley Strategic Development Allocation (SDA) within the adopted Local Plan. Outline and reserved matters permissions have been granted (and implemented) for the wider development and this application relates to the education provision, secured through the legal agreement.

The SDA Concept Statement at Appendix E of the adopted Local Plan Strategy sets out the infrastructure, required to be delivered within the Strategic Development Allocation, which includes the expansion of the existing St Stephens Primary school (already implemented), and the provision of a further primary school within this SDA. The concept statement outlines the proposed increase in primary education provision to enable a total of 3 form entry provision overall to serve the village, including Early Years provision and potentially a children's centre. As such the proposed development is in accordance with policies within the Local Plan Strategy (04/11/2020).

**Waste Management – LDC:** No objection. Provides general advice specific to waste collection and highlight that the road surface should be sufficient to take a 32 tonne vehicle, whilst there should be

sufficient room to allow safe access and egress for an RCV. The refuse/recycling collectors should have a pull distance of no greater than 10m (04/02/2021 & 21/10/2020).

**Sport England:** No objection. Welcome the revisions to the playing field layout to ensure playing pitch dimensions (inclusive of run off) are in accordance with the recommended FA's pitch dimension requirements and that the pitches will be constructed in accordance with Sport England's Natural Turf for Sport guidance (15/02/2021).

Previous Comments: The dimensions of the two football pitches should accord with that set out within Sport England's natural turf for sports guidance. As part of Phase 2 it is recommended that the school undertake a risk assessment, due to the proximity of the proposed football pitch run off area and the MUGA, particularly if the latter is fenced (27/10/2020).

**Staffordshire Fire & Rescue Service:** No objection. Provides guidance on suitable fire safety prevention and safety design considerations for the development (05/02/2021 & 22/10/2020).

**Western Power Distribution:** Advise that there may be WPD assets within the development site and the applicant is therefore advised to contact Western Power prior to commencing works (04/02/2021).

**Severn Trent Water:** The drainage plan shows 'options' for surface water drainage. Therefore requests that the applicant investigate their proposals and confirm on a final plan what the proposals are, to include foul sewage (20/11/2020).

**Staffordshire County Council (School Organisation):** No response received.

**West Midlands Ambulance Service:** No response received.

**Environment Agency:** No response received.

**Cadent Gas Limited:** No response received.

**Highways England:** No response received.

**Health and Wellbeing Development Manager:** No response received.

**Central Networks:** No response received.

**South Staffs Water:** No response received.

#### **LETTERS OF REPRESENTATION**

No letters of representation have been received in respect of this application.

#### **OTHER BACKGROUND DOCUMENTS**

The applicant has submitted the following documents in support of their application:

Acoustic Report  
Construction Management Plan  
Supporting Design Statement

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#### **OBSERVATIONS**

**Site and Location**

The application sites, comprise 1.51 hectares of previously developed land, irregularly shaped, largely flat, with a slight fall to the northeast and a slight rise in the centre, located on the former RAF Lichfield site, Fradley. The airfield was constructed in 1939-40 and was used during WWII to train aircrews in Wellington bombers. The airfield was closed in 1958 and was disposed of by the Air Ministry in 1962.

The application site forms part of a wider 34 hectare development site, which includes an existing 2.7ha attenuation pond, located to the southeast of the site close to Common Lane (used as part of the surface water drainage for the adjacent employment site); 2 former hangers located on the northwest and currently used for storage and distribution; an area of woodland alongside the canal and adjacent to the hangers; and a public footpath (no.257) which runs from Common Lane along the southern edge of the site to Gorse Lane.

The site is bound to the south by Halifax Avenue, which is one of the main access road for the Fradley Distribution Park. Halifax Avenue is a recently constructed road with footpaths on both sides of the carriageway. Along each footpath is a stretch of banked earth with a collection of self-set trees and shrubs. This road continues up to an island where there is a Tesco distribution building. The third turning off the island at the top of Halifax Avenue is to be the road that follows the northern boundary of the application site. This road has not yet been completed by the developer, although some infrastructure is in place. There is a public footpath (Fradley & Streethay No. 43) that runs within this buffer strip. To the north and east of the site, on the opposite side of the access roads are existing terrace dwellings, with parking either in front of the properties, or to the side. The other houses, of which there are only 2 are to be detached. Opposite the site's entrance is 1 of 2 large pedestrian boulevards, which follow the lines of the previous runways. To the south of the site, the Local Planning Authority, is currently considering an application for the erection of 23 dwellings. The layout proposed for this area, would lead to rear gardens of these properties backing onto the school, with each being bounded by 2m high timber panel and post fences.

To the north of the site runs the Coventry Canal (a non-designated heritage asset) and to the west Gorse Lane. An historic canal bridge (New Bridge) crosses the canal on Gorse Lane, with a second more modern road bridge (Fradley Bridge) to the northeast end of the site. A small parade of shops, comprising the Stirling Centre, are located to the east, alongside the vehicular access into the wider estate, from Common Lane.

In terms of surrounding development, Fradley Village and Fradley South are located to the northeast and east respectively. Fradley Village is the original settlement, containing a church, Primary School (St Stephens), post office and community centre with a wide range of house types and sizes. Containing a small number of historic properties, Fradley Village was initially enlarged in the 1980s/early 1990s.

Fradley South was constructed on part of the former airfield, with the main circular vehicular route through the development a remnant of the former service runways/roads. A small number of houses were constructed on this site in the early 1960s. By the 1980s this had slowly grown around the service runways/roads. However, the majority of the area known as Fradley South was constructed in the 1990s/early 2000s.

To the south of the site is Fradley Park, a large employment site totalling approximately 86ha, comprising mainly Use Class B8 warehouse/distribution units.

## **Background**

In October 2013 outline planning permission (10/01498/OUTMEI) was granted for the erection of up to 750 dwellings, a Primary School, Health Centre, Nursery, Public House and associated landscaping and works with all matters reserved, except points of vehicular access, of which three were agreed to be off Halifax Avenue and one off Common Lane. This followed the signing of a S106 agreement to secure and provide contributions for;

- i. 25% Affordable Housing;
- ii. Local Connectivity and Travel Plan;
- iii. Bus Service Diversion;
- iv. Open Space, Sports and Play Areas;
- v. Education;
- vi. Additional Primary Education Provision;
- vii. British Waterways Contribution;
- viii. Social and Community Facilities Contribution; and
- ix. Contributions towards mitigations for the Cannock Chase Special Area of Conservation.

In terms of the education requirements of this document, such requires both contributions towards the St Stephen's Primary School expansion project, payment for which has been made and the works completed. In addition, the applicant has chosen option 2b within this document, whereby they have elected for the County Council to build the new primary school, with suitable financial contributions provided to ensure the delivery of such.

In June 2016 reserved matters approval was granted under reference 16/00001/REMM for phase 1 of the site, which comprised the erection of 216 dwellings, open space, car parking and associated works.

The proposal comprised 14 one bedroom dwellings, 94 two bed dwellings, 72 three bedroom dwellings and 36 four bed dwellings. Fifty four of the dwellings are affordable homes.

There are 19 different types of property proposed across the 216 plots. The dwellings are a mixture of 1, 2, 2 ½ and 3 storeys in height.

The internal road network to serve the scheme comprises two main roads with five cul-de-sacs, branching off these routes. The landscaping scheme, which includes the retention of the tree belt adjacent to the Coventry Canal, broadly includes supplementary tree planting to the periphery of the site, around the existing pond and within the proposed open space areas, or adjacent to the estate roads, within future front gardens.

The development of this phase of the scheme is complete.

The drainage strategy for the site originally included an off-site attenuation pond, located to the north west of Gorse Lane. The planning history for this pond is as follows:

- 05/00910/FULM – Landscaped balancing pond. Approved (18/11/05)
- 10/01365/FULM – Provision of a landscaped balancing pond (Extension of time for application 05/00910/FULM). Approved (27/06/11).

Subsequently, planning permission has been granted on the 25<sup>th</sup> September 2018, under reference 17/01788/FULM, for the formation of a balancing pond within the current application site, negating the need to provide the off-site pond.

Following the above permissions, application reference 18/00481/REMM, approved under delegated powers in April 2019, permitted the erection of 374 dwellings, comprising 14no. 1 bedroom dwellings, 109no. 2 bedroom dwellings, 142no. 3 bedroom dwellings, 102no. 4 bedroom dwellings and 8no. 5 bedroom dwellings within phases 2, 3 and 4 pursuant to outline approval 10/01498/OUTMEI. Subsequently, application reference 19/01399/REMM, was permitted in July 2020, under delegated powers, which enabled the substitution in house types across a number of plots within this part of the site. This was to allow for the use of updated dwelling designs (known as the Artisan range) that the developer Bellway, was seeking to implement nationwide. As a consequence of the amended house types, some minor reworking of residential boundaries and landscaping occurred, whilst materials were updated to reflect availability within the market. The



housing mix remained unaltered as a consequence of this development. Work on these phases is now well underway.

## Proposals

This application seeks approval of Reserved Matters for appearance, layout, scale and landscaping of a one form of entry (1FE) (210 pupil place, plus 26 place nursery) primary school (site area 10,903m<sup>2</sup>), which will cater for the initial phases of the residential development. An extension to the 1FE school is included, as part of this application, to convert the 1FE into a 2FE primary school (420 pupil places plus 26 place nursery), which will cater for the full roll out of the housing proposed (site area 4,208m<sup>2</sup>). This provision is covered by the abovementioned Section 106 Agreement and the Local Education Authority has commissioned delivery of the school, for a September 2022 opening. The school, whilst developed by Staffordshire County Council, will be operated by the John Taylor Multi Academy Trust.

The first phase of development will allow for the construction of the initial 1FE primary school and part of the overall landscaping proposal. The site strip, formation of new levels and the laying of the first phase playing field will be undertaken as the initial sequence, prior to the construction of the building, car park, hard play areas, site footpaths and soft landscaping works. Phase 2 includes a 1FE extension to form the 2FE School. Works will also include the remaining playing fields and works to expand the staff parking. As part of the phase 2 works a 610m<sup>2</sup> Multi-Use Games Area (MUGA) will also be created, to ensure compliance with BB103 for a 2FE primary school.

## Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Arboriculture and Landscaping
6. Biodiversity, Ecology and Impact upon the Cannock Chase SAC
7. Flood Risk and Drainage
8. Sustainability
9. Playing Pitches
10. Public Right of Way
11. Other Issues
12. Financial Considerations
13. Human Rights

### 1. Policy & Principle of Development

1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019, and the adopted (made) Fradley Neighbourhood Plan (2019).

1.2 The Local Plan Review: Preferred Options (2018-2040) was recently subject to its first public consultation exercise and therefore is yet to be adopted. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.

### Local Plan Policies

1.3 The Local Plan Strategy sets a strategic requirement to deliver a minimum of 10,030 dwellings during the plan period. Core Policy 1 of the Local Plan Strategy seeks to locate

new growth in sustainable settlements and identifies Fradley as being a key settlement to accommodate growth. This site is identified as forming part of the Fradley Strategic Development Allocation (SDA) within the Strategy, as illustrated on the Local Plan Strategy Policies Maps and Appendix E. Core Policy 6: Housing Delivery details that cumulatively, sites around the village are to provide for up to 1,250 homes. Policy Frad 4 of the Fradley Neighbourhood Plan advises that housing development will be focussed on this site, whilst Policy FRANP1 advises that development within the village's settlement boundary will be supported.

- 1.4 The SDA Concept Statement at Appendix E of the Local Plan Strategy sets out the infrastructure, which is required to be delivered within the Strategic Development Allocation, which includes the expansion of the existing St Stephens Primary school, which has already been implemented, and the provision of a further primary school, to include nursery provision within this SDA. The infrastructure requirements for the development, outlines the proposed increase in primary education provision, to enable a total of 3 form entry provision overall, to serve the village, including Early Years provision.
- 1.5 Paragraph 5.6 of the Fradley Neighbourhood Plan advises that, *"It is important that provision of new community facilities is made and in particular, that the opportunities to provide these as part of the new developments is taken"*.
- 1.6 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role –to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will consider how the proposed development fares in terms of these three strands of sustainable development.

- 1.7 Paragraph 94 of the NPPF advises that *"it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should*
- a) *give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*
  - b) *work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted"*.
- 1.8 Further guidance on the delivery of new schools has also been issued through the document 'Planning Policy – Planning for Schools Development', which states that *"the creation and*

*development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations". The document continues to advise that "Local Authorities should make full use of the planning powers to support state-funded schools".*

- 1.9 From the above identified local and national guidance, it is evident that there is strong support for the economic, environmental and social positive impacts, derived from the erection of a new school. In fact, the aforementioned planning policy document continues to advise that should Local Planning Authorities seek to refuse a planning application for a new school, the Secretary of State would consider such to be *"unreasonable conduct, unless supported by clear and cogent evidence"*.
- 1.10 It is noted that an extant and largely implemented outline approval exists for this site, with various phases of development that have been approved under the above noted reserved matters consents, now either fully or partially implemented.
- 1.11 The school is proposed to be located at an accessible location within the site, within close proximity to the southern vehicular access point into the wider estate. The school is set within a plot of sufficient scale to meet the requirements of the Education Authority and comply with the requirements of the S106 agreement, attached to the outline consent and therefore, meet the future needs of the existing and proposed surrounding community.
- 1.12 In terms of the point raised by the Parish Council regarding the location and scale of the school site, it is confirmed that this location remains as detailed within the approved Masterplan for the development. Thus, in light of the above national and local planning policies and the extant outline permission for the development, it is evident that the erection of a school within this location, is considered to be acceptable, unless there is clear and cogent evidence of significant harm derived from other material considerations, which are discussed below.

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

- 2.1 The area surrounding the site has a residential character established by the housing estate, located to the northern boundary of the site, which has been erected in the past few years. The character to the south of the site is in stark contrast, where large scale storage and distribution buildings are in evidence.
- 2.2 Local Plan Strategy Core Policy 14 states that *"the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment"*.
- 2.3 The NPPF (Section 12) advises that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*. The document continues to state that *"permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"*.
- 2.4 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.

- 2.5 The NPPG has recently been amended to state that *“the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”*. In addition, the recently published National Model Design Code sets out clear design parameters to help local planning authorities and communities decide what good quality design looks like in their area.
- 2.6 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 2.7 Policy FRANP6 of the Fradley Neighbourhood Plan advises that new development should contribute towards local distinctiveness, demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design.
- 2.8 Prior to the submission of the first reserved matters application for this site, Bellway Homes were required to submit a Masterplan, Design Code Document and Landscape Management Plan, in order to discharge associated planning conditions, attached to the outline consent. These documents remain an important consideration when determining the landscape character, design and visual impact of this development of surrounding residential development, but did not specifically comment upon the architectural style of the primary school.

#### Siting

- 2.9 The school building has been sited so as to be located 9.5 metres to the rear of the carriageway edge. This is broadly reflective of the setback evidenced by the dwellings opposite, which allows for a sense of openness to this transport route. As such, the application has had suitable regard to its context, ensuring it will integrate into the pattern of development within the area. In addition, the building has been located within the site to form a visual end point to the neighbouring open space boulevard, forming a node within the wider development, thereby aiding with wayfinding and complying with good urban design practice.

#### Massing

- 2.10 The school will be predominately two stories, achieving a maximum height of 8.1 metres. For context, the surrounding residential development, includes dwellings, which vary in height between 7.6 metres and 11.9 metres. Thus, in pure height terms, the structure will integrate appropriately into the character of the area. However, the building will have an inherently greater mass than the surrounding dwellings; achieving a width adjacent to the highway of some 9 metres; which includes the conjoined blocks of the housing to the north east corner of the site.
- 2.11 In order to lessen the visual bulk of the school, the elevational treatments utilised, will seek to clearly separate the teaching space block from the school hall and kitchen block. Such will be achieved by emphasising the height differences, inclusion of more glazing and the use of a conceptual pattern within the render, to represent the historic layout of the runways that were once on the site. The two storey teaching block will also be recessed at ground floor, so that the first-floor flies over, creating a shadow line. The mass and scale will be further broken up by the irregular pattern of the portrait window configuration.
- 2.12 The development has also actively sought to use the lowest ground level within the site, to site the building, so that it will appear less intrusive at road level and to the adjacent properties. This will also afford level access to the main entrance from the street.

## Appearance

- 2.13 The surrounding houses forming the new development are being constructed as a low density housing scheme, with traditional domestic forms and detailing. In order to create a contrast with the housing, and to indicate a different building type, the new school will be constructed using a palette of modern materials and features. The roofs will be low-pitched mono or dual-pitch with a covering of Alwitra Evalon roofing or similar finishing at the louvered perimeter walls, thereby providing visual contrast to the roofing vernacular in the area.
- 2.14 In terms of external wall finishes, the hall will be treated as a separate unit with a glazed frontage (half height) that overlaps and links with main entrance glazing. The remainder will be clad in a render finish, with a conceptual pattern marked out in steel bars to denote the previous runway layout. A heather or brindle clay facing brick is proposed for the extension to be undertaken within phase 2, as this will form a contrast with the original building and make evident the break between the old and the new. The single storey kitchen and plant room, which will be constructed as part of phase one, will be finished with this same brick. The main teaching block has been designed with taller, narrower windows, which are staggered to form an irregular pattern, thereby adding visual interest to the elevation.
- 2.15 External doors and windows will be framed with polyester powder coated aluminium sections in a very light metallic grey. The main entrance will be emphasised by a translucent canopy, which will be repeated for the early years' canopy to the rear. Integral film and recessed windows will provide solar shading, in order to reduce solar heat gain to the interior of the building.
- 2.16 The appearance of the building's elevations as a whole are rather utilitarian, given the architectural style utilised, which has resulted in rather plain rectangular box structure. There are also two rather blank brick elevations (north east and south west) with little to relieve the monotony of these façades other than window and door openings. It is noted that key components of the building have however had greater design consideration to improve their appearance. Thus, for instance, the main entrance, which will be located immediately opposite to the linear open space, which serves the surrounding housing development, is framed by a projecting canopy whilst the sports hall evidences larger scale openings and the use of render and steel detailing, which will elevate its appearance above the remainder of the structure, with the replication of the former runways depiction, adding texture and interest to the public street scene. Overall, whilst the building lacks the fine detail necessary to ensure a stand-alone building of architectural merit, it is appropriate to its context, given the nature of the surrounding housing estate and wider environment, and subject to conditions to secure the submission and approval of the materials, yet to be fully specified and the set back of windows within the openings, in order to create shadow lines within the elevations, the school building is considered acceptable and compliant with the requirements of the Development Plan and National Planning Guidance in this regard.
- 2.17 The visual appearance of the MUGA will complement its future setting, whilst the fences proposed to be erected throughout the site are acceptable, with a mixture of paladin style fencing to the MUGA, mesh and timber fencing proposed, which will be finished, where appropriate, in a dark green colour. The provision of these boundary treatments, prior to the first use of the site, will be secured via the use of a condition.
- 2.18 It is noted that the block plan identifies that a sprinkler tank is to be installed to the front of the site. Within this area, it is also proposed to house a pump house and bin store. Given the nature of the structures proposed therefore, screening of this area, especially, given its prominence both within the site and the resultant street scene is necessary. The applicant has proposed that this be undertaken through the erection of a 2.7 m high brick wall, with landscaping to its fore to soften the appearance of such. The suitability of these mitigation

measures have been considered by the Council's Urban Design Manager and considered to be adequate to limit any visual harm. As such, subject to a condition to require the erection of the wall prior to first use of these plant structures and the submission of further details of the plant itself, this area is considered to be visually acceptable.

- 2.19 The development will have an acceptable impact upon the character and appearance of this site and future street scene and as such, is compliant in this regard, with the requirements of the Development Plan and the NPPF.

### 3. Residential Amenity

- 3.1 Paragraph 170 of the NPPF advises that planning decision should enhance the environment through *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality”*.

- 3.2 The application has been accompanied by a Noise Report. The report identifies that in order to protect the reasonable amenity of surrounding neighbouring residents, the building will have to be erected utilising suitable building practices and the fencing to the MUGA, erected with noise cancelling fixtures. The report has been considered to be sound by the Council's Environmental Health officer and therefore, subject to a conditions, to ensure that the development be undertaken in accordance with the recommendations of the report, and that the use of the MUGA is restricted to the school only, it is considered that the development complies with the requirements in this regard of the Development Plan and the NPPF.

- 3.3 The application also includes a lighting scheme, which shows 6m high column-mounted LED luminaires with zero upward light will be provided offset from the perimeter of the building, along the access road and also the footpaths and the car park. Columns will not face adjacent properties. The route from the street to the building to be illuminated by 6m high column. LED uplighters will be provided to the soffit of the entrance canopy. Once more, the suitability of this scheme has been considered by the Council's Environmental Health Team and no concerns have been raised and therefore, this element of the scheme is also considered to be compliant with the requirements of the Development Plan and NPPF in this regard.

- 3.4 The Council's Sustainable Design Supplementary Planning Document sets out a minimum distance of 21 metres to which facing habitable windows should be separated and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.

- 3.5 The SPD also requires that in order to prevent any overbearing impact upon existing property, that there should a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.

- 3.6 Whilst the above separation distances are established for residential development, they do provide indicative appropriate distances to ensure that new built form, does not adversely impact upon the amenity of existing residents, thorough consideration of overlooking. In this case, it is noted that the school will be located approximately 42 metres from the nearest neighboring dwelling, to the east. Given the above assessment, it is apparent that the development would not have an adverse impact upon the amenity of existing and future residents and therefore the development complies with the requirements of the Development Plan and NPPF in this regard.

- 3.7 Other amenity matters such as air quality, contaminated land and water pollution have been considered and addressed at the outline stage and as such, should not be reconsidered as part of this determination process.
4. Access and Highway Safety
- 4.1 Means of access into the wider application site was granted planning permission at the Outline stage. The Outline application included a detailed Transport Assessment, which examined the impact of the development on the highway network. The Transport Assessment and its findings were found acceptable by Staffordshire County Council (Highways) and Highways England, whilst the points of access necessary to access the wider development, have been found to be acceptable.
- 4.2 Therefore, the main consideration of this Reserved Matters application is whether the vehicular and pedestrian accesses to serve the proposal are useable and safe. A single vehicular access and egress point will be provided, the location of which, from the adjacent estate road, has been dictated by the topography of the site, an already installed drop kerb and its relationship with the new roads constructed as part of the overall development.
- 4.3 Access to the site for the emergency services will be via the main vehicular access from the highway. The vehicle route is sufficient to allow access from and egress onto the highway by fire appliances. The vehicular route will also be sufficient to access the outdoor hard PE area.
- 4.4 The suitability of the access has been assessed by Staffordshire County Council Highways, who have raised no objections to the proposal, subject to a number of reasonable, necessary and enforceable conditions, requiring that prior to the first use of the school, the parking bays and turning and servicing areas, be provided in accordance with the approved details. A potential concern is also raised regarding the location of an off-site tree. Given the location of the tree falls outside of the application site, a condition to require the relocation of such, as part of this application, is not possible. This matter can however be addressed by the Highways Authority under the s278 approval for the wider estate. A note to applicant is however recommended to highlight the issue.
- 4.5 The Highways Authority also recommended off-site traffic management details, comprising new zig-zag lines, as shown on the approved plans to be implemented. Such works will need to be secured via a Traffic Regulation Order rather than through the planning process and as such, rather than a condition, a note to applicant to this effect is proposed. Subject to compliance with the abovementioned conditions, it is advised that the proposals are consistent in this regard with local and national policy, including the requirements of Core Policy 5 and Policies IP1, ST1, ST2 of the Local Plan Strategy.

#### Car Parking

- 4.6 Policy ST2 of the Local Plan Strategy requires that appropriate provision is made for off street car parking in development proposals, in accordance with maximum car parking standards set out in the Sustainable Design Supplementary Planning Document (SPD). Appendix D of the Sustainable Design SPD states that for school development, there should be a maximum of 1 space per member of staff. For nursery accommodation, the requirement is for 1.5 spaces per 2 full time staff, plus 1 drop off space per 10 children.
- 4.7 Paragraph 8.1 of the Fradley Neighbourhood Plan states that *“In terms of trying to positively influence future patterns of movement into and around Fradley,... the Neighbourhood Plan seeks to focus on making improvements for pedestrians and cyclists in order to encourage more walking and cycling from all the residential areas”*. Such is envisaged to be achieved through *“Providing genuine alternatives to the private car as a means of accessing key shops and services”*, whilst there is a target to facilitate *“less congestion at busy times by*

*encouraging children walking to and from school and people walking to the shops rather than 'jumping in the car' for a short journey”.*

- 4.8 The applicant advises that the school will provide 20 FTE and 5 PTE jobs when Phase 1 of the project is complete. Upon completion of phase 2 of the scheme it is envisaged that approximately 45 FTE staff will be employed within the site.
- 4.9 Within phase 1, 29 parking bays will be provided, of which, 3 will be designated for users with disabilities. The 3 parking bays designated for people with disabilities; constitutes 10% of the dedicated proposed parking provision for the site. The outdoor hard PE area will be designated as an overflow car park for use during school activities i.e. parent' evening. Included within the phase 2 works will be the expansion of the staff car park. The car park will be expanded to 38 parking bays, with the existing 3 bays for users with disabilities remaining. This will equate to 7% of the parking bays being designated for users with disabilities.
- 4.10 The parking bays within the site all comply in terms of scale, being 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the aforementioned SPD, as do the disabled bays.
- 4.11 The level of onsite car parking provision is therefore near to the maximum figures identified within the Council's guidance, but given the residential nature of the surrounding area, such is considered to be suitable in this instance, in order to ensure sufficient supply to meet demand. Thus, subject to the application and compliance with the condition recommended by the Highway Authority for the bays to be supplied prior to the first use of the school, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

#### Cycle Parking

- 4.12 The abovementioned SPD requires that for this development type, for cycle parking, there be 1 space per 2 staff members for the Primary School and a further 1 space per 1 staff member for the nursery. The provision proposed for within this site will offer 45 secure and weatherproof cycle parking bays, which is in excess of the required level. However, the Council's standards do not take into account the needs of attending pupils, who should be encouraged to access the site via sustainable transport means, including bikes and scooters. As such, the scale of this facility is considered to be appropriate and is therefore, recommended to be secured via condition, prior to the first use of the development. Subject to the application and compliance with such a condition, the proposal is considered to comply with the requirements of the Development Plan and NPPF in this regard.
- 4.13 in terms of further sustainable transport options, it is noted that the s106 agreement for the outline consent requires a contribution towards the provision of a bus service through the village and this housing estate, thereby improving the sustainable transport options to access this site. It is likely, given the scale of the surrounding residential development that, most children who attend this facility will come from the immediate surrounding area, further diminishing the need for car travel.

#### Drop-Off Facility

- 4.14 With reference to the Parish Council's request for a school drop off facility, either within or adjacent to the application site, it is Staffordshire County Council's policy that no vehicular parent/child pick up and drop off points be provided within the curtilage of school sites. Four key motivations for this policy are provided:

i. Concerns pupil safety in car parking areas/ laybys to the front of schools and the school's duty of care towards its pupils.



Largely a matter for risk assessment, but anecdotal evidence suggests that many schools now choose to limit access to their car parks to staff and visitors only. This ensures that pedestrian routes for pupils into the school avoid crossing vehicular access routes, minimising congestion and reducing the risk of accidents. Regulation 17 of the Workplace (Health, Safety and Welfare) Regulations 1992 states that every workplace “*shall be organised in such a way that pedestrians and vehicles can circulate in a safe manner*”. Pedestrians, including pupils and their parents, and vehicles must therefore be kept separate.

ii. Public liability implications and insurance demands.

If a child or other person is accidentally injured by a member of staff or visitor driving in a school car park, the driver would be held responsible in the ordinary way if, by lack of reasonable care, injuries were caused to another person. However, it may be difficult to identify who is responsible for and bears the cost of maintaining an unadopted road (including a car park on the school site). It may also be difficult to identify who would be subject to a claim, if any persons are injured on a school car park. This may be particularly challenging with a parental drop-off car park area situated within a school site.

Furthermore, the County Council may be providing the school, funded via S106 contributions, but the school will be opened and ran by an Academy Sponsor (with the school site leased to the Academy Sponsor by the County Council). With this in mind, it is likely that the Academy Sponsor may choose to avoid the risk of the described public liability implications and insurance demands by simply closing the gates, thus restricting or preventing parental vehicular access onto the school site.

iii. To encourage balanced and sustainable travel to school.

The proposed new school will be serving the consented housing locally. Safe walking routes and sustainable travel to school will be addressed through the Modeshift STARS (Sustainable Travel Accreditation and Recognition for Schools) Scheme to be adopted by the new school. The location of the school maximises the opportunity for pupils to travel to school by sustainable modes from the new and existing residential area, reducing the potential requirement for car travel and bringing attendant health benefits.

iv. The school site is not big enough to support a parental drop off car park.

The school site is required as a minimum to meet Building Bulletin 103 guidelines. The area requirements are to accommodate all site wide functions of a school, there is no provision for additional vehicular accommodation as BB103 suggests a percentage area for non-curriculum use [float] which is adhered to.

4.15 Given the above arguments, it is considered that a drop off facility is not required for this development. In fact to provide such would encourage vehicular traffic, thereby making the scheme contrary to the guidance of the Local Plan Strategy, Fradley Neighbourhood Plan and NPPF. In addition, in terms of one of the potential locations for this facility, as proposed by the Parish Council, within the neighbouring residential site, such is not reasonable or necessary, given that the applicant has no control over this site and such is proposed to be developed for housing.

4.16 In terms of the other requests of the highway authority, as yet to be considered within this report, the request for a Travel Plan for the school is noted and considered reasonable, as in theory is the requested monitoring sum. However, the vehicle for securing such legal agreement would have been the outline consent and its associated s106 agreement (indeed a residential Travel Plan was secured within this document). It would not now be reasonable to seek to secure such an additional agreement, when this application simply seeks to agree

the details of the scheme, rather than matters of principle. It is noted however, as discussed above that the School will adopt a Modeshift STARS (Sustainable Travel Accreditation and Recognition for Schools) Scheme, which will perform a similar function to the recommended Travel Plan.

- 4.17 Given the above assessment it is considered that the design of the proposal, in terms of its' highway impact and sustainable travel proposals is acceptable being compliant with the requirements of the Development Plan and NPPF in this regard.

5. Arboriculture and Landscaping

- 5.1 Policy NR4 of the Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained unless their removal is necessary. The Council's Supplementary Planning Document Trees, Landscaping and Development provides guidance on how to successfully integrate existing trees into the development and integrate new planting into a scheme to ensure its long term retention. The document also requires that a development site provide 20% canopy cover when trees mature.

- 5.2 Policy FRANP8 states that "*Development should not result in the net loss of biodiversity or green infrastructure, including hedgerows*".

- 5.3 The site has been cleared of vegetation. There are however a number of self-set trees within the bunded area, to the south of the site. A revised landscaping scheme has been submitted to address the concerns that were the Council's Arboriculture officer; who has subsequently confirmed they now raise no objections. A condition is recommended to secure the planting of the revised landscape scheme within a suitable timeframe, along with further conditions to secure its retention for a reasonable period, after completion of the development. Subject to these conditions, it is considered that the development complies with the requirements of the Development Plan and NPPF in this regard.

6. Biodiversity, Ecology and impact upon the Cannock Chase SAC

- 6.1 *The Wildlife and Countryside Act (as amended) 1981* covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). *The Conservation (Natural Habitats, &c.) Regulations 1994* implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. *The Countryside and Rights of Way (CROW) Act 2000* compels all government departments to have regard for biodiversity when carrying out their functions. Finally, *The Protection of Badgers Act 1992* consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

- 6.2 There are no habitats of value identified within the application site, given its use for several years as a base of construction and as such, no potential for impact upon protected species. Thus no new survey work is required.

- 6.3 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant EU obligations and statutory requirements*" (Paragraph 2 of NPPF) and the requirement, under paragraph 170 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable 20% net-gain to biodiversity value, is also made a requirement of all developments within Lichfield District

under Policy NR3 of the Lichfield District Local Plan Strategy, which feeds into the Council's Biodiversity and Development SPD. Such accords with the requirements of Paragraph 175 of the NPPF, which states *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

- 6.4 Net gain to biodiversity for this site has been agreed and secured, via the outline consent (condition 24), wherein this will largely be secured through the delivery of habitats within the POS. It should be noted however that as part of this scheme a 230m<sup>2</sup> nature area is proposed to the rear of the site, which will offer further biodiversity value to the site, above that required by condition. Thus, the development complies with the requirements of Local Plan Strategy Policy NR3, the Biodiversity and Development SPD, Policy FRANP8 of the Fradley Neighbourhood Plan and the NPPF in this regard.
- 6.5 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, of the impact of the development on any nearby Special Area of Conservation (SAC). Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the LPA have screened out the need for a Habitats Regulation Assessment. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.
- 6.6 The site also lies within the 5km catchment area for the River Mease SAC. The site is however outside of the drainage catchment for this area and therefore the need for further assessment of the scheme's impact has been screened out, prior to Appropriate Assessment.
- 6.7 On the basis of the above, it is concluded that the LPA has met its requirements as the competent authority, as required by the abovementioned Regulations.

## 7. Flood Risk and Drainage

- 7.1 The site lies within Flood Zone 1 as identified by the Environment Agency.
- 7.2 Condition 11 of the outline consent required the submission and approval, prior to the submission of a reserved matters application, of details relating to a surface water drainage scheme. These details have been agreed for the wider site with the Local Flood Risk Team. The approved drainage scheme has been designed to accommodate the foul and storm water discharge from the proposed school, with storm water discharge into the sewer network, restricted to the greenfield rates. Furthermore, condition 21 of the outline approval details the need for the development to comply with the requirements of the approved Flood Risk Assessment.
- 7.3 In terms of the specific in-site drainage details, such in terms of surface water will be addressed directly with the LLFA through a memorandum of understanding and for foul drainage is recommended to be addressed via the use of a condition to secure the submission of further details at a later date, when such is available.
- 7.4 Overall, it is considered that the flood risk and drainage matters within this site have been adequately addressed as part of this reserved matters application, the recent permission for a balancing pond, the previous outline condition discharge and compliance and the site specific drainage details provided with this application and as such, the development will comply with the requirements of the Development Plan and NPPF in this regard.

## 8. Sustainability

- 8.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the Council's requirements in respect of carbon reduction targets and requires that major non-residential schemes should achieve BREEAM Excellent standard.
- 8.2 Schedule 7 of the Section 106 agreement for the outline consent requires that the school be delivered to BREEAM 'Very Good' Standard, as was the required by then emerging Policy SC1, at the time of the application's determination. It is not considered necessary to reiterate this requirement, as part of this decision notice, although a note to applicant is recommended. The development's compliance with the requirements of the s106, will therefore ensure that the proposal accords with the Development Plan and NPPF in this regard.
9. Playing Pitches
- 9.1 Core Policy 11 of the Local Plan Strategy seeks to encourage, protect and enhance existing sports facilities. Paragraph 96 of the NPPF also recognizes the importance of playing fields to the wellbeing of a community.
- 9.2 The play offer within the school will not be open to the wider area, but the suitability of the provision offered has been considered by Sport England, who, following the receipt of revised plans during the application process, offer support to both of the design of the MUGA and the playing field layout, given, with reference to the latter, the playing pitch dimensions (inclusive of run off) are now in accordance with the FA's recommended pitch dimension requirements and that the pitches will be constructed in accordance with Sport England's Natural Turf for Sport guidance. Thus, given this advice, it is concluded that the scheme will comply with the requirements of the Development Plan and NPPF in this regard.
10. Public Rights of Way
- 10.1 Public Footpath 43 Fradley runs to the southern edge of the site. This development is unlikely to impact upon the route of this footpath, with no works identified within this area. An informative however is recommended to advise the applicant of the need to ensure that this route remains available during the course of development and should any diversion or closure be required, then the appropriate application route through which, such can be secured.
11. Other Issues
- 11.1 A number of other material planning considerations applicable to this application have been fully considered as part of the outline consent for the site. For instance, archaeological matters have been addressed via condition 10 of the outline permission.
- 11.2 Matters relating to good urban design practice specific to waste collection, designing out crime and fire safety, provided by relevant consultees is recommended to be brought to attention of the applicant, via the use of notes to applicant.
12. Financial Considerations
- 12.1 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including for local companies, in the construction industry during construction and once complete offer on-going employment opportunities.
13. Human Rights

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

## **Conclusion**

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, environmentally, the principle of developing this site has been established by the grant of Outline planning permission. With regard to the specifics of design and layout, the application provides a scheme, which will integrate successfully with the adjacent approved reserved matters application and surrounding existing built form. The access into the site and parking provision have been determined to be acceptable by the Highways Authority and comply Development Plan policies. Economically, the development will aid in the promotion of a large scale building project and offer a key community facility for the wider community. Lastly, socially the development will not adversely impact upon the amenity of existing or future residents and will form part of a wider project to provide additional housing to serve the needs of existing and future generations. Therefore, it is recommended that this application be approved, subject to conditions, as detailed above.

# LOCATION PLAN

20/01443/REMM  
Land at Fradley Park  
Halifax Avenue  
Fradley

Scale: 1:4,000

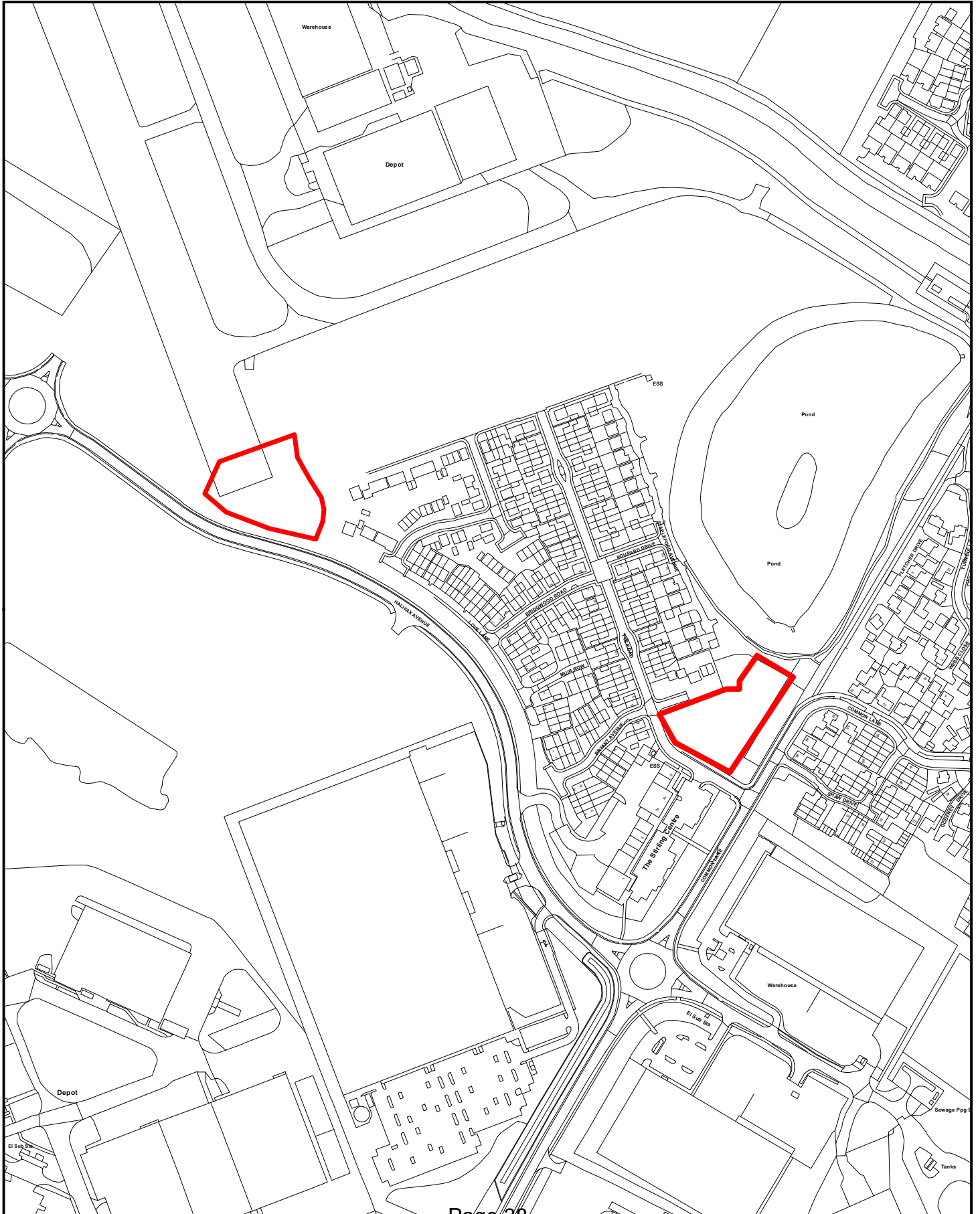
Dated: May 2021

Drawn By:

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## 20/01443/REMM

**Application for approval of Reserved Matters for appearance, layout, scale and landscaping of 35 dwellings (Phases 1 and 2) and associated works  
Land at Fradley Park, Halifax Avenue, Fradley, Lichfield  
FOR Bellway Homes Ltd**

Registered **14/10/2020**

**Parish: Fradley and Streethay**

**Note:** This application is being reported to the Planning Committee, due to significant planning objections raised by Fradley and Streethay Parish Council and also due to a call-in request from Cllr Mike Wilcox.

The concerns raised by the Parish Council are summarised as follows:

- The development fails to deliver sufficient infrastructure, especially when compared against other similarly sized developments within the area. The affordable housing provision across the site stands at 13%, falling way short of the District Council's aim of 40% and less than other nearby developments, which have provided up to 30%.
- With reference to Area A, although it is not designated Public Open Space, it has provided an area of green space, which has been used and enjoyed by residents of Fradley. The area was designated for a Public House, which would provide a community facility, long requested by residents. The dwellings offer unnecessary infill, whilst the marketing report provides insufficient evidence to demonstrate that such a facility cannot be delivered on this site. The report continues to state that there is a lack of commercial interest, due to the size of the area, but this has been restricted by the developers themselves. The area should remain as community open space until such time as a community facility can be constructed.
- Area B should remain as part of the school site, as originally planned by the outline consent, for the development. This could provide relief to traffic congestion in the school area, through the creation of a drop off area or be used to facilitate expansion of the school. This would allow for the school to accommodate further pupils.

The concerns of Cllr Mike Wilcox are summarised as follows:

- Impacts upon ecology- will result in a loss of habitat for local flora and fauna, which cannot be made up elsewhere on the site.
- Planning policy contravention, due to lack of a community facilities and impact on sustainability.
- Impact on residential amenity- residents on the Sheasby Estate enjoy this landscaped area at the entrance to the site and any development other than a community facility would let the residents of Sheasby Park down and the whole Village, who have had to endure years of construction.

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

### **CONDITIONS**

1. This approval of Reserved Matters is granted in respect of Outline permission 10/01498/OUTMEI and the development hereby approved shall comply in all respects with the terms of that permission and the conditions imposed on it.

2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

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

- 3: Notwithstanding the document approved under condition 9 of the outline permission 10/01498/OUTMEI, before the development hereby approved is commenced, a Construction Environmental Management Plan for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall:
  - i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
  - ii) Specify the delivery and working times;
  - iii) Specify the types of vehicles;
  - iv) Specify noise, air quality and dust control;
  - v) Specify the management and routing of construction traffic;
  - vi) Provide details for the parking of vehicles of site operatives and visitors and wheel washing facilities;
  - vii) Provide for the loading and unloading of plant and materials;
  - viii) Provide for temporary trespass proof fencing adjacent to the railway;
  - ix) Provide for the storage of plant and materials used in constructing the development; and,
  - x) Provide details for any restoration of the site.

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

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

4. The external materials hereby approved and indicated on the Materials Layout Drawing Numbers MAT-FP-B-01-B and MAT-FP-A-01-B shall be implemented in full accordance with the approved plans.
5. The approved means of access, turning and parking areas identified on plans reference AAH5301 8102 Revision P01.03 and AAH5301 8104 Revision P01.04 E shall be provided in a bound material, prior to the first occupation of each respective unit. The parking and turning areas shall thereafter be maintained for the life of the development.
6. The boundary treatments shall be implemented in accordance with the approved details, as identified on plans, reference BT-FP-A-01-A and BT-FP-B-01-A, prior to the first occupation of the dwelling the respective boundary treatment is to serve and, thereafter shall be retained for the life of the development.
7. The landscape and planting scheme hereby approved shall be implemented in accordance with the approved plans 15-100-13D and 15-100-14C within the first two planting seasons (October – March inclusive) from first occupancy of any dwelling within the development.
8. The foul and surface water drainage scheme, identified within the document titled 'Flood Risk and Drainage Strategy', reference 16067, shall be implemented in full accordance with the approved details, before the first occupancy of any of the dwellings within the development.



9. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, 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.
10. No trees, shrubs or hedgerows planted or retained as part of the approved landscaping and planting scheme, shall be topped, lopped or cut down without the prior consent in writing of the Local Planning Authority.
11. Before the first occupation of the dwelling to which it relates, where such is not served by a garage, a shed shall be erected in the rear garden, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and, thereafter shall be retained for the life of the development.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting the Order with or without modification), the garage accommodation hereby approved, shall only be used for the garaging of private cars and for ancillary storage purposes, and shall not be used as additional living accommodation, without the prior written permission, on application, to the Local Planning Authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, no fences, walls or other means of enclosure shall be erected between any elevation of the proposed dwellings and any highway boundary or boundary to a private drive, without the prior written permission, on application to the Local Planning Authority.

#### **REASONS FOR CONDITIONS**

1. To safeguard the character and appearance of the area in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy and the National Planning Policy Framework.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
4. To safeguard the character and appearance of the area in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
5. To ensure that there is adequate parking provision to serve the development and in the interests of the safety and convenience of users of the highway, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, Policy FRANP13 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
6. To safeguard the character and appearance of the area and to protect the amenity of future residents, in accordance with the requirements of Policy BE1 and Core Policy 14 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

7. To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies BE1 and NR3 of the Local Plan Strategy, the Trees, Landscaping and Development and Biodiversity and Development Supplementary Planning Documents and the National Planning Policy Framework.
8. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution and protect controlled waters and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
9. To ensure that the landscaping scheme is appropriately retained in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
10. To ensure that the landscaping scheme is appropriately retained in accordance with the requirements of Policies BE1 and NR4 of the Local Plan Strategy, the Trees, Landscaping and Development Supplementary Planning Document and the National Planning Policy Framework.
11. To promote the use of sustainable modes of transportation in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
12. To ensure that there is adequate parking provision to serve the development in the interests of the safety and convenience of users of the highway, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, Policy FRANP13 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.
13. To ensure the satisfactory appearance of the development, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

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

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

4. The applicant is advised that during the course of development and operation of the permitted use no obstruction, prevention of use or diversion of the public footpath No. 43 Fradley and Streethay must occur.
5. The applicant is advised that any planning permission does not construe the right to divert, extinguish or obstruct any part of a public footpath. For further information the applicant is advised to read Section 7 of DEFRA's Rights of Way Circular (01/09). Should footpath No.43 Fradley and Streethay need to be diverted as part of these proposals, the applicant will need to apply to the Council under Section 257 of the Town and Country Planning Act 1990.
6. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 11<sup>th</sup> November 2020. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
7. The applicant is advised to note and act upon as necessary the comments of the Council's Waste Management Department dated 21<sup>st</sup> October 2020.
8. The applicant is advised to note and act upon as necessary the comments of the Staffordshire Fire & Rescue Service dated 21<sup>st</sup> October 2020.
9. The applicant is advised to note and act upon as necessary the comments of Western Power Distribution dated 21<sup>st</sup> October 2020.
10. The Council has sought a sustainable form of development, which complies with the provisions of paragraph 38 of the NPPF.

**Plans considered as part of this recommendation:**

AAH5301 8101 Revision P01.04  
 AAH5301 8102 Revision P01.03  
 AAH5301 8104 Revision P01.04  
 15-100-13D  
 15-100-14C  
 MAT-FP-B-01-B  
 MAT-FP-A-01-B  
 BT-FP-A-01-A  
 BT-FP-B-01-A  
 15117-SO8-2016-05-03-WM\_SO8\_PLAN\_03

**PLANNING POLICY**

**National Planning Policy**

National Planning Policy Framework  
 National Planning Practice Guidance  
 National Model Design Code  
 National Policy for Waste  
 National Design Guide  
 Manual for Streets

**Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
 Core Policy 2 – Presumption in Favour of Sustainable Development  
 Core Policy 3 – Delivering Sustainable Development  
 Core Policy 5 – Sustainable Transport

Core Policy 6 – Housing Delivery  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 13 – Our Natural Resources  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR5 – Natural & Historic Landscapes  
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development  
Policy Frad 1- Fradley Environment  
Policy Frad 2 – Fradley Services & Facilities  
Policy Frad 3 – Fradley Economy  
Policy Frad 4 – Fradley Housing

#### **Local Plan Allocations (Focussed Changes)**

Policy ST5: Road and Junction Improvements – Fradley  
Policy NR10: Cannock Chase Area of Outstanding Natural Beauty  
Policy BE2: Heritage Assets  
Policy F1: Fradley Housing Land Allocations

#### **Supplementary Planning Documents**

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

#### **Fradley Neighbourhood Plan**

Policy FRANP1: Fradley Village Settlement Boundaries  
Policy FRANP2: Existing Community Facilities  
Policy FRANP5: Provision of Play and Youth Facilities  
Policy FRANP6: Character and Design  
Policy FRANP8: Minimising the Landscape Impact of Development  
Policy FRANP11: Cycling, Walking and Disability Access Routes  
Policy FRANP12: Highway Capacity at Key Road Junctions  
Policy FRANP13: Residential Parking  
Policy FRANP14: Meeting the Housing and Care Needs of Older People

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

Strategic objective and priority 3: Climate Change  
Strategic objective and priority 4: Our Infrastructure  
Strategic objective and priority 5: Sustainable transport  
Strategic objective and priority 6: Meeting housing need  
Strategic objective and priority 7: Economic Prosperity  
Strategic objective and priority 8: Employment opportunities  
Strategic objective and priority 11: Healthy and safe lifestyles  
Strategic objective and priority 13: Natural resources

Strategic objective and priority 14: Built environment  
Strategic objective and priority 15: High quality development  
Strategic Policy OSS1: Presumption in favour of sustainable development  
Strategic Policy OSS2: Our spatial strategy  
Strategic Policy OSC1: Securing sustainable development  
Strategic Policy OSC2: Renewables and low carbon energy  
Strategic Policy OSC4: High quality design  
Strategic Policy OSC5: Flood risk, sustainable drainage & water quality  
Strategic Policy INF1: Delivering our infrastructure  
Strategic Policy OST1: Our sustainable transport  
Strategic Policy OST2: Sustainable travel  
Local Policy LP1OST: Parking provision  
Strategic Policy OHF1: Housing provision  
Strategic Policy OHF2: Providing a balanced housing market and optimising housing density  
Strategic Policy OHF4: Affordable housing  
Strategic Policy OEET1: Our employment and economic development  
Strategic Policy OEET2: Our centres  
Strategic Policy OHSC1: Healthy & safe communities  
Preferred Policy OSR2: Open space and recreation  
Strategic Policy OHSC2: Arts and culture  
Strategic Policy ONR2: Habitats and biodiversity  
Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation  
Strategic Policy ONR4: Green infrastructure and connectivity  
Local Policy FR1: Fradley environment  
Local Policy FR2: Fradley services and facilities  
Local Policy FR3: Fradley economy

#### **Other**

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018  
Draft Environment (Principles and Governance) Bill 2018  
Natural Environment and Rural Communities Act (2006)  
The Conservation (Natural Habitats, &c.) Regulations (1994)  
The Conservation of Habitats and Species Regulations (2017)  
The Countryside and Rights of Way (CRoW) Act 2000  
The Protection of Badgers Act 1992  
Defra Net Gain Consultation Proposals (2018)  
Lichfield Employment Land Review (2012)  
Staffordshire and Stoke on Trent Joint Waste Local Plan  
Staffordshire Residential Design Guide (2000)  
Housing and Planning Act (2016)  
Annual Monitoring Review (2020)  
Lichfield District Council Strategic Housing Land Availability Assessment (2016)  
Lichfield District Council Housing and Economic Needs Assessment (2019)  
Lichfield District Council Independent Living Study (Draft) (2019)  
Strategic Housing Marketing Assessment (2012)  
Providing for Journeys on Foot (2000)  
Urban Capacity Assessment  
Five Year Housing Land Supply Paper (2020)  
Water Framework Directive  
Lichfield District Economic Development Strategy  
Lichfield District Nature Recovery Network (2019)  
Staffordshire Historic Environment Record  
Statement of Community Involvement (2019)  
AONB Management Plan 2014-2019  
Active Design – Planning for Health and Wellbeing through Sport and Activity

Natural England’s approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)  
 Recreation to Cannock Chase SAC Report (2012)  
 Cannock Chase SAC – Planning Evidence Base Review (2017)  
 European Site Conservation Objectives for Cannock Chase SAC (2014)  
 Planning for Landscape Change – Staffordshire County Council (2000)  
 ‘A Hard Rain’ – Staffordshire County Council’s Corporate Climate Change Strategy (2005)  
 Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)  
 Climate Change Act (2008)  
 Lichfield District Council Air Quality Annual Status Report (2017)  
 Professional Practice Guidance on Planning and Noise: New Residential Development (2017)  
 Air Quality Management Guidance (2014)  
 Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (England) (2018)  
 Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning Protocol between Constituent Local Planning Authorities and the Cannock Chase AONB Joint Committee (2019)

### **RELEVANT PLANNING HISTORY**

10/01498/OUTMEI	Demolition of existing buildings and redevelopment of the site to provide up to 750 new homes, primary school, health centre, nursery, public house, public and private open space, car and cycle parking together with landscaping and associated servicing (all matters reserved except points of access)	Approved	09/10/2013
18/00481/REMM	Reserved matters application (appearance, landscaping, layout and scale) for the erection of 374 dwellings comprising 14no. 1 bedroom dwellings, 109no. 2 bedroom dwellings, 142no. 3 bedroom dwellings, 102no. 4 bedroom dwellings and 8no. 5 bedroom dwellings within phases 2, 3 and 4 pursuant to outline approval 10/01498/OUTMEI	Approved	03/04/2019
18/00481/AMD	Non-material amendment: Substitution of house types on plots 376-379	Refused	15/05/2019
18/00481/AMD1	Non Material Amendment: Substitution of house types on plots 376-379	Approved	15/07/2019
19/01399/REMM	Variation of conditions 2 (approved plans), 5 (External Materials), 8 (Boundary Treatments) and 10 (Landscaping Scheme) of permission 18/00481/REMM in relation to phase 3 of development and additional plans	Approved	06/08/2020
18/00481/AMD2	Non Material Amendment to allow change of approved bricks due to supply issues	Approved	21/02/2020
20/01439/REMM	Reserved matters application for the erection of a new two phased 2FE primary school with MUGA, football pitch, external landscaping, car parking and associated facilities		Undetermined

### **CONSULTATIONS**

**Fradley & Streethay Parish Council:** Object. The Sheasby Park Estate has not provided a community building nor any sports pitches. The school provision does not count as a community building. Other developments of a similar size have provided a school, community building, sports pitches, community garden as well as POS and playgrounds. By comparison there has been very little for Fradley from this development. The affordable housing may be 25% for this application, but Sheasby as a whole has only provided 13% affordable houses, falling way short of the LDC aim of 40% and less than other developments, which have provided up to 30% affordable homes.

Area A- Although the land may not be a designated Public Open Space it has provided green space, which has been used and enjoyed by residents of Fradley. The green entrance to Sheasby estate has provided visual amenity to neighbouring properties and users of the adjacent shopping facilities. The area was designated for a Public House, which would provide a community facility, long requested by residents. The marketing report does not state the asking price for the land and whether the resistance to development for licenced premises was in any way influenced by the price set by the developers. The report says there was resistance to development, due to the size of the area made available, but this was restricted by the developers.

All other concerns remain and the development of housing proposed on this site remains opposed.

Area B- Aware that Staffordshire County Council do not support a pickup and drop area within the school premises. The Parish Council are not seeking a drop off zone within the school but separate to it. On the Hay End Lane development, for example, the developers are providing such a zone for the use of St Stephens School, with the support of Staffordshire County Council and the Parish Council. Traffic congestion near to school premises will be a future issue and therefore are seeking to prevent these problems now. The previous comments made still stand (18/11/2020).

**Previous Comments:** Object. There is a significant lack of community infrastructure provision for the residents of Fradley. The chart below indicates the number of consented and proposed developments in Fradley, since the Sheasby Park outline consent was first lodged. There are approximately 1600 new homes built or in construction and the amenities provided are set out. The residents have been led to believe that they would receive health facilities and a public house. Neither of which have been provided.

Development site	Local Plan allocation? (Y/N)	No. of dwgs	Community infrastructure provided	Public green space provided
Sheasby Park	Y	590	NONE	Trim Trail NEAP
Sheasby Park	Y	350	NONE	NO 'useful' POS
Brookfield	Y	69	NONE	Play area
Bridge Farm	Y	63	NONE	Play area
Hay End Lane	Y	250	Car park for school	2x football pitches LEAP
Canalside	N	184	Community hub	NO 'useful' POS
Horner Ave	N	115	NONE	NO 'useful' POS

It is noted that a community hub is proposed for Canalside but this is a shop, a café and potentially a community space. The area is some way out of the centre of the village and designed for residents 55 years and over. There is to be some type of health facility but the exact nature is not known. This is precious little for this community given such a huge increase in residents in what was once a very small rural village.

This lack of community infrastructure is not in line with either the Local Plan Vision for Fradley (*"New sports and community facilities will be incorporated to offer people the opportunity to have a social meeting point which will encourage the integration of existing and new residents within the area to help support a greater sense of community"*) or Policy Frad2 (*"Initiatives to improve existing facilities or proposals to provide a range of new facilities and social infrastructure will be supported"*) and *"Opportunities to provide a sports/social club and associated sports facilities should also be explored"*.

Area A - The approximately 0.43ha area, although originally allocated for a Public House, was planted with shrub beds and wild flowers and has provided a green entrance to the development and provided a welcome green amenity for the residents of Sheasby Park and surrounding area and those visiting the neighbouring Stirling Centre.

There will be a loss of habitat for local flora and fauna, which cannot be made up elsewhere on the site, as it has been largely developed. Such is contrary to the requirements of Policy FRANP8 of the Fradley Neighbourhood Plan.

Residents have long requested a public house within the village centre. The Fradley Neighbourhood Plan evidence base, which included 2 village-wide questionnaires, showed that 79% of respondents would like to see an 'accessible' pub in the village and 67% of respondents said that the best location would be near the Stirling Centre. 47% of respondents said they would use the pub weekly and 23% of respondents said that they would be interested in running a community pub. It has always been the vision of the residents and Parish Council that there would be a community facility, including a pub on this land, which is supported by the requirements of Neighbourhood Plan Policy FRANP9. The developer has not sufficiently demonstrated that this is not deliverable. The promises set out in early documents produced to engage the Fradley residents and entice buyers to the new housing, should be delivered to the community, to ensure confidence in the housing developers on this and other phases of development and confidence in the planning system as a whole.

The marketing report states that the site has been marketed but there have been no interested purchasers. The report says there is another public house, the Fradley Arms 500m away. This is very difficult to access on foot by residents of Fradley, due to its location on the other side of the major trunk road A38. It can be accessed by car but only from the southbound carriageway of the A38. The distance to travel by car is in fact 4 miles and on foot 2.7 miles from the entrance to this estate to the Fradley Arms.

The marketing report contains the particulars for sale of the site as a public house. The area marketed was 0.7 acres and the report indicates that major pub chains reported the site was too small. The area in this application for housing is reported as being 0.43 hectares or 1.062 acres. There is no explanation as to this disparity of the site size. The size of this site is in fact very similar to that of the Saxon Penny Public House built on the Darwin Park development in Lichfield. On checking marketing information for other public houses for sale in Staffordshire only those offering accommodation are on a site larger than this.

The marketing report gives no indication as to the asking price for the site and whether the price was a deterring factor. The sales particulars refer to the location being set in the industrial/warehouse uses of Fradley Park, but make no mention not only of the long-established housing development opposite the site, nor the number of additional new consented homes in Fradley being built commencing in 2020.

The marketing report makes much of the impact of Covid 19 upon the hospitality industry, but this property was withdrawn from the market in March 2020, before the effects of the pandemic and there is no data yet for the effects on the hospitality industry, due to international travel bans and more people working from home. The marketing report is therefore incomplete and misleading and not a sound basis for accepting that a public house or other community amenity is not saleable on this site.

The proposed development is for 12 dwellings with three new accesses onto Tye Road, near the entrance to the Stirling centre, which is a busy shopping centre, generating a lot of traffic at peak times. Tye Road is also the main entrance onto the Sheasby Park estate. The additional driveways onto the road may cause traffic hazard to the occupants of the properties and those visiting the estate and Stirling centre shops.



Area B- This application proposes 23 houses adjacent to the school site. Schools generate heavy traffic twice a day as parents and care givers take children to and from school, resulting in traffic congestion and short-term parking problems. The current school area and design does not make provision for a pick up and drop off point for school children outside of the school premises. A small reduction in the housing to provide a loop for stop and drop off would greatly enhance the amenity of the area and avoid future conflicts. It would also make other properties more desirable as parking problems can be a big detraction from living near a school. As such therefore recommend that this proposal and the school application, should be considered together.

Area B should remain part of the school site to allow for expansion to accommodate the further development envisaged in application 17/00686/OUTM which was approved for 350 houses and is still pending S106 agreement approval (06/01/2021).

**Spatial Policy and Delivery Team:** Object. The application falls within an identified area for development and the site has been allocated within the approved masterplan for a public house. The proposal, given it will result in the loss of the public house, cannot therefore be supported, as it is contrary to the Local Plan Strategy, notably the concept statement for the Fradley SDA, as well as the Fradley Neighbourhood plan. Furthermore, the housing mix is not supported, given the significant over provision of four plus dwellings on site, when compared to the indicative housing mix, as set out in Table 8.1 of the Local Plan Strategy (10/11/2020).

**Economic Development Officer – LDC:** The marketing report provides a substantial analysis of the leisure sector's performance over the last five years, focusing on other aspects of the commercial property market as well. The public house development opportunity has been promoted heavily using physical and digital marketing, with the majority of interested parties acknowledging that the site is too small for a public house (in respect of national and regional operators) and the local catchment area being too low (with a large industrial estate being in close proximity).

The queries received on alternative use for the site in respect of storage space won't utilise the land or provide a community benefit for the local residents.

As highlighted within the marketing report, the leisure sector has been hit dramatically during the current pandemic, as regional and national restrictions create barriers for social interaction and the mandated closure of sites such as public houses.

Current restrictions have resulted in the market remaining stagnant, whilst the long term impact on the leisure sector is yet to be seen. Existing local competition offered by the Fradley Arms, creates another barrier for the public house development.

A suggestion is for the developer to review their plans for the public house (such as one of the barriers to investment being a small site) or await the leisure sector market's outcome before continuing to market the public house development, although barriers remain in terms of a small catchment area and the large industrial site in close proximity (18/11/2020).

**Conservation Team – LDC:** No objection. The proposals are informed by earlier phases of this development. There are no outstanding concerns relating to these proposals (10/12/2020).

Previous Comments: No objection in principle, but request some minor amendments. Where house type S08 is used on plot B11 and B12, the elevation facing the road should have all windows, rather than include some dummy windows. The boundary treatments to plots A10 and B23 should be brick walls.

Cycle storage should be provided for the properties without garages. External access to the rear of some gardens is via a circuitous route (e.g. Plots B8, B9 and B10), so in order to encourage the use of sustainable modes of transport, consideration should be given to providing convenient cycle storage.

The external access for the garden of plot B5 and A7 includes the tandem parking spaces so would only be accessible when the cars were parked elsewhere. This is likely to result in bins being left in

the front garden so this should be amended. These points are pertinent as they mainly affect the affordable housing, which should be tenure blind and whose occupants should not be disadvantaged (11/11/2020).

**Tree Officer – LDC:** No objection. Agree that there is little scope for more tree planting given the density of the layout (30/01/2021).

Previous Comments: Object. Request the submission of further information specific to trees pit details within hardstanding areas. Raise concerns regarding the low level of tree canopy cover (17/01/2021).

Notes one of the electronic plans is corrupted. Requests this be addressed prior to making further comment (12/11/2020).

Object. Whilst the specifications are generally acceptable, the tree pit details are missing. Notes that there are 35 plots and only 10 trees in plot B and 12 trees in plot A and that many of the tree species are small to medium sized, which exacerbates the lack of potential canopy cover. Directs the applicant to the Trees, Landscaping & Development SPD and the requirements for canopy cover and suggests that the proposed planting is somewhat short of these targets (27/10/2020).

**Natural England -** No objection. The proposed development will not have significant adverse impact on designated sites (05/11/2020).

**Ecology Team – LDC:** No objection. Advise that the development be carried out in accordance with the original ecological requirements and conditions of planning permission 10/01498/OUTMEI (02/12/2020).

Previous Comment: Advise that the development be carried out in accordance with the original ecological requirements and conditions of planning permission 10/01498/OUTMEI. Requests that updated ecological surveys be conducted prior to commencement of development, to ensure protected/priority species are fully considered (12/11/2020).

**Environmental Health Team – LDC:** No comment (11/11/2020).

**Housing Manager – LDC:** The signed s106 agreement for this site requires that 25% of the housing provision is affordable, of a type and tenure in line with an overall target of a minimum of 65% social rented, 15% affordable rented and the remaining 20% as intermediate housing, including shared ownership.

The application proposes 9 affordable homes for rent (equating to 25.7%) and a tenure split which deviates from the s106 specification. Nevertheless there is strong demand for rented homes within the area and a mix of 6 social rented and 3 affordable or social rented is supported.

The tenure mix of the affordable homes is given as 22% (2) 1 bed flats, 55% (5) 2 bed houses and 22% (2) 3 bed houses. Our records show sufficient demand for this mix of affordable homes in Fradley (18/12/2020).

**Waste Management:** No objection. Provides advice on suitable design to facilitate bin collections (21/10/2020).

**Staffordshire Historic Environment Officer (Archaeology):** No objection. No further archaeological surveys required (27/11/2020).

Previous Comments: No objection. Notes that archaeology is covered by Condition 10 of the outline application 10/01498/OUTMEI. This condition will need to be discharged in due course, for these two areas of proposed development (09/11/2020).

**Staffordshire County Council (School Organisation):** This development falls within the catchment areas of St Stephen's Primary School and The Friary School. The application details a development, which is scheduled to provide 35 dwellings of the 750 dwellings expected from the original outline approval, taking the total number of dwellings within the development to 624. A Section 106 Agreement was signed when the Outline Application was granted, and the education contribution amount and terms were agreed at this time.

In relation to the primary school provision, Option 2b was previously elected by the developer and all three monetary contributions have been triggered by previous REM applications. This application, which takes the total dwelling numbers beyond 600, will trigger the final 20% of the Secondary Contribution (12/11/2020).

**Staffordshire County Council (Highways):** No objection, subject to conditions requiring that the garages be retained for parking purposes and that pre-occupation the parking and turning areas be provided and thereafter retained (05/11/2020).

**Staffordshire County Council (Flood Risk Officer):** No objection (13/04/2021).

Previous Comments: Object. Condition 11 of the outline consent stipulates that full surface water drainage details should be provided at the reserved matters stage. Such details are yet to be provided (18/11/2020).

**Police Architectural Liaison Officer:** No objection. Provides guidance on measures to help reduce the potential for crime within the development (11/11/2020).

**Fire Safety Team:** No objection. Provides guidance on fire safety matters (21/10/2020).

**Western Power Distribution:** No objection. Advise that any property (particularly dwellings) are planned to be sited no less than five metres from the boundary of a substation (21/10/2020).

**SCC Rights of Way Officer SCC:** No objection. Notes that Public Footpath No 43 Fradley and Streethay runs adjacent to both the proposed development sites. The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path (03/11/2020).

**Severn Trent Water - South Staffs:** No response received.

Previous Comments: Unable to locate drainage details (10/11/2020).

**Colton Parish Council:** No response received.

**Health and Wellbeing Development Manager – LDC:** No response received.

**Directorate of Leisure And Parks:** No response received.

**Cadent Gas Limited:** No response received.

**Highways England:** No response received.

**Central Networks:** No response received.

**South Staffs Water:** No response received.

**Environment Agency:** No response received.

**West Midlands Ambulance Service:** No response received.

**Staffordshire Wildlife Trust:** No response received.

### **LETTERS OF REPRESENTATION**

A letter has been received from Cllr Mike Wilcox. The comments made are summarised as follows:

Object. The proposal will result in a loss of habitat for local flora and fauna, which cannot be made up elsewhere on the site, as it has been largely developed. The lack of a community facility is contrary to planning policy in relation to sustainability, whilst in comparison to other similarly sized developments within the area, this site has offered very little to the Village in way of open spaces or any facilities. Finally, residents on the Sheasby Estate enjoy this landscaped area at the entrance to the site and any development other than a community facility would be letting not only the residents of Sheasby Park down, but the whole Village, who have had to endure years of construction. It is suggested that the developer discuss with the Parish Council other potential community uses for the site.

1 letter of neighbour representation has been received in respect of this application. The concerns raised are summarised as follows:

- When they purchased their house, they were advised that the green space area was likely to be a small village type pub in the near future. Bellway did not say that they would be building a large number of houses directly outside my house, which would take up the whole green space and be built in such close proximity to the path across from my property.
- How will the developer be able to build safely on this area with it being surrounded by occupied plots and commercial units, all of which utilise the one small road in and out of the area?
- A compound is unlikely to be set up in that area and therefore the developer is likely to need to utilise the small access road with all their construction vehicles (on top of ensuring trades persons have parking and access-which will be limited unless they take up the car spaces for the commercial units). This is likely to include construction vehicles such as the FLT reversing, if plots directly on that road are fed from the fronts, which can be dangerous.
- The pedestrian path across from my house is likely to have to be removed once the houses at the fronts on the road are erected due to scaffold going up, the problem with this is that lorries among other large vehicles already park on the path on the side of the road my house is on (directly outside my house) as there are no yellow lines. This will mean that there would be an insufficient/no pedestrian path for persons from the estate to access safely.
- The dust generated by the development will cause concern from a health point of view, whilst also dirtying surrounding property.

### **OTHER BACKGROUND DOCUMENTS**

The applicant has submitted the following documents in support of their application:

Design and Access Statement  
Marketing Summary Report  
Flood Risk and Drainage Strategy

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### **OBSERVATIONS**

#### **Site and Location**

The application sites, comprise 0.87 hectares of previously developed land, located on the former RAF Lichfield. The airfield was constructed in 1939-40 and was used during WWII to train aircrews in

Wellington bombers. The airfield was closed in 1958 and was disposed of by the Air Ministry in 1962.

The application site forms part of a wider 34 hectare development site, which includes an existing 2.7ha attenuation pond, located to the southeast of the site close to Common Lane (used as part of the surface water drainage for the adjacent employment site); 2 former hangers located on the northwest and currently used for storage and distribution; an area of woodland alongside the canal and adjacent to the hangers; and a public footpath (no.257) which runs from Common Lane along the southern edge of the site to Gorse Lane.

The site is bound to the south by Halifax Avenue, which serves, amongst others, the Tesco warehouse, via a small traffic island and is accessed from Common Lane to the southeast. To the north runs the Coventry Canal (a non-designated heritage asset) and to the west Gorse Lane. An historic canal bridge (New Bridge) crosses the canal on Gorse Lane, with a second more modern road bridge (Fradley Bridge) to the southeast end of the site. A small parade of shops, comprising the Stirling Centre, are located to the south of the site, alongside the access from Common Lane.

In terms of surrounding development, Fradley Village and Fradley South are located to the northeast and east/southeast respectively. Fradley Village is the original settlement, containing a church, Primary School (St Stephens), post office and community centre with a wide range of house types and sizes. Containing a small number of historic properties, Fradley Village was initially enlarged in the 1980s/early 1990s.

Fradley South was constructed on part of the former airfield, with the main circular vehicular route through the development a remnant of the former service runways/roads. A small number of houses were constructed on this site in the early 1960s. By the 1980s this had slowly grown around the service runways/roads. However, the majority of the area known as Fradley South was constructed in the 1990s/early 2000s.

To the south of the site is the remainder of Fradley Park, a large employment site totalling approximately 86ha, comprising mainly B8 warehouse/distribution units.

## **Background**

In October 2013 outline planning permission (10/01498/OUTMEI) was granted for the erection of up to 750 dwellings, a Primary School, Health Centre, Nursery, Public House and associated landscaping and works with all matters reserved, except points of vehicular access, of which three were agreed to be off Halifax Avenue and one off Common Lane. This followed the signing of a S106 agreement to secure and provide contributions for;

- i. 25% Affordable Housing;
- ii. Local Connectivity and Travel Plan;
- iii. Bus Service Diversion;
- iv. Open Space, Sports and Play Areas;
- v. Education;
- vi. Additional Primary Education Provision;
- vii. British Waterways Contribution;
- viii. Social and Community Facilities Contribution; and
- ix. Contributions towards mitigations for the Cannock Chase Special Area of Conservation.

In June 2016 reserved matters approval was granted under reference 16/00001/REMM for phase 1 of the site, which comprised the erection of 216 dwellings, open space, car parking and associated works.

The proposal comprised 14 one bedroom dwellings, 94 two bed dwellings, 72 three bedroom dwellings and 36 four bed dwellings. Fifty four of the dwellings are affordable homes.

There are 19 different types of property proposed across the 216 plots. The dwellings are a mixture of 1, 2, 2 ½ and 3 storeys in height.

The internal road network to serve the scheme comprises two main roads with five cul-de-sacs, branching off these routes. The landscaping scheme, which includes the retention of the tree belt adjacent to the Coventry Canal, broadly includes supplementary tree planting to the periphery of the site, around the existing pond and within the proposed open space areas, or adjacent to the estate roads, within future front gardens.

The development of this phase of the scheme is complete.

The drainage strategy for the site originally included an off-site attenuation pond, located to the north west of Gorse Lane. The planning history for this pond is as follows:

- 05/00910/FULM – Landscaped balancing pond. Approved (18/11/05)
- 10/01365/FULM – Provision of a landscaped balancing pond (Extension of time for application 05/00910/FULM). Approved (27/06/11).

Subsequently, planning permission has been granted on the 25<sup>th</sup> September 2018, under reference 17/01788/FULM, for the formation of a balancing pond within the current application site, negating the need to provide the off-site pond.

Following the above permissions, application reference 18/00481/REMM, approved under delegated powers in April 2019, permitted the erection of 374 dwellings, comprising 14no. 1 bedroom dwellings, 109no. 2 bedroom dwellings, 142no. 3 bedroom dwellings, 102no. 4 bedroom dwellings and 8no. 5 bedroom dwellings within phases 2, 3 and 4 pursuant to outline approval 10/01498/OUTMEI. Subsequently, application reference 19/01399/REMM, was permitted in July 2020, under delegated powers, which enabled the substitution in house types across a number of plots within this part of the site. This was to allow for the use of updated dwelling designs (known as the Artisan range) that the developer Bellway, was seeking to implement nationwide. As a consequence of the amended house types, some minor reworking of residential boundaries and landscaping occurred, whilst materials were updated to reflect availability within the market. The housing mix remained unaltered as a consequence of this development. Work on these phases is now well underway.

## **Proposals**

This application seeks approval of Reserved Matters for appearance, layout, scale and landscaping of 35 dwellings (Phases 1 and 2) and associated works. The dwellings are proposed to be erected across two sites, within what is now known as the Sheasby Estate, identified as Area A and Area B.

Area A, which is proposed to comprise 12 dwellings, of which one is to contain 2 bedrooms, six 3 bedrooms and five 4 bedrooms, has a gross area of 0.43Ha and is located to the south east corner of the existing site, opposite the Stirling Centre. The prominent location forms the gateway to the site and is bound to the north by phase 1 development and public open space and to the south by the Common Lane Frontage. The site was allocated within the approved Masterplan for this site to be developed through the erection of a Public House.

Area B is proposed to comprise 23 dwellings, of which two are to contain 2 one bedrooms, seven 2 bedrooms, twelve 3 bedrooms and two 4 bedrooms. The site has a gross area of 0.54Ha located adjacent to the proposed Primary School site and, is shown to be served directly from the Halifax Avenue access. Of the 23 dwellings proposed within Area B, 9 are identified as affordable homes, which equates to 25% across the two sites.

## Determining Issues

1. Policy & Principle of Development
2. Housing Mix and Affordable Housing
3. Design and Impact upon the Character and Appearance of the Surrounding Area
4. Residential Amenity
5. Access and Highway Safety
6. Landscaping, Trees, Open Space and Recreational Provision
7. Biodiversity, Ecology and Impact upon the Cannock Chase SAC
8. Flood Risk and Drainage
9. Sustainability
10. Archaeology
11. Public Right of Way
12. Other Issues
13. Financial Considerations
14. Human Rights

### 1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019, and the adopted (made) Fradley Neighbourhood Plan (2019).
- 1.2 The Local Plan Review: Preferred Options (2018-2040) was recently subject to its first public consultation exercise and therefore is yet to be adopted. Given this document and the policies therein are within the early stage of the adoption process, they carry minimal material planning weight and therefore, whilst noted within the above report, are not specifically referenced elsewhere.
- 1.3 It is noted that an extant and partially implemented outline approval exists for this site, with various phases of development approved under the above noted reserved matters consents, now either fully or partially implemented. As such, the acceptability of the scheme, in broad principle terms, is established, albeit that Area A raises wider implications, specific to the loss of an allocated community facility, which will be discussed in detail below. For completeness and member's information however, a broad analysis of the site's policy compliance shall be provided.
- 1.4 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.5 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:
  - an economic role –to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that

reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will consider how the proposed development fares in terms of these three strands of sustainable development.

- 1.6 Paragraph 73 of the NPPF requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.7 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper dated August 2020, which states that a supply of 12.8 years can be demonstrated within the District.
- 1.8 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered against the policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Allocation Document and the Fradley Neighbourhood Plan.

#### Local Plan Policies

- 1.9 The Local Plan Strategy sets a strategic requirement to deliver a minimum of 10,030 dwellings during the plan period. Core Policy 1 of the Local Plan Strategy seeks to locate new growth in sustainable settlements and identifies Fradley as being a key settlement to accommodate growth. This site is identified as forming part of the Fradley Strategic Development Allocation (SDA) within the Strategy, as illustrated on the Local Plan Strategy Policies Maps and Appendix E. Core Policy 6: Housing Delivery details that cumulatively, sites around the village are to provide for up to 1,250 homes. Policy Frad 4 of the Fradley Neighbourhood Plan advises that housing development will be focussed on this site, whilst Policy FRANP1 advises that development within the village's settlement boundary will be supported.
- 1.10 This Reserved Matters application is part of a wider Outline application that aims to deliver the 750 homes that is allocated within this specific SDA site. The quantum of development proposed is within the parameters established at Outline stage (10/01498/OUTMEI), as detailed within the below table.

Planning Application Reference	Number of Dwellings
16/00001/REMM	216
18/00481/REMM	374
20/01443/REMM	35
Total	625

- 1.11 It is noted that combined, the various phases, will deliver 125 dwellings below the maximum set by the outline. This has arisen due to the market altering since the grant of outline approval. Thus, apartments are no longer being erected and previously it was considered



that such dwelling types would increase density throughout the site. Notwithstanding this point, the principle of delivering the proposed housing and associated development, in a broad sense, conforms with the requirements of the Development Plan and NPPF.

#### Loss of a Community Facility

- 1.12 Notwithstanding the above broad support for the scheme, there is a site specific matter to consider, namely that Area A is shown on the approved Masterplan for this site, to be developed through the erection of a Public House. Appendix E of the Local Plan Strategy does not specifically require the delivery of this facility, rather it states that development within this site should, *“Improve the scope of services available at the existing Stirling Centre. Opportunities for library provision and health facilities will be encouraged, as well as a range of A1 and A3 uses”*.
- 1.13 Paragraph 5.17 of the Fradley Neighbourhood Plan states that, *“The community has expressed strong interest in having a pub serve the area and the planning permission granted for development of land at Fradley Park included the provision of a new public house... This is considered to represent a good location for such a facility in terms of its ability to be easily accessed by the community”*. Paragraph 5.18 continues to advise that, *“Engagement with the community as part of the Neighbourhood Plan process has demonstrated interest in running the pub as a community facility. Such a scenario would then create the potential for this to be used as a multi-use community facility”*. These paragraphs feed into Policy FRANP4, which states *“Proposals for a new community hub within, or adjacent to village settlement boundaries, will be supported”*.
- 1.14 As advised by the Parish Council, the scheme will deliver a Primary School, indeed the local planning authority is currently determining an application for such, reference 20/01439/REMM. However, none of the other infrastructure requirements identified within the plan have or could directly be provided on-site, on granting this proposed development. Unfortunately, although the outline consent granted for this site bore the description *‘Demolition of existing buildings and redevelopment of the site to provide up to 750 new homes, primary school, health centre, nursery, public house, public and private open space, car and cycle parking’*, there was/is no requirement in either the conditions attached to the decision notice or the s106 agreement, to secure the delivery of any infrastructure, except for the school. The outline planning consent is the appropriate place to secure the delivery of such and therefore, regrettably, it is not now possible to insist upon the delivery of such. It should be noted, however, that the outline permission was issued prior to the adoption of the Local Plan Strategy and it may be for this reason that these facilities were not secured at such stage.
- 1.15 The approved masterplan for this site, does however identify 0.7 acres of Area A as being developed through the erection of a Public House. Indeed, whilst not wholly compliant therefore with Appendix E, in terms of the use class of the building, the siting of this building, adjacent to the Stirling Centre, would in broad terms, secure near compliance with the requirements of the Development Plan. In addition, the provision of this facility would comply with the requirements of Policy FRANP4 of the Neighbourhood Plan.
- 1.16 Whilst the public house has not been built, the site’s designation for the delivery of such affords it some protection. Core Policy 4 of the Local Plan Strategy states that, *“The District Council will seek to protect and, where appropriate improve services and facilities that provide a key function in the operation of existing communities. Development proposals resulting in the loss of a key facility from a settlement, which is essential to the sustainable functioning of that settlement, will not be supported unless a replacement facility of improved quality, accessibility and size is provided for that community in a sustainable location”*.

- 1.17 Policy IP1 of the abovementioned document reinforces Core Policy 4 and states that *“applications that result in the loss of an existing infrastructure service or facility will not be permitted, unless it can be demonstrated that the facility is clearly surplus to the requirements of community, or a replacement and accessible facility of equivalent or improved quality is provided to serve that community; in a sustainable location”*.
- 1.18 Policy FRANP2 of the Fradley Neighbourhood Plan states that, *“Proposals that would result in the loss of existing community facilities will only be supported where they are replaced by equivalent or better provision in terms of quantity and quality in a suitable location”*.
- 1.19 Paragraph 83 of the NPPF advises that planning decisions should support, *“the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”*. Paragraph 92 continues to advise that in order *“to provide the social, recreational and cultural facilities and services the community needs, planning... decisions should:*
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public house and places of worship) and other local services to enhance the sustainability of communities and residential environments...*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”*.
- 1.20 Given the protection afforded therefore, through both local and national planning policies, to a site which is designated to deliver a community facility, the applicant has submitted a Marketing Report with the application, which details the attempts to attract a pub operator to this site. The report, in line with Policy IP1, seeks to demonstrate that the site is surplus to requirements, in that it is not a viable proposition for an operator to bring forward.
- 1.21 The Report advises that an extensive marketing campaign was undertaken for the site from October 2015 to December 2018. The marketing effort comprised targeted approaches to active operator/investors both within the local property market, national licensed/leisure market and active buyers in the wider commercial market. In addition, the site was marketed on the GVA and property portal websites, to attract other potential purchasers. The report concludes that operator interest in the site has been affected by concerns regarding location, with a limit on the likely trade from the newly built houses, the predominantly industrial use of the surround area and site size.
- 1.22 The validity of the Report has been assessed by the Council’s Economic Development Officer, who advises that it provides a substantial analysis of the leisure sector’s performance over the last five years, whilst also focusing on other aspects of the commercial property market. The public house development opportunity has been promoted heavily using physical and digital marketing, with the majority of interested parties acknowledging that the site is too small for a public house (in respect of national and regional operators) and the local catchment area being too low (with a large industrial estate being in close proximity) to ensure such would be financially viable.
- 1.23 Whilst the Council’s policies do not specify a period over which evidence should be collated, in order to demonstrate the unviable nature of a scheme, it is considered that the period utilised by the applicant, is sufficient in this case. Evidently, the leisure and retail markets vitality and viability has also, it should be recognised, been adversely affected by the ongoing pandemic.
- 1.24 The concerns of the Parish Council and Cllr Mike Wilcox regarding the loss of this facility are noted, as are the concerns raised regarding the validity of the Marketing Report. Evidently, the report has been thoroughly assessed by the Council’s Economic Development Officer, who considers such to be a robust document that provides a clear picture of leisure and

commercial interest within the site, over an extensive period of time. The matter of the size of the site marketed, is noted, but it is the area as agreed within the approved Masterplan. Whilst there may be a preference to return to the market with a larger scale site, such would not address the wider issues, as identified within the report. In addition, it would not be reasonable to require such, given that the outline permission via the approved Masterplan, defined the scale of this site.

- 1.25 The loss of the public house / commercial site, will be to the detriment of the potential social cohesiveness of the area. However, the applicant has clearly demonstrated that this site is not attractive to the leisure or wider commercial market and therefore, its use for an alternative land use, namely residential, is in principle considered acceptable and compliant with the requirements of the Development Plan and NPPF in this regard.

#### Other Principle Considerations

- 1.26 It is noted that the Parish Council and Cllr Mike Wilcox have also detailed concerns regarding the delivery of the community facilities from this site and surrounding development. Such matters are beyond the scope of this specific application, given that Members are to consider solely whether the applicant has sufficiently demonstrated that the loss of the public house site is reasonable. However, to briefly consider the issues raised, it is evident that the Council's Local Plan Strategy, identifies the Strategic Development Allocation for Fradley to be across 3 sites, the Sheasby Estate, the Redrow development to the north (reference 14/01038/OUTM) and the Barratt Homes site on Hay End Lane (reference 13/00633/OUTM). As such, the community facilities produced should be considered in the round rather than being site specific. The Strategy, as detailed within Appendix E, sought the delivery from these SDA sites of the following infrastructure:

- A range of housing;
- Primary school provision, either as an expansion to the existing school or new provision if necessary;
- Provision for the delivery of local health services;
- Provision for open space, sport and recreation facilities;
- Protection of local areas and habitats of biological interest;
- Junction access on to the A38 will be improved where necessary;
- The provision of public transport to serve the site:
- The provision of pedestrian and cycling routes throughout the site, linking to the green infrastructure network and to the settlements, services and facilities beyond the site boundaries; and,
- The provision and maintenance of sustainable drainage systems and flood mitigation measures.

- 1.27 The housing mix for this site is discussed below. The primary school is to be provided within the wider site in due course, whilst the St Stephen Primary School expansion, in built form terms, has been delivered and the enlarged playing field, secured through the Barratt's development, application references 13/00633/OUTM and 19/00555/REMM. Health provision was identified for this site, but as discussed above, not secured either by condition or S106 schedule, specifically to be delivered within site. However, a Social and Community Facilities payment, towards health care provision, public art or changing facilities for the sports pitches is secured under Schedule 9 of the S106. Notwithstanding this point, a site also remains available within the housing estate, opposite to the Stirling centre, to deliver a health facility. However, discussions between the LPA and the NHS, advise that they are not seeking to create new GP facilities currently and rather plan to expand existing facilities. The scheme's open space provision is policy compliant, whilst the development has paid a financial sum, via the S106 agreement, towards the delivery of the playing fields within the abovementioned Barratt Homes development. The development has protected the pond and other areas of biological interest located therein, whilst delivering a site wide

biodiversity net gain, in accordance with the Council’s policies. A38 improvements are dictated by Highways England, whilst enhanced cycle and pedestrian routes have been delivered throughout the site. Contribution to public transport provision has been secured via the S106 agreement, whilst finally, sustainable drainage has been and will continue to be installed throughout the site.

- 1.28 In terms of the SDA allocation, the developments have on the whole therefore, largely delivered infrastructure requirements, as required by policy.
- 1.29 The second issue raised by the Parish Council regarding the provision of a school drop off point within Area B, to serve the neighbouring site is noted. However, it would be wholly unreasonable to require the delivery of such now when this was neither secured by the outline consent or a requirement of the legal agreement or masterplan. Indeed the approved masterplan has always shown this area to be developed solely through the erection of dwellings. Notwithstanding this point, it is also noted that the Education Authority have not requested the formation of this facility. In terms of this area being used to facilitate a later expansion of the school, the design utilised within the current application, reference 20/01439/REMM already includes provision for later extensions, without the need to utilise any of this site.
- 1.30 Overall, both sites are within an allocated SDA site, which seeks to deliver residential led development within Fradley. The loss of the potential community facility is regrettable, however it has been clearly demonstrated by the applicant that the delivery of such a facility is not viable within this location. Therefore, the principle of developing both areas within this site for residential use is considered to be acceptable and in accordance with the requirements of the Development Plan and NPPF in this regard.

## 2. Housing Mix and Affordable Housing

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The housing mix required for residential development within the Local Plan Strategy (Policy H1) is for 5% one bed, 42% two bed, 41% three bed and 12% four bed. The mix proposed for this phase of the site is for 2 (6%) one bed, 8 (23%) two bed, 18 (47%) three bed and 7 (20%) four bed dwellings. The housing mix within these areas of the development is therefore not compliant with the Council’s Policy, with an over provision of larger homes.
- 2.3 This scheme continues however to feed into the housing mix for the entire site and as such, the mix agreed for the other reserved matter applications is pertinent to the consideration of this scheme. This overall mix is evidenced in the below table:

Reference Number	1 bed	2 Bed	3 bed	4+ bed	Number of dwellings
16/00001/REMM	14	94	72	36	216
18/00481/REMM (which now includes the unaltered housing)	14	109	142	110	374

mix within 19/01399/REMM)					
20/01443/REMM	2	8	18	7	35
Total	30 (5%)	211 (34%)	232 (37%)	153 (24%)	625

2.4 It is apparent from the above data that the development as a whole also fails to comply with the requirements of Policy H1. There are however two matters to consider with reference to this disparity. Firstly, the mix identified within the plan is indicative and therefore, some flexibility in approach is reasonable (albeit that the large oversupply in 4 or more bedroom dwellings in this site is non-compliant). Secondly, and more importantly, the outline permission for this development, forms the base upon which housing mix should have been agreed. No condition or legal requirement detailing appropriate mix was identified within the outline permission, given such approval was granted prior to the formal adoption of the current Local Plan Strategy. Thus, despite the concerns raised by the Spatial Policy and Delivery Team, given the lack of control asserted at outline stage, the housing mix proposed must be considered acceptable and compliant with the requirement of the NPPF in this regard.

#### Affordable Housing

2.5 The NPPF advises that the aim of all new developments should be to create a mixed and sustainable community and so all the affordable housing should be indistinguishable from and integrated amongst the homes for sale on the open market. Policy H2 of the Local Plan Strategy reflects this and seeks to create a mixed and sustainable community. However, neither the NPPF nor the Local Plan Strategy has a specific policy, which dictates where and how affordable housing should be positioned within a development. As a rule of thumb however any clusters should have no more than about 15 units. Registered Social Landlords (RSL) prefer larger clusters for maintenance purposes.

2.6 With regard to affordable housing provision within this development, the Section 106 Agreement pertinent to the Outline consent, confirms that 25% of the proposed housing, across the whole site must be affordable. This phase contains 9 affordable homes, all located within Area B, which equates to 25.7% of the total.

2.7 Within the wider scheme 23 affordable dwellings were approved in phases 2, 3 and 4, whilst phase 1 contained 54 affordable units. Overall, the cumulative affordable housing provision across the site will be 86 units or 14% of the total 625 dwellings. The applicant submitted a Viability Assessment (VA) with application 18/00481/REMM, which was considered and determined to be accurate by the District Valuer and therefore the under provision compared to policy requirements was considered acceptable.

2.8 The affordable units, within these areas of the scheme, are to comprise a mix of 6 social rented and 3 affordable or social, within a mix of 1, 2 and 3 bedroom dwellings. There are further open market one, two and three bedroom units within the site, which are and remain visually indistinguishable from the affordable units. The units remain dispersed throughout the development. The maximum provision within these two areas, in any one location, is 9 units and therefore the scheme will successfully integrate these dwellings into the surrounding built form. The Council's Housing Manager has considered the acceptability of the proposed affordable housing mix, type and location and confirmed that what is being proposed is acceptable. Thus, the development is compliant with the requirements of the Development Plan and NPPF in this regard.

### 3. Design and Impact upon the Character and Appearance of the Surrounding Area

3.1 The area surrounding the site has a residential character established by the neighbouring housing estates, located to the eastern and northern boundaries of the site, which have been erected in the past few years. The character to the north east and south of the site is

in stark contrast, with, for the former, open views available over agricultural land leading to the Coventry Canal and the latter, over large scale storage and distribution buildings.

- 3.2 Local Plan Strategy Core Policy 14 states that *“the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment”*.
- 3.3 The NPPF (Section 12) advises that, *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. The document continues to state that, *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 3.4 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - create and sustain an appropriate mix;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and,
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 3.5 The NPPG has recently been amended to state that, *“the design process continues after the granting of permission, and it is important that design quality is not diminished as a permission is implemented”*. In addition the recently published National Model Design Code sets out clear design parameters to help local authorities and communities decide what good quality design looks like in their area.
- 3.6 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 3.7 Policy FRANP6 of the Fradley Neighbourhood Plan advises that new development should contribute towards local distinctiveness, demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design.
- 3.8 The Coventry Canal, located to the north of the site is considered to a non-designated heritage asset. Under the provisions of Paragraph 197 of the NPPF, *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 3.9 Policy BE2 of the Local Plans Allocations Document advises that, *“development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting”*.
- 3.10 Prior to the submission of the first reserved matters application for this site, Bellway Homes were required to submit a Masterplan, Design Code Document and Landscape Management Plan, in order to discharge associated planning conditions, attached to the outline consent. These documents are an important consideration when determining the landscape character, design and visual impact of this development.

- 3.11 The Masterplan and Design Code Document sets out the location and composition of six built form character areas. The extent of this Reserved Matters application falls within two of these areas, wherein, the document advises that the built form will characterise the location, typically, in the case of Area A, the pond frontage, where informal 2 storey development mainly detached with lower density. Area B comprises, primarily Primary and Secondary Streets, where it is advised that development will evidence relatively high density, formed by strong building lines – mainly 2 storey.

#### Layout

- 3.12 The layout of the site, complements and will integrate with that of the surrounding estate. Thus, Area A replicates the outward facing rectangular grid pattern evidenced in the north of this site, whilst Area B, being served by a single road, splitting to form two cul-de-sacs, ensures that the strong continuous building frontage continues to Halifax Avenue.
- 3.13 The cul-de-sacs proposed throughout the two sites, are to be enclosed and framed by either feature dwelling types or views across the adjacent Public Open Space, which will create character details in the development and assist legibility and permeability. The buildings proposed adjacent to the vehicular accesses off the main estate road have been designed to provide active frontages to this route and where side elevations face onto streets, internal or external to site, they exhibit dual frontages.

#### Scale

- 3.14 The application proposes a mix of 2, 2 ½ and 3 storey dwellings, which vary in height between 7.6 metres and 11.9 metres. This variation in roof height is in accordance with the parameters established by the outline consent and is also reflective of the approved reserved matters scheme on the adjacent phases of development. In addition, it is noted that the variation in roof height, along with the use of roof furniture, such as chimneys, whereby a coverage of 10% of roofs is proposed, will create visual interest and texture to the street scene views.

#### Design

- 3.15 Policy FRANP14 requires that residential development should “*demonstrably meet the needs of older people or [be] capable of adaptation to meet such needs*”, which is particularly encouraged for 2 or 3 bedroom dwellings. The Policy continues to advise that if reasonable, provision of such units is not made, then it should be demonstrated why this would make the development unviable or unfeasible.
- 3.16 Evidently, this requirement, to be enforceable, would have to be defined within the outline approval, which given the respective ages of the decision date and Neighbourhood Plan, it is not. However, it should be noted that wider site includes the provision of 12 bungalows, ensuring partial compliance with this policy. Furthermore, condition 23 of the outline approval also requires that these dwellings be built to a Lifetime Homes Standard.

#### Appearance

- 3.17 The design of the dwellings exhibit features typical of the wider development and modern housing estates in general. As such, architectural detailing is evidenced, through the use of small overhanging porches, brick headers and footers, bay windows, tile hangings and corbelling. Chimneys are in evidence within the streetscene to help break up the roofscape.
- 3.18 The design of the dwellings, following some minor revisions, as requested by the Council’s Urban Design Manager, now remain broadly reflective of those granted permission elsewhere within the site and surrounding area and therefore, it is considered that the

building heights and the street character areas, accord with the outline consent and the approved Masterplan and Design Code Document, whilst the layout follows sound urban design principles, to create a positive residential character.

- 3.19 Details of the materials palette to be used within the development have been submitted with this application. It is proposed to use for the external wall finishes, Forterra Clumber Red, Forterra Lindum Cottage and Forterra Lindum Arden Special Reserve bricks and chalk and cream colour renders. The roof tiles as proposed are Redland Mini Stonewold (Redland brown), Forticrete Mini Welsh slate, Marley Modern Duo (Smooth Grey) and Forticrete Gemini (Slate Grey). All of these materials are considered appropriate to the character of the properties they will comprise and the appearance of the surrounding area, given that they are identical to those used elsewhere within this wider housing estate.
- 3.20 The applicant has also submitted details of the proposed fencing and walling scheme with the application. The siting of the fences have been appropriately positioned to ensure that they are visually subservient features within the street scene, whilst prominent boundaries, for instance those facing onto main routes through the site, are following revision, now proposed to be constructed from brick to ensure that they remain of a high visual quality throughout the life of the development. Lastly, to the perimeter of the Area A, 1.0 m high metal estate railings and 0.9 m high timber post and 3 rail fences are proposed, which will ensure an appropriately soft edge to the surrounding POS. To ensure that the fencing scheme remains as approved, thereby being reflective of the surrounding area's character, a condition is proposed, to remove permitted development rights for the erection of new boundary structures.
- 3.21 The proposed housing and associated development would be satisfactorily assimilated into its surroundings and would not have a harmful impact in the wider landscape. Accordingly, it is considered that the application, in this regard, is consistent with Development Plan, the thrust of the guidance in the NPPF and National Model Design Code.

#### 4. Residential Amenity – Future and Existing Residents

- 4.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design Supplementary Planning Document contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.
- 4.2 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 4.3 Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup> and for 5 bedroom dwellings 100m<sup>2</sup>. All gardens should have a minimum length of 10m.
- 4.4 The layout broadly complies with the requirements of the SPD, although there are some minor deficiencies noted across the development, with examples, such as the rear garden length of plots A6, B6 and B10 being 9.2m, 9m and 9.3m respectively. It is also noted that the distance between the front of the existing dwelling on Heins Close and the front of the proposed dwellings within Area A will only be 16.4m. Whilst nominally this is a shortfall in separation distance, given that these are public elevations and reflect the character located elsewhere within the estate, this is not considered to cause an amenity concern.



- 4.5 Whilst it is not ideal for new development to fall short of the space about dwelling guidelines, the deficiencies evidenced throughout the site, are wholly minimal. Furthermore, future residents will be aware of the circumstances, prior to moving into the site. Lastly, it should be noted that the vast majority of the site remains fully compliant with the abovementioned standards.
- 4.6 The layout of the scheme, given the above described circumstances will ensure an appropriate standard of living accommodation for future residents and therefore, the development will comply with the requirements of the Development Plan and NPPF in this regard.
- 4.7 Paragraph 170 of the NPPF advises that planning decision should enhance the environment through *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans”*.
- 4.8 Area B is located immediately adjacent to existing industrial uses located on the opposite side of Halifax Avenue, whilst the new Primary School site will be located immediately to the north. Area A will be in near proximity to the Stirling Centre. The potential noise and odour impacts of these uses upon the proposed dwellings were captured at outline stage, with conditions utilised to require suitable mitigation measures. As such, further consideration of these matters is not required under the requirements of this application.
- 4.9 The site was formerly used as an airfield and subsequently has been utilised for industrial processes and as such, there is the potential for it to be contaminated. A condition recognising this concern was identified at the outline stage, which captures the need to submit a contaminated land report along with a mitigation strategy, as required.
- 4.10 Of the matters raised by the neighbour to this site, not addressed within the above report, it can be confirmed that the impacts of the development upon the amenity of neighbouring properties, during the construction process will need to be addressed by a Construction Management Plan. It is noted that condition 9 of the outline consent (subsequently discharged via application 10/01498/DISCH1) required the submission and approval of such, prior to the submission of any reserved matters application. This document is now considered to be out of date, given that the location of the parking operative areas will be within the development sites. As such, a new document will be required in order to secure suitable details, which is recommended to be secured, prior to the commencement of development, via the use of an appropriately worded condition. The suitability of this document, in terms of impacts on the amenity of existing neighbours through noise, odour, dust and highway impact, will thereafter be considered by appropriate consultees, namely the Environmental Health Team and the Highways Authority, thereby ensuring that the reasonable amenity of existing residents is not adversely affected.
- 4.11 Consequently, it is considered that the proposals are in accordance with the Council’s Supplementary Planning Documents, the Development Plan and NPPF, and will not lead to a loss of amenity for existing or future residents.

## 5. Access & Highway Safety

- 5.1 Means of access into the wider application site was granted permission at the outline stage and implemented under the allowances of the commenced approved reserved matters application. The outline application included a detailed Transport Assessment, which examined the impact of the development on the wider highway network. The Transport Assessment and its findings were found acceptable by the Highways Authority and Highways

England, whilst the points of access off Turnbull Road and Halifax Avenue, necessary to access the wider development, have been found to be acceptable.

- 5.2 Therefore, the main consideration of this Reserved Matters application is whether the internal road layout and pedestrian routes are useable and safe. Staffordshire County Council Highways have raised no objections to the proposed layout, which offers appropriate forward visibility to all junctions and allows for appropriate tracking of refuse lorries. The siting of the new driveways to serve the dwellings and their proximity to junctions and wider siting has also been considered with no concerns raised. Thus, the proposal is considered not be the cause of highway danger and therefore is consistent with local and national policy including the requirements of Core Policy 5 and Policies IP1, ST1, ST2 of the Local Plan Strategy.
- 5.3 Policy FRANP13 of the Fradley Neighbourhood Plan advises that adequate off street car parking should be provided for new residential development, which should be delivered in accordance with Local Plan Strategy Policy ST2. Policy ST2 provides further clarification through guidelines detailing maximum off street car parking levels, set out in the Council's Sustainable Design Supplementary Planning Document. Appendix D of the Sustainable Design Supplementary Planning Document provides guidance on the Council's off street Car Parking requirements for new development. It states that for residential development there should be a maximum for 1 and 2 bedroom dwellings of 1 space (plus 1 further space for every 3 dwellings for visitors), for 3 and 4 bed dwellings, 2 spaces and 5 bed dwellings 3 spaces.
- 5.4 The scheme either delivers the maximum provision required by the SPD or in the vast majority of cases exceeds this provision. Thus, nearly all of the 3 and 4 bedrooms dwellings within the site are served by three off street car parking spaces. The parking levels identified within this site are therefore considered to be acceptable, whilst they are recommended to be retained for their specified use, in order to prevent on street car parking congestion, via the use of a suitably worded condition, as advised by the Highways Authority.
- 5.5 The parking bays within the site all comply in terms of scale, being 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the SPD and Manual for Streets Guidance. In addition, the garage spaces are of sufficient size, being 3m by 6m, to also be considered as sufficiently large, so as to accommodate a vehicle.
- 5.6 The Sustainable Design Supplementary Planning Document requires that for residential development there be 1 secure weatherproof cycle bay for 1 and 2 bedrooms dwellings and 2 spaces for 3 or more bedrooms. Where garages are provided for a dwelling, it is considered that this structure would provide opportunity for cycle storage. Where garages are not available, sheds should be erected to provide for cycle storage. The applicant has confirmed their acceptance for this provision, albeit that they are not shown on the submitted plans. As such a condition is recommended to ensure their timely provision.
- 5.7 In terms of further sustainable transport options, it is noted that the S106 agreement, attached to the outline consent, requires a financial contribution and for the routing of a bus service through the site, which will ensure that these dwellings are within easy walking distances of this suitable transport mode.
- 5.8 The development, subject to the abovementioned conditions, will offer suitable vehicular and pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore compliant in this regard with the requirements of the Development Plan and the NPPF.

## 6. Landscaping, Trees, Open Space and Recreational Provision

- 6.1 Appendix E of the Local Plan Strategy provides a concept rationale for the development of the site, along with details of the requirements for this site's Green Infrastructure (GI). The document continues to state that provision should be made for *"open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2 and incorporating playing pitches, amenity green space, equipped play, allotments"*. Paragraph 11 advises that *"opportunities for public art to be integrated within the design of the development"*. The GI is also to demonstrate the retention of important field boundaries and trees within the site. Finally, the GI is to aid in the provision of pedestrian and cycle routes, through the site.
- 6.2 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees. Policy NR4 of the Local Plan Strategy and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained unless their removal is necessary.
- 6.3 The Council's Supplementary Planning Document 'Trees, Landscaping and Development' provides guidance on how to successfully integrate existing trees into the development and integrate new planting into a scheme to ensure its long term retention. The document also requires that a development site provide 20% canopy cover when trees mature.
- 6.4 Policy FRANP8 states that *"Development should not result in the net loss of biodiversity or green infrastructure, including hedgerows"*.
- 6.5 The Council's Arboriculture officer has assessed the details submitted with this application, in accordance with the above Development Plan policies and the character details identified within the approved Masterplan and Landscape Management Plan. Following the submission of revised plans, the scheme now evidences appropriate on and off plot planting, with for instance, an appropriate level of tree planting. In addition, the areas offered for tree planting along this route are of sufficient size to allow for long living trees to reach maturity ensuring that these specimens offer long term visual interest to the street scene.
- 6.6 The wider site is not proposed to be served by allotments, neither are playing pitches proposed. The latter is addressed via the S106, attached to the outline approval, whereby an off-site contribution for the provision of such on the Hay End Lane site has been secured. The former has not been secured via either condition or Schedule within the S106 and as such cannot now be required under this or previous reserved matter applications.
- 6.7 The need for an art installation within this development, beyond the above policy consideration, is also noted within Core Policy 12, which states *"new strategic housing... developments will incorporate public art"*. No public art is proposed within the site. There is no requirement detailed within the outline permission or associated s106 agreement requiring the submission and approval of this feature or securing the timing of its delivery. Evidently this lack of compliance to the Development Plan, has arisen due to the approval of the outline base permission, prior to the adoption of the Local Plan Strategy. It should be noted however that as detailed within the above report, a community payment has been secured from the applicant, which could be channelled to the delivery of such an installation.
- 6.8 In terms of POS provision, Area A includes an area to enlarge the open space provision adjacent to the neighbouring pool. The area is proposed to be planted with wildflowers and a number of trees and ensures that the POS provision throughout the site remains above that required by the Development Plan. For this reason, whilst the concerns raised by the Parish Council and Cllr Mike Wilcox regarding the loss of this area of landscaped open spaces and potential conflict with the requirements of Neighbourhood Plan Policy FRANP 8 are

noted, given the wider scheme provides above policy compliant levels of open space, there is no justifiable planning reason to refuse this application, specific to the loss of this area.

6.9 Overall, the scheme offers a suitable level of open space and landscaping to ensure that it complies with the requirements of the Development Plan and NPPF in this regard.

## 7. Biodiversity, Ecology and impact upon the Cannock Chase SAC

7.1 There are no habitats of value identified within the application site and as such no impact upon protected species. Net gain to biodiversity for this site has been agreed and secured, via the outline consent (condition 24), wherein this will largely be secured through the delivery of habitats within the POS. Thus, notwithstanding the concerns raised by the Parish Council and Cllr Mike Wilcox, regarding the biodiversity loss arising from the development of the current landscaped Area A, the development complies with the requirements of Local Plan Strategy Policy NR3, the Biodiversity and Development SPD, Policy FRANP8 of the Fradley Neighbourhood Plan and the NPPF in this regard.

7.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, of the impact of the development on any nearby Special Area of Conservation (SAC). Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken a HRA Screening Assessment for the Cannock Chase SAC, to determine whether an Appropriate Assessment (AA) for recreational impact, to gauge negative impacts to the reason for designation of the SACs is required.

7.3 The AA for recreational impact upon the Cannock Chase SAC identifies that the application will have a significant affect, in the absence of avoidance and mitigation measures, on this habitat. The authority has concluded that the adverse effects arising from the proposal, are wholly consistent with the effects detailed in the Cannock Chase SAC – Planning Evidence Base Review (2017). The most up-to-date evidence therefore suggests that these effects can be satisfactorily mitigated, by the measures set out in the Strategic Access Management and Monitoring Measures (SAMMMs), previously agreed with Natural England.

7.4 The agreed strategy for mitigating harm arising from recreational impacts from occupants of new residential development on the Cannock Chase Special Area of Conservation (SAC) is set out in Policy NR7 of the Council's Local Plan Strategy. The Policy requires that before development is permitted, it must be demonstrated that in itself or in combination with other development, it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

7.5 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies outside of the 0 - 8 km zone and as such, is not directly liable to financial mitigation. It is also noted that given the age of the outline consent, which was issued prior to the adoption of SAMMMs, bespoke on-site avoidance measures are also proposed.

7.6 Natural England are a statutory consultee on the AA stage of the Habitats Regulations process and have therefore been duly consulted on this matter. Natural England have concurred with the Council's AA on recreation impact and therefore offer no objections to the proposal.

7.7 The site also lies within the 5km catchment area for the River Mease SAC. The site is however outside of the drainage catchment for this area and therefore the need for further

assessment of the scheme's impact has been screened out, prior to Appropriate Assessment.

7.8 On the basis of the above, it is concluded that the LPA has met its requirements as the competent authority, as required by the abovementioned Regulations.

## 8. Flood Risk and Drainage

8.1 The site lies within Flood Zone 1 as identified by the Environment Agency.

8.2 Condition 11 of the outline consent required the submission and approval, prior to the submission of a reserved matters application, of details relating to a surface water drainage scheme. These details have been agreed with both the Environment Agency and the Local Flood Risk Team, with the recommendations of the Flood Risk and Drainage Strategy submitted as part of this submission, to be secured via the use of a condition. Furthermore, condition 21 of the outline approval details the need for the development to comply with the requirements of the approved Flood Risk Assessment.

8.3 Overall, it is considered that the flood risk and drainage matters within this site have been adequately addressed as part of this reserved matters application, the recent permission for a balancing pond, the previous outline condition discharge and compliance and the site specific drainage details provided with this application and as such, the development will comply with the requirements of the Development Plan and NPPF in this regard.

## 9. Sustainability

9.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.

9.2 The government's response to the Environmental Audit Commission report: Code for Sustainable Homes and the Housing standard Review (2014) set out proposals for winding down the use of CfSH, due to it being absorbed into Building Regulation standards. The Deregulations Act (2015) required Local Planning Authorities to not set local targets for sustainable house building standards. As such, the Council is now not currently able to apply standards relating to the CfSH and therefore, no such condition is recommended for these dwellings. However, it is noted that as part of the outline consent, condition 23 requires that these dwellings be built to Lifetime Homes Standards.

## 10. Archaeology

10.1 Given the site's location near a late Neolithic causewayed enclosure, Staffordshire County Council (Archaeology) have assessed the site for archaeological interest and advise that there is demonstrable archaeological potential within the area and therefore recommend that the use of a condition to secure a written scheme of archaeological investigation. Condition 10 of the outline consent requires the submission of an archaeological investigation, prior to the commencement of each phase of development and as such does not need to be reiterated here. This condition however ensures that the development complies with the requirements of the NPPF and Development Plan in this regard.

## 11. Public Rights of Way

11.1 Public Footpath 43 Fradley runs to the southern edge of the site. This development is unlikely to impact upon the route of this footpath. An informative is proposed to advise the

applicant of the need to ensure that this route remains available during the course of development and should any diversion or closure be required, then the appropriate application route through which, such can be secured.

## 12 Other Issues

12.1 The matters raised by the local resident regarding the proposed development are noted and have been addressed within the above report. Similarly, the concerns of the Parish Council and Cllr Mike Wilcox have been considered and addressed.

## 13. Financial Considerations

13.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within an SDA zone, where the applicable rate of £14 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.

13.2 The development would give rise to a number of economic benefits. For example, it would generate employment opportunities including for local companies, in the construction industry during construction. The development would also generate New Homes Bonus and Council Tax.

## 14. Human Rights

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

## **Conclusion**

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide employment opportunities, through creating a development opportunity, whose future residents would support existing and proposed facilities within the area. Socially, the proposal would, upon completion of development, have little impact upon the reasonable amenity of existing residents, whilst suitable conditions can secure both the amenity of future residents and existing residents during the construction process. In addition the scale of development remains compliant with the requirements of the Council's Local Plan Strategy.

Environmentally, the site is a key Strategic Development Allocation and occupies a location where any landscape harm will be localised and has previously been determined to be acceptable. The number of dwellings and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the accommodation needs of the District. The areas of development are sufficiently remote from the Coventry Canal non-designated heritage asset, to ensure no adverse impact. Finally the design of the dwellings are considered to uphold the overall quality of the scheme.

Subject to suitable conditions there will be no adverse impact on protected or priority species, whilst a positive biodiversity impact will be created within the site. With regard to drainage, residential amenity and the development's impact on the surrounding landscape, it is considered that adequate mitigation will be provided and that, subject to compliance with conditions attached to the outline approval, no material harm will be caused.

With regard to transport and highways, all off plot matters have previously been considered under previous applications, to be acceptable, whilst on plot matters relating to parking can be addressed via the use of conditions.

Socially, the scheme proposes to deliver previously agreed upon levels of affordable dwellings, when compared against the requirements of the S106 attached to the outline approval. The housing mix, whilst not in accordance with the Council's Local Plan is deemed suitable, given the lack of agreement regarding mix included within the outline permission.

The primary social impact of delivering this scheme will be the loss of the potential community facility. Whilst such is not ideal and will no doubt have an adverse impact upon the social cohesiveness of the scheme and wider community, the applicant has successfully demonstrated that the provision of such a facility within this location, is not viable within the market.

Given the above assessment and the weight attributable to the delivery of residential development through the NPPF, it is recommended that this application is in conformity with the Development Plan as a whole and no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, the recommendation is one of conditional approval.

# LOCATION PLAN

20/00722/SCC

Land south of A513  
Orgreave  
Alrewas

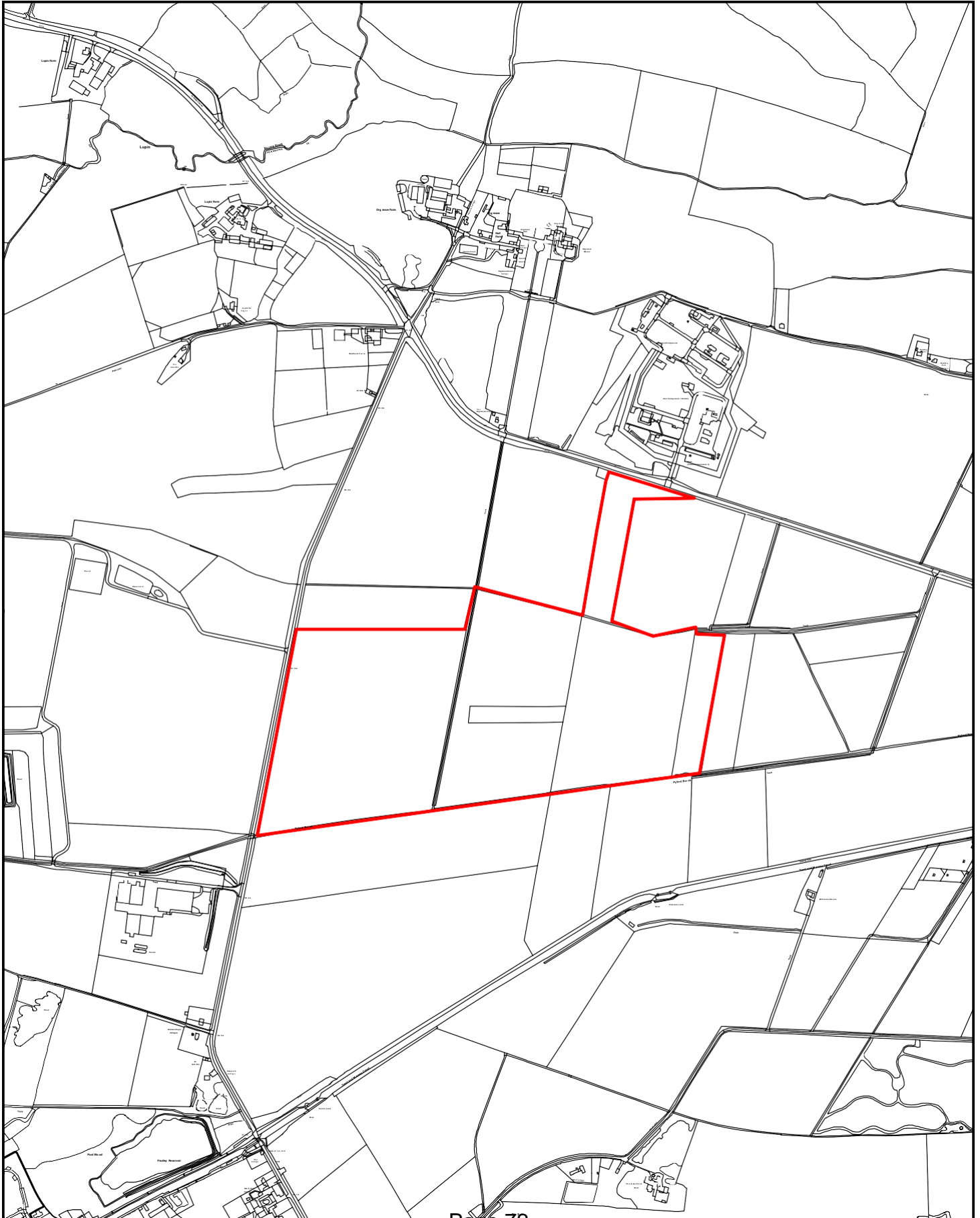
Scale: 1:10,000

Dated: May 2021

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10 May 2021

Agenda Item C

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**Report of the Head of Economic Growth and Development**

**Staffordshire County Council Consultation (L.20/03/867 M)**  
**Our ref: 20/00722/SCC**

**Proposed sand and gravel extraction, the erection of associated plant and infrastructure and creation of new access, in order to supply the HS2 project with ready mix concrete with exportation of surplus sand and gravel**  
**Land South Of the A513, Orgreave, Alrewas, Burton Upon Trent, Staffordshire**

**1. Purpose of Report**

- 1.1 To seek Members comments regarding the amended/additional information for application L.20/03/867 M submitted to Staffordshire County Council as the determining body and noting an extension of the consultation period until the 14<sup>th</sup> May 2021 to receive comments.
- 1.2 The application documents can be viewed on the County Council's website here;  
<https://apps2.staffordshire.gov.uk/scc/cpland/Details.aspx?applicationID=137688>

**2. Site**

- 2.1 The application relates to land to the south of the A513 (Kings Bromley Road), west of Alrewas Hayes and north of the Trent and Mersey Canal, within Alrewas Parish. The southern boundary of the site is Pyford Brook, this is also the boundary with Fradley and Streethay Parish. The site is currently agricultural fields with boundary hedgerows and trees. The hamlets of Orgreave and Overley are less than 1km to the north, Alrewas 1km to the east, Fradley 1.2km to the south and Kings Bromley 1.8km to the west.

**3. Determination, consultation & notification process**

- 3.1 Staffordshire County Council is the determining authority for this application in accordance with Paragraph 1 of Schedule 1 of the 1990 Act which states that "*county matter*" means in relation to any application, order or notice –
- (a) the winning and working of minerals in, on or under land (whether by surface or underground working) or the erection of any building, plant or machinery
- (i) which it is proposed to use in connection with the winning and working of minerals or with their treatment or disposal in or on land adjoining the site of the working;

And,

(f) the erection of any building, plant or machinery which it is proposed to use for the coating of roadstone or the production of concrete or of concrete products or artificial aggregates, where the building, plant or machinery is to be erected in or on land which forms part of or adjoins a site used or proposed to be used

*(i) for the winning and working of minerals.*

- 3.2 Lichfield District Council have been consulted on this application under the County Council's statutory requirements. The District Council received the original consultation notification for the above application on the 1<sup>st</sup> June 2020, the consultation period was for 30 days. Notification was sent to the Councillors of Alrewas and Fradley Ward on the 5<sup>th</sup> June 2020. Officers did not however receive a request for this application to be discussed at the District Council's Planning Committee. Subsequently, Council officers reviewed the application and sent a response to the consultation on the 30<sup>th</sup> June within the stated deadline. Staffordshire County Council subsequently requested detailed comments from Lichfield District Council's Conservation Officer, which were submitted on the 7<sup>th</sup> July. Following requests from Members and the agreement from Staffordshire County Council to extend the consultation period, the consultation was discussed at Planning Committee on the 24<sup>th</sup> August 2020, and revised comments were sent to the County Council on the 14<sup>th</sup> August 2020, these are attached at **Appendix A**.
- 3.3 Lichfield District Council received a second consultation notification from Staffordshire County Council on the 12<sup>th</sup> November 2020. The consultation was discussed at Planning Committee on the 14<sup>th</sup> December 2020, and comments were sent to the County Council on the 18<sup>th</sup> December 2020, these are attached at **Appendix B**.
- 3.4 Staffordshire County Council sent a third consultation notification on the 29<sup>th</sup> March 2021 with regards to the submission of further information which includes; *"updates to the Environmental Statement in response to consultation comments"*. Staffordshire County Council has extended the consultation period on this application until the 14<sup>th</sup> May 2021 to receive further comments. The comments of Lichfield District Council's specialists is currently being sought.
- 3.5 The additional information is available to view on the County Council website. Members should take note of the submitted document titled 'List of Further/ Revised information - March 21 - L.20/03/867 M' which lists the information under consultation. Any questions about the submission should be directed to the Case Officer at Staffordshire County Council prior to Lichfield District Council's Planning Committee; Matthew Griffin, [planning@staffordshire.gov.uk](mailto:planning@staffordshire.gov.uk), tel. 01785 277275.
- 3.6 The SCC Case Officer has provided the following summary of the changes:

*The additional information supplements the ES supporting the planning application. The information seeks to address issues raised by consultees. Including:*

- *information relating to the need for the proposal which is set in the context of the needs for construction materials for phase1 of the HS2 project;*
- *revised drawings relating to the access onto the A513;*
- *additional viewpoints showing the impact of the proposals on views from the canal;*
- *changes to the restoration proposals in the vicinity of Pyford Brook to enhance the morphology of the brook course.*

#### **4. Planning Policy**

##### *Minerals Local Plan*

- 4.1 The site is located within the 'mineral consultation area' for sand and gravel drift on Lichfield District Councils mapping system. The Staffordshire County Council's 'Minerals Local Plan for Staffordshire 2015 to 2030' is the key planning policy document for this application. The site is within an allocated area of search within the Minerals Local Plan, 'Sand & Gravel Area of Search West of A38'

- 4.2 Policy 1 of the Minerals Local Plan states that;  
*“1.4 Proposals for new sites within the area of search to the west of the A38 shown on the Policies and Proposals Map will only be supported where it has been demonstrated that permitted reserves or allocated extensions to existing sites listed above cannot meet the required level of provision stated in paragraph 1.1.*
- 1.5 Any proposals to develop new sites within the area of search to the west of the A38 will only be supported where it has been demonstrated that they accord with the Plan policies, including Policy 4 and address the development considerations listed in appendix 1.”*
- 4.3 Policy 4 of the Minerals Local Plan states the environmental considerations that must be taken into account when determining proposals for mineral development. Appendix 1 of the Minerals Local Plan sets out the development considerations for the area of search west of the A38. Staffordshire County Council as the determining authority will determine the application against the Minerals Local Plan.

*Local development plan*

- 4.4 The local development plan comprises the Lichfield District Local Plan Strategy, Local Plan Allocations and the Alrewas Neighbourhood Plan.
- 4.5 The Lichfield District Local Plan Strategy states in Core Policy 3 (Delivering Sustainable Development) and Core Policy 13 (Natural Resources) that development should avoid sterilisation of mineral resources. The local development plan contain policies with regards to design, residential amenity, highway safety, ecology, arboriculture, and heritage. Staffordshire County Council will have regard to the local development plan when determining the application.

<b>5. Recommendation</b>
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- 5.1 That the Planning Committee review the amended/additional documents submitted to the County Council and provide comments on this consultation that may be referred to the County Council for their consideration. Any comments should be based on material planning considerations.

## **Appendix A:**

In response to your consultation with regards to application L.20/03/867 M upon further consideration of the matter Lichfield District Council (LDC) request the withdrawal of the comments previously made on the 30th June and 7th July 2020 and the submission of the following comments instead:

### **Justification for the application**

Although it is accepted that the site is located within an allocated area of search within the Minerals Local Plan (MLP), 'Sand & Gravel Area of Search West of A38', in accordance with Policy 1 of the MLP this site should only be considered where it has been demonstrated that the permitted reserves or allocated extensions to existing sites listed within the MLP cannot meet the required level of provision as stated within the MLP. Based upon the details provided in the current submission, the applicant has failed to demonstrate that the existing sites cannot deliver the required level of provision and as such it is the view of LDC that this application fails to comply with the requirements of Policy 1 of the MLP. It is also noted that the MLP Appendices states within the Development Considerations for the Area of Search – West of A38 that *"The phasing of any workings between Kings Bromley and Alrewas will need to minimise the erosion of landscape character ensuring that previous mineral workings to the east of Alrewas and west of Kings Bromley are subject to restoration works prior to commencement of development within the area of search."* These mineral workings have not yet been restored.

In considering this application it is essential that Staffordshire County Council (SCC) must consider whether there is a demonstrated need for this proposal and be satisfied that permitted reserves or allocated extensions to existing sites cannot meet the required level of provision. LDC raises strong concerns in respect of the justification for the proposals and request that these concerns are fully assessed as part of your determination of the application. In the event that the applicant cannot demonstrate full compliance with the Policies in the adopted Minerals Local Plan, LDC raises an objection to the principle of development.

The stated need for the development and link to the construction of HS2 is questioned. LDC recommends that SCC review this important matter prior to determination. There is also concern about the proposed timeframe of the development, it is recommended that SCC ascertain whether the proposed four/five years of use is appropriate and realistic. In reality the extraction works on this site is likely to be on-going for a significantly longer period of time with all the on-going adverse impacts on the local rural area.

### **Impact**

The nature and scale of the proposal will have a detrimental impact upon the rural character of the surrounding area and will be visually intrusive. This is contrary to relevant Local Plan Strategy Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development). The District Council's Conservation Officer has also provided detailed comments below which should be taken into consideration by SCC in this respect.

The site is currently agricultural fields as such LDC have strong concerns about the siting of a major industrial use in this rural location and the potential visual and environmental impacts. The proposal will result in the loss of agricultural land. The impact upon biodiversity, existing trees and hedgerows and local watercourses must also be taken into the consideration by SCC when determining this application. The District Council's Ecology and Arboricultural Officers have provided detailed comments below, these should be taken into consideration by SCC.

The site is in close proximity to Fradley Junction which is a popular tourist attraction within the District. There are concerns that the proposal will have a negative impact upon the character of

this popular tourist attraction. Core Policy 9 of the Local Plan Strategy states that existing local and national tourism attractions will be supported. The Conservation Officer has also provided comments below regarding the potential impact upon Fradley Junction Conservation Area.

### **Restoration works**

The submission states that the applicant is not the land owner as such there is concerns as to whether the restoration works will be completed. If SCC are minded to approve the application it is recommended that the County Council consider whether the restoration works could be secured via a legal agreement.

If SCC are minded to approve the application it is recommended that permitted development rights are removed to prevent the site being used for other industrial/commercial uses once the proposed four/five year period of use has lapsed.

### **Traffic movements and highway safety**

Due to its nature LDC is concerned about the increase in HGVs and traffic movements as a result of the suggested development, and the impact this would have on residential amenity and local highway safety. There is also concern regarding the routing of traffic to the west through the village of Kings Bromley. SCC must be satisfied that the proposal does not alone, or in combination with other development, have a negative impact upon residential amenity or highway safety. If the County Council is having taken all other factors into account minded to approve the application LDC would request a condition be attached to any permission necessitating all traffic be routed to the east towards and via the A38.

### **Noise**

LDC has concerns regarding the potential disturbance to residents from the development with regards to noise. The site is in close proximity to a number of settlements, with Orgreave and Overley less than 1km to the north, Alrewas 1km to the east, Fradley 1.2km to the south and Kings Bromley 1.8km to the west. The submission states that the site will operate 24 hours a day which will result in continuous noise. It is recommended that SCC review the hours of operation and ensure that the development will not have an adverse impacts upon the amenity of local residents and that this be controlled by a suitably worded condition.

### **Dust**

The development is likely to result in dust which will have detrimental impact upon the amenity of local residents. SCC should ensure that the suitable controls on dust are provided within the development and controlled by a suitably worded condition if minded to grant permission.

### **Utilities**

To the north of the A513 (Kings Bromley Road) is an existing National Grid gas compressor station with associated high pressure gas pipelines, a number of which are in close proximity to, or cross, the proposed site. SCC must consider the safety issues related with the siting of the proposed development and existing National Grid apparatus.

SCC must be satisfied that the proposal complies with Policy 4 of the Minerals Local Plan in all regards.

## **Lichfield District Development Plan**

The Lichfield District Development Plan for this area comprises of the Local Plan Strategy, Local Plan Allocations and the Alrewas Neighbourhood Plan; these should be taken into consideration where appropriate. The relevant policies are listed below;

Lichfield District Local Plan Strategy

Core Policy 1 (The Spatial Strategy)  
Core Policy 2 (Presumption in Favour of Sustainable Development)  
Core Policy 3 (Delivering Sustainable Development)  
Core Policy 5 (Sustainable Transport)  
Core Policy 7 (Employment & Economic Development)  
Core Policy 9 (Tourism)  
Core Policy 13 (Our Natural Resources)  
Core Policy 14 (Our Built & Historic Environment)  
Policy SC1 (Sustainability Standards for Development)  
Policy ST1 (Sustainable Travel)  
Policy ST2 (Parking Provision)  
Policy NR1 (Countryside Management)  
Policy NR3 (Biodiversity, Protected Species & their Habitats)  
Policy NR4 (Trees, Woodland & Hedgerows)  
Policy NR5 (Natural & Historic Landscapes)  
Policy NR7 (Cannock Chase Special Area of Conservation)  
Policy NR9 (Water Quality)  
Policy BE1 (High Quality Development)  
Policy Rural 1 (Rural Areas)  
Policy Rural 2 (Other Rural Settlements)  
Policy Frad1 (Fradley Environment)  
Policy Alr1 (Alrewas Environment)  
Policy Alr3 (Alrewas Economy)

Lichfield District Local Plan Allocations

Policy BE2 (Heritage Assets)

Alrewas Neighbourhood Plan

Policy TT1 (Traffic)  
Policy PR3 (Public Realm Design)  
Policy PR4 (Trees and Hedges)  
Policy ED1 (Sustainable Business Growth)

Further to the above the following detailed comments are provided by specialists within LDC:

**Conservation**

Lichfield District Council's Conservation Officer states that;

*"Having reviewed the submission I consider that the application has failed to adequately assess and address the impact of the proposals on the nearby designated heritage assets. The supporting information has not followed the guidance contained in the Historic England Good Practise in Planning Note 3: The Setting of Heritage Assets.*

*I have looked at Chapter 11 of the ES and I am unsure where they have measured the application site from as I measure the designated heritage assets as being much closer to the red line of the site than they state. The extent of the study area is also unclear as in para 11.2.1 of the ES states it that the study area is a 500m radius centred on the application site, but then it states in para 11.4.2 that there is a Scheduled Monument (not as they call it a Scheduled Ancient Monument) within the study area which is 780m to the south-east of the application site. There is no mentioned of Alrewas Hayes Farm which is approx. 770m from the application site and so should fall within their study area. I have measured the Trent and Mersey Canal Conservation Area as being around*

205m away from the application site and their closest points and Fradley Junction Conservation Area as being around 450m away. This is considerably closer than the 450m and 780m respectively as stated in paragraph 11.4.3 of the ES. While this may not affect the eventual conclusions, it leads to concerns that the impacts have not been adequately assessed and that the impacts may have been under-represented in the documents.

The ES states dismisses the impact on two listed buildings with the statement that 'it is not visible from the extraction area or plant site' which entirely misses the point of setting which is not purely derived from inter-visibility. Setting is how a heritage asset is experienced and an assessment of setting should include an assessment of the impact of noise and odour among other factors outlined in the guidance.

*It is appreciated that there are medium-term impacts during the working life of the quarry and that these will be temporary but they still need to be assessed, as do the permanent impact of the restoration proposals as these will alter the landscape that currently surrounds and provides the setting to these designated heritage assets."*

## **Ecology**

Lichfield District Council's Ecology Officer states that;

*"Based on the sites location, the habitats apparently there present or adjacent and due to the high amount of protect/priority species records with 2km (as shown by SER) it is recommended that a Full Ecological Assessment (extended phase 1 habitat survey) for the site is secured. It is recommended that the assessment identifies and describes potential development impacts likely to harm designated sites, priority species or other listed biodiversity features (including direct and indirect effects during construction and operation). Where protected or priority species are to be impacted the mitigation hierarchy must be adhered to.*

*It is recommended that a net gain to biodiversity is secured. This could be demonstrated via a quantitative assessment such as a Biodiversity Unit Metric or Biodiversity Impact Calculator."*

## **Arboriculture**

Lichfield District Council's Arboricultural Officer states that;

*"In large part there are no arboricultural objections to the proposals. There are however a small number of details on which clarification is sought or suggestions for amendments are made.*

*The first query is with regard to the line of trees along an existing track identified within the tree survey as G2/G13 etc. Concern has been raised that if the existing track was used as a temporary access by construction vehicles during the creation of the site that these trees may be damaged. Therefore it is suggested that this track is closed to construction traffic and a condition of the consent is that all access/egress to the site is via the designated new access and haul road.*

*Secondly, it is appreciated that protective fencing is proposed for the trees retained within and adjacent to the proposed workings. The specification for a post and wire fence is unlikely to be substantial enough to provide reasonable protection to the protected zones unless site management is particularly focused. A revised and more robust specification is likely to be required unless assurances can be given regarding the management of the site or supported by examples from other CEMEX sites.*

*The restoration scheme appears adequate and should result in a net gain of tree planting to the area and the recruitment of additional hedgerow standards if carried out correctly. Although the Dewatering Assessment and Drainage Assessments have been examined they do not appear to take into account the potential effect of dewatering the site on the vegetation within or adjacent to the site. At present it is not possible to make an assessment of the likely impacts of the local*

*lowering of the water table might be on the retained trees other than to say that such lowering is likely to be harmful. It is recommended that some further work in assessing this potential impact will be required and, if impacts are proven, relevant proposals for mitigation measures will be necessary."*

I trust that the above comments and concerns of the District Council will be taken into account in the determination of the planning application.



## **Appendix B:**

In response to your consultation with regards to the submission of amended and further information for application L.20/03/867 M, dated 12<sup>th</sup> November 2020, Lichfield District Council (LDC) provide the following comments:

The consultation was considered by the Council's Planning Committee on the 14<sup>th</sup> December. The Council as Local District Planning Authority reiterate the comments submitted to SCC on the 14<sup>th</sup> September 2020, and do not consider that the additional information addresses all concerns previously expressed.

### **Justification for the application**

The Council raises strong concerns in respect of the justification for the proposals and question whether the proposal complies with Policy 1 of the Minerals Local Plan (MLP). It is considered that sufficient justification has not be provided and LDC request that SCC fully interrogate this matter prior to determination. In the event that the applicant cannot demonstrate full compliance with the Policies in the adopted MLP, the Council raises an objection to the principle of development.

The stated need for the development and link to the construction of HS2 is again questioned. LDC are aware that HS2 have advised that there has been no communication with the applicant prior to the submission of this proposal.

It is considered that the development is not required and does not meet the social, economic and environmental requirements as set out in the NPPF and Local Development Plan and is therefore not sustainable development. The Council question the integrity of the submission with regards to its justification and require that SCC review and clarify these important matters prior to determination as a principle concern.

### **Impact**

The Council has strong concerns regarding the long term impact of the proposal, the erosion of the rural area and the reduction of farming capacity. There are also strong concerns about the long term impact that the development will have on local communities during construction, operation and decommissioning.

As previously expressed the Council has strong concerns regarding the impact of the development upon nearby tourist and leisure attractions, such as Fradley Junction.

There are strong concerns regarding the impact of the proposal upon the environment and biodiversity. The impact of the proposal upon climate change must also be considered, particularly with regards to air quality.

### **Traffic movements and highway safety**

Further concern about the increase in HGV's and traffic movement is expressed and the capacity of the road network, particularly should the A38 be closed and traffic diverted along country roads. SCC must be satisfied that the proposal does not alone, or in combination with other development, have a negative impact upon highway safety.

### **Noise**

The Council is extremely concerned with regard to the proposed 24 hour operation of the site and the impact this would have upon nearby residential amenity. LDC request that SCC determine whether there is a justified need for a 24 hour operation of the site.

Whilst it is noted that conveyors are now omitted from the proposal, the use of dumper trucks however is questioned. Dumper trucks will produce noise and pollution, the sustainability of which is questioned. SCC must ensure that the use of dumper trucks would not result in further detrimental effects.

In addition to the above the following detailed comments are provided by specialists within LDC:

### **Conservation**

Lichfield District Council's Conservation Officer states that;

*"Having read through the document L.20/03/867 M this does not seem to address comments made in relation to heritage or archaeology from either LDC or Historic England. There is still no assessment of significance and assessment of impact in accordance with Historic England's guidance in GPA Note 3.*

*While the revised Environmental Statement chapter refers to Historic England's advice note on mineral extraction this specifically relates to archaeological considerations not built heritage. They need to use the Historic England guidance on assessing the setting of heritage assets namely GPA Note 3.*

*The revised Chapter 11 of the Environmental Statement addresses the previous inaccuracies in the distances between the designated heritage assets and the site and has removed references to the DHA's not being visible from the site.*

*There are references to 'not significant impacts' and to impacts of noise being within acceptable limits – it is unclear what these 'acceptable limits'. These are not terms used in the NPPF or in any relevant guidance or policies relating to heritage assets.*

*Given the details provided, I would consider that the proposals would cause less than substantial harm to the setting of the Fradley Junction Conservation Area and the Trent and Mersey Canal Conservation Area and also to Orgreave Hall and Upper Lupin Farm. This harm would be less than substantial.*

*This harm needs to be given great weight in the planning balance and in accordance with paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal."*

### **Ecology**

Lichfield District Council's Ecology Officer states that;

*"The ecology team is providing comments on the biodiversity net gain proposals only, as it is anticipated that the County Ecologist will be covering all other ecological matters.*

### **Quantitative assessment of Biodiversity Impact**

*The Ecology Team considers that the quantitative data submitted is an accurate depiction of value/s of the habitat current on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 77.41 Biodiversity Units (BU).*

*However, these post development habitats are not likely to be fully achievable (91.08 BU) for some time post development. Due to the medium term net loss of habitat, there should be a much higher net gain proposed with habitats strongly linked to the adopted evidence base of the Lichfield District Council Local Plan, Nature Recovery Network mapping. Such habitat creation/restoration should be focussed around habitats within the wetland/woodland zones and aim to increase*

*habitat connectivity. Ongoing management and maintenance proposals of these habitats should be sufficient to create good quality habitats.*

*Habitat creation linked to each phase of the quarrying operations should commence immediately after the cessation of quarrying activities for each phase and not be delayed until a time when the entire site ceases its operational function.*

*Should the County Council be minded to approve the current application, the applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) via planning condition detailing, in full, the future habitat creation works (and sustained good management thereof) to a value of no less than 91.08 BU. This should be supported by an updated biodiversity metric for the site.*

*Within the combined CEMP/HMP documents the following information will need to be provided so that the LPA can assess the likelihood of any proposed habitat creation works being successful in achieving both desired habitat type and condition.*

*Information submitted within the CEMP and HMP should and expand upon the information provided within the Biodiversity Impact Calculator, Preliminary Ecological Appraisal and ECIA and must detail:*

- *Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur)*
- *Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilized for habitat creation.*
- *Details of both species composition and abundance (% within seed mix etc...) where planting is to occur.*
- *Proposed management prescriptions for all habitats for a period of no less than 30 years.*
- *A plan detailing all habitat creation/restoration across the site which adheres to the details provided within the biodiversity metric.*
- *Assurances of achievability.*
- *Timetable of delivery for all habitats.*
- *A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. The monitoring reports should be submitted to the LPA for comment.*

*This information can be submitted as part of the current planning application and so become incorporated within the development scheme or its submission to and approval by the LPA can become a pre-commencement condition of any future planning approval.”*

### **Arboriculture**

Lichfield District Council’s Arboricultural Officer states that;

*“It appears that the queries posed in the original comments have not been addressed and remain outstanding, particularly regarding existing access track and protective fencing. We are unable to find reference to the potential mitigation of the effects of a lowered water table on retained trees.*

*If SCC believe they have been addressed then an indication of where to find the relevant detail would be helpful and further comments can be provided.”*

### **Environmental Health**

Lichfield District Council’s Environmental Health Officer states that;

*“I have reviewed the documents submitted in support of the application, specifically in relation to the potential environmental impacts. In my opinion the key potential impacts are from noise and dust impacting upon sensitive receptors within close proximity of the site.*

*I am satisfied that the impacts of the proposed development are likely to be acceptable in planning policy terms with respect to these environmental considerations, provided that the following conditions are attached and complied with;*

#### *Noise*

- 1. The noise limits and other mitigation measures proposed within ES chapter 7 should form part of a noise control scheme required by condition.*
- 2. A scheme of noise monitoring to ensure adherence with the agreed limits should be undertaken, in accordance with a plan approved by the mineral planning authority. The scheme should be agreed with the MPA prior to development commencing.*
- 3. The bunding referred to in section 7.5 should be installed prior to the proposed development being brought into first use (i.e. prior to extracted minerals being exported from the site, or the batching plant being brought into first use)*

#### *Air quality*

- 1. The submitted dust management plan (appendix 8.1 of the ES) should be required by way of a suitably worded condition.”*

I trust that the above comments and concerns of the District Council will be taken into account in the determination of the planning application.