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**District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YU**

Customer Services 01543 308000
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Friday, 24 September 2021

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee has been arranged to take place **MONDAY, 4TH OCTOBER, 2021 at 6.00 PM IN THE COUNCIL CHAMBER, FROG LANE, LICHFIELD** District Council House, Lichfield to consider the following business.

Access to the Council Chamber, Frog Lane, Lichfield is via the Members' Entrance.

In light of the current Covid-19 pandemic this meeting will also be live streamed on the Council's [YouTube channel](#) for members of the public to view.

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 (Chair), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cross, Evans, Ho, Humphreys, Ray, Salter, Tapper, Warfield and S Wilcox



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MyStaffs App

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of Previous Meeting 5 - 6
4. Planning Applications 7 - 102
5. Tree Preservation Order no. 2021/00451/TPO at Drayton Manor
Business Park, Coleshill Road, Fazeley, Tamworth 103 - 116



PLANNING COMMITTEE

6 SEPTEMBER 2021

PRESENT:

Councillors Marshall (Chair), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cross, Evans, Salter, Tapper and S Wilcox

8 APOLOGIES FOR ABSENCE

There were apologies from Cllr Paul Ray, Cllr Wai-Lee Ho and Cllr Kenneth Humphreys

9 DECLARATIONS OF INTEREST

Councillor Salter declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00843/COU) as he is the Chair of Shenstone Parish Council who have raised significant objections.

Councillor Evans declared a non-pecuniary interest in Agenda Item 4 (Application no - 21/00567/FUL) as the adjacent residents are known to her.

10 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on Monday 5 July 2021 previously circulated were taken as read, approved as a correct record and signed by the Chair.

11 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 in association with Planning Application 20/00843/COU.

20/00843/COU - Coogee Nursery 17 Burnett Road Streetly

Change of use from existing dwelling (c3) to children's nursery (d1) in order to increase the size and occupancy of an existing children's nursery, including alterations and extension to existing building and associated works.

FOR: Little Ripley Day Nurseries LTD

RESOLVED: That this planning application be approved subject to proposed additional conditions. Wording of additional conditions reads as follows:

Condition 17 - The nursery shall only be open for custom between the hours of 7.00 a.m. to 6.00 p.m. Mondays to Fridays inclusive and shall not operate at weekends or on Bank or Public Holidays.

Condition 18 - The nursery's outdoor play area is not to be used until after 8.30am. Permitted hours to use the outdoor play area will be from 8.30 until 18:00 Monday to Friday only and not on Sundays or Bank and Public Holidays.

(Prior to consideration of the application, representations were made by Mr William Daly (Objector) and Mr Paul Harris, Cerda Planning, (Planning Agent). Written representations

were also received from Councillor Joseph Powell (Ward Member) and read aloud to the committee)

21/00605/FUL - 164 Cannock Road, Chase Terrace Burntwood WS71JZ

Erection of 1no detached two bedroom bungalow with associated parking and amenity plus creation of 2no parking spaces for existing dwelling.

FOR: Mr & Mrs O Carter

RESOLVED: That this planning application be approved subject to the conditions outlined in the report of the Head of Economic Growth and Development, with an additional condition that power be delegated to officers ensure appropriate hedgehog mitigation routes.

(Prior to consideration of the application, representations were made by Mr Otto de Weijer, Dutch Architecture (Planning Agent). Written representations were also received from Mrs Sarah Howson (Objector) and read aloud to the committee)

21/00567/FUL- Land rear of 79, Ironstone Road, Burntwood, Staffordshire

Erection of 1no detached two bedroom bungalow

FOR: Mr J Fisher

RESOLVED: That this planning application be approved subject to the conditions outlined in the report of the Head of Economic Growth and Development, with an additional condition that power be delegated to officers ensure appropriate hedgehog mitigation routes.

21/00456/OUT- Unit 1, Mount Road, Burntwood, Staffordshire

Outline application with all matters reserved for the erection of up to seven 2-bedroom dwellings, with parking and associated works including the demolition of the existing industrial unit.

FOR: Mr Steven Buckley

Refusal of the application was proposed by Councillor Birch and seconded by Councillor Tapper under the following reasons:

- Proposals are contrary to Core Policy 7 of the Local Plan Strategy. Do not believe the proposals comply with sustainable development in the Burntwood area due to the loss of employment land.

The result was a tied vote (5 for, 5 against) and the Chair subsequently voted against refusal, in favour of the officers original recommendations.

RESOLVED: That this planning application be approved subject to the conditions outlined in the report of the Head of Economic Growth and Development.

(The Meeting closed at 8.23 pm)

CHAIR

Agenda Item 4

Planning Committee

4 October 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

4 October 2021

CONTENTS



Case No.	Site Address	Parish/Town Council
21/01120/REMM	Former Rugeley Power Station Armitage Road Armitage Rugeley	Armitage with Hadsacre
20/00359/FULM	Land North Of Dark Lane Alrewas Burton Upon Trent	Alrewas
21/00726/FUH	26 Lime Grove Lichfield	Lichfield City

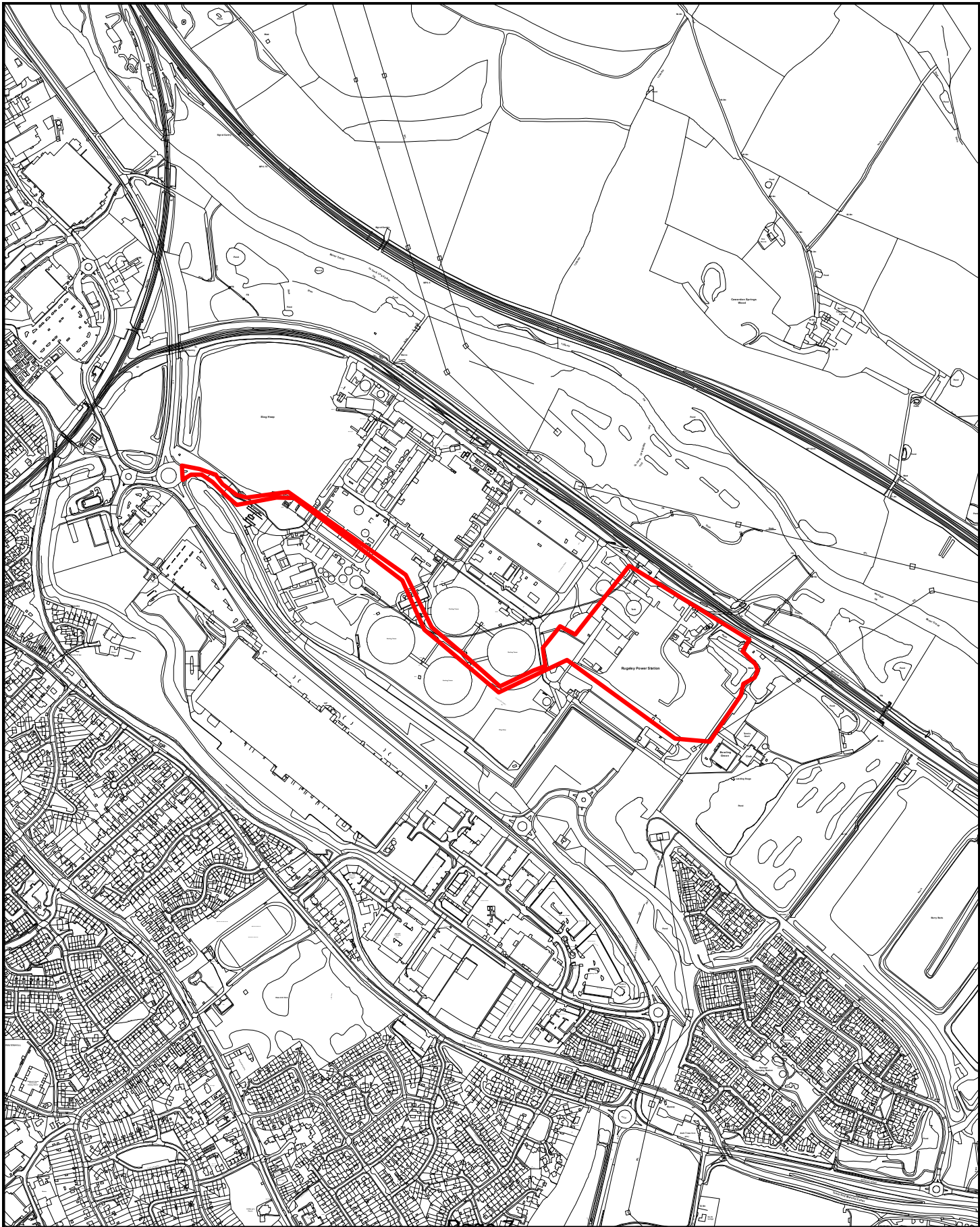
ITEM B

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

CONTENTS

Case No.	Site Address	Parish/Town Council
21/00971/FUH	2 Fulfen Cottages Cappers Lane Lichfield	Fradley And Streethay

 <p>Lichfield district council www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p>	<h1>LOCATION PLAN</h1> <p>21/01120/REMM Former Rugeley Power Station Armitage Road Armitage</p>		Scale: 1:10,000	Dated: September 2021	
			Drawn By:		
	Drawing No:		© Crown Copyright Database Rights 2021 Lichfield District Council Licence No: 100017765		



21/01120/REMM

RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO 19/00753/OUTMEI) FOR THE CONSTRUCTION OF AN ALL THROUGH SCHOOL WITH MUGA, SPORTS PITCHES, SPORTS HALL, CAR PARKING AND ASSOCIATED FACILITIES AND INFRASTRUCTURE. FORMER RUGELEY POWER STATION, ARMITAGE ROAD, ARMITAGE, RUGELEY FOR RUGELEY POWER LIMITED

Registered **02/08/2021**

Parish: Armitage with Handsacre

Note: This application is being reported to the Planning Committee due to it being a Strategic Major Project and that an Issues Paper has previously be reported to Committee on such.

RECOMMENDATION: Approve, subject to the following conditions:

1. This approval of Reserved Matters is granted in respect of Outline permission 19/00753/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 installation of materials:

3. Before the installation of each of the following:
 - a. External materials, including brick, render, cladding, curtain walling and recessed and/or feature/contrasting panels;
 - b. Rainwater goods;
 - c. Windows and doors (which it to include details of window set-backs to a minimum of 50mm from the outer face of the walls);
 - d. Guarding; and
 - e. Canopies

Full details including sections and colours, and samples where requested, 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.

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

4. Before the All Through School hereby approved is first brought into use, appropriate and safe vehicular (including interim turning space for buses and coaches using the spine road), pedestrian and cycle access shall be provided between the school site and the public highway, in accordance with details, which shall first be submitted and approved through reserved matters, pursuant to the outline planning permission reference 19/00753/OUTMEI, including any temporary measures to be implemented and a timetable for the implementation of a permanent surface finish.

5. Before the All Through School hereby approved is first brought into use, the car parking, access, servicing and circulation areas, as shown on the approved plan, reference JR009033_JTS_ALA_1D_XX_DR_L_0004 Rev P15 shall be fully provided. The car parking, access, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit, signed and marked out prior to the first occupation of the building hereby permitted and thereafter retained for the life of the development.
6. Before the All Through School hereby approved is first brought into use, full details of safe, secure and weatherproof cycle parking facilities, to provide a minimum of 120 spaces, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be constructed, in accordance with the approved details, prior to the first use of the school and shall thereafter be retained for the life of the development.
7. Notwithstanding the submitted details, before the All Through School hereby approved is first brought into use, revised details of boundary treatments, including any gates and hedgehog gaps, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments and gates, shall be erected prior to the first use of the school and shall thereafter be retained for the life of the development.
8. Before the All Through School hereby approved is first brought into use, details of a bin store or stores shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store/s shall be provided, prior to the first use of the All Through School and shall thereafter, be retained for the life of the development.
9. Before the All Through School hereby approved is first brought into use, details of any street furniture and hard surfacing materials within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved street furniture and hard surfacing shall be subsequently provided prior to the first use of the All Through School and shall thereafter be retained for the life of the development.

All other CONDITIONS to be complied with:

10. No works shall be carried out within the western overflow car park, as shown on plan reference JR009033_JTS_ALA_1D_XX_DR_L_0005 Rev P09, unless in accordance with a Risk Assessment Method Statement, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The Risk Assessment Method Statement shall demonstrate that works can be carried out without affecting the integrity of the underground National Grid 132kV cables.
11. The development hereby approved shall be carried out in accordance with the noise mitigation measures identified within the Cundall Environmental Noise report, reference JR009033_JTS_CDL_1D_ZZ_RP_AS_002, revision P03, dated 8th June 2021. The mitigation measures identified therein shall be implemented in full, prior to the first use of the All Through School and shall thereafter be maintained for the life of the development.
12. The development hereby approved shall be carried out and thereafter maintained in accordance with the mitigation measures and recommendations identified within the Atmos reports titled, 'Habitat Management Plan', reference 5202 R37 Rev3 and 'Ecological Mitigation Statement', reference 5202 R42 Rev4, both dated July 2021.
13. The surface water drainage scheme shown on approved plans reference JR009033-CDL-ZZ-XX-DR-C-140001, JR009033-CDL-ZZ-XX-DR-C-140002, JR009033-CDL-ZZ-XX-DR-C-140003 and JR009033-CUN-ZZ-XX-DR-C-050001 shall be implemented prior to the first use of the All Through School hereby approved and shall thereafter be maintained in accordance with the Sustainable Drainage (SuDS) Strategy (Rev P02) for the life of the development.

14. Prior to first use of the all weather hockey pitches, details of ball stop and kickboards shall be submitted to and approved in writing by the Local Planning Authority. The approved ball stop and kickboards shall be installed prior to the first use of the all weather hockey pitches and shall thereafter be retained for the lifetime of the pitches; unless otherwise replaced like for like.
15. No lighting columns along the school's front entrance shall be installed unless in accordance with details, which shall have been first submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be installed and thereafter retained as such, without alteration, for the life of the development.
16. The landscape, planting and management scheme shown on approved plans reference JR009033-ALA-ZZ-ZZ-DR-L-0001 Rev P05, JR009033-ALA-ZZ-ZZ-DR-L-0002 Rev P07, JR009033-ALA-ZZ-XX-DR-L-0004 Rev P15, JR009033-ALA-ZZ-XX-DR-L-0005 Rev P09, JR009033-ALA-ZZ-XX-DR-L-0006 Rev P09, JR009033-ALA-ZZ-XX-DR-L-0007 Rev P05, JR009033-ALA-ZZ-XX-DR-L-0009 Rev P07, JR009033-ALA-ZZ-XX-DR-L-0010 Rev P07, JR009033-ALA-ZZ-XX-DR-L-0011 Rev P06, JR009033_JTS_ALA_1D_XX_DR_L_0012 Rev P05, JR009033-ALA-ZZ-XX-DR-L-0014 Rev P05, JR009033-ALA-ZZ-XX-DR-L-0017 Rev P04, JR009033-ALA-ZZ-XX-DR-L-0018 Rev P02, JR009033-ALA-ZZ-XX-DR-L-0019 Rev P04, JR009033-ALA-ZZ-XX-DR-L-0020 Rev P04, JR009033-ALA-ZZ-XX-DR-L-0021 Rev P05 and JR009033-ALA-ZZ-XX-DR-L-1003 Rev P03 shall be implemented within eight months of the development being first brought into use.
17. Any tree, hedge or shrub planted as part of the approved landscaping 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.
18. Before the installation of any external plant, machinery (including photovoltaic panels) or water storage tanks, full details of such, to include (where relevant); elevations, sections, specifications and acoustic details; shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be maintained as such, for the life of the development.
19. Before the installation of the sprinkler or gas tank, details of elevation(s) and means of enclosure shall be submitted and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, with the means of enclosure erected prior to the first use of either sprinkler or gas tank, and shall thereafter be retained for the life of the development.

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 ensure the high quality form and appearance of the development, in accordance with the requirements of Core Policies 3 and 14 and Policy BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, the Sustainable Design Supplementary Planning Document, Policy AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.

4. In the interests of highway safety and to promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
5. In the interests of highway safety and to ensure sufficient off-street car parking is available to serve the development, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
6. To promote the use of sustainable modes of transportation in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
7. To ensure the high quality form and appearance of the development, ensure continuity in use of the site within the electricity network and to facilitate the movements of a Protected and Priority Species, in accordance with the requirements of Core Policies 3 and 13, and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
8. To ensure the provision of an adequately proportioned bin store to suit the needs of the development and to safeguard the character and appearance of the area, in accordance with Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
9. To ensure the high quality form and appearance of the development, in accordance with the requirements of Core Policies 3 and 14 and Policy BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, the Sustainable Design Supplementary Planning Document, Policy AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
10. To safeguard the integrity of the existing electrical infrastructure within the site, in accordance with the requirements of the National Planning Policy Framework.
11. To protect the amenity of future residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
13. 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, protect the on-going operation of the railway network 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.

14. To protect the amenity of future nearby residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
15. In the interests of highway safety and to protect the amenity of existing and future nearby residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
16. 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 AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
17. To ensure that any initial vegetation loss to the approved landscaping scheme is negated, in accordance with the requirements of Policy BE1 of the Local Plan Strategy, the Supplementary Planning Document Trees, Landscaping and Development, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
18. 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 AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
19. To ensure the high quality form and appearance of the development and to protect the amenity of future residents, in accordance with the requirements of Core Policies 3 and 14 and Policy BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, the Sustainable Design Supplementary Planning Document, Policy AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Armitage and Handsacre Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. 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.

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. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>.
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 is advised that whilst the Education Design Brief has been used to inform the suitability of this application, the Appendix to such, which details potential design solutions relevant to the delivery of the Spine Road is not approved as part of this application. Rather the suitability of Spine Road will be considered, in isolation to this document, as part of a subsequent reserved matters application.
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 23rd June 2021.
8. The applicant is advised to note and act upon as necessary the attached comments of the Police Architectural Liaison Officer dated 25th August 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 Environment Agency, as detailed within their consultation response, dated 29th July 2021.
10. The applicant is advised to note and act upon as necessary, the comments of The Coal Authority, as detailed within their consultation response, dated 25th June 2021.
11. 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).
12. The applicant is advised that when seeking to discharge the requirements of condition 7 the siting of the northern boundary fence shall accommodate the required 2m distance stand-off from National Grid's 25Kv cables.
13. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

National Design Guide

National Model Design Code

National Policy for Waste

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 4 – Delivering our Infrastructure
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 7 – Employment and Economic Development
Core Policy 8 – Our Centres
Core Policy 10 – Healthy & Safe Lifestyles
Core Policy 11 – Participation in Sport and Physical Activity
Core Policy 13 – Our Natural Resources
Core Policy 14 – Our Built and Historic Environment
Policy SC1 – Sustainability Standards for Development
Policy SC2 – Renewable Energy
Policy IP1 – Supporting & Providing our Infrastructure
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Standards
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

Local Plan Allocations Document

Policy NR10: Cannock Chase Area of Outstanding Natural Beauty
Policy BE2: Heritage Assets
Policy R1: East of Rugeley Housing Land Allocations
Appendix E: Rugeley Power Station Concept Statement

Supplementary Planning Documents

Sustainable Design
Trees, Landscaping and Development
Developer Contributions
Biodiversity and Development
Historic Environment
Rural Development
Rugeley Power Station Development Brief

Armitage with Handsacre Neighbourhood Plan

Policy AH1 – Conserving and Enhancing Non-Designated Heritage Assets
Policy AH2 – Conserving and Enhancing the Local Natural Environment
Policy AH4 – Protected Open Spaces
Policy AH5 – Better Design
Policy AH6 – Maintaining the Rural Nature of the Villages
Policy AH7 – Retaining and Enhancing Existing Community Facilities

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 12: Countryside character
 Strategic objective and priority 13: Natural resources
 Strategic objective and priority 14: Built environment
 Strategic objective and priority 15: High quality development
 Strategic Policy OSS1: Presumption in favour of sustainable development
 Strategic Policy OSS2: Our spatial strategy
 Strategic Policy OSC1: Securing sustainable development
 Strategic Policy OSC2: Renewables and low carbon energy
 Strategic Policy OSC3: Sustainable building standards for non-domestic buildings
 Strategic Policy OSC4: High quality design
 Strategic Policy OSC5: Flood risk, sustainable drainage & water quality
 Strategic Policy INF1: Delivering our infrastructure
 Strategic Policy OST1: Our sustainable transport
 Strategic Policy OST2: Sustainable travel
 Local Policy LP1OST: Parking provision
 Strategic Policy OHF1: Housing provision
 Strategic Policy OEET1: Our employment and economic development
 Strategic Policy OEET2: Our centres
 Strategic Policy OHSC1: Healthy & safe communities
 Preferred Policy OSR2: Open space and recreation
 Strategic Policy OHSC2: Arts and culture
 Strategic Policy ONR2: Habitats and biodiversity
 Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation
 Strategic Policy ONR4: Green infrastructure and connectivity
 Strategic Policy ONR5: Natural and historic landscapes
 Strategic Policy OBHE1: Historic environment
 Strategic Policy OBHE2: Loss of heritage assets
 Strategic Policy OBHE4: Evidence to support heritage proposals
 Local Policy AH1: Armitage with Handsacre environment, services and facilities
 Local Policy AH2: Armitage with Handsacre 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)
 Providing for Journeys on Foot (2000)
 Urban Capacity Assessment
 Water Framework Directive
 A Sense of Place: Design Guidelines for Development near Pylons and High Voltage Overhead Power Lines
 Health and Safety Executive Guidance Note GS6
 Lichfield District Economic Development Strategy
 Lichfield District Nature Recovery Network (2019)
 Cannock Chase District Nature Recovery Network (Emerging)

South Staffordshire District Nature Recovery Network (Emerging)
 Stafford Borough Nature Recovery Network (Emerging)
 Birmingham City Council Nature Recovery Network (Emerging)
 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)
 UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)
 UK Solar PV Strategy Part 2 (2014)
 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

18/01098/FULM	Demolition of Rugeley B Power Station, including decommissioning, removal of hazardous materials and dismantling of all associated buildings and structures	Approved	22/10/2018
19/00256/TPO	Fell 5 no sycamore, 1 no Lime and prune 2 no Sycamore	Approved	07/03/2019
19/00437/TPO	Fell 2 no Willows trees	Approved	05/04/2019
19/00439/TPO	Felling of one elder tree		Undetermined
19/00753/OUTMEI	Outline Planning Application for the creation of development platform and the demolition of existing office building, environmental centre, and security gatehouse, site clearance, remediation and phased mixed-use development comprising up to 2,300 new dwellings and residential units (use classes C3 and C2), up to 1.2 ha of mixed-use (use classes A1, A2, A3, A4, A5, C1, C2, C3, D1 and D2), up to 5 ha of employment (use classes B1a, b, c and B2), a school (All Through School or 1 no. 2 Form Entry Primary School (use class D1)), formal and informal publicly accessible open space, key infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513, ground and roof mounted solar panels and 2 no. existing electricity substations (132 KV and 400 KV) retained (All Matters Reserved Except Access)	Approved	08/04/2021
19/01494/TPO	Removal of self-set trees (mainly alder)	Approved	27/11/2019
20/01743/TPO	Removal of various trees (T7, T13, T14, T15, T16, T17, T18, T19, groups G16, G17, G19, G34, G35, & and G47)	Approved	13/01/2021

18/01098/AMD	Non-material amendment to allow removal of condition 3 (Archaeology) and variation of condition 8 (Days/Hours of working) to allow occasional weekend work to commence when agreed in advance with Local Planning Authority	Approved	08/01/2021
21/01275/REMM	Reserved matters (access, appearance, landscaping and layout pursuant to 19/00753/OUTMEI and CH/19/201) for the construction of a Riverside Park		Pending determination
L890665	Sports pavilion and changing rooms	Approved	15/08/1989

CONSULTATIONS

Armitage with Handsacre Parish Council - No objection (23/08/2021 & 14/07/2021).

The Coal Authority - No objection. Recommends an informative be used to direct the applicant to their standing advice (25/06/2021).

Ecology Team - LDC - No objection, subject to the development being carried out in accordance with the submitted ecological mitigation measures and the, to be approved by condition, Habitat Management Plan (HMP)/Construction Environment Management Plan (CEMP) (25/08/2021).

Previous Comments: Requires further information in the form of the HMP/CEMP and updated likely biodiversity unit score as required by condition 9. Such are required to be able to understand the context of the proposed works and track the overall net gain of the site for each phase going forward. At present only the Ecology Mitigation Strategy as part of condition 10 has been submitted (12/07/2021).

Conservation and Urban Design Team – LDC - No objection. The Campus Design Brief has been amended as requested to show a robust pedestrian route down both sides of the ATS site from the Rail Way to the Spine Road so that pedestrians/cyclist accessing it from both the north and the south have a convenient and useable route to the entrance of the school (16/09/2021).

Previous Comments: No objection. The large expanses of render previously proposed to some elevations, in particular the front of the sports hall, are now shown to be broken up with recessed panels. Other elevations are now shown as brick, in particular the classroom west and east elevations. A number of other amendments have been made but these are relatively minor. Overall this represents an improvement in the proposed design.

Inconsistences specific to the pedestrian facilities to be created are evident within the Campus Design Brief. There should be a robust pedestrian route down both sides of the ATS site from the Rail Way to the Spine Road so that pedestrians/cyclist accessing it from both the north and the south have a convenient and useable route to the entrance of the school.

Recommends conditions requiring the submission and approval, prior to the commencement of development of all facing materials, including full details of all recessed and/or feature/contrasting panels, boundary treatments and the canopy details (24/08/2021).

There are large expanses of render proposed to be used on various elevations which are not shown as being broken up by windows or any other design feature. These include:

- Rear elevation (A) shown on drawing 222102 PO7
- Front elevation (A) shown on drawing 002100 PO5
- West & East Elevation a& Primary Hall elevation shown on 002103 PO6
- North elevation shown on 002104 PO5.

Part of the west elevation shown on plan 002103 PO6, shows feature render panels within a larger rendered area. This is one option that could be used to break up the large areas of render. Alternatively these elevations could be faced in brickwork, with recessed panels/different bonds/contrasting colours of bricks used to break up these large expanses. There is also the maintenance issue of render, with it often looking dirty after a relatively short period of time. These amendments would ensure the proposed scheme adheres to the design principles detailed in the Campus Design Brief, in particular page 41, which states that; *"The roofscape and articulation of the school building should create rhythm and visual interest' Large expanses of dull or monotonous elevations will not be permitted"*.

An informal pedestrian route to south-east side of the ATS site is shown on page 29 of the Campus Design Brief with a formal route shown on the north-west side. This is the opposite of the secondary pedestrian route shown on the south-east side and the tertiary route shown to the north-west side as shown on page 24. There should be a robust pedestrian route down both sides of the ATS site from the Rail Way to the Spine Road so that pedestrians/cyclist accessing it from both the north and the south have a convenient and useable route to the entrance of the school.

Conditions are recommended specific to all facing materials and details of boundary treatments (13/07/2021).

Environmental Health Team – LDC - No objection, subject to a condition requiring the submission and approval of details relating to the ball stop fencing and kickboards to be installed to the hockey pitch (20/08/2021 & 15/07/2021).

Spatial Policy and Delivery Team - No objection. The site is located to the east of Rugeley Town Centre and located adjacent to the East of Rugeley Strategic Development Area. The former Rugeley Power Station site is allocated within the Local Plan Allocations for a minimum of 800 dwellings, as identified on Inset 18 of the Local Plan Policies Maps. These proposals relate to the education provision secured through the legal agreement accompanying the outline application.

The concept statement for the Former Rugeley Power Station at Appendix E of the adopted Local Plan Allocations sets out the infrastructure, which is to be required within the redevelopment of the site, which includes the provision of a new primary school to be accommodated within the scheme at an accessible location. It is noted, in accordance with the legal agreement and as set out in the accompanying planning statement that funding has been secured to deliver an All Through School, which would comprise a 52 place nursery, a 2 form entry primary school, a 5 form entry secondary school and post 16 sixth form provision, together with ancillary facilities. The School is proposed to be located centrally within the wider development site. As such the proposed development is in accordance with the policies within the Local Plan Strategy and Local Plan Allocations (07/07/2021).

Waste Management – LDC - It is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste.

The road surface should be sufficient to take a 32 tonne vehicle and 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 (04/08/2021 & 23/06/2021).

Tree Officer LDC - The revised landscaping details address the concerns raised in previous comments made on the 6th of September 2021 therefore have no further comments to make. (20/09/2021)

Previous Comments: There is some slight contradiction in terms of watering schedules within the proposed landscape management plan, which needs to be addressed. The proposed deadman anchor planting pit detail does not perform as well as driven ground anchor systems. In addition the irrigation systems are noted as being above mulch level. Consideration should be given to amending these elements (06/09/2021).

No objection in principle, but notes that whilst the Landscape Management Plan makes reference to watering of trees, a significantly more detailed specification, which includes watering for three years, with initially two watering visits per month (more in spells of dry weather) and then tapering off in the following two seasons is required. All watering to be to saturation. Furthermore, no tree pit details have been submitted and therefore the means of irrigation is not known. Complete tree pit details for both hard and soft areas are required. Rootballed stock is specified, containerised stock is required as their establishment rates within the District are better than that for rootballed stock.

Several trees are proposed to be planted in the transition area to the rear of the school/access to the pitches. Establishment/retention of these trees could be problematic due to foot traffic/compaction etc. caused by high footfall. Unless the trees are sited within extensive planting areas, where pedestrians are excluded, these trees are likely to be hard to establish. In addition the lack of trees to the North of the pitches is noted. Siting trees here is likely to be much easier and with the advantage that much of the shade cast will be away from the pitches.

The landscape planting schedule appears to be incomplete with several selections appearing on the Landscape Planting Plan that don't appear in the schedule. In addition, the schedule does not give total numbers of trees used. Both numbers and percentage mix would be useful in assessing the balance and sustainability of the scheme. *Populus alba* is utilised in some locations which could prove problematic due to its propensity to sucker. *Alnus glutinosa* may not be suitable adjacent to hard surfaces due to surface root issues. *Quercus suber* may not thrive due to adverse climate conditions. Many locations which could accommodate large, broad crowned trees have instead received fastigiated selections. Consideration should be given to replacing these with larger, broader crowned selections (08/07/2021).

Staffordshire Historic Environment Officer (Archaeology) - No comment (25/08/2021 & 16/07/2021).

Staffordshire County Council (School Organisation) - No objection. Notes however that the applicant proposes pick up and drop off provisions for both the primary and secondary elements of the All Through School. It is not the County Council's policy to provide pick up and drop off provision at new urban primary schools, which are being built to support the sustainability of large scale development. It is expected that once the development is complete the vast majority of children will come from within the local vicinity (16/07/2021).

Staffordshire County Council (Flood Risk Officer) - No objection (03/09/2021).

Previous Comments: The exceedance plan shows that to the western side of the building overland flows are falling towards the school building. The contour levels show that this area is completely flat with no fall whatsoever. The drainage plan shows an aco channel in this area. It is presumed that this channel sits at a low spot of approximately 68.300m. Requests a change to the contour intervals such that the major contours are every 1m and the minor contours are every 0.1m.

Given the car parking arrangement located on the western side of the site has been amended, the drainage drawings need to be updated to reflect this change (23/08/2021).

Object. Require further information specific to hydraulic modelling calculations (Micro Drainage or similar) to demonstrate the performance of the proposed SW system for a range of return periods and storm durations to include as a minimum the 1:1, 1:30, 1:100 and 1:100+CC events. In addition, require details of the name and contact details of the party responsible for future maintenance of the drainage systems and finally, require a plan to illustrate the flooded areas and flow paths in the event of exceedance of the drainage system (14/07/2021).

Staffordshire County Council (Highways) - No objection. Notes specific to the Education Campus Design Brief that 2 pedestrian / cycle accesses into the school are shown. Whilst there will be a requirement for a pedestrian/cycle access on this boundary, it is difficult to approve a precise location until the design for access routes around the wider site have been agreed or alternatively the detail for the surrounding area will have to tie into the locations identified. Furthermore, it is important that prior to the school opening that the design of the spine road and turning facilities are agreed and implemented to allow suitable access to the school.

The artificial lighting details identified, which are important to ensure year round safe access to the school are not wholly acceptable, with details such as bollard lighting not considered appropriate.

The scheme is not proposing any formal drop off / pick up parking for any of the school age children which is agreeable. However, the school travel plan acknowledges the need for on-site access for parents to pick up and drop off for the nursery. The travel plan identifies 3 car parking spaces are to be provided, which will need to be clearly signed, marked out and controlled to prevent misuse.

Until the housing around the school is erected, there may be high levels of pupils arriving by car and this should temporarily be accommodated around the site, along with vehicular access details for buses and turning facilities. The school travel plan provides a strategy for buses entering the site in the interim and then buses/coaches ultimately using dedicated facilities on the spine road, which is acceptable in principle. However the coach spaces on the spine road will be agreed as part of an application yet to be submitted to the LPA.

The submitted plans show an access into the overflow car park from the spine road, which will need to have an appropriate width and visibility provided. This could have implications to any planting proposals in this area.

Notes that indicatively the footway along the spine road is shown to be 2 metres wide. The site will have a comprehensive network of footways and cycle networks and to facilitate sustainable movement patterns, a 3 metre wide footway / cycleway is likely to be required as part of the reserved matters application for the spine road. To that end and noting other areas of potential concern with current designs, notes that that this decision should clearly state clear that the spine road detail identified within the submitted documentation is not for consideration as part of this proposal and the submitted details are not approved.

To address the above matters, conditions are recommended, which require that prior to the first use of the ATS, the vehicular accesses onto the spine road shall be fully constructed, in accordance with a scheme to be approved in writing by the Local Planning Authority. Upon commencement of the ATS, the applicant shall submit details of vehicle/pedestrian access to the site from the adopted highway including turning facilities.

The proposed car/cycle/scooter parking, access, servicing and circulation areas as shown on the approved plans, shall be sustainably drained, hard surfaced in a bound material, lit, signed and marked out prior to the first occupation of the building and thereafter maintained for the life of the development.

Notwithstanding the submitted details, it is recommended that no development should commence until details of a revised Education Campus Design Brief, which excludes pages 43 onwards (as these elements shall be agreed via a separate reserved matters application for the spine road) has been submitted to the LPA. The development shall thereafter be constructed in accordance with the Education Campus Design Brief (25/08/2021).

Police Architectural Liaison Officer - No objection. Provides guidance on measures to help reduce the potential for crime within the development (25/08/2021 & 15/07/2021).

British Pipeline Agency - No comment (12/07/2021).

Environment Agency - No objection. Advise that the Surface Water and Foul Drainage Strategy needs to be assessed by the Lead Local Flood Authority. The submitted drawings show, as expected, that it is intended to fill in two water conveying structures (kidney ponds) left over from the original power station. Both structures are indicated as being within the floodplain of the River Trent according to the Environment Agency Flood Map for Planning. As a consequence, the Environment Agency have been involved in discussions between Engie, Expedition Consultants, Staffordshire County Council and Staffordshire Wildlife Trust to ensure that any loss of flood storage volume caused by the filling of these structures is compensated for by ground lowering and the creations of small ponds and scrapes within the proposed Riverside Park. Discussions on this matter continue and will be subject of a separate application.

The compensatory volume works will need to be carried out on the Riverside Park site, before the kidney ponds can be filled in. The developer will also need to apply for Flood Risk Activity Permits through this office for many of the different activities they will be carrying out within the Riverside Park site.

Evidence shows that the proposed development poses a loss to a priority habitat that is listed in section 41 of the NERC Act 2006 a habitat of conservation, Open mosaic habitats on previously developed land. Recommend that this is taken into account when the application is considered for approval. Failure to take relevant habitats and species into account may leave the determination of the application open to challenge (29/07/2021).

Sport England - No objection. In line with the outline illustrative masterplan, the ATS incorporates the provision of 2no artificial pitches, 2no grass pitches, MUGA and a sports hall including a studio. In viewing the amended Sports Pitch Layouts Build up Plan it is noted that the 3G pitch and natural turf football pitch dimension have been amended to 106x70m in line with the recommended pitch dimensions. As per the previous Plan the hockey AGP pitch size accords with the recommended dimensions. However, the second natural turf pitch is a rugby pitch (116 x 74m) still falls outside the minimum pitch dimension of 116x78m. It should be noted where the pitch dimensions do not have the required 5m run off a comprehensive risk assessment based upon the type, level and intensity of rugby activity and the surrounding physical environment.

With regards to the MUGA provision there is a slight reduction in provision from what previously displayed in the illustrative masterplan though the proposed courts will be equivalent to that to be lost at the site and will be made available for community use. The proposal incorporates a sports hall, which meets the recommended Sport England dimensions for a 4 court hall, which is greater in size than was originally proposed as part of the outline application. The increase in the sports hall is welcomed with it enabling a wider range of community sports to take place. The sports block also incorporates 4no changing rooms which, can service both the indoor and outdoor sports provision, which is also welcomed (05/08/2021).

Previous Comments: Object. In line with the outline illustrative masterplan, the ATS incorporates the provision of 2no artificial pitches, 2no grass pitches, MUGA and a sports hall including a studio. In viewing the Sports Pitch Layouts Build up Plan it is noted that the hockey AGP dimension is 104.6 x 63m in line with the England Hockey's recommended pitch dimensions. However, the proposed 3G pitch and natural turf football pitch dimensions are below the recommended full size adult pitch dimension of 106x70m. Similarly, the second natural turf pitch is a rugby pitch (116 x 74m), which also falls below the minimum pitch dimension of 116x78m.

With regards to the MUGA provision there is a slight reduction in provision from that shown on the illustrative masterplan, though the proposed courts will be equivalent to that to be lost at the site and will be made available for community use. The proposal incorporates a sports hall, which meets the recommended Sport England dimensions for a 4 court hall, which is greater in size then originally proposed as part of the outline application. The increase in the sports hall is welcomed with it enabling a wider range of community sports to take place. The sports block also incorporates 4no changing rooms, which can service both the indoor and outdoor sports provision, which is welcomed (14/07/2021).

Leisure and Parks – LDC - The council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all POS areas are covered by a suitable management organisation (19/07/2021).

Natural England - No objection (25/08/2021 & 16/07/2021).

Western Power Distribution - No objection (04/04/2021).

Cannock Chase AONB Landscape Planning Officer - No objection (12/08/2021).

Severn Trent Water - No objection. Advises that if a final foul sewage connection to a public sewer is proposed then a formal sewer connection application will need to be made (03/09/2021).

Previous Comments: The submitted documents do not clearly identify where the proposed outfall points are to be located. Request a cover note be provided to be read alongside the plans (20/08/2021).

National Grid - No objection. Advises that discussions are on-going with the applicant to seek to address potential concerns regarding the development's impact upon electricity infrastructure that is located adjacent to and within the application site (26/08/2021).

Cannock Chase District Council - No response received.

Brereton and Ravenhill Parish Council - No response received.

Economic Development - No response received.

Staffordshire County Council (Planning) - No response received.

Cadent Gas Limited - No response received.

HS2 Safeguarding Consultation - No response received.

Central Networks - No response received.

Network Rail: No response received.

South Staffs Water: No response received.

Staffordshire Fire & Rescue Service - No response received.

Housing Manager – LDC - No response received.

Health and Wellbeing Development Manager - LDC - 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:

Design Brief (15.09.2021)
Design Statement Rev P08
Ecological Mitigation Statement Rev 3
Environmental Noise Report (June 2021)

External Lighting Assessments (JR009033_CD_L_00-XX-DR-E-40001 Rev P04 and JR009033_CD_L_00-XX-DR-E-40002 Rev P03 listed below)
Habitat Management Plan Rev 2
Highways Statement Rev D
Landscape Management Plan Rev P03
Planning and Sustainability Statement and Amendments Covering Letter (29th July 2021)
School Travel Plan Rev C
Sustainability Framework Comparison (April 2021)
Sustainable Drainage Strategy including Water Quality Assessment (April 2021)

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

JR009033-GNA-ZZ-00-DR-A-001010 Rev P05
JR009033-GNA-ZZ-01-DR-A-001011 Rev P05
JR009033-GNA-ZZ-02-DR-A-001012 Rev P05
JR009033-GNA-ZZ-RF-DR-A-001013 Rev P05
JR009033-GNA-ZZ-XX-DR-A-002103 Rev P07
JR009033-GNA-ZZ-XX-DR-A-002104 Rev P06
JR009033-GNA-XX-XX-DR-A-002100 Rev P06
JR009033-GNA-ZZ-XX-DR-A-002101 Rev P06
JR009033-GNA-ZZ-XX-DR-A-002102 Rev P08
JR009033-GNA-ZZ-XX-DR-A-009000 Rev P04
JR009033-GNA-ZZ-XX-DR-A-009001 Rev P04
JR009033-GNA-ZZ-XX-DR-A-009003 Rev P04
JR009033-GNA-ZZ-XX-DR-A-009004 Rev P04
JR009033_GNA_XX_XX_DR_A_003100 Rev P02
JR009033_GNA_ZZ_XX_DR_A_002110 Rev P02
JR009033-ALA-ZZ-ZZ-DR-L-0001 Rev P05
JR009033-ALA-ZZ-ZZ-DR-L-0002 Rev P07
JR009033-ALA-ZZ-XX-DR-L-0004 Rev P15
JR009033-ALA-ZZ-XX-DR-L-0005 Rev P09
JR009033-ALA-ZZ-XX-DR-L-0006 Rev P09
JR009033-ALA-ZZ-XX-DR-L-0007 Rev P05
JR009033-ALA-ZZ-XX-DR-L-0009 Rev P07
JR009033-ALA-ZZ-XX-DR-L-0010 Rev P07
JR009033-ALA-ZZ-XX-DR-L-0011 Rev P06
JR009033_JTS_ALA_1D_XX_DR_L_0012 Rev P05
JR009033-ALA-ZZ-XX-DR-L-0014 Rev P05
JR009033-ALA-ZZ-XX-DR-L-0017 Rev P04
JR009033-ALA-ZZ-XX-DR-L-0018 Rev P02
JR009033-ALA-ZZ-XX-DR-L-0019 Rev P04
JR009033-ALA-ZZ-XX-DR-L-0020 Rev P04
JR009033-ALA-ZZ-XX-DR-L-0021 Rev P05
JR009033-ALA-ZZ-XX-DR-L-1003 Rev P03
J32-5630-PS-001 Rev A
J32-5630-PS-002 Rev A
J32-5630-PS-003
J32-5630-PS-004
JR009033-CDL-ZZ-XX-DR-C-140001 Rev P03
JR009033-CDL-ZZ-XX-DR-C-140002 Rev P03
JR009033-CDL-ZZ-XX-DR-C-140003 Rev P04
JR009033_CD_L_00-XX-DR-E-40001 Rev P04
JR009033_CD_L_00-XX-DR-E-40002 Rev P03
JR009033-CUN-ZZ-XX-DR-C-050001 Rev P01
01585_S12 Rev P2

OBSERVATIONS

Site and Location

The application site, which extends to approximately 7 ha is located centrally within the overall 139 ha Rugeley Power Station B redevelopment site. Generally the site is relatively flat, however the site was formerly the location of four cooling towers and although these have since been demolished, the land around them is uneven and overgrown due to the leftover material, which is referred to as 'moonscape'. Work continues however to clear such from the site, with a clear development platform to be created following a cut and fill exercise to even out this area for future development.

To the west the site is the, to be retained 400 kV substation, whilst to the south west is the 132KV Sub Station / Transformer, housed within a large scale brick building. The site is bound to the north by the proposed Riverside Park (subject of a separate pending reserved matters application, likely to be determined under officer delegated powers) and the 'Rail Way' – a car free route within the future development, for cyclists, walkers etc. To the east is a small copse within which sits the model railway. Beyond that will be residential parcels of development that will come forward as part of future phases of the power station redevelopment.

A large manmade pond referred to as the 'kidney ponds' is located within the north eastern portion of the application site. These were the former outlet for water received from the former cooling towers.

The wider site is located approximately 2km to the east of Rugeley Town Centre and approximately 1.6km west from the centre of Armitage with Handsacre. The site is bound by the River Trent to the north, beyond which lie agricultural fields, the A513 to the south, along with both the Hawkesyard housing estate and various large scale, predominantly storage and distribution buildings, within the Towers Business Park and the A51 to the south west.

The application site (although not the access road to serve such) is located within Armitage with Handsacre Parish and falls wholly within Lichfield District.

The Cannock Chase Area of Outstanding Natural Beauty (AONB), Cannock Chase Special Area of Conservation (SAC) and Stafford Brook Site of Special Scientific Interest (SSSI) lie approximately 8km to the west of the Site. Slightly further afield is the Pasturefields Salt Marsh SAC and SSSI, located approximately 8km to the north west and the West Midlands Mosses SAC and SSSI located approximately 10km to the north. Other SSSI's in proximity to the Site include Blithfield Reservoir, located 4.5km north, which is nationally important for goosander *Mergus Merganser*, and Gentleshaw Common, located 4.9km south, which is of interest due to the lowland heathland vegetation across this area, and the biodiversity niches it supports.

There are no built heritage assets within the application site, but there are several scattered across the surrounding rural landscape, to the east of the site, including the Trent and Mersey Canal Conservation Area, the Grade II Listed viaduct over the this canal, the Grade II* Listed Church of St John and the Grade II Listed Spode House and Hawkesyard Priory.

Background

The outline permission to develop the site (ref 19/00753/OUTMEI) was granted by planning committee on the 27th July 2020, subject to the signing of a Section 106 Agreement, subsequently sealed on 7th April 2021. Schedule 5 of the S106 Agreement provides details in respect of the delivery on-site of a Primary School Option or All Through School (ATS) Option, which includes a planning obligation stating that the ATS should be provided prior to construction of the 400th dwelling. The S106 agreement also includes details relating to the transfer of the ATS site to the County Council as soon as reasonably practical (before completion of 399th dwelling or before 1st September 2024).

The Land Use Parameter Plan, approved under condition 3 of the outline planning permission, shows two options for development of the education parcel within the Site – either an All Through School with shared playing fields or Primary School Site and playing fields. This flexibility of the ‘either/or’ option was sought given that the delivery of the ATS was subject to external funding arrangements. The approved Building Heights Parameter Plan, detailed that the school should not be higher than three storeys in height or 15m above existing ground levels (+/-2m).

Following the grant of the outline consent, a Wave 14 free school application was made to the Department for Education (DfE), with the John Taylor Multi Academy Trust as the sponsor, to create an ATS, from nursery to Post-16, in Rugeley. The DfE have now confirmed their approval to part-fund the ATS, alongside the applicant. Staffordshire County Council as Education Authority are supportive of an ATS. The DfE funding is based upon the school being open for pupils in September 2023, with occupation based on a single year cohort joining annually.

As required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, a Scoping Opinion was undertaken, prior to the submission of the base outline consent for the wider development site, which determined what was to be contained within the submitted Environmental Statement (ES). The ES, which accompanied the outline application, contained reports specific to Socio-Economics, Air Quality, Built Heritage, Ecology, Water Environment, Noise and Vibration, Ground Conditions, Landscape and Visual Impact and Transport and Access.

As advised above, this specific application site falls solely within the administrative boundaries of Lichfield District Council. As with the outline consent however, a collaborative approach with Cannock Chase District Council is required, given the wider site is located within both administrative boundaries and many of the future students attending the school will likely be residents from within Cannock Chase District. Such an approach will apply to the consideration and determination of this application, which began at pre-application discussion and will continue through to determination and beyond into subsequent reserved matters submissions.

Proposals

The application is a reserved matter submission relating to the erection of an ATS with associated facilities. The school will have a total gross external area of 13,312 sq m. The building will comprise a mixture of two and three storey blocks, with a maximum height of 12.73 metres to the parapet, with the tallest plant and machinery expected to be up to 13.46 metres (subject to further details to be submitted).

The spine road acts as the primary route within the proposed development connecting directly to the A51 and A513. The spine road is not included within this application, but full details of such shall follow later in 2021, via a separate reserved matters application and will be delivered ahead of the school's opening in September 2023.

Briefly the scheme proposes:

- A 52-place nursery;
- A 2 Form of Entry Primary School, accommodating a cohort of 420 pupils;
- A 5 Form of Entry Secondary School, accommodating a cohort of 950 pupils;
- Post-16 sixth form provision, accommodating a cohort of 200 pupils;
- Ancillary facilities including all weather sports pitches, MUGA, sports hall, car parking and associated facilities;
- 5.21 hectares of sports facilities, comprising 2.32 hectares of natural grass pitches, 2.69 hectares of artificial / all-weather pitches and 0.2 hectares of MUGA pitches / courts;
- Community access outside of the school hours of operation to the below noted facilities. During term time this will be between 18:00-21:00 Monday-Friday, 08:30-21:00 Saturday and 08:30-16:00 on Sundays. During the school holidays, the Saturday opening times will be applicable Monday to Friday. As required by the S106 Agreement, these times are to be formally agreed via a Community Use Agreement, prior to the occupation of the ATS;

- Sports Hall;
- Three Flood Lit Tennis Courts/MUGAs;
- Floodlit All Weather Pitches for football & Hockey;
- Grass Football Pitch (subject to daylight hours and pitch condition);
- There are a number of play areas to be retained solely for use by the school, such as the primary school playground, pitch to the east of the site, Grass Rugby Pitch and Activity Studio; and
- 110 parking spaces in the primary and secondary areas, alongside 33 spaces in the overspill car parking area. Up to 111 of these spaces within the secondary and overspill parking area can be used for community use.

There may be other areas of the site which are to be made available for community use, which will be agreed as of the abovementioned Community Use Agreement.

The combined staff requirement for the ATS is 107 Full Time Equivalent (FTE) persons.

The School and the associated grounds are designed to meet the requirements of a school at its capacity of 1,422 pupils. The intention is for the School to open in September 2023 with a 26 place Nursery, 1 form entry in Reception and five form entry Year 7. This gradual approach, will increase to 2 form entry by Year 4 of operation and will be at full capacity across all Key Stages by Year 7 of operation. This strategy aligns with the rationale of the increasing population and need for places within the surrounding area.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area, including Heritage Assets
3. Residential Amenity
4. Highway considerations, including access, car parking provision, transport routes and sustainable transport provision
5. Arboriculture and Landscaping
6. Biodiversity, Ecology and Protected Species
7. Impact on Special Areas of Conservation
8. Flood Risk and Drainage
9. Sustainable Built Form
10. Playing Pitches
11. Retained Power Infrastructure
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 Local Plan Strategy and the Local Plan Allocations Document (2008-2029). In this location, the Armitage with Handsacre Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 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.

Development 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 establishes the Council's Spatial Strategy, which seeks to direct growth to the identified sustainable settlements. Within this framework Armitage with Handsacre is identified as a Key Rural Settlement, whilst an area identified within Core Policy 6 stipulates that East of Rugeley will deliver 1,125 dwellings, which is to include 500 dwellings to meet needs arising within Rugeley. Further details of this allocation are identified within Policy: East of Rugeley and Appendix 16, which identifies the land immediately to the south of the application site, including the now largely complete Hawksyard estate. This allocation included the undeveloped Borrow Pit and surrounding area, within which it was considered that approximately 450 dwellings could be delivered. Conformity of the wider scheme with this Policy and the Neighbourhood Plan in terms of housing numbers and locations is addressed in detail within the committee report produced for the outline planning approval.
- 1.4 Policy R1 continues to outline key considerations for the development of the site, advising that the Masterplan to be approved to deliver the scheme, should identify a range of land uses, open spaces and transport routes and their relationship both to each other and to the existing development in the vicinity of the site. Proposals should accord with the approved Masterplan, including the key development considerations, which are listed as follows:
- Development proposals should have consideration to the Rugeley Power Station Concept Statement (Appendix E) and be guided by the Rugeley Power Station Development Brief Supplementary Planning Document;
 - Potential ecological impacts should be considered including potential for priority protected species / habitats; and
 - Rugeley benefits from its location on both the West Coast Main Line and Chase Line. Steps should be taken to encourage journeys to be made by rail, for example providing bus links, and walking and cycling routes.
- 1.5 Appendix E Concept Statement of the Allocations Document sets out the objectives for the site, which includes the development of a minimum of 800 dwellings, ensuring the protection and enhancement of ecological interests, including management and future maintenance of landscape and important recreation features, providing strong walking and cycling links through the development and ensuring a good degree of physical and social integration with the existing settlement.
- 1.6 The Concept Statement continues to set out 16 points, which the design strategy should include and then goes on to summarise key aspects to be delivered within the scheme, which relevant to this submission, includes the:
- Provision of a new primary school to be accommodated within the scheme at an accessible location;
 - Provision 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, and the retention/protection of any existing sports and recreation facilities that are not justified to be surplus to requirements;
 - Landscaping and Green Infrastructure provision to include the creation of areas of appropriate and sustainable habitats sufficient to achieve a measurable net-gain to biodiversity in line with the requirements of Policy NR3 and the Biodiversity and Development SPD. This must include the retention of quality hedgerows and significant trees, and their incorporation into the landscape, and the allowance for significant tree canopy cover in line with Development Management Policies NR4 and NR6 and the Trees, Landscaping and Development SPD 2016; and

- The provision and maintenance of sustainable drainage systems and flood mitigation measures, integrating the retention of existing water courses where possible and having regard to the existing Flood Zone to the north of the railway line.
- 1.7 The Rugeley Power Station Development Brief Supplementary Planning Document (SPD) provides guidance on layout, form and quality of development on the site. The SPD is a material consideration in determining this application.
 - 1.8 Paragraph 1.5 states *“the overall aim for the site is to create a well-designed mixed use development, which incorporates market housing, affordable housing, self-build housing, employment provision, education provision and open space and recreational facilities”*.
 - 1.9 The SPD provides a site analysis; policy context; and development principles. The site analysis provides a range of useful information on the key site features to take into consideration including natural and historic environment features. Figure 4.4 Design Parameters provides an indicative land use plan as well as access points. It is noted that the proposed scheme aligns with a number of these parameters, including the main residential area within Lichfield District; provision of a park to the north of the site; and overall provision of mixed uses and community facilities, which includes the location of such, central to the site.
 - 1.10 Under the provisions of Policy IP1 of the Local Plan Strategy major new developments are required to make provisions for social/community facilities as the need for which arises from the development and that are commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.
 - 1.11 The Armitage with Handsacre Neighbourhood Plan was made on the 9th October 2018. The document includes Policy AH7, which states that *“Proposals for new community facilities will be supported when they do not have a significant adverse impact on any of the following: the natural or built environment; residential amenity; road safety; and traffic congestion”*.

National Policies

- 1.12 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.

- 1.13 Paragraph 95 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”.*

- 1.14 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”*.
- 1.15 From the above identified local and national guidance, it is evident that there is strong support for the economic, environmental and social positive benefits, 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”*.
- 1.16 Notwithstanding the above, it should also be noted that an extant outline approval exists for this site, which as detailed within the background section of this report, includes the potential for the erection of an ATS, within the location now proposed as part of this application. 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.
- 1.17 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, including Heritage Assets

- 2.1 The site has a mixed brownfield and greenfield character, given the nature of its former use. The area surrounding the wider site contains a variety of character types, with to the north and east open countryside being evidenced, along with the River Trent and its associated flood plain. To the west, lie large scale predominantly storage and distribution buildings, along with office buildings, whilst to the south there is a modern housing estate. Immediately adjacent to the application site’s boundaries, there remains two existing pieces of large scale electrical infrastructure, namely the, to be retained 400 kV substation, whilst to the south west is the 132KV Sub Station / Transformer, housed within the large scale brick building.
- 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 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”*.

- 2.4 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”*.
- 2.5 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.
- 2.6 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”*.
- 2.7 The recently released National Model Design Code advises that *“In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings”*. The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.
- 2.8 Policy AH5 of the Armitage with Handsacre Neighbourhood Plan advises that new development proposals will be supported where design responds positively to its setting; public realm; accessibility; site characteristic; frontages; innovation and responding to local context; roofscape and chimneys; and elevation and parking standards.
- 2.9 The outline consent for this site included a high level illustrative master plan showing how the resultant development could appear. Matters relating to appearance, the precise layout of the site, landscaping and the scale and height of any buildings were reserved for subsequent approval. However, formal approval was gained for the submitted Parameter Plans, which illustrated the approach to the development of the site. The Parameters Plans were specific to Access and Movement, Land Use, Building Heights, Residential Density and Green Infrastructure.
- 2.10 Broadly, the approved Access and Movement Plan shows a key ‘Rail Way’ route along a portion of the former rail connection into the site. This is proposed to span the length of the site and link in to Power Station Road, providing pedestrian access to Love Lane and the wider centre. This plan also shows a main spine road running the length of the site and utilising the existing power station access roundabout arm at the northern end of the site and the already permitted new access onto the A513 Rugeley Road (ref. 17/00453/FULM) to the south.
- 2.11 The Land Use Parameter Plan shows the predominant use of the site will be housing, with employment uses near to the centre of the site, creating a stand-off around the retained switching stations. Also shown, central to the site is the education area, to contain the primary school or ATS, whilst there are also two respective mixed use areas, the larger being

the Neighbourhood Square to the west and a smaller leisure focussed centre in close proximity to the Borrow Pit Lake.

- 2.12 The Building Heights and Density plan shows a transition from up to 5 storeys and up to 60 dwellings per hectare to the west of the site, down to 2/2.5 storeys and 35 dwellings per hectare in the eastern portion. A general reduction in scale is evidenced from west to east, with the exception of a 4 storey building of up to 75 dwellings per hectare at the eastern end of the site that is closely associated with the Borrow Pit Lake. The approved plan details that the ATS is to be up to 3 storeys in height, with the Primary School up to 2 storeys, with either building set back from the Riverside Park.
- 2.13 Finally, the Green Infrastructure Plan indicates a large Riverside Park and formal open space, including sports playing pitches, the latter of which remains central to the site, albeit that much is now within the playing fields associated with the ATS option. Further open space is proposed to the centre of the site, outside of the grounds of either of the school options, which is to include allotments, community gardens, play areas and various linking greenways that could include cycleways, footpaths and similar.

Siting

- 2.14 The school building is located to the south of the application site, fronting the new spine road. This allows the remainder of the site to be sub divided into semi-public and semi-private external spaces, which includes car parking, drop off and service routes, public plazas, recreational and sporting activities. The larger sports pitches are located to the north of the site on a north south axis.
- 2.15 The overall form of the building has been driven by a combination of plan evolution and standards set within the DfE's Technical Annexes. The proposed building has a GIFA of 10,649m sq. providing space for a variety of functions, including teaching spaces, halls (i.e. sport, dining assemblies), learning resource spaces (i.e. library), stores, offices and non-net spaces including functions from circulation to toilets.
- 2.16 The external provisions of the school extend to approximately 71,300m sq. This space is then sub divided to support the different uses, to support the curriculum, as well as supporting functions.
- 2.17 The school's floor plate creates a 'parallel linked' form. The north and south blocks run adjacent to each other with the inclusion of two smaller links creating a full courtyard and two open sided variants. The concept outlined by the applicant for this design is in order to zone the building, with the academic spaces located to the front of the school building and the larger hall style spaces fronting the sport spaces and enclosing the courtyard to the rear. Thus providing different experiences.
- 2.18 The siting and form of the building, reflects that identified on the approved documents, from the outline consent. The siting of the building, towards the southern edge of the site, will aid, when the surrounding built form is introduced, to create a sense of enclosure and arrival to the adjacent Spine Road (exact details of which are to be agreed via a subsequent reserved matters application). The building is not however sited immediately to the rear of the road, rather a space to fore of the structure is proposed, in order to allow for the formation of an entrance plaza and drop off point for pupils, which will facilitate the creation of a sense of arrival to the space and building. When viewed within the wider context, the school building will have a structural relationship with the neighbouring 132KV brick building, ensuring that within the short term, whilst the remainder of the site is awaiting or in the process of being developed, the building would not appear as an anomaly, rather it would be characteristic of its immediate surroundings.

Massing

- 2.19 The main elevation of the building fronting the spine road comprises of three rectangular forms. The two 2 storey blocks (sports hall to the left and Primary to the right) frame a central 3 storey block (Secondary School), which includes the main entrance. The maximum height of the building will be 12.73 metres to the parapet, with the tallest point of the building (the North Light above the demo studio), including plant and machinery expected to be up to 13.8 metres (all plant will be subject to further detail, recommended to be submitted and agreed via condition). Beyond the school building itself, the tallest structure will be the nine proposed 15m high floodlights, proposed to illuminate the community sports pitches.
- 2.20 The wireline, sectional and western gateway study imagery submitted with the outline application demonstrated that the scale of the buildings within the site, which included the up to 3 storey ATS, will not be particularly prominent from Power Station Road and beyond, taking account of existing screening, even at 5 storeys. Moreover, the scale of the proposals will not be significantly overbearing or prominent to the wider views from Rugeley, and in the context of this particular application, replaces a large industrial scale power generation development, observed in the context of the neighbouring Amazon warehouse building. As such, it is considered that the proposals, given such accords fully with the approved Parameter Plans, would integrate successfully with the wider town in height terms.
- 2.21 In terms of the building's visual mass within the site and its immediate context, the area surrounding the school, will contain, as discussed above, the retained 132kv brick building, which will be of comparable height to the school, whilst elsewhere, to the west of the site, to the southern edge of the 400KV substation, the employment buildings (Class Use B1 / B2) are proposed to be up to 5 storeys in height, with a maximum height of 22m to ridge. To south west of the site, a mixed use area of employment and residential will have a maximum height of 3 storeys or 14m. As such the proposal, including the floodlighting, will integrate acceptability in height terms, with its future surroundings.

Appearance

- 2.22 Evidently, as the first new element of built form to be introduced into the development, there is no new urban context in which to integrate. Rather the appearance of the building needs to set a standard and style, which can be reflected or contrasted upon, within the surrounding future built form, as such is introduced at a later date. Therefore, for this reason and the prominence and importance offered by what, given its scale and siting, will be something of a landmark building, this ensures the importance of ensuring the structure and its surrounding environment is built to a high standard.
- 2.23 The applicant advises, specific to the appearance of the school building that the concept utilised was to draw on local precedent for materials, providing a visual familiarity through the use of a dark multi brick. The qualities and robustness of the materials, will aim to provide a longevity and strong quality of the school. The introduction of render assists with the breaking down of the visual massing and provides opportunities to create different types of space i.e. the courtyard or back drops for signage be located, forming strong nodes within the composition. The inclusion of brick detailing and the feature fins provide additional layers over the façade, creating interest and reducing the overall massing of the elevation.
- 2.24 The acceptability of the appearance of the building has been considered by the Council's Conservation and Urban Design Manager. Initially some concerns were raised regarding the elevation treatments proposed to be utilised. Specifically it was opinioned that there were large expanses of render proposed to be used on various elevations, which were not shown to be broken up by windows or any other design feature. Alterations to the scheme were therefore sought in order to ensure that the proposal will adhere to the design principles detailed in the Campus Design Brief, which states that; *"The roofscape and articulation of*

the school building should create rhythm and visual interest' Large expanses of dull or monotonous elevations will not be permitted".

- 2.25 Amendments to the elevational treatments of the building have been received during the consideration process. Following their submission, the Conservation and Urban Design Manger now advises that the large expanses of render previously proposed to some elevations, in particular the front of the sports hall, are now shown to be broken up with recessed panels. Other elevations are now shown as brick, in particular the west and east elevations to classrooms. Overall, it is stated that the amendments offer improvement to the scheme and as such, it is now supported, subject the use of conditions to secure further details of materials, boundary treatments and canopy details.
- 2.26 The appearance of the building's elevations as a whole, are acknowledged to be rather utilitarian, given the architectural style utilised, which primarily addresses the function of the building. However, the applicant has sought to elevate the design beyond pure functionality. Thus, for instance, the two main entrance points, to the front elevation, will be enclosed within projecting cubes, with elevation fin detailing, which will provide texture and help with wayfinding. The wider elevation, through the use of differing heights, has its mass broken down, to ensure the structure does not appear overbearing within the resultant street scene. The sports hall, whilst still to be rendered, now utilises recessed panel detailing, which, through creating shadow lines within the façade, will add texture and interest to the public street scene. The use of a mixture of projecting and recessed window openings will aid in further generating elevational interest, along with the use of projecting canopies and contrasting coloured render. Overall, subject to the recommended conditions to secure the submission and approval of the materials, which are 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.
- 2.27 The visual appearance of the MUGA and sports pitches will complement their future setting, whilst the fences proposed to be erected throughout the site are acceptable, with a mixture of paladin style fencing to the MUGA and elsewhere weldmesh and railing fencing proposed. The exact appearance of these features and their colouring (along with the inclusions of gates and hedgehog access points) is yet to be specified and as such, this is recommended to be secured via condition, along with their erection, prior to the first use of the site.
- 2.28 It is noted that the block plan identifies that a sprinkler tank is to be installed to the north west of the main school building. 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 such can be viewed from the resultant street scene, albeit in views across the landscaped car park, is necessary. The applicant has proposed that this be undertaken through the erection of 2.4 m high timber fencing. The suitability of this mitigation measure is considered to be adequate to limit any visual harm. As such, subject to a condition to require the erection of the fence 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.
- 2.29 All other plan specific to the operation of the school building, including air extraction etc. is proposed to be located on the roof of the building. A parapet is shown as an integral part of the building, which will screen these structures from the street scene, ensuring such does not detract from the character of the building.

Historic Environment

- 2.30 The effects of the development on the heritage assets surrounding the site were fully assessed in the Environment Statement attached to the outline permission. A full assessment of such was therefore provided within a previous report brought to this

committee. As such a summary of the matters arising is only provided here. In terms of construction impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use), only negligible or neutral impacts occur to the designated heritage assets. This includes impact upon the Trent and Mersey Canal Conservation Area (and the listed buildings and structures associated with the canal), the Mavesyn Ridware Conservation Area and Castle Ring Scheduled Ancient Monument, where the impacts are all considered to be 'negligible', or in the case of the construction impacts upon the Castle Ring, neutral.

- 2.31 The Council's Conservation & Urban Design Manager advised that the impact of the development upon designated and non-designated heritage assets will be to the lower end of 'less than substantial harm'. The harm that does arise will be as a consequence of an increased coverage of built form across the site and additional noise and movements.
- 2.32 Paragraph 202 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use"*.
- 2.33 In terms of paragraph 196 of the NPPF, the NPPG advises that public benefits can be *"anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7)... benefits do not always have to be visible or accessible to the public in order to be genuine public benefits"*. Evidently, this development will secure a large school, benefitting the wider community in education terms, whilst also offering significant wider economic and social benefits, which includes amongst other matters, the opening up of public open space and sports facilities to the wider community, which when weighed against the identified low level of conservation harm, leads to the conclusion that the proposal is acceptable and compliant with the requirements of the Development Plan and NPPF in this regard.
- 2.34 The development, given the above assessment, will have an acceptable impact upon the character and appearance of this site, future street scene and historic environment and as such, is compliant in this regard, with the requirements of the Development Plan and the NPPF.

3. Residential Amenity

- 3.1 Paragraph 174 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, which addresses potential sources of noise arising from various activities, during and post construction, associated with the operation of the school. In terms of activity from the external sports pitches, the report identifies that upon completion and operation, noise levels under a worst-case scenario (all pitches operational simultaneously, including Primary School facilities) would be no greater than 44 dB LAeq,T at the nearest future residential property. The predicted activity noise levels are therefore lower than the recommended criterion of not exceeding 50 dB LAeq. and as such, no mitigation measures are required.
- 3.3 Elsewhere, it is recommended that other than to the music rooms, where mechanical ventilation will be required to limit noise escaping through open windows, no other mitigation measures to the building are required. Noise associated with plant will be to an acceptable level, whilst construction noise will be addressed via a Construction Management Plan. The report has been considered to be sound by the Council's Environmental Health

officer. The sole matter raised is to recommend the use of a condition to require the submission and approval of details relating to ball stop fencing and kickboards to be installed. If such is installed inappropriately then it has the potential for creating noise events that are a nuisance to neighbouring residents. Such a condition is considered to be reasonable and necessary and therefore, subject to the application of such, along with a further condition to ensure that the development be undertaken in accordance with the recommendations of the report, it is considered that the development complies with the requirements in this regard of the Development Plan and the NPPF.

- 3.4 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, and also along the internal footpaths and car parks. Elsewhere, the community use sports pitches, are proposed to be illuminated via six 8m high mast and nine 15m high masts. Once more, the suitability of this aspect of the 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.
- 3.5 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. The SPD also requires that in order to prevent any overbearing impact upon existing property, that there should be 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, through consideration of overlooking matters. In this case, it is noted that the school will be located a significant distance from existing residential properties, whilst future dwellings will be located over a hundred metres distant. 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 fully considered and addressed at the outline stage, along with details of Construction Environmental Management Plans (addressed by the requirements of condition 12) and as such, should not be reconsidered as part of this determination process.
- 4. Highway Considerations, including accesses, car parking provision, transport routes and sustainable transport provision
- 4.1 Means of access into the wider application site, was granted planning permission by the outline consent. Two primary vehicular access points to serve the site were approved, via the existing roundabout on the A51 at the north western corner of the site and from the A513, which includes a new roundabout junction (approved via application reference: 17/00453/FUL). 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 also been found to be acceptable.
- 4.2 Therefore the main consideration of a Reserved Matters application is usually whether the vehicular and pedestrian accesses to serve the proposal are useable and safe. In this case, the vehicular access to serve the development, will be the main spine road for site. The spine road however, will be subject of a future reserved matters application, which is yet to

be submitted to the Council. Whilst this circumstance is somewhat unusual (but arises due to the abovementioned time constraints placed upon the applicant in order to secure DfE funding) it does not preclude the LPA from being able to consider this application. Rather, as recommended by the Highways Authority, conditions are recommended to require that prior to first use of the school, safe vehicular, cycle and pedestrian access from the public highway will be provided, including turning facilities for buses and coaches to serve the school on a potentially temporary basis ahead of delivery of the full spine road through the site.

- 4.3 The Highway Authority have also recommended a condition to require that an amended version of the Education Campus Design Brief, be submitted to the LPA, which excludes numbered pages 43 onwards (including Appendices I, II, III and IV), as these elements shall be agreed via a separate reserved matters application for the spine road and they would not wish to pre-determine the suitability of matters as part of this application. Whilst the condition request is noted, the Education Design Brief has solely been used to inform the suitability of this application, the Appendix to such, which details potential design solutions relevant to the delivery of the Spine Road, is not to be approved as part of this application. Rather the Spine Road will be considered, in isolation to this document, as part of a subsequent reserved matters application. Thus, a condition to address the acceptability of the spine road design, is not required at this juncture and rather, a note to applicant to highlight the issues with some of the design suggestions currently offered, is a preferable solution.
- 4.4 The suitability of the two points of access to serve the site, including the ATS, has therefore been previously agreed. Should temporary access to serve the school be required, such can be agreed via condition. Similarly, should, as is currently planned, details of the Spine Road be submitted and approved, prior first use of the ATS, the exact details of vehicular and pedestrian access from such into the school is also recommended to be agreed via condition. 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

- 4.5 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 (Primary and Secondary), 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.
- 4.6 Paragraph AH5 of the Armitage with Handsacre Neighbourhood Plan states that *“Development proposals will be supported where these characteristics are respected and where their design responds positively to... parking standards”*.
- 4.7 The applicant advises that the school will provide 107 FTE jobs, when fully operational.
- 4.8 Within the secondary main car park it is proposed that there be 78 car parking bays, of which 9 will be available for electric vehicle charging and 6 will be for disabled parking. Within this area there will also be 70 Cycle/Scooter spaces, 10 of which will be available for staff and 60 for students. There is shown to be 1 minibus space.

The Community Entrance will house space for the parking of 10 Cycles.

The overspill Car Park will offer an additional 33 off street car parking bays, whilst the Primary School Car Park, will offer 32 spaces, of which 3 will be disabled bays and a further 3

will be utilised for Nursery Drop-off. Within this area a further 40 Cycle/Scooter spaces will be offered, 10 of which will be available for staff.

As such the overall site offer is for 110 parking spaces in the primary and secondary school car parks, alongside a further 33 spaces in the overspill car park. Up to 111 of the spaces within the secondary and overspill parking area can be for community use.

- 4.9 The parking bays within the site all comply in terms of size, being 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the aforementioned SPD, as do the dimensions of the disabled bays.
- 4.10 The level of EV charging points accords with the requirements of condition 33 of the outline consent for this site, which requires for community and employment uses a 5% provision, with passive infrastructure to allow up to 20% provision. This equates to a total of 6 EV spaces provided up front. The proposal will provide 9 spaces immediately and therefore accords with the requirements of the aforementioned condition.
- 4.11 Assuming application of the maximum standard of 1 space per staff member, the LDC parking standards therefore require 107 staff parking spaces, with a further 3 drop off spaces (assuming 26 children per morning or afternoon nursery session). The proposals provide a total of 110 car parking spaces across the primary and secondary school parking areas and accordingly are in line with the Council's standards. The overspill car park is currently envisioned to be open to parents dropping off or picking up children at the primary or secondary school, during the daytime. Such will be necessary early within the site's build phase whilst the sustainable transport measures are introduced within the wider site.
- 4.12 The overspill car parking area has also been designated for use out of hours, along with the secondary school parking area, to serve the community sporting facilities, providing up to 111 parking spaces. The rationale behind this figure (given the Council has no specific parking requirement identified within the abovementioned SPD for sports facilities) has been calculated from first principles assuming all pitches are in use simultaneously as follows:
- Sports hall – Five a side football match – 2 x teams of 7 + 1 referee = 15 persons;
 - Activity Studio – Aerobics/Yoga class – 20 students + 1 instructor = 21 persons;
 - Tennis/MUGA x 3 – 3 x games singles tennis – 6 persons;
 - AWP x 4 – 4 x 11 a side football matches – 22 players min + 3 officials per pitch = 100 persons; and,
 - Grass Pitch – 11 a side football match - 22 players min + 3 officials = 25 persons.
- Total = 171 persons.
- 4.13 Using the National Travel Survey (NTS) dataset NTS0905 (Car Occupancy) the average vehicle occupancy for the leisure (including sports) journey purpose was 1.7 persons per vehicle in the latest 2019 survey. When this ratio is applied to the 167 persons calculated above, this results in a parking demand of c.98 spaces, which can be accommodated within the headline number of spaces available (111), when the secondary school and overspill car parks are considered in tandem. Should for the reasons discussed in paragraph 11.4 of this report, the overspill car park not be developed, then in combination with the sustainable transport measures to be installed within the site and the fact that many of the site's users will come from the surrounding community (and therefore not need to drive to the site), it is considered that the secondary school provision of 78 spaces would be sufficient to meet demand.
- 4.14 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 / community sports pitches, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

Cycle Parking

- 4.15 The abovementioned SPD requires that for school developments, for cycle parking, there should be 1 space per 2 staff members for the Primary and Secondary School and a further 1 space per 1 staff member for the nursery. The provision proposed for within this site will offer 20 secure and weatherproof cycle parking bays for staff, which evidently is below the prescribed standards.
- 4.16 However, the Council's cycle parking 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, given the proposal will offer an additional 70 spaces for pupils, the scale of the cycle parking facilities are considered to be appropriate and are therefore recommended to be secured via condition and made available for use, 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.

Sustainable Travel

- 4.17 In terms of further sustainable transport options, it is noted that the s106 agreement for the outline consent requires the provision of a bus service through the site, upon commencement of the 300th dwelling within the site, whilst there are conditions attached to the permission to secure bus structures, such as shelters and EV charging points within the wider development site, specifically on the spine road, to serve the school, thereby improving the sustainable transport options to access this site.
- 4.18 It is likely, given the scale of the surrounding residential development that a number of children who attend this facility will come from the immediate surrounding area, further diminishing the need for car travel, once the surrounding development is built out. For this reason, it is important to ensure that adequate and appropriately designed pedestrian and cycle routes are provided to and from the site linking into the surrounding residential parcels of land. The Highways Authority have provided comment on this matter, recommending a condition to require the submission, prior to first of the building, of details relating to pedestrian access points. At this point in time it is considered that further details relating to integration into the surrounding area will be available to ensure that such provision is appropriately designed and sited and as such, the condition is considered to be reasonable and necessary. In addition, it should be noted that the inconsistencies specific to pedestrian facilities identified by the Council's Conservation and Urban Design Manager, originally evidenced within the Design Brief document, have been addressed through the submission of a revised version of this document.
- 4.19 It is noted that a Travel Plan for the ATS has been submitted as part of this application. The suitability of this document will be addressed via the s106 agreement attached to the outline consent.

Drop-Off Facility

- 4.20 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. Three 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 Mode-shift 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.

- 4.21 The Council’s parking standards do not make an allowance for parent drop off or pick up parking with the exception of parents of nursery age children. Accordingly, given the above aversion to drop off facilities identified by the Highways Authority, the applicant solely proposes the provision of 3 pick-up and drop off parking spaces for the nursery year group, which are to be provided in the primary school car park. Such therefore accords with the requirements of the Development Plan and NPPF in this regard.
- 4.22 It is noted however that as discussed in part above, parent pick up and drop off could be carried out from within the overspill car parking facility, whilst the former sports and social club car park to the immediate east of the site is also considered at this stage to be capable of offering such opportunities, albeit that the exact use of this area will be determined through a future reserved matters application.
- 4.23 With regard to the former sports and social club car park the use of this is intended to be for the wider community to allow for parking facilities to serve amongst other facilities the Riverside Park. The management of this car park will fall within the wider estate management company and accordingly parking enforcement measures are implementable by the management company, should they be necessary in the future.
- 4.24 In order to deter antisocial parking on the spine road enforcement measures will be identified as part of the spine road reserved matters application.

- 4.25 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 outline consent, 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 AH2 of the Armitage with Handsacre Neighbourhood Plan states that *"Where appropriate, new development should include new woodland and tree planting of native species of local provenance"*.
- 5.3 The site has been cleared of vegetation and as such, there are no existing trees to be retained or protected during the development process. In terms of the landscaping scheme for the site, the Council's Arboricultural Officer provided initial comment on the scheme, advising that whilst there are no objections in principal to the proposal, various amendments were required.
- 5.4 Following the submission of further revised information from the applicant, including tree pit and irrigation details, along with amendments to the growth type, species, composition and location of various trees throughout the site, no objections are now offered to the proposed landscaping scheme, subject to conditions specific to the timely implementation of such and it's maintenance thereafter for a suitable period.
- 5.5 Subject to the application and compliance with 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 Protected Species
- Protected Species
- 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 As part of the Environmental Impact Assessment process associated with the outline consent, a detailed desk study of known ecological records within the site was undertaken, as well as numerous field surveys covering an array of species. Historically, the site owners have undertaken ecological surveys as far back as 2010, in order to ensure a continued understanding of ecology within the site. In 2015-2019 surveys sought to establish the presence of protected species, particular habitats and establish habitat suitability. Specific habitat assessments relating to breeding and wintering birds, bats, dormice, otter, water

vole, badger, reptiles, invertebrates, botanicals, bat roost and activity, breeding birds and breeding waders and are reported in the appendices of the updated ES.

- 6.3 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecology Manager considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable, subject to the use of conditions to secure adherence to all recommendations and methods of working detailed within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology (May 2020), which detail the need to submit a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and Construction Environmental Management Plan (CEMP). These documents were to be submitted on a phased basis with any Reserved Matters application and include the adoption of Reasonable Avoidance Measures (RAMS), including further surveys, as required, throughout the phasing of the development. In addition, any development works undertaken during bird nesting season is to be suitably supervised.
- 6.4 This application, as required by the above assessment and the requirements of conditions 9 and 10 of the outline consent, has been accompanied by a Habitat Management Plan and Ecological Mitigation Strategy. In addition a further protected and priority species survey also accompanies the submission.
- 6.5 The abovementioned survey identifies that there was evidence in April 2021 of the site's use by protected and priority species.
- 6.6 The results of the survey has informed the baseline starting position regarding protected species and habitats within this part of the site. The Council's Ecology Manager has considered this report and considers it to be sound.
- 6.7 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017) and the Badgers Act 1992, which places a duty on the LPA, when considering an application for planning permission, to have regard to its effects on European protected species and / or protected / priority species.
- 6.8 Given the proposal will redevelop the entirety of this site, it will impact upon protected species and their habitat. A Natural England license will therefore be required, while it is also necessary to ensure that appropriate replacement habitat and compensation is provided. The mitigation and compensation scheme proposed by the applicant, is detailed within the submitted survey and its suitability will be considered by Natural England in due course and as such is not recommended to be subject to a separate planning conditions as part of this application.

Biodiversity

- 6.9 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 6.10 Due to the Local Planning Authorities obligation to "*reflect and where appropriate promote relevant internal obligations and statutory requirements*" (Paragraph 2 of NPPF) and the requirement, under paragraph 174 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 180 of the NPPF, which states *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity"*.

- 6.11 In this case the applicant has, in accordance with the requirements of conditions 8 and 9 of the outline consent, submitted a CMP and EMP with this application. The documents demonstrate that the development of the site, given its current moonscape (open mosaic) offering, will result in the loss of 21.31 Biodiversity units (BUs) (existing site value 26.98 BUs, proposed habitat value 5.67 BUs). The shortfall in BUs will be addressed via the significant uplift to be delivered by the neighbouring Riverside Park, the application for which is currently under consideration by the LPA, reference 21/01275/REMM and identifies an uplift of 99.53 BUs or 74.5%, as a consequence of the works proposed therein. The Council's Ecology Manager has agreed to this approach and as such, subject to condition to secure the delivery of the submitted and CMP and EMP for this site and subsequently for the Riverside Park, the development can be considered to comply with the requirements of the outline consent, Development Plan and NPPF in this regard.

7. Impact on Special Areas of Conservation

- 7.1 Paragraph 182 of the NPPF advises that *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"*.

Recreation

- 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 did as part of the outline consent for this, following the submission of a Shadow Habitat Regulation Assessment from the applicant, undertake a HRA Screening Assessment for the West Midlands Mosses SAC, Cannock Extension Canal SAC, Pasturefields SAC and 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, was required.
- 7.3 The impact upon West Midlands Mosses, Cannock Extension Canal and Pasturefields SACs, as a consequence of recreation were screened out, following consultation with the Cannock Chase SAC Partnership and Natural England, as part of the ES process and therefore, no further consideration of impact upon these habitats, was required. The AA for recreational impact upon the Cannock Chase SAC identified that the application will have a significant affect, in the absence of avoidance and mitigation measures, on this habitat. The authority concluded that the adverse effects arising from the proposal, were 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 Cannock Chase SAC partnership advised that there remains capacity within SAMMMs to mitigate for the harm arising from the development and therefore, bespoke mitigation is not required. To address this matter the applicant entered into a Unilateral Undertaking for a sum of £178.60 per CIL exempt dwelling (sum accurate for dwellings within LDC only). Natural England offered no objection to this approach.

Nitrogen Oxide Deposition

- 7.5 The effects arising from nitrate deposition through road traffic emissions were considered in detail within the updated Shadow Habitat Regulations Assessment (HRA), submitted with the outline application for this site. This document identified that during and post construction roads that pass through or near to the Cannock Chase SAC will experience an uplift in traffic as a direct consequence of this development, given that a total of 414.37ha of the SAC is within 200m of a road (33.4% of the entire SAC area).
- 7.6 In terms of the impact of the proposal upon the West Midlands Mosses, Cannock Extension Canal and Pasturefields SACs, the HRA Assessments; completed by the Competent Authority, following regard being had to the sensitivity of the site; determined that the impact of the development, would not exceed the thresholds set out in the document titled, 'Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)', given that the Transport Assessment and Air Quality Assessment both demonstrate that nitrogen oxide emissions, resulting from increased vehicular movements, do not exceed critical loads by more than 1%. As a consequence, the need to progress to AA for these SACs, was determined to be unnecessary.
- 7.7 Cannock Chase SAC is recognised for its 'North Atlantic Wet Heaths with *Erica tetralix*' and for 'European Dry Heaths'. The applicant's study suggests that Cannock Chase SAC may be subject to an increase of more than 1% of its critical load (2.59% in total) of kgN/ha/yr. This uplift is therefore above an assumed 'Environmental Benchmark', where effects below 1% are considered to have an imperceptible effect on the habitat and effects above are to be considered more fully.
- 7.8 In this case, the issue highlighted within the Shadow HRA submission, is that nitrate deposition from road traffic emissions deposited on the site could result in amongst other impacts:
- Modification of the chemical status of the soils/substrate;
 - Accelerating or damaging plant growth (e.g. promoting bramble and grass growth);
 - Decline in recognised species and lichens, mosses and other species richness; and
 - The increased coverage of certain grass and sedge species, which exhibit a positive relationship with nitrogen deposition. Such growth would be at the expense of the protected wet and dry heath species.
- 7.9 As a consequence of the above, the proposed development would result in a predicted loss of species richness of between -0.56 (sum of lowest range), 0.83 (median) and 1.11 (sum of highest range). The impact of the development and harm arising, based on a worse case approach, is thereafter calculated to be 235 BU.
- 7.10 The shadow HRA therefore models and seeks to quantify the effects, in detail, of the likely uplift in nitrate deposition, within the protected SAC area and in the first instance offer avoidance measures, not initially incorporated into the baseline figures, to combat this uplift. The avoidance measures detailed within the Shadow HRA, in brief, are; increased use in electric vehicles, which is to be secured via the installation of infrastructure to allow for each property to install EV charging points and for residential visitor spaces and publically accessible parking such as the local centre and employment uses, 5% provision for active infrastructure and 15% passive; the increased use of buses, to be secured via a financial contribution to bus service provision; the application of a Framework Travel Plan and the provision of high speed internet connections for all residential units, in order to facilitate future residents, to be able to effectively work from home.

- 7.11 Following application of the avoidance measures, which were considered appropriate by the Council's Ecology Manager, the Cannock Chase SAC Partnership and Natural England, the harm arising to the Cannock Chase SAC was quantified to be 186 BU (a reduction in impact of 21%). The avoidance measures were secured via condition and in the case of bus provision, via the s106 agreement, attached to the outline consent and as noted above, specific to this scheme, avoidance measures in the form of EV charging spaces and infrastructure and a Travel Plan have been submitted as part of this proposal.
- 7.12 The Shadow HRA detailed the mitigation options considered for this development and continued to justify why certain options were not pursued. The document details that the mitigation measure pursued relates to the creation of a buffering habitat area for the SAC, which would, through enlarging the heathland area, make the habitat more robust to the impact of NO_x deposition. The new heathland is proposed to be created within the Heathland Opportunity Area, which for Lichfield District Council, is detailed within the Lichfield District Nature Recovery Network (2019) document (note the adjoining Councils of Cannock Chase District, South Staffordshire, Stafford and Birmingham City all have draft versions of this document, which will complete the aforementioned Network link). The Heathland Opportunity Area seeks to provide a heathland link between the Cannock Chase SAC and the Sutton Park Site of Special Scientific Interest, which, in addition to buffering the Cannock Chase SAC, will also increase habitat connectivity (which accords with the measures outlined in the Natural England's, Cannock Chase SAC Supplementary Nature Conservation Objectives for connecting the heathland network). To mitigate for 186 BU it is necessary to secure either:
- The conversion of low value arable land to high value heathland in good condition: approximately 31 ha of land; or
 - The restoration of high value habitat in poor condition to good condition: approximately 40 ha of land.
- 7.13 The timescale for the habitat to be created/restored and thereafter managed and maintained is for a period of 25 years, which based on NO_x deposition trends and the increased adoption of greener technologies, accords with the time where the NO_x levels are anticipated to be reducing and therefore will no longer require mitigation.
- 7.14 To deliver a financial provision to deliver the required level of mitigation the applicant proposes to follow the Defra net gain tariff, as set out in their December 2018 consultation document. This proposes an upper limit of £15,000 per unit for a maximum of a 30 year period, which equates to £500 per unit, per year. For a 25 year period therefore, on the basis of the above calculations, the financial contribution is: (£500 x 186 BU) x 25 years = £2,325,000.00. In order to deliver the mitigation measures, the above noted sum was secured via the s106 agreement and subsequently shall be delivered by Lichfield District Council, as agreed by the Council's Ecology Manager.
- 7.15 As stated above, Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and therefore were duly consulted on both the outline submission and this reserved matters application. Natural England endorsed the mitigation strategy and have raised no objections to the proposal, subject to the avoidance measures and mitigation works and the costs associated with such, being secured via conditions and s106 agreement. On this basis, it is concluded that the LPA have met its requirements as the Competent Authority, as required by the above noted Regulations and therefore, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

8. Water Environment, Flood Risk and Drainage

- 8.1 The wider site as a whole is located in a sensitive location in relation to 'Controlled Waters'. Environment Agency Maps and previous site investigations have shown that the underlying geology consists of up to 15m thick Alluvium Clay and River Terrace Deposits over Triassic Sherwood Sandstone. The site has a shallow water table (in general 1.5m to 2m below ground level) and is located adjacent to the River Trent. There are various surface water ponds, drains and channels running straight into the Trent. The majority of the development area is underlain by old Pulverised Fuel Ash deposits and/or on top of historically landfilled areas.
- 8.2 The outline application for this site included within the submission Chapter 12 of the Environmental Statement, which set out precautions and mitigation measures that are to be put in place during the course of the development. Chapter 10 assesses potential impacts from construction and operational phases on surface water quality and waste resources (particularly the River Trent). This includes urban diffuse pollutants, WFD assessments, future surface water drainage, including SUDS and water quality monitoring.
- 8.3 The Environment Agency confirm past investigations indicate groundwater is known to be already impacted locally (e.g. elevated concentrations of cadmium, copper, manganese and nickel have been recorded near the PFA lagoons). This may increase during construction, due to the potential for ground disturbance, dewatering and contaminant mobilisation. Therefore, additional ground investigation must be undertaken, prior to development commencing, which has previously been the subject of a condition, attached to the outline consent, to enable more encompassing and detailed consideration of risks from potentially contaminated sources. Where risks are deemed significant, detailed remediation strategies and long term monitoring will have to be developed accordingly.

Flood Risk

- 8.4 The application site is located within Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as land that has a low probability of flooding (<0.1% Annual Exceedance Probability [AEP]). Land to the north and north east of the site between the River Trent and the railway (to form the Riverside Park) is located in Flood Zone 2 (medium probability of flooding 1% - 0.1% AEP) and Flood Zone 3 (high probability of flooding > 1% AEP).
- 8.5 The process of formal Flood Risk Assessment (FRA), was addressed within the outline application. However as part of this permission, condition 11 requires the submission of a surface water drainage strategy with each reserved matters application in order to enable further consideration of the scheme's impact upon flood risk.

Surface Water Drainage

- 8.6 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems, unless there is clear evidence that such would be inappropriate. The Surface Water Drainage Strategy submitted with this application identifies the use of attenuation crates and land drains to store the site's surface water run-off, before such is released via culverts into the River Trent. In addition, details are outlined regarding compensatory measures to address the impacts of infilling the 'Kidney Ponds', which is to be addressed via the reserved matters application for the Riverside Park and formation of new ponds within such.
- 8.7 The acceptability of the drainage proposals have been considered by the Lead Local Flood Authority and the Environment Agency. The latter advises that the Surface Water and Foul Drainage Strategy needs to be assessed by the Lead Local Flood Authority (LLFA). In addition it is advised that prior to the infilling of the kidney ponds the compensatory measures proposed within the Riverside Park will need to be provided (such is already secured via the

requirements of condition 51 of the outline consent). The former initially raised concerns regarding various matters, including the requirement for further hydraulic modelling of the site. Following the submission of additional information, the LLFA now offer no objection to the scheme, subject to a condition requiring that the scheme be built in accordance with the approved surface water drainage scheme. Subject to adherence with such a condition, it is considered that the development complies with the requirements of the Development Plan and NPPF, in this regard.

Foul Drainage

- 8.8 The existing site and the surrounding drainage network is currently drained via rising mains and therefore it will be necessary to pump foul water from the site. The development of the site will be split into catchments, generally following the illustrative phasing plan, with each catchment drained to the lowest point and then pumped and discharged in to the Severn Trent Water network.
- 8.9 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site. In terms of the local treatment facility, Severn Trent Water have stated that there is sufficient capacity available for the proposed development. A meeting was held between the applicant and Severn Trent, to discuss innovations that could assist in the reduction of sewage to the treatment facility. Severn Trent Water did not require the implementation of such within their consultation response to the outline application, rather simply requested further drainage details as and when available, which was secured via condition 17 of the outline consent.
- 8.10 The details submitted with the application identify that Foul Water will connect to a carrier drain in the spine road, albeit it is not stated whether this is a private or public sewer as this is not known at this time. There will be another reserved matters submitted in due course which deals with on-plot infrastructure, including foul drainage. Ahead of this / in lieu of this connection, the proposals include temporary septic tanks. Severn Trent have provided no specific comments on the suitability of these measures, given foul drainage for this part of the scheme is to link into that to be installed under the spine road and as a consequence have offered no objections to the scheme. Notwithstanding this point condition 17 of the outline consent requires that the applicant agree details of the foul drainage scheme for the school with the LPA in conjunction with Severn Trent Water prior to first use of the school and as such this matter can be addressed under the requirements of this condition at a later date.
- 8.11 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 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. Sustainable Built Form

- 9.1 Paragraph 154 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.
- 9.2 As defined by the outline consent, it is considered reasonable to require that any commercial or education building within this site, achieve BREEAM very good rather than excellent, given that the evidence base for the abovementioned Policy (Camco Staffordshire County-wide Renewable/Low Carbon Energy Study 2010) is based on 2006 Building

Regulations and BREEAM 2008 specifications and therefore does not take into account the latest changes to national policy and Building Regulations.

- 9.3 There have been two further iterations of BREEAM since the evidence base was collated and as a general rule a 2014 BREEAM Excellent requirement is equivalent to a 2018 BREEAM very good requirement. In this context, it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM very good would effectively deliver the level of sustainable built form that the policy seeks to capture.
- 9.4 The above argument has been discussed with the Council's Spatial Policy and Delivery Team, who advise that this should be a matter of planning judgement. Given that this is the case, it is felt that the abovementioned arguments are persuasive and successfully evidence that a change in guidance has occurred, since the evidence base for the policy was gathered. To this end condition 45 of the outline consent requires that a minimum BREEAM rating of Very Good (2018), or an alternative equivalent measure, be achieved for the school building. Such should be demonstrated to the LPA through the submission within 6 weeks of the completion of the shell and core works, of a certificate of compliance, from an accredited assessor.
- 9.5 It should be noted that a Sustainability Framework Comparison has been submitted with the application. This document identifies that as agreed with the DfE, the school building will achieve Net Carbon Zero (NCZ), rather than BREEAM Very Good. The aforementioned document highlights the differences between the two frameworks and identifies that in the majority of cases NCZ, will achieve a betterment in sustainability terms against BREEAM requirements. For instance, in terms of Regulated Carbon Emissions Reduction, NCZ will achieve 100% compared to BREEAM Very Good target of 15%. Elsewhere water reduction for NCZ is 40% compared to 12.5% for Very Good and Regulated Energy from Renewables for NCZ is 100% compared to 5% for Very Good.
- 9.6 Whilst the applicant will need to submit information to demonstrate adherence to NCZ targets, in order to comply with the requirements of condition 45, it is considered that such is equivalent (in that it offers a betterment) to BREEAM Very Good and therefore is an appropriate framework under the requirements of the condition to secure sustainable built form, thereby complying with the requirements of the Development Plan and NPPF in this regard.
10. Playing Pitches
- 10.1 Core Policy 11 of the Local Plan Strategy seeks to encourage, protect and enhance existing sports facilities and advises that the loss of existing facilities and assets, will be resisted where it can be shown that there is an existing and future need, unless it can clearly be demonstrated that alternative facilities of an equivalent or better standard, in terms of quality and quantity, are being provided in a suitable location.
- 10.2 Paragraph 4.36 of the Rugeley Power Station Development Brief SPD advises that, *"the site currently benefits from onsite sports and recreation facilities which are centrally located. As part of the development proposals, the Council will encourage the retention and protection of any existing sports and recreation facilities that are not justified to be surplus to requirements. This will need to be delivered in line with National and Local policy requirements"*.
- 10.3 Policy AH6 of the Armitage with Handsacre Neighbourhood Plan states that *"Proposals will be supported which...safeguard existing outdoor sport and recreational facilities and, where appropriate, create new opportunities for such facilities"*.

- 10.4 Paragraph 99 of the NPPF seeks to protect existing sports facilities and in cases where playing fields are lost as part of a development notes that Sport England are a Statutory Consultee. To ensure accordance with Paragraph 97 and other relevant policies from Sport England (e.g. Policy Exception E4 – equivalent or better replacement provision), it was agreed as part of the outline consent to replace all of the existing sports provision (apart from the golf course), in a broadly similar location to the previous facilities, with the exception of cricket, for which an off-site mitigation sum has been agreed and secured through the S106 agreement.
- 10.4 The proposal, as agreed through the outline consent, will deliver a number of the sports pitches/courts, which are to be shared with the community, with community access outside of school hours of operation. Some of these facilities are all weather (e.g., MUGA) to facilitate their extended use (subject to management and reasonable time limitations). The below facilities will be available for community use:
- Sports Hall;
 - Activity Studio;
 - Three Flood Lit Tennis Courts/MUGAs,
 - Floodlit All Weather Pitches for Football & Hockey;
 - Grass Football Pitch (subject to daylight hours and pitch condition); and
 - Grass Rugby Pitch (subject to daylight hours and pitch condition).
- 10.5 During term time it is proposed (albeit such will need to be agreed, as required by the S106 agreement, via a Community Use Agreement, prior to first use of the ATS) that community use of the facilities will occur between 18:00-21:00 Monday-Friday, 08:30-21:00 Saturday and 08:30- 16:00 on Sundays. During the school holidays, the Saturday opening times will be applicable to Monday to Friday.
- 10.6 In addition, there are a number of pitches, which will not be used by the public outside of school hours, including the primary school provision to the east of the site.
- 10.7 Prior to discussing the suitability of the playing pitch offer identified within the scheme, it should also be noted that conditions 20 and 22 of the outline consent, which require respectively, the submission and approval, in liaison with Sport England, details of the design and layout of the pitches and a detailed assessment of ground conditions are to be discharged in due course, ensuring further consideration of this matter.
- 10.8 Sport England along with the Council's Health and Well-being Manager have been consulted upon the suitability of the playing pitches. Following revisions to the scheme, Sport England now support the proposal, advising that the 3G pitch and natural turf football pitch dimensions being 106x70m are in line with Sport England's recommended pitch dimensions. The hockey AGP pitch size also accords with the recommended dimensions. However, the second natural turf pitch is a rugby pitch (116 x 74m) still falls outside the minimum pitch dimension of 116x78m. It should be noted where the pitch dimensions do not have the required 5m run off a comprehensive risk assessment based upon the type, level and intensity of rugby activity and the surrounding physical environment.
- 10.9 With regard to the MUGA provision it is noted that there is a slight reduction in provision compared to that shown on the illustrative masterplan, submitted with the outline application, though the proposed courts will be equivalent to that to be lost at the site and will be made available for community use. The proposal incorporates a sports hall which meets the recommended Sport England dimensions for a 4 court hall which is greater in size than originally proposed as part of the outline. The increase in the sports hall is welcomed with it enabling a wider range of community sports to take place. The sports block also incorporates 4 changing rooms, which can service both the indoor and outdoor sports provision, which is supported.

- 10.10 Finally, with reference to the comments received from the Council's Leisure and Parks Team, the matter of the maintenance of the playing pitches is addressed within Schedule 3 of the s106 agreement, attached to the outline consent, which requires that the applicant agree with the LPA's (both Lichfield and Cannock Chase District Council's) a Management Strategy for the future management of the site.
- 10.11 Given the above assessment, the recreational and public open space provision proposed within the development, as submitted, is considered in this regard, to be compliant with the requirements of the Development Plan and NPPF.
11. Retained Power Infrastructure
- 11.1 National Grid (NG) currently operate, and will continue to operate a 400kv switching facility located immediately to the north west of the application site. There are no known future plans for closure or relocation of this facility. The facility comprises an open air grid of frames (up to 20m in height) and transformers enclosed by a wire fence. Existing wayleaves and utilities surrounding the substation provide an informal stand-off/ buffer to the substation. However, a physical and visual buffer will assist in improving the visual amenity of the structure and minimising impact from noise upon future users of the application site. Access to the substation needs to be provided at all stages of construction and in the final redevelopment of the site and detailed discussions and layout considerations have been undertaken with NG in this regard.
- 11.2 A second 132kv switching station also exists within the centre of site, located to the south of the proposed school building. This is operated by Western Power Distribution (WPD) on a sub-lease from NG. The operational substation equipment is housed within a large footprint red brick building. It is approximately 16m in height with a flat roof and high level windows. An associated external 'open-air' substation is situated adjacent, enclosed by a steel security palisade fence. As above, access to the 132kV substation needs to be provided at all times and discussions have been undertaken with WPD to assure both sides of their respective expectations and requirements.
- 11.3 Specific to the application site, NG also advise that there are two 25kV cable circuits with associated fibre optic pilot cables that run from Rugeley 400kV substation to Brereton 25kV substation, providing power to Network Rail and 132kV cables, which supply power to the Local Distribution Network, situated within the area identified for the overflow car park. NG have raised concerns that the red line boundary and associated development, comes within close proximity to the 25kV cable route, which runs along the north eastern boundary of the site. NG's deed of grant states that no buildings or structures shall be erected within 2 metres of the centre of these cables.
- 11.4 To address the concerns of the NG, following discussions with the applicant, it has been agreed that;
- 1) The Northern fence line of the school boundary will be moved to accommodate the required 2m distance from the 25kv cables;
 - 2) NGs current access rights under the 1990 lease follow the Northern road which briefly enters the redline boundary of the school. NGET agrees to amend these access rights to run along the route of the 25kv cables to avoid the school boundary; and
 - 3) Where the NGET 132kv cables are situated under the fishtail (overflow car park) at the South West corner, if there is a requirement to increase the ground level to develop this area, NGET must agree to the proposals, RAMS and method statements. If an agreement cannot be reached the area must remain undeveloped. Conditions to capture these matters are recommended as part of this application. For members information the applicant is confident that this matter can be addressed in a manner, which ensures the delivery of the overflow car park.

- 11.5 Given the above assessment, it is considered that subject to the recommended conditions, the integrity of the existing electrical infrastructure within the site will be protected and therefore the proposal will be compliant with the requirements of the Development Plan and NPPF in this regard.

12. Other Issues

- 12.1 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.
- 12.2 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; albeit exact details of the bin store is recommended to be secured via the use of a condition; to advise of the consultee comments, as received.
- 12.3 Finally, a number of questions were raised by Councilors when the Issues Paper for this development was brought in front of this committee. The questions and the answers to such are detailed below:

Where will the secondary school funding secured by the outline consent go?

The S106 monies secured as part of the outline consent will be used as part of the funding for the All Through School (ATS) option which includes a nursery, two-form primary school, 5 form entry secondary school and post 16 school.

Why is there no Swimming pool provision within the school?

- The Department for Education (DfE) Building Bulletin requirements for the ATS does not require a swimming pool and therefore the DfE would not be fund a pool.
- There is no requirement from Sport England for swimming facilities to be provided on the site.
- Existing facilities already exist within 3 miles at the Rugeley Leisure Centre.

What is the comparable percentage of delivery costs between the DfE and the applicant?

The S106 costs were calculated by the Staffordshire County Council Education Department. The applicant is funding what the County deems is required for the development; a primary school site, a two form primary school and two form secondary school. The additional provisions within the ATS are being funded by the DfE. The breakdown in delivery costs is a commercial matter between the applicant and the DfE. The applicant will meet its obligations under the S106 agreement if planning permission is granted and the ATS is constructed.

13. Financial Considerations

- 13.1 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.

14. Human Rights

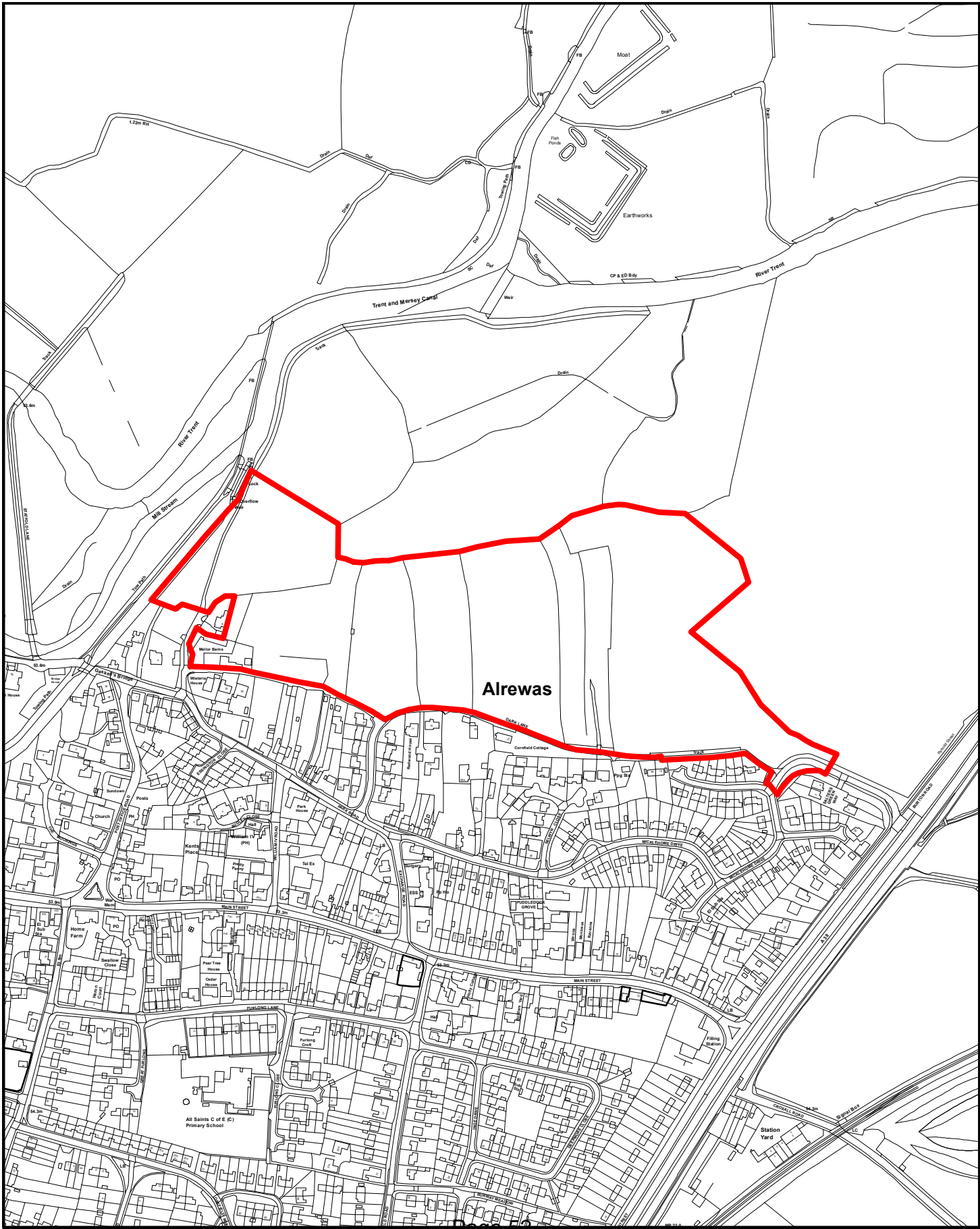
- 14.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family 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, 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 within the existing and future built form proposed for the site, whilst the design is considered to be a good standard and offer benefits above that required by the outline consent, through the delivery a carbon net zero building. The vehicular accesses 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, is to be delivered far earlier within the development process than required and will form part of a wider project and promote its completion, which will provide additional housing and employment infrastructure, to serve the needs of existing and future generations. Therefore, it is recommended that this application be approved, subject to conditions, as detailed.

 <p>Lichfield district council www.lichfielddc.gov.uk</p> <p>District Council House Frog Lane Lichfield Staffs WS13 6YY</p> <p>Telephone: 01543 308000 enquiries@lichfielddc.gov.uk</p>	<h1>LOCATION PLAN</h1> <p>20/00359/FULM</p> <p>Land north of Dark Lane Alrewas</p>		<p>Scale: 1:5,000</p>	<p>Dated: September 2021</p>	
	<p>Drawn By:</p>				
	<p>Drawing No:</p>				
<p>© Crown Copyright Database Rights 2021 Lichfield District Council Licence No: 100017765</p>					



20/00359/FULM

**VARIATION OF CONDITIONS 2 (APPROVED PLANS), 6 (DRAINAGE) AND 13 (LANDSCAPING) OF PERMISSION 18/01491/FULM RELATING TO PLOT SUBSTITUTION OF 52 OF THE APPROVED 121 DWELLINGS, UPDATED LANDSCAPING AND DRAINAGE SCHEMES.
LAND NORTH OF DARK LANE, ALREWAS
FOR CREST NICHOLSON MIDLANDS**

Registered: **30/03/2020**

Parish: Alrewas

Note: This application is being reported to the Planning Committee, due to significant objections, to the proposal, received from Alrewas Parish Council. The Parish Council strongly object to the proposal and recommend refusal. Their concerns/ objections can be summarised as:

1. The drainage scheme requires regular and permanent maintenance and should be conditioned.
2. Access will be required for the drainage ditch
3. The drainage ditch crosses a national strategic gas main
4. The current infiltration basin could be replaced with storage and liable to silting up.
5. The system would be inadequate when River Trent is in partial/full flood.
6. The bund to Dark Lane should be restored.
7. Concern over potential flooding into Micklehome Drive and other village properties.
8. Concern over potential impact on strategic national gas main.
9. The proposed outflow to 'The Beach' is major issue and will destroy local amenity and affect otters' habitat.
10. The drainage system may not be adequate and introduces storage crates into the rear gardens of the new houses
11. Concerns were raised over the inclusion of unadopted roads and paved areas within the development.
12. Biodiversity offsetting required to be provided – wildflower meadow has not be planted.
13. A peer review which raised a number of concerns has been provided (Full text of the report is available on the website for the application)

RECOMMENDATION: Approve, subject to the following conditions and completion of a Deed of Variation to S106 to 13/01175/FULM and 18/01491/FULM (and associated deed of variation) to associate this permission to the existing S106.

CONDITIONS

1. This Variation of conditions permission is granted in respect of amendments to planning permissions 13/01175/FULM and variation of conditions 18/01491/FULM. The development hereby approved shall comply in all respects with the terms of the above permissions and the conditions imposed and/or discharged previously other than in relation to the approved amendments within planning permission 20/00359/FULM.
2. The development authorised by this permission relating to plots 48-57, 61-65, 87-89 and 91 - 121 (inclusive) shall be implemented and thereafter retained for the life of the development, in accordance with the approved details list below, except insofar as may be otherwise required by other conditions to which this permission is subject.

3. The development shall be implemented in accordance with the approved external materials details provided on plan P19-2818_006J (material distribution plan) in relation to plots 48-57, 61-65, 87-89, 91-121 (inclusive) and thereafter retained for the life of the development.
This condition amends details under the following discharge of condition approvals:

(i) 18/01491/DISCH (condition 3) dated 10 April 2019
(ii) 18/01491/DISCH6 (condition 3) dated 06 July 2020
(iii) 18/01491/DISCH8 (condition 3) dated 17 September 2020
4. The development shall be implemented in accordance with the approved external surfacing details as set out on plan P19-288_007H (boundary and surfaces plan) which amends details approved under 18/01491/DISCH (condition 3) dated 10 April 2019 in relation to plots 48-57, 61 -65, 87-89 and 91-121 (inclusive) and thereafter retained for the life of the development.

CONDITIONS to be complied with PRIOR to the commencement of development hereby approved in respect of approved plots 48 -57, 61 -65, 87-89 and 91 – 121 (inclusive) under this planning permission 20/00359/FULM:

5. In relation to plots 48-57, 61-65, 87-89, 91-121 (inclusive) the finished floor levels of the approved development shall be not less than 600mm above the 1:100 year flooding event and not less than 150mm above finished ground levels. The development shall be implemented in accordance with these details and thereafter retained for the life of the development.
This condition amends details approved under 18/01491/DISCH1 (condition 4 dated 22 February 2019).
6. The development shall be implemented in relation to plots 48-57, 61-65, 87-89, 91-121 (inclusive) in accordance with the external boundary details set out on plan P16-288_007H and standard decorative fence panel details submitted with this application. The development shall thereafter be retained for the life of the development.
This condition amends details approved under 18/01491/DISCH (condition 5 dated 10 April 2019).
7. The development shall be implemented in relation to plots 48-57, 61-65, 87-89, 91-121 (inclusive) and thereafter retained for the life of the development in accordance with the approved drainage details listed in the approved plans list.
This condition amends details approved in 18/01491/DISCH3 (condition 6) dated 09 April 2019.
8. The trees and hedges shown to be retained on the approved tree protection plan 9937 TPP 03 Rev A shall be protected in accordance with British Standard 5837:2012. No further works shall continue on site until the approved tree protection measures are in place. The tree protection measures shall be retained for the duration of construction including any clearance works until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site, unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians shall occur within the protected areas.
9. The access and traffic management off-site highway works off Dark Lane and Micklehome Drive (indicated on drawing no MID3117-053) shall be constructed in accordance with the details and timetable discharged in part under reference 18/01491/DISCH5 (condition 8 dated 5 August 2021) and 18/01491/DISCH7 (condition 8 dated 6 July 2020).

10. The development relating to plots 48-57, 61-65, 87-89 and 91-121 (inclusive) shall be implemented in accordance with the approved details under 18/01491/DISCH5 (condition 9 dated 5 August 2019) relating to a temporary secure parking area for residents.
11. The development shall be implemented in accordance with the approved details under 18/01491/DISCH5 (condition 10 dated 5 August 2019) and thereafter retained and adhered to until completion of the whole development in relation to the Traffic Management Plan/Construction Method Statement.

Other CONDITIONS to be complied with:

12. The development shall be implemented and thereafter retained for the life of the development in accordance with approved details relating to the biodiversity offsetting scheme and habitat management plan under 13/01175/DISCH1 (condition 7–dated 13 December 2017).
13. The development shall be implemented and thereafter retained for the life of the development in accordance with the approved archaeology written scheme of investigation under 13/01175/DISCH (condition 10 dated 31 January 2018).
14. The landscaping and planting scheme as listed below in the approve plans list shall be implemented in accordance with the approved details within the first available planting season and thereafter retained for the life of the development.
15. The drainage scheme relating to the development of plots 48-57, 61-65, 87-89 and 91-121 shall be implemented in accordance with the drainage details listed in the approved plans below and thereafter retained for the life of the development. This condition amends drainage details approved 18/01491/DISCH3 (condition 6 dated 9 April 2019).
16. The development shall be implemented and thereafter retained in accordance with the scheme of investigation and recording of any contamination of the site in accordance with approved details under 18/01491/DISCH4 (condition 14 dated 22 January 2019).
17. The development shall be implemented and thereafter retained out in accordance with the approved Flood Risk Assessment and Drainage Strategy ref 5117802 V4 dated 19 January 2015 submitted under 13/01175/FULM. This shall include the following:
 - (i) Limiting the rate of surface water run-off generated by the 1 in 10 year plus 30% critical storm, so that it will not exceed 17.8 l/s
 - (ii) Provision of 115 cubic metre infiltration basin on the site to accommodate a 1in 100 year plus 30% rainfall event:
 - (iii) No built structures to be provided or raising of ground levels within the floodplain of the River Trent.
 - (iv) Ensuring that that any flooding occurring within the proposed development of up to and including the 1:100 year plus 30% event must be contained within the site boundary in a safe manner and allowed to discharge when downstream capacity permits; and
 - (v) A scheme for the maintenance and management of the surface water system for the lifetime of the development to be deposited with the Local Planning Authority within 3 months of the date of this permission. The scheme shall include a copy of the management agreement including the management and maintenance of the storage crates - plots 49 -55 (as detailed on plan P18-336:006 C8) and confirmation of the body responsible for the maintenance and date of coming into force.

The mitigation measures shall be carried out in accordance with the timing/phasing arrangements embodied within the scheme.

18. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.
19. No trees, shrubs or hedgerows planted or retained as part of the approved landscape and planting scheme shall be topped, lopped or cut down without the prior written consent of the Local Planning Authority.
20. No construction activities shall take place outside the hours of 7.30 – 19.00 Mondays to Fridays and 08.00 – 13.00 on Saturdays. There shall be no construction activities on Sundays and Bank/Holidays.
21. The development shall be implemented and thereafter retained for the life of the development in accordance with the noise attenuation scheme approved under 18/01491/DISCH2 (condition 19 dated 21 February 2019).
22. The development shall be implemented in accordance with the recommendations and mitigation measures within the following ecological reports submitted under 13/01175/FULM and 18/01491/FULM. The protected/priority species reports shall be complied with in full:
 - (i) Breeding Bird Survey (January 2015)
 - (ii) Wintering Bird Survey (January 2015)
 - (iii) Bat Survey Report (January 2015)
 - (iv) Badger Survey Report (January 2015)
 - (v) Extended Phase 1 habitat Survey Report (January 2015)

The mitigation measures shall thereafter be retained for the life of the development.

23. This consent specifically precludes permitted development rights in relation to Class A (extensions to dwellings) and Class E (buildings incidental to the enjoyment of the dwelling house), Part 1, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (or subsequent amending orders) in relation plots 49 -55 inclusive.
24. Notwithstanding the submitted details, the development shall be implemented in accordance with revised details to be submitted and approved in writing prior to occupation of the first dwelling, (plots 48-57) showing adequate visibility splays of at least 2m x 25m for each plot.

The visibility splays shall thereafter be kept free of all obstructions to visibility for the life of the development. There shall be no obstructions forward of the visibility splays that exceeds 0.6m in height above the adjacent carriageway.

25. Notwithstanding the submitted details prior to first occupation of house types Bingham and Rutland details of adequate covered and secured cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be provided and retained for these purposes only prior to first occupation of the development for the lifetime of the development.

REASONS FOR CONDITIONS

1. To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure that the development meets the design quality and environmental standards of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and SPD guidance and Policies HP4 and EC1 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.
3. To ensure that the development displays good design practice and reflects local distinctiveness, having regard to safeguarding visual and residential amenity and to accord with Lichfield Local plan Strategy Policies CP3 and BE1 and SPD guidance and Policies HP4 and EC1 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.
4. To ensure that the development displays good design practice and reflects local distinctiveness, having regard to safeguarding visual and residential amenity and to accord with Lichfield Local plan Strategy Policies CP3 and BE1 and SPD guidance and Policy EC1 and HP4 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.
5. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with Local Plan Strategy Policies CP3 and BE1, SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policy EC1 and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development and to safeguard the character and appearance of the area, in accordance with the requirements of Lichfield Local Plan Strategy Policies CP3, CP13, NR4 and BE1 and SPD Sustainable Design and Alrewas Neighbourhood Plan Policy EC1 and the National Planning Policy Framework.
7. To ensure the development is provided with a satisfactory means of drainage and reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution, in accordance with Lichfield Local Plan Strategy Policies CP3 and BE1 and Policy HP4 of the Alrewas Neighbourhood Plan and the National Planning Policy Framework.
8. To ensure the satisfactory appearance of the development and to safeguard existing trees and hedges to be retained in the development in accordance with the requirements of Core Policies 3 and 13 and NR4 and BE1 of the Lichfield Local Plan Strategy, SPD Trees, Landscaping and Development' and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies HP4 and EC1 and the National Planning Policy Framework.
9. In the interests and safety and convenience of users of the highway and in accordance with Lichfield Local Plan Strategy Policies CP3, CP5 and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies TT1, TT5 and HP4 and the National Planning Policy Framework.
10. In the interests and safety and convenience of users of the highway and in accordance with Lichfield Local Plan Strategy Policies CP3, CP5 and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies TT1 and TT5 and the National Planning Policy Framework.

11. In the interests and safety and convenience of users of the highway and in accordance with Lichfield Local Plan Strategy Policies CP3, CP5 and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies TT1, TT5 and HP4 and the National Planning Policy Framework.
12. In order to safeguard the ecological interests of the site, in accordance with Lichfield Local Plan Strategy Policies CP13 and NR3 and SPD 'Biodiversity and Development' and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policy PR4 and the National Planning Policy Framework.
13. To ensure full evaluation of and protection of any archaeological remains within the site, in accordance with Lichfield Local Plan Strategy Policy NR5 and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policy EC1 and the National Planning Policy Framework.
14. To ensure the satisfactory appearance of the landscaping of the development, in accordance with the requirements of Core Policies 3 and 13 and NR4 and BE1 of the Lichfield Local Plan Strategy, SPD Trees, Landscaping and Development' and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policy PR4 and the National Planning Policy Framework.
15. To reduce the risk of flooding to the proposed development and future occupants; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring compensatory storage of flood water is provided; and to prevent flooding elsewhere by ensuring the continuity of existing third party drainage systems, in accordance with Lichfield Local Plan Strategy Policies CP3, NR9 and BE1 and the National Planning Policy Framework.
16. To identify and mitigate any contaminants within the site for the health and amenity of future residents in accordance with Lichfield Local Plan Strategy Policies CP3 and BE1 and SPD 'Sustainable Design' and the National Planning Policy Framework.
17. To reduce the risk of flooding to the proposed development and future occupants; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring compensatory storage of flood water is provided; and to prevent flooding elsewhere by ensuring the continuity of existing third party drainage systems, in accordance with Lichfield Local Plan Strategy Policies CP3, NR9 and BE1 and the National Planning Policy Framework.
18. To ensure the satisfactory appearance of the development and to safeguard existing trees and hedges to be retained in the development, in accordance with the requirements of Core Policies 3 and 13 and NR4 and BE1 of the Lichfield Local Plan Strategy, SPD Trees, Landscaping and Development' and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policy PR4 and the National Planning Policy Framework.
19. To ensure the satisfactory appearance of the development and to safeguard existing trees and hedges to be retained in the development in accordance with the requirements of Core Policies 3 and 13 and NR4 and BE1 of the Lichfield Local Plan Strategy, SPD Trees, Landscaping and Development' and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies PR4, HP4 and EC1 and the National Planning Policy Framework.
20. To protect the residential amenities of adjoining residents and future occupiers in accordance with Lichfield Local Plan Policy BE1 and SPD 'Sustainable Design' and the National Planning Policy Framework.

21. To protect the residential amenities of future occupiers, in accordance with Lichfield Local Plan Policies CP3 and BE1 and SPD 'Sustainable Design' and the National Planning Policy Framework.
22. In order to safeguard the ecological interests of the site, in accordance with Lichfield Local Plan Strategy Policies CP13 and NR3 and SPD 'Biodiversity and Development' and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies PR4 and EC1 and the National Planning Policy Framework.
23. In order to protect the sub-ground surface water attenuation storage crates which forms part of the wider development surface water drainage system, in accordance with Lichfield Local Plan Strategy Policy CP3 and the National Planning Policy Framework.
24. In the interests and safety and convenience of users of the highway and in accordance with Lichfield Local Plan Strategy Policies CP3, CP5 and ST1 and SPD 'Sustainable Design' and Alrewas Neighbourhood Plan Policies TT1 and TT5 and the National Planning Policy Framework.
25. To ensure that the proposal accords with sustainable travel requirements under Lichfield Local Plan Strategy Policies CP3, CP5 and ST1 and Alrewas Neighbourhood plan Policy TT1 and provides a range of parking options for residents, in accordance with Local Plan Policy ST2 and SPD 'Sustainable Design (Parking Standards)' and Alrewas Neighbourhood Plan Policies TT5 and HP4 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 Alrewas Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. 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 <https://www.lichfielddc.gov.uk/planning-guidance/community-infrastructure-levy>
5. The applicant/ developer is advised that developments of individual houses must include unobtrusive areas suitable to accommodating at least 3 x 240l wheeled bins. The Joint Waste Service provides a kerbside collection service, therefore residents will be expected to present

their bins at the nearest appropriate highway on collection days. Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard. A suitable bin collection point (BCP) may be required with due consideration to the distance from the resident's properties (maximum of 30m) and the main highway. The BCP can be a simple paved area but it must be sufficient to accommodate 3 x 240l bins for every property served by the private drive and be adjacent to the adopted highway to ensure an efficient refuse/recycling operation takes place.

6. The applicant's attention is drawn to the comments of Severn Trent Water dated 14 September 2021 regarding the use or reuse of sewer connections either direct or indirect to the public sewerage system on the Council's website.
7. The applicant/ developer is advised with respect to the proposed layout, a minimum distance of 6m is required to the rear of a parking bay to allow for reversing/ turning/ manoeuvring. It is further advised that a garden shed is considered to be a secure weatherproof storage facility.
8. The proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to 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. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.asp>

The works required for the proposed internal road network which are to be put forward for highway adoption require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

The works required for the proposed internal road network which are to remain private will also require approval under Section 7 of the Staffordshire Act 1983. This Form does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It will, therefore, be necessary for maintenance/ management arrangements for the private internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standards, the roadways within the site will still need to be constructed to be 'fit for purpose'.

9. The attention of the applicant should be drawn to the existence of Footpath Alrewas 1R/2243 as the proposed development may directly impact the public path. The attention of the applicant should also be drawn to the existence of Footpaths Alrewas 51, Alrewas 49 and Alrewas 41 which either bound the site or are located close-by. It should be noted that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the applicant would need to apply to the Local Planning Authority under Section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence.

Staffordshire County Council would need to be formally consulted on the proposal to divert this footpath. The applicant should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09). It is important that users of the path are still able to exercise their public rights

safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development and increased vehicular use. Staffordshire County Council is only responsible for the footpath for pedestrians, not vehicles, and the applicant should be made aware of this. The applicant should also be made aware that it is illegal to park on the public footpath.

10. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.
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PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance
National Design Guide
National Model Design Code

Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP2- Presumption in favour of sustainable development
Policy CP3 - Delivering Sustainable Development
Policy CP4 - Delivering our Infrastructure
Policy CP5- Sustainable Transport
Policy CP6 - Housing Delivery
Policy Alr1 - Alrewas Environment
Policy Alr4 - Alrewas Housing
Policy IP1 - Supporting & Providing our Infrastructure
Policy ST1 - Sustainable Travel
Policy ST2 - Parking Provision
Policy H1 - A Balanced Housing Market
Policy H2 - Provision of Affordable Homes
Policy CP10 - Healthy & Safe Lifestyles
Policy CP13 -Our Natural Resources
Policy BE1 - High Quality Development
Policy NR3- Biodiversity, Protected Species and their Habitats
Policy NR4- Trees, Woodland and Hedgerows
Policy NR7 - Cannock Chase Special Area of Conservation
Policy NR9 - Water Quality

Lichfield Local Plan Allocations

Policy A1 – Alrewas Housing Land Allocations (Site A2 (Alrewas 2) Land north of Dark Lane, Alrewas)

Supplementary Planning Documents

Sustainable Design SPD
Trees, Landscaping and Development SPD

Biodiversity and Development SPD
Developer Obligations SPD

Alrewas Neighbourhood Plan

Policy TT1 - Traffic
Policy TT2 - Pedestrian and Cycle Access
Policy PR2 - Public Rights of Way
Policy PR4 - Trees and Hedges
Policy EC1 - Protecting and Enhancing the Built Environment
Policy EC2 - Protection of Local Green Space
Policy HP1 - Housing Provision
Policy HP2 - Alrewas Village
Policy HP4 - Building for Life

Emerging Lichfield District Local Plan 2040

An emerging local plan is in preparation and on 30 August 2021 completed its Regulation 19 public consultation stage on the soundness and legal compliance of the pre-submission version of the Lichfield District Local plan, the proposed publication plan. At Regulation 19 consultation stage the proposed Local Plan is afforded limited weight.

RELEVANT PLANNING HISTORY

Current applications:

18/01491/AMD1	Non material amendment to change the wording on Condition 15 to 18/01491/FULM	Pending
18/01491/DISCH9	Re-submission of Condition 6 (drainage) to 18/01491/FULM	Pending

Previous:

18/01491/FULM	Variation of condition 2 relating to approved plans and variation of condition 9 relating to the landscaping of application 13/01175/FULM	Approved and S106	21.12.2018
18/01491/AMD	Non-material amendment to remove tree between plots 36 & 37	No Objection	12.02.2021
15/010120/FULM	Residential development of 121 dwellings, together with associated access, parking, public open space and landscaping.	Refused	25.06.2015
13/01175/FULM	Residential development of 121 dwellings, together with associated access, parking, public open space and landscaping.	Refused	28.07.2014
		Appeal allowed & S106	14.02.2017
13/01175/AMD	Non-material amendment to alter doors and windows	No Objection	23.10.2018

Discharge of conditions have been approved in relation to Conditions 7, 9, 10 and 11 of 13/01175/FULM.

Discharge of conditions have been approved in relation to Conditions 3 (part), 4, 5, 6, 8 (part), 9, 10 14 and 19 to 18/01491/FULM.

CONSULTATIONS

Alrewas Parish Council - Final comment: Objection. Concerned about potential flooding and other drainage issues. A technical assessment was submitted on behalf of the Parish Council. Concerns relate to impact on the flood plain to River Trent from the development as flooding has occurred in the village, particular properties considered to be at risk are in Selwyn Close, Micklehome Drive and Dark Lane. There is concern that other developments will impact on flooding over the village. The location of a surface water outfall onto 'The Beach' (riverside to The River Trent) will harm local amenity and it can be repositioned elsewhere. Concern is expressed over the management of the drainage system over the long term and would like assurances that there will be management of the drainage system in perpetuity. Concern is expressed in relation to the open ditch element in relation to health and safety and potential for mosquitoes or other undesirable insects breed in it. Concerned that the biodiversity work on the wildflower meadow has not yet started and trees have been removed from Dark Lane. Concern is expressed over the long term maintenance of the wildflower meadow and its management and asks that the condition is addressed without delay and future responsibilities agreed in a binding way. (10/08/2021)

Previous Comment: Objection -Submission of a technical review of the drainage proposals submitted as part of the application. The Parish Council submitted a technical review of the drainage proposals as an objection to the proposal. Concerns were raised as to the robustness of the proposed drainage and the likelihood of flooding into the surrounding area when the River Trent is in flood and the design of the surface water storage system. Concern that the drainage system will remain privately owned in parts and therefore outside statutory enforceability. Concern that the drainage ditch extends over the national gas line and the acceptability of the arrangement. Objection to the use of the Beach as the proposed location of the outfall to the River Trent. Impact on biodiversity and the net loss resulting and the suitability of a wildflower meadow and questions why it has not yet been planted. Impact on Alrewas footpath 51 Dark Lane and the northern side hedge. Plans are unclear on its retention. Impact on emergency vehicles to existing Dark Lane properties. (01/07/2021)

Previous Comment: Strong Objection- Refer to technical review above. (15/07/2021)

Previous comment: Objects to the Hydrogeological Assessment submitted. Asks that the management of the drainage system is subject to conditions and overseeing by the Council and Staffordshire Flood Authority. Access to the ditch will be over the national gas pipeline and needs regulatory approval. The infiltration basin could be infilled and replaced with storage which would need monitoring for silting and maintenance. The overall system is unlikely to be able to cope with flood or partial flood surges from the River Trent. Possibility of flooding into Micklehome Drive. Concern over the security of the national gas pipeline. Outflow to 'the Beach' is a major concern as it is a local amenity and otters are found in the locality. (22/03/2021)

Previous comment: Strong Objection -Loss of hedgerow and some trees along Dark lane is strongly objected to as is the proposed 1.8m (metre) high boundary fencing which will encroach on the public footpath and is out of keeping with the rural locality. Removal of the hedging will impact on drainage, biodiversity and wildlife. The Council should seek to mitigate the impact of the fencing on the footpath, biodiversity and wildlife though conditions. Concerns about drainage and the location of the outfall on 'the Beach' and it could impact on river flows for users and wildlife with particular concern for boat users. Impact on the national gas pipeline and asks of National Grid and Cadent have commented. Concerns about potential damage causing a major accident. (01/09/2020)

Original Comment: Support- Regrets the decrease in smaller more affordable houses but considers the changes will enhance the appearance of the development. (02/04/2020)

Natural England - No objections raised, subject to appropriate mitigation being secured for recreational impacts on Cannock Chase SAC. (23/06/2020)

Historic England - No comments – refer to Local Planning Authority Conservation Officers. (30/03/2020)

Health and Safety Executive - The site lies within the consultation area for a major hazard or major accident hazard pipeline. The pipeline operator may have other constraints on the pipeline. (30/02/2020)

Previous comment: HSE does not advise on safety grounds, against the granting of planning permission in this case. (30/03/2020)

Waste Management - LDC - Individual houses should have unobtrusive areas to locate 3 + x 240l wheeled bins. Bins are collected from adjacent to a property. Unadopted roads/drives cannot be accessed by a collection vehicle if they are not constructed to an adoptable standard. The pull distance for operatives is 10m. (30/03/2020)

Inland Waterways Association - No comments. (30/03/2020)

Parks and Leisure - LDC - The Council will not be adopting the public open space therefore arrangements need to be in place for the management and maintenance of the areas. (31/03/2020)

Staffordshire Fire and Rescue - No comments. (31/03/2020)

Sport England - No comments as proposal falls outside its remit. Standing advice applies. (31/03/2021)

Staffordshire County Council (Minerals and Waste) - No comment. (31/03/2021)

Staffordshire County Council (Schools Organisation) - Provided indexation has been included in the original S106 no further adjustments and an adjustment made to the wording of the obligation in relation to expenditure no reassessment is required of the contribution. (16/09/2021)

Previous Comment: No objection

Subject to the house mix and affordable housing mix not altering the existing S106 agreement securing education contributions remains relevant. (01/04/2020)

Network Rail - No objections and no comments. (08/04/2020)

LDC- Arboricultural Officer - Final Comment: The revised landscaping proposals received on the 15th July and include a new avenue of trees on the northern part of the site. The landscape details are now agreed. (17/07/2021)

Previous Comments: Objections remain, trees continue to not meet SPD requirements to be able to achieve 20% canopy cover and protective fencing is not to standard nor are tree pit details sufficient. (23/06/2021)

Previous Comments: Objection maintained. Proposed species of street trees are unacceptable and tree pit details remain unresolved. Previous comments apply. (29/04/2021)

Previous Comments: Objection maintained. 75% of the plot trees are from the Rosaceae family which does not accord with good arboricultural practice. The number of trees is too low and the sizes too small. Still no definitive plant species or conditions provided. (06/10/2020)

Previous Comment: Objection - Details are missing but the changes to the proposed trees has changed to a largely single tree family and medium or smaller trees. Tree pit details are missing. (20/08/2020)

Original Comment: Unable to identify landscape changes. Requests details of revisions. (09/04/2020)

LDC - Building Conservation and Urban Design - Final Comments: Materials shown on Materials Distribution Plan P19 – 2818 -006J revision J are now considered acceptable. House type pack P19-2818_200B is acceptable. Layout P19 – 2818 – 005T includes additional chimneys, which is considered to be acceptable. (05/06/2020 & 12/06/2020)

Previous Comments: Objections still arise in relation to materials for the dwellings. The bricks however are amended and need reconsidering. Querying why the house types have changed. Landscaping is now shown on the outside of the fencing to the public realm to Dark Lane. (10/5/2020)

Previous Comments: Proposed house types are acceptable. Materials distribution – the number of red tiled roofs should be increased. The bricks – Weathered Wren and Downton Wren are acceptable. The draft layout amendments remove 1 dwelling (plots 48 – 57) which enables landscaping to be enhanced and is supported and houses have been moved off the western boundary both are acceptable. The number of chimneys could be increased. Timber fences along the public footpath require planting with hedging on the path side. (12/10/2020)

Previous Comments: Original comments apply. Proposed brick types and roofing materials continues to be unacceptable and boundary treatments require revisiting. House type Ashted raises concerns in terms of design- window arrangement. Chimney details remain at variance. (14/07/2020)

Original Comment: Extent of the changes to the house types is unclear. However identified that the edge of the site with the open countryside is increased in density with 3 extra dwellings and dwellings have moved closer to the boundary with the edge of the site/countryside. Publically visible boundaries should be brick and site edges to the countryside and Dark Lane could use alternative approaches with hedges to screen. External materials to dwellings require further consideration and roofing should provide some variety in colours. Discrepancies on the plans re chimneys. (15/04/2020)

Severn Trent Water - Final Comment: No objections to the foul sewage proposal as shown on drainage P18-336:04 C9. (14/09/2021)

Previous Comments: If the surface water is discharging to the river then refer to Flood Authority/ Environment Agency. Awaiting foul sewerage proposals. (20/10/2020)

Previous Comments: If the surface water is going to a ditch no comments and refer the matter to the Flood Authority. (11/09/2020)

Original Comment: No comment await discharge of condition. (15/04/2020)

Canals and River Trust - Development looks to maintain good section of open space between the development and the canal. Would be beneficial to further develop links between the open space

access and canal. Planting scheme should include larger native species for biodiversity gain especially in the native hedge. Opportunity for enhancing biodiversity on the open space to offset loss to development. (17/04/2020)

Staffordshire County Council (Highways) - Final Comments: No objections subject to conditions requiring revised visibility splay details for plots 48-57 and cycle storage for house types Bingham and Rutland and informatives. (10/09/2021)

Previous Comments: Objections remain as objections from 19 November 2020 have not been addressed fully. (17/05/2021)

Previous Comments: Recommends refusal. The proposal includes trees in highway visibility splays and no road drainage details are included. In some cases the pull distances for bins exceeds 10 m. (19/10/2020)

Original Comments: Asks for clarification on the proposed changes. Details to be submitted for the design and drainage to the new private driveways, detached garage dimensions to be provided. Trees within visibility splays should be relocated. Refuse collection points for shared drives should be indicated. Await updated information. (17/04/2020)

Environmental Health Team - LDC - Original permission included noise and contamination conditions. These should be revisited and updated. (18/04/2020)

Staffordshire County Council (Flood Authority) - Final Comments: The Parish Council technical review and final submitted drainage details have been reviewed and assessed and are acceptable. (13/08/2020)

Previous Comments: Objections remain as the submitted details do not fully accord and additional information is required. (07/06/2020)

Previous Comments: Permission should not be granted until the following matters are resolved. Groundwater information is still not provided. Insufficient information is provided on the design principles and maintenance arrangements for the inverted siphon. Concern that with an open watercourse and limited flows there is potential for silting and blockages and difficulty cleaning and further details are required to be provided including compliance with design guidance. (12/10/2020)

Previous Comments: Flood Authority has been contacted regarding flooding on the site and requests further information from the applicant regarding the potential for groundwater to infiltrate the surface water drainage system via the infiltration systems due to ground water levels exceeding invert levels of the infiltration structures. Requests further information from the applicants. (26/08/2020)

Original Comments: These proposals do not appear to have a significant impact on the surface water drainage strategy and therefore no further comments. (20/04/2020)

Staffordshire Police (Architectural Liaison) - Designing out crime 2019 principles should be applied. The site is permeable and consideration should be given to designing out opportunities due to the accessibility of the site from Dark Lane. Advice was included as to specific measures to reduce vulnerabilities through urban design approaches and measures to individual properties. (21/04/2020)

Ecology Team – LDC - It is unclear how the changes will effect agreed ecological habitat creation and restoration plans. An updated Habitat Management Plan and further ecological surveys will be required

to support the application. Applicant is referred to the Biodiversity and Development SPD. (27/04/2020)

Office of Rail and Road - No comments. (01/05/2020)

East Staffordshire Borough Council - No comments. (05/05/2020)

Alrewas Civic Society - Final Comments: Objects to outfall onto 'the Beach' as it's used for recreational purposes and the proposal threatens its future use. The concrete headwall and steel guardrails is out of keeping and will take up space on 'the Beach'. Concerned the outfall pipe will hold stagnant water and will affect 'the Beach' floor. Currently this is a quiet area surrounded by wildlife, trees and plants which will be affected. The pipe could be moved further along to the opposite end of 'the Beach'. The original plans positioned away from 'the Beach'. (22/06/2021)

Original Comments: Objects to landscaping amendments as they are unclear and objects to any further hedge removal along Salters Way as the rural nature of the footpath needs to be maintained. Its loss would impact on wildlife. (09/05/2020)

Environment Agency - We recommend the applicant contact the Lead Local Flood Authority to seek approval for the surface water run off drainage. As the River Trent is a main river any connection to the watercourse may require an environmental permit from the Environment Agency for any proposed works or structures in under or over or within 8 metres of the top of the bank of 'designated main rivers'. (26/08/2020)

Original Comments: No conditions were attached relating to the conditions to be amended therefore no further comments to make. (30/07/2020)

Spatial Policy and Delivery - LDC - The Local Plan Strategy Policy H1 outlines the need in the District to create a balanced housing market and a need for 2 and 3 bedroom properties within the District. Therefore a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the adopted Local Plan. The local plan strategy includes the following dwellings mix:

Local Plan Requirement	1 bed 5%	2 bed 42%	3 bed 41%	4+bed 12%
Allowed Appeal split 13/01175/FULM		2 bed 32%	3 bed 32%	4+ beds 36%
Proposal split		2 bed 34%	3 bed 24%	4+ beds 42%

'It is clear that the proposed dwelling mix is not consistent with the dwelling mix identified within the Local Plan Strategy and Policy H1. As such a dwelling mix which is consistent with that within the Local Plan Strategy as supported by Policy H1 should be sought.' (20/9/2020)

Original Comments: Site is within the settlement boundary and allocated for development in the Local Plan and Neighbourhood Plan and no objections arise subject to compliance with the housing mix strategy in the Local Plan. (15/4/2020)

LETTERS OF REPRESENTATION

69 neighbours were consulted and a total of 88 neighbour comments were submitted from 40 individuals including a response from the Alrewas Residents Group. The comments made are summarised as follows:

- Proposal would result in harm to the amenities and attractiveness of 'the Beach' a local beauty spot as the outfall pipe, headwall and safety railings will be visible and unattractive and remove space within 'the Beach' area. It adjoins footpath Alrewas IR/2243.
- Proposed ditch crosses a national gas pipe line – there are concerns over the safety and security of the pipeline. Queries if the regulatory bodies have approved this crossing.
- 'The Beach' accommodates riverside wildlife including otters who are nearby. This will negatively impact on them and impact on the river floor here.
- Site is part of flood plain and flooding occurs in the locality - the scheme will not mitigate this.
- Concern over the acceptability of the changes to the drainage system over the approved scheme and its fitness for purpose and currently breaches approved drainage conditions on drainage and flood protection.
- Developers have not complied with their extant permissions in respect of landscaping requirements and provision of a residential car park and construction traffic routing.
- The associated ditch will contain stagnant water and silt up and crosses the flood plain.
- In periods of flooding the outfall pipe will be closed and not drain surface water from the development. Concern surface water will then flood into the village
- The surface water outfall to the River Trent should be relocated to its original or another position away from 'the Beach'. No justification has been made for this location.
- The ditch is to be unfenced and therefore will be a safety and health hazard as it will contain stagnant water.
- The drainage proposal will exacerbate/increase flooding into the village which already suffers from flood incidents.
- The developer has removed a hedge on Dark Lane alongside and footpath Alrewas 51 and replaced it with 1.8 metre high screen fencing which is out of character for the rural locality
- Curtilages of new dwellings encroach onto footpath Alrewas 51.
- It is unclear if Dark Lane is a footpath or highway for vehicles.
- The biodiversity enhancement, wildflower meadow has not been planted in breach of the planning conditions.
- As a consequence of the proposed changes the ecology management strategy should be updated.
- Concern groundwater will infiltrate into the surface water drainage system in periods of river flooding, reducing its capacity.
- Concern that the technical information in the flood risk assessment and drainage strategy is not incorporated into the drainage design or is missing.
- The development completed will direct surface water run off towards Dark Lane, Micklehome Drive and Selwyn Close.
- The hedge and bund on Dark Lane reduced surface water run off onto the footpath Alrewas 51. Its removal allows run off onto Dark Lane.
- Concerns over parts of the surface water drainage system being retained under private management and how the storage crates for surface water run-off will be managed to ensure fitness for purpose.
- No justification has been made for using storage crates for surface water run-off.
- Unclear if the flood plain compensation area has sufficient storage capacity.
- Application has not been advertised sufficiently. The Council should put communities first.

- Dark Lane is an important locality to the village and the well used footpath and impact on 'the Beach' is unacceptable.
- Whole development is out of scale and character, destroys the landscape and is overbearing.
- Village is being over-run with houses.
- 'The Beach' adjoins a footpath and river walk which extends to the National Forest. The ditch and outfall raise public health issues on the footpath.
- Footpath (Alrewas IR/2243) along the river by 'the Beach' is temporarily closed but has not been assessed in relation to its proximity to the ditch and outfall.
- Views of the development from A38 should be addressed and the edges of the development planted up.
- Hedges have been removed on the alignment of the ditch already and a tree removed.
- Query as to whether the hedge to the west of the pumping station is to be retained.
- Existing houses built are poor quality no more are needed.
- A village meeting on 12 June 2021 at 'the Beach' confirmed how important spot is to the village.
- Conflict with conditions limiting discharge to the River Trent from the surface water outfall.
- Concern over the boundaries and communal areas and borders to Dark Lane.
- Asks for Environment Agency and Severn Trent Water to confirm the outlet by 'the Beach' has no environmental impacts.
- Associated Condition 15 details should be re-calculated.

OTHER BACKGROUND DOCUMENTS

The following information has been submitted to support the application:

- Planning, Design and Access Statement Addendum
- Hydrogeological Assessment
- Simpsons Drainage Explanation and Technical Response
- Newark Analysis Document
- Attenuation Tank Management Plan
- Crest Nicholson Drainage Non-Technical Note Rev B

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location Plan DRG	P19 -2818-001 Rev A
Proposed Site Plan DRG	P19-2818-005 Rev U
House Type Pack	P19-2818-200 – B
Affordable Housing Layout	P19-2818-011 –B
Comparison Layout	P19-2818-012
Standard Decorative Fence Panel	
Boundary and Surfaces Plan	P19-2818-007 Rev H
Garages	P19-2818 -200_ 16
Tree Protection Plan	9937 TPP 03 Rev A
Material Distribution Plan	P19-2818-006 Rev J
Ashtead Elevation	P19-2818 SK06A
Amended Landscaping Plan	GL1316 01F
Amended Landscaping Plan	GL1316 02G
Tree Pit Details	GL1316 03E
Amended Landscaping/ Tree Pit Details	GL1316 04
Amended Landscaping/ Tree Pit Details	GL1316 05
Drainage Network Analysis	P18 – 336
Drainage Inverted Syphon	P18-336:SK49
Gas Main crossing	P18-336: 131

Headwall Outfall Section	P18-336:SK50
Drainage Plan	P18-336-06 C8
Drainage Plan	P18-336-07 C7
Drainage Plan	P18-336-02 C7
Drainage Plan	P18-336-01 C1
Drainage Plan	P18-336-03 C7
Drainage Plan	P18-336-04 C9
Drainage Plan	P18-336-05 C10
Drainage Plan	P18-336-132A
Gas main Crossing Record	P18-336 131
Mock Up of 'The Beach 14871 –DHW-3D Views 1 -3	
Attenuation Tank Management Plan	
Arboriculture Method Statement	

Proposals

Consent is sought to vary the following conditions, condition 2, 6 and 13 of planning permission 18/01491/FULM relating to approved plans to enable substitution of 52 approved dwellings and associated layout changes along with the introduction of a revised drainage scheme and landscaping amendments.

Planning permission for 121 dwellings on the site was allowed on appeal in February 2017 and development has commenced and is partly completed on site. The proposal seeks to substitute new housing types on 52 of the approved plots, including altering the housing mix over these plots. During the development it has been assessed by the developers that the approved drainage scheme required redesigning and details have been submitted showing an altered drainage proposal. Associated with the above proposed revisions amendments to the landscaping scheme are also proposed.

Determining Issues

This planning application is made under section 73 of the Town and Country Planning Act 1990 which relates to the determination of applications to develop land without compliance with conditions subject to which a previous planning permission was granted, subject to the revised/new conditions meeting the requirements of 'Use of Planning Conditions'.

In deciding an application under section 73, the local planning authority must only consider the question of the conditions subject to which planning permission should be granted, and —

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

While applications under section 73 are commonly referred to as applications to 'amend/remove' the conditions attached to a particular planning permission, it should be noted that a decision under s.73 (2) leaves the original permission intact. Effectively creating a second permission, either of which could potentially be implemented. The scope of a Local Planning Authority's jurisdiction when considering an application under s.73 is more limited than when considering an application for full planning permission.

Nonetheless, this Local Planning Authority is unrestricted in its consideration of the full planning impacts of the application, bearing in mind that the result of a successful application under s.73 is a wholly new planning permission. However, the section does not empower the Local Planning Authority to rewrite the permission altogether.

In particular, when varying/removing any of the conditions, consideration has to be given to whether any proposed changes would go to the heart of the planning permission and fundamentally alter what was originally granted. If it is considered that the changes do substantially change the permission, then a new planning application is required rather than one under section 73.

In this case, officers have concluded that the changes to the original permission as a result of the proposed amendment of conditions 2, 6 and 13 would not go to the heart of the permission. Therefore, the relevant matters with regards to the above alterations will be addressed within this report, as follows:

1. Policy & Principle of Development
2. Housing Mix
3. Amended Layout and Design of the substituted dwellings
4. Proposed Drainage Amendments
5. Access and Highway Safety
6. Landscaping Amendments
7. Impact on Ecological Interests, including Cannock Chase SAC
8. Human Rights
9. Conclusion

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Alrewas Neighborhood Plan was also made in October 2018 and as such, also carries full material weight.
- 1.2 The emerging Local Plan (2040) has recently completed its Regulation 19 pre-submission public consultation, with submission to the Secretary of State expected in autumn 2021. 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 are not specifically referenced elsewhere.
- 1.3 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.
- 1.4 The NPPF sets out a presumption in favour of sustainable development which is encompassed in Lichfield District Local Plan Strategy Core Policy 2. The development has the benefit of an extant planning permission, and is an allocated site within both the Local Plan and is located within the defined settlement boundary of Alrewas in the Neighbourhood Plan. The principle of development is secured in this case.

- 1.5 Policies CP1 and CP6 of the Lichfield District Local Plan Strategy sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, including Alrewas, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.
- 1.6 Planning permission was originally secured for 121 dwellings on the site and whilst the current proposal seeks to amend 52 of those houses the quantum of development remains as original (121 dwellings) and has been previous accepted as an efficient use of land. Therefore, no further consideration is necessary in relation to the location of the proposal nor the overall quantum of development under this planning application.
- 1.7 In principle, the scheme is considered to be policy compliant.
2. Housing Mix
- 2.1 Policy H1 sets out that in order to deliver a balanced housing market, new residential developments will include an integrated mix of dwelling types, sizes and tenures based on the latest assessment of housing need. In support of this, the District Council will promote the delivery of smaller properties including two bedroom apartments and two and three bedroom houses to increase local housing choice and contribute to the development of mixed and sustainable communities.
- 2.2 Alrewas Neighbourhood Plan Policy HP2 relating to infill and brownfield development supports new housing which provides smaller accommodation (3 bed or fewer). Policy HP2 does not fully apply to this larger development site but does provide acknowledge that the community have identified that smaller house provision is a desire of the community generally.
- 2.3 The proposal seeks to amend the house types and housing mix of the approved development and therefore falls to be considered under Local Plan Policy H1. The site has the benefit of planning permission for 121 houses. When originally allowed (in 2017) the proposed housing mix did not strictly accord with Local Plan Policy H1 as there was a slightly higher bias towards larger dwellings of four bedrooms or more (36%).
- 2.4 Spatial Policy and Delivery officer in their consultation response have advised that the proposed increase proposed currently is in conflict with Policy H1 and that consideration should be given to achieving compliance with the Policy.
- 2.5 In response the applicants have submitted a justification for this change advising that the proposed change in housing mix relates to a total of 52 dwellings proposed to be re-planned and that planning permission was granted in relation to amendments to the appeal permitted development which altered the housing mix in December 2018 under planning permission 18/01491/FULM reducing the number of 2 bedroom units and increasing the number of 5 bedroom units. This was considered acceptable, on balance, having regard to a commensurate increase in affordable housing provision within that application.
- 2.6 The developers have submitted a comparison table which is set out below. It relates on to the market housing mix. The affordable housing is unaffected and remains as per the 18/01491/FULM permission.

	13/01175/FULM (appeal decision)	18/01491/FULM (S73 amendment approved)	20/00359/FULM (current application)
Market/Affordable Split	75% market 25 % affordable	69% market 31% affordable	70% market 30% affordable
1 bed dwellings	0	0	0
2 bed dwellings	19 (21%)	11 (13%)	11 (13%)
3 bed dwellings	31 (34%)	31 (37%)	20 (24%)
4 bed dwellings	34 (37%)	31 (37%)	40 (48%)
5 bed dwellings	7 (8%)	11 (13%)	13 (15%)
Total Market Dwellings	91	84	84

- 2.7 The changes therefore for consideration are those between the most recent permission 18/01491/FULM and the current proposal in terms of housing mix; the loss therefore is:

3 bed dwelling changes	4 bed dwelling changes	5 bed dwelling changes
Minus 11 dwellings	Additional 9 dwellings	Additional 2 dwellings

- 2.8 The quantum of affordable housing remains unchanged from 18/01491/FULM. The extant allowed planning appeal, 13/01175/FULM required only 25% affordable housing to be provided (30 dwellings) The current proposal therefore continues to provide an additional affordable housing offer of 7 dwellings over the original contribution (totalling 37 affordable dwellings).
- 2.9 It is noted that current Local Plan Policy H2 sets an upper limit of 40% affordable housing. However, the current proposal is a S73 application and therefore the overall level of affordable housing does not fall to be reassessed in this instance other than to acknowledge that the proposal continues to exceed the affordable housing contribution required to be provided under permission 13/01175/FULM.
- 2.10 In respect of the housing mix changes proposed, the proposal would result in the loss of 11x 3 No. bed dwellings which are converted to 4 and 5 bed dwellings. The most recent Housing and Economic Development Need Assessment (HEDNA) for the Council (dated 2019) modelled assessment indicates that the principle need is for 3 bedroom market dwellings over the plan period 2016 – 2036 (close to 50%) translating into a suggested housing mix profile of between 45% -55% provision to meet modelled assessed housing needs. Four (4) bedroom dwellings are suggested to fall within a 5-15% range within sites.
- 2.11 The applicant's proposed mix therefore does not accord with the most up to date assessed housing mix needs and therefore there is a conflict with Local Plan Policy H1. However the HEDNA acknowledges that this mix may not be suitable for each and every sites having regard to site constraints. In this case the proposal would skew the development towards larger size properties and no justification has been provided by the applicants for the change from 3 bedroom to 4+ bedroom dwellings.
- 2.12 However, the proposal has been supported, in relation to housing mix, by the Parish Council who in their first consultation response commented that it *'Regrets the decrease in smaller more affordable houses but considers the changes will enhance the appearance of the development.'*

- 2.13 Policy H1 states that it *'will actively promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities.'* The policy is therefore not imposing a specific percentage mix on each development site but allows scope to assess on a site by site basis.
- 2.14 Neighbourhood plan Policy HP2 also sets out that new developments on brownfield and infill development in the village will seek to bring forward smaller (3 bed or fewer) dwellings on these sites but does not impose this requirement on larger volume sites.
- 2.15 Having regard to the initial response from the Parish Council and the Council's urban design assessment that the re-planned layout with larger 4 bedroom dwellings is acceptable, it is considered that in this site specific case the reduction in the number of 3 bedroom dwellings can be accepted. This takes account of other site specific material considerations which are balanced against Local Plan Policy H1. In particular, the increased affordable housing achieved under 18/01491/FULM and which has been maintained in this current application is considered a relevant material consideration and has been afforded appropriate weight.
3. Amended Layout and Design of the Substituted dwellings
- 3.1 The proposal seeks to re-plan parts of the site and substitute different house types. The changes relate to plots on the northern and western parts of the site with 4 plots adjacent to the existing Dark Lane. All other areas within the site remain as the approved details under 18/01491/FULM and 13/01175/FULM.
- 3.2 Core Policy 3 and Policy BE1 of the Local Plan advises that new development responds to the character of the area and provide a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District. SPD 'Sustainable Design' gives more detailed guidance on standards that need to be achieved. The NPPF (2021) Section 12 places an emphasis on achieving well designed places which should contribute positively to making better places for people to live.
- 3.3 Alrewas Neighbourhood Plan Policies EC1 sets out the local community's expectations for new built development requiring it to have regard to local character and be of high quality design, form and layout whilst Neighbourhood Plan Policy HP4 sets out questions which assist in achieving the standard of development expected by the local community.
- 3.4 The proposed layout shows only limited changes in terms of the overall site layout. The proposed changes predominantly relate to dwelling types and positions on plots to re-orientate/ reposition dwellings following discussions with the Conservation Officer/Urban Designer who has agreed the final layout. One principle change has been to the north-western part of the site which now provides a row of detached houses with rear gardens backing onto the open space/wildflower meadow on the north western corner of the site.
- 3.5 Whilst the re-plan arrangement in this corner has a continuous line of houses fronting the roadside and limited views through to the open landscape behind from the estate road, it provides a softer open edge from the open space looking into the development and provides a green transition from countryside to built development.

- 3.6 To the front of Dark Lane three houses facing the road are set back into their plots providing some green space to their front boundaries and provide some continuity to the existing houses from the lane. These properties together provide the entrance point into the estate with this section of road providing a built edge looking towards the north western estate road and towards the reconfigured layout along the built north-western edge of the site. Plot 112 is positioned to be centrally placed and a visual stop when viewed from the entrance into the estate. This dwelling is framed by adjoining dwellings either side and whilst not following the overall layout pattern of the estate does provide a strong urban design response to the longer views afforded here by the road arrangement.
- 3.7 In respect of the remaining length of the northern boundary of the built development the house sizes have been amended to include larger dwellings and other than repositioning a change from 8 to 10 dwelling achieved by house type changes this layout arrangement is largely unchanged with wide plots and on plot drives. Houses face towards the open space and countryside beyond. These houses would only be seen from beyond the site from the open space and countryside beyond and their presentation is such to retain a visually soft edge of built development to the countryside. Garages are set back behind the back corners of dwellings, which provides a clear gap between dwellings and this area even with an increase in unit numbers to 10 retains a sense openness and low density development, which is considered appropriate to the location on the edge of the open countryside separated from it by a road which extends along the edge of the built up area. Whilst these properties 'turn their backs' on the main part of the estate, they back onto back gardens of proposed dwellings and will be visible from within the estate by way of individual roofscapes, which will incorporate a variety of roof tiles. The detached garages will be screened by dwellings backing onto this group of houses and the impression from within the estate will be properties with clear gaps between each dwelling.
- 3.8 One dwelling (plot 100) is realigned to the footpath along the existing Dark Lane alignment and positioned at an oblique angle behind a landscaped area with a new double garage introduced behind this plot and associated with plot 90 which has been set back and angled to face the original Dark Lane footpath. The dwelling is set back behind its own driveway and public landscaping to the footpath. The garage which is a new arrangement steps forward of the dwelling and is positioned behind an area of landscaping. Other examples of garages close to the footpath are seen on the existing approved layout (plots 83 and 83). The plot 90 garage will be screened by landscaping and having regard to its set back behind the planting is considered, on balance acceptable. and is therefore considered on balance acceptable
- 3.9 Overall, the adjustments to the plot layout and positions of the 52 houses within their plots has been assessed and are considered to raise no conflicts with Local Plan and Neighbourhood Plan Policies and SPD 'Sustainable Design.'
- 3.10 In addition to the layout and introduction of an increased number of larger houses house types, a wider range of house types is now proposed within the scheme than previously approved. These have been assessed by the Conservation & Urban Design Officer and agreed as suitable and in character to the built environment and character of the locality. A mix of render and brick is proposed for elevations and a mix of blue and red tiles, which would tie in with the existing houses already built out on the earlier phase of the development.
- 3.11 All dwellings are two storey under pitched roofs with bargeboard detailing to eaves. Side elevations are punctuated with windows and doors. Chimneys are provided on a number of house types and window lintels and cills are shown with brick facings. The house pack has been

agreed as acceptable and raises no conflicts with Local Plan Policies Core Policy 3 and BE1 and Neighbourhood Plan Policies EC1 and HP4.

- 3.12 Based on the above, and subject to conditions, it is considered that the application is acceptable in design and layout terms.

4. Proposed Drainage Amendments

- 4.1 Core Policy 3 of the Local Plan expects all new development to incorporate Sustainable Drainage Systems (SUDS) with surface water run off including roof discharges to be dealt with via ground infiltration techniques including limiting surface water discharge to greenfield run off rates.
- 4.2 The drainage system for the site has previously been submitted and discharged in April 2019 (18/01491/DISCH3). The current application proposes an alternative drainage arrangement following detailed engineering assessments by the applicant's drainage engineers.
- 4.3 The proposal is located adjacent to the River Trent and is within the flood plan and conditions were attached to the earlier planning permissions to require finished floor levels of the dwellings to be set to provide protection against flooding events. This element of the proposal remains unchanged.
- 4.4 Following further assessment of the approved drainage system the applicants concluded that revisions were required to be made which incorporated 2 fundamental changes to the drainage proposal.
- 4.5 The changes take account of the location of the site in the floodplain of the River Trent and current modelling of surface water run-off and sub-ground conditions. Previously the SUDS scheme incorporated surface water run off to a basin and this is now proposed dealt with via a series of sub-ground storage crates positioned within garden areas of plots 49-55. Excess surface water is contained within the crates with a moderated discharge to ensure that the drainage system overall is able to accommodate surface water run off over a range of events. Although located in rear gardens they are proposed to give a clearance of at least 5 metres from the rear elevations of the houses themselves and provided with a soil coverage of a depth of 600mm and protected with root protection membranes to enable the gardens to be planted.
- 4.6 The approved drainage system also incorporated an open drainage ditch to enable surface water run-off to be directed to the River Trent. The location of this ditch over the open space was agreed with the outfall proposed to a specific location north of the site into the river.
- 4.7 The current proposal amends this location, shortening its length and proposing the outfall to an area of the River referred to locally as 'The Beach', a small amenity area used by the local community which adjoins a public footpath (Alrewas IR/2243). The bankside is shallow and is understood to allow ready access to the watercourse and has a shallow area of the river with a shale and sand bed which is used by the local community as a local visiting spot and water recreational spot.
- 4.8 The proposal re-routes the alignment of the ditch to 'the Beach' and positions the outfall from the ditch, via an enclosed pipe into the river within 'the Beach'. The drainage system would be brought within the management of a management company.

- 4.9 The proposed amendments have been subject of detailed scrutiny by the Parish Council and local residents who have lodged objections on the grounds that the proposed drainage system is not designed to take account of site specific characteristics and the historic flooding that has occurred within the area particularly at times when the river level is high or breaching its banks. The local concerns are that in periods of heavy rainfall the SUDS drainage system will overspill and lead to flooding into the surrounding parts of the village.
- 4.10 In support of these concerns, the Parish Council submitted a Peer Review of the proposed drainage system in July 2021 which is publically available and has been reviewed by Staffordshire Flood Authority, alongside the drainage details and has raised no objections in relation to the suitability of the amended drainage proposals. The Peer Review was also sent to the Environment Agency, Severn Trent Water and Staffordshire Highway Authority to ensure all aspects of the drainage proposal could be reviewed in context. The applicants also reviewed the Parish Council submission and provided a technical and non-technical summary response to the concerns expressed by the Parish Council on the technical specification of the drainage system.
- 4.11 Subject to conditions, including details of the long term management of the storage crates and drainage system through a management company the drainage amendments are considered acceptable by both the Flood Authority, Severn Trent Water, the local Highway Authority and the Environment Agency. The applicants have advised that these plots containing the crates will be sold with covenants and 'buyer beware' declarations to ensure purchasers are aware of the limitations imposed. This detail would sit alongside the planning condition restricting 'permitted development' rights to extend these properties.
- 4.12 In respect of technical details and separate to the current S73 application the applicants have submitted a non-material amendment application (18/01491/AMD1) to amend condition 15 of 18/01491/FULM to align the SUDS storage with the proposed drainage amendments and a further discharge of condition application to re-discharge the drainage amendments to 18/01491/FULM.
- 4.13 Subject to conditions including precluding permitted development rights to those properties where the storage crates are proposed (plots 49 -55) and the management of the drainage system, where it falls under a private management arrangement the drainage amendments within the development area the revised drainage scheme is considered to be acceptable.
- 4.14 The proposal includes a drainage ditch through the associated open space with its outfall (discharge) to a revised part of the River Trent. The originally approved drainage included an open drainage ditch and the principle of this drainage approach is established through the previous consents and forms an integral part of the overall drainage system. The proposed change to its location results in two impacts.
- 4.15 Firstly, the ditch crosses a national gas pipeline and concern has been raised by local objectors to the security of the pipeline and any potential impacts on it from the ditch. The pipeline has been subject of consultation with both National Grid and Cadent and consent has been issued to the applicants to enable the pipe to be crossed. Officers are therefore satisfied that no issues arise in relation to the ditch crossing the pipeline. The ditch itself will remain open and unfenced to enable it to visually integrate into the landscape.
- 4.16 The drainage outfall to 'The Beach' involves the ditch being culverted into a section of buried pipe and a headwall at the river bankside. The buried pipe will result in some limited mounding over the pipe with soil which will be left to grow over naturally. The discharge pipe has been

reduced in diameter and the headwall, a concrete structure which supports the pipe and the associated flood control mechanism, a one way valve, will be located at the river bank at 'The Beach'. The headwall will have safety railings and will be visible from 'the Beach' and locality at close range.

- 4.17 A mock up montage of the headwall has been submitted by the applicant and although it will be visible officers are satisfied that once the locality is allowed to re-establish with natural vegetation it will become less visually prominent in the landscape. Having regard to these matters it is considered the design and appearance of the headwall and culverted section of the ditch is acceptable in this location.
- 4.18 The location of the headwall at 'the Beach' has raised a significant number of objections from local residents on the grounds of detrimental impact on the appearance of 'the Beach', impact on the river bed in the locality, safety hazard for local residents using 'the Beach' and impact on local wildlife. Objectors and the Parish Council have asked for the outfall to be repositioned away from 'the Beach' and for a justification to be given for this revised location.
- 4.19 The applicants in response have advised that that this location is a preferred one due to the topography of the river bank and the realignment of the route of the ditch which the headwall is the termination point avoids significant tree/hedge loss which would otherwise be required.
- 4.20 The applicants have further advised that only a limited amount of water will discharge from the outlet and their assessment is that it will have limited impact on either the river flow or the characteristics of the 'the Beach'.
- 4.21 In relation to the potential for negative impacts on wildlife in and around 'the Beach' the Environment Agency have raised no objections to the proposal, other than to advise that an Environmental Permit may be required for the installation of the infrastructure.
- 4.22 The existing approved location of the ditch and headwall/outlet are both within the Canal and Riverbank green space protection areas under Alrewas Neighbourhood Plan Policy EC2 where development is 'ruled out other than in very special circumstances'. The land is in private ownership and outside the settlement boundary. The accompanying text to the policy confirms it is intended to provide enhanced protection for the setting of the village and give enhanced protection for wildlife. The limited extent of the works proposed to install the ditch and headwall/outlet will in the short term result in some harm in so far as the construction/engineering works are required. However, once installed there ditch and headwall and the areas around them are understood to be allowed to re-colonise with native plants and will be integrated back into the wider landscape.
- 4.23 In light of the above, it is considered that a suitable drainage strategy can be employed to adequately address the drainage requirements for the proposed development. The proposal is therefore considered to be compliant with the Local Plan and the NPPF.
- 4.24 Whilst it is acknowledged that there are both Parish Council and local objections to the proposed drainage and location of the outfall to the river, the regulatory bodies with responsibility for drainage and surface water discharges are satisfied that the proposal is acceptable and on balance officers consider the proposal in this respect is acceptable and compliant with Local Policy CP3 and the NPPF.

5. Access and Highway Safety

- 5.1 Local Plan Policy ST1 'Sustainable Travel' sets out that highway safety is an integral part of the sustainable travel policy. Alrewas Neighbourhood Plan Policy TT1 also includes this requirement.
- 5.2 The proposal does not alter the road layout other than some limited alterations to individual plot access points. The Highway Officer has reviewed the layout details and advised that other than in relation to specified plots the proposal, raises no highway objections which cannot be dealt with by condition. Surface water run-off from the roads has been considered as part of the wider drainage assessment and no objections are raised by the Highway Officer.
- 5.3 A condition is also required to ensure that all dwellings are provided with cycle storage, in accordance with parking standards in the SPD 'Sustainable Design' and in accordance with Local Plan Policy ST2 and Alrewas Neighbourhood Plan TT5.

6. Landscaping Amendments

- 6.1 The amendments to the layout and house types has necessitated revisions to the landscaping proposals. Local Plan Policies CP13, BE1 and NR4 and Alrewas Neighbourhood Plan Policies EC1 and PR4 require all development to provide high quality landscaping and protect and enhance tree planting. SPD 'Sustainable Design' and SPD 'Trees, Landscaping and Development' set out the Council's expectations in this respect.
- 6.2 This part of the proposal has been subject of detailed discussion and consideration by the Tree Officer, Conservation & Urban Design Officer and Highways Officer, to ensure that the landscaping is to an acceptable standard providing public amenity value which contributes to the character and appearance of the development.
- 6.3 The proposal has retained a limited number of fences visible from roads edges but following discussions with the Conservation & Urban Design Officer, these are planted on the public sides to provide softening and are considered on balance acceptable.
- 6.4 Existing trees along the edge of Dark Lane are retained with further tree planting and a native hedge to the edge of plots 83 and 84 which side face Dark Lane. Hedges are proposed within the development area together with tree planting. A hedge line and additional groups of tree planting is shown along a section of the northern edge of the built development which forms the rear boundaries of plots.
- 6.5 Where properties on the northern edge of the built development face towards the open space/woodland planting area existing established trees are retained and additional tree planting is proposed on the northern side of the road to help reinforce the transition from the development area to open landscape. Once established, this new tree planting will form a treed edge to the development and visually break up the views into the estate from the open space.
- 6.6 Consideration has been given to both the species of trees and hedging plants and lower height planting and the planting sizes and tree pit details have been required to be submitted and agreed. Other than in a limited number of instances where there is a potential conflict with individual visibility splay lines the planting has been positioned to ensure that it raises no conflicts with vehicular access and tree planting is positioned within public areas to overcome

pressure from owners to remove trees within gardens to address, e.g. overshadowing and lead drop complaints. A tree and hedge protection plan is submitted with the application.

- 6.7 It is considered that the up to date tree planting and landscaping scheme meets Local Plan and Neighbourhood Plan policy and SPD requirements together with NPPF policies and is acceptable.

7. Impact on Ecological Interests, including Cannock Chase Special Area of Conservation

- 7.1 The development is likely to have an impact upon Cannock Chase SAC (CC SAC) and therefore falls to be assessed under Local Plan Policy NR7. It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. The site of the proposed development lies within the 8-15km zone of influence for impacting upon Cannock Chase SAC. As such no financial contribution towards the Strategic Access Management Measures (SAMMs) would be required from this development.

- 7.1 In conclusion, subject to conditions, it is considered that the proposals accord with the requirements of the Development Plan and the NPPF in respect of ecological interests.

8. Human Rights

- 8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, 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 confirms three dimensions to sustainable development: economic, social and environmental. These should be considered collectively and weighed in the balance when assessing the suitability of development proposals. Paragraph 12 of the NPPF 2021 confirms that a local planning authority may depart from an up to date development plan *'but only if material considerations in a particular case indicate that the plan should not be followed.'*

In the current application the proposal is seeking to amend specific details relating to an extant planning permission on an allocated site within the Alrewas settlement boundary. The extant planning permissions remain in place and are to be accorded with other than in relation to the matters set out above, plot substitutions, landscaping amendments and drainage revisions.

Each of these matters has been assessed and revised following consultation responses and where further impacts have been identified, namely housing mix consideration has been given to policy compliance and the weight to be attributed to that impact.

Consultation responses and third party comments are a material consideration to the determination of an application and the concerns of the Parish Council and local residents concerning potential flooding beyond the site and the acceptability of the proposed drainage scheme has been subject of detailed

consideration by officers and the appropriate consultees. A publically available Peer Review of the Drainage Scheme was submitted by the Parish Council in the summer and a consultation undertaken with the technical consultees of the Review. The conclusion from consultees was that the drainage scheme is acceptable could be supported at officer level.

In respect of concerns relating to the national gas pipe and 'the Beach', officers are satisfied that the national gas pipe is not compromised by the ditch and raises no health and safety issues.

In relation to impact on 'the Beach' consideration has been given to the impacts, both visually and in relation to 'the Beach' itself. It is acknowledged that this introduces an engineered headwall and outlet pipe to a part of this local amenity area. However, the outfall pipe occupies a small area of the riverside and whilst it is located in what is known locally as 'the Beach' area, it is the applicant's view that it will have limited impacts in terms of the characteristics of 'the Beach' and local wildlife.



The proposed re-planning of 52 plots and dwellings will increase the number of larger dwellings (4 and 5 bed) on the site overall, however the Parish Council although considering this regrettable concluded that it enabled an enhancement to the development proposal and the house types are assessed by officers as acceptable in terms of their designs having regard to the character of Alrewas.

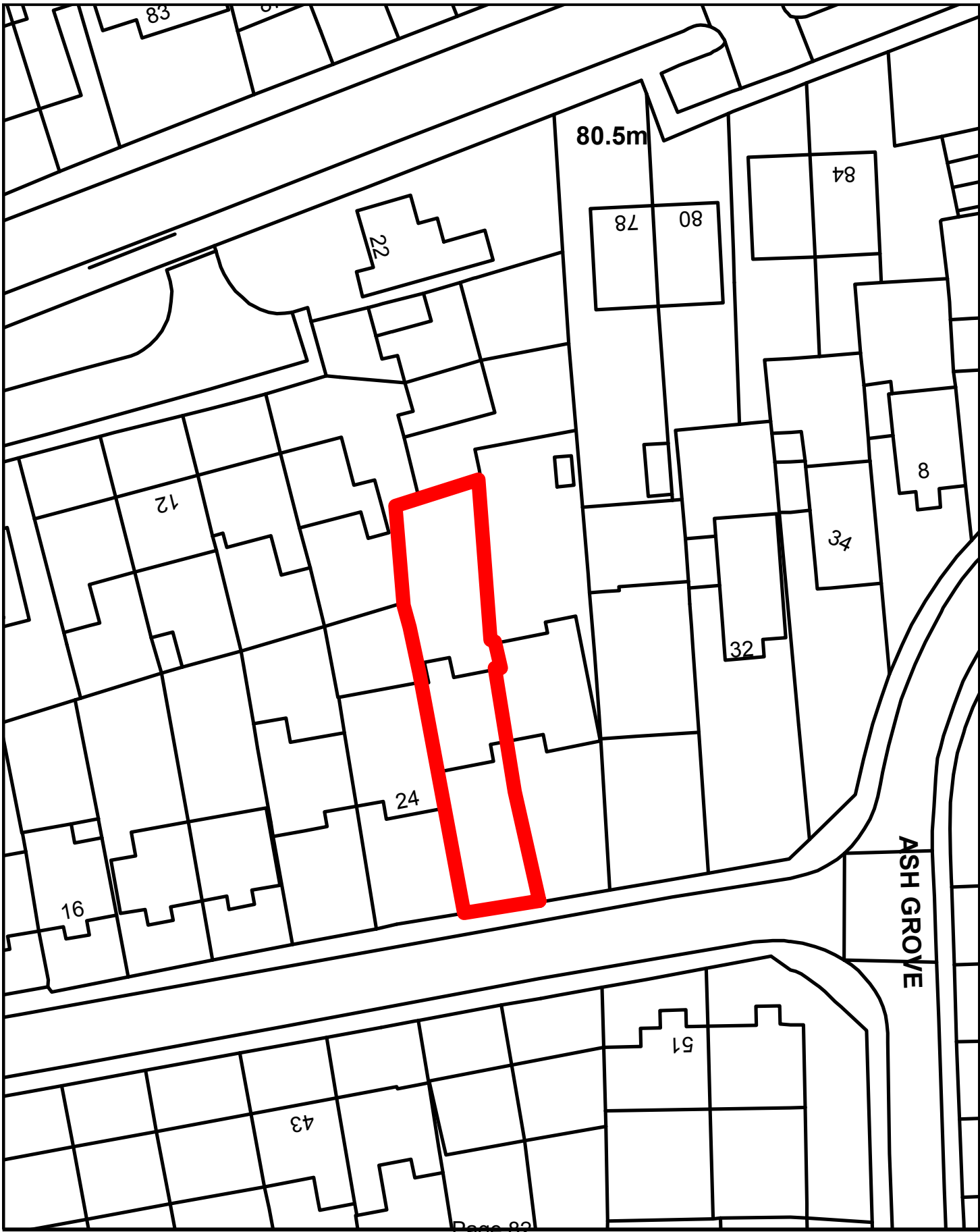
Tree planting has been increased within the development and the trees proposed along the built up northern edge of the built development will enhance and visually soften and increase the treescape on this boundary.

Having regard to the planning merits of the case as set out above, the S73 amendments are not considered in conflict with either Local Plan or Neighbourhood Plan policies and no other material considerations come forward to warrant a refusal of the application.

As with all S73 applications the extant planning permissions remain in force and part implemented. The conditions attached to those permissions are carried over, where appropriate, to any subsequent S73 permissions and therefore are reproduced in an updated form to the recommended conditions above.

The application is therefore recommended for approval subject to conditions and completion of a deed of variation to the existing S106 agreement, to include the current proposal.

 www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk	LOCATION PLAN 21/00726/FUH 26 Lime Grove Lichfield	Scale: 1:500	Dated: September 2021	
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21/00726/FUH

**ERECTION OF EXTENSION TO REAR AND ERECTION OF DETACHED SUMMERHOUSE
26 LIME GROVE, LICHFIELD, STAFFORDSHIRE, WS13 6ER
FOR D SHORE**

Registered **28/04/2021**

Parish: Lichfield City

Note: This application is being reported to the Planning Committee due to a significant planning objection received from Lichfield City Council. Their grounds of objection relate to the extension only and are:

1. The proposed rear extension does not comply with the Space about Dwellings and Amenity Standards in that the 45 degree rule is not met with regard to no. 24 Lime Grove; and
2. In addition, the rainwater drainage arrangements from the new roof must be adequate whilst the solid fuel flue should be painted in a dark matte colour so as to be in keeping with the residential surroundings.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.
4. The flue to the rear elevation as shown on the approved plans shall have a black finish and shall be maintained as such for the lifetime of the development.
5. Within one month of completion of the development hereby approved a bird box shall be installed or integrated within the site. The bird box shall thereafter be retained as such for the life of the development

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Lichfield Local Plan Strategy and the National Planning Practice Guidance.
3. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

4. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.
5. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Lichfield City Neighbourhood Plan (2018).
 2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
 3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
 4. The applicants attention is drawn to the comments of Severn Trent Water dated 13 May 2021 on the Councils website.
-

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Strategy

Policy BE1 - High Quality Development

Policy CP2 - Presumption in Favour of Sustainable

Policy CP3 - Delivering Sustainable Development

Policy NR7 – Cannock Chase Special Area of Conservation

Local Plan Allocations

No relevant policies

Supplementary Planning Document

Sustainable Design SPD

Lichfield City Neighbourhood Plan (2018)

No relevant policies

Emerging Lichfield District Local Plan 2040

An emerging local plan is in preparation and has reached Regulation 19 public consultation stage (5 July – 30 August 2021) on the soundness and legal compliance of the pre-submission version of the Lichfield District Local plan, the proposed publication plan. At Regulation 19 consultation stage the proposed Local Plan is afforded limited weight.

RELEVANT PLANNING HISTORY

06/00536/FUL	Conversion of store room (former garage) to study and new canopy roof to front	Approved	24.02.2006
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CONSULTATIONS

Lichfield City Council - Amended comments -Recommend Refusal - Following receipt of revised plans, the City Council maintain their objection to the proposals, advising that they recommend refusal on the basis that the amendments do not fully mitigate their original objections based on Space about Dwellings and Amenity Standards. In addition it is considered that the 45 degree rule is not met with regard to no. 24 Lime Grove. The City Council have also requested that rainwater drainage arrangements from the new roof must be adequate and the solid fuel flue should be painted in a dark matte colour so as to be in keeping with the residential surroundings. (23.08.2021)

Original comments - Recommend Refusal - Concerned that the proposed rear extension does not comply with the Space about Dwellings and Amenity Standards. No objections to the proposed summerhouse. (10.05.2021)

Severn Trent Water - As the proposal has minimal impact on the public sewerage system it is advised that there are no objections to the proposals and a drainage condition would not be required in this instance. An informative regarding the possible presence of a public sewer is recommended to be attached to any decision. (13.05.2020)

LETTERS OF REPRESENTATION

Two letters of representation have been received in respect of this application. The comments made were in response to the original scheme are summarised as follows:

- Loss of light and overbearing impact.
- Objections raised to gaining access through 3rd party property
- Concerns regarding loss of privacy

No comments were received in respect of the revised plans.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

1253-01 1:1250 Location Plan dated as received 15 April 2021
1253-15 Existing elevations dated as received 27 April 2021
1253-10 Existing Ground Floor Plan dated as received 28 April 2021
1253-20L Rev A Ground Floor Plan dated as received 30 July 2021
1253-23 Rev A Garden Plan dated as received 30 July 2021
1253-21 Proposed Summerhouse elevations dated as received 15 April 2021
1253-21 Proposed Summerhouse layout plan dated as received 27 April 2021

OBSERVATIONS

Site and Location

The application site relates to a traditional semi detached property. The property has rendered elevations with a gable roof over and has been previously extended with a two storey side and single storey front extension. The property benefits from a generous rear garden which is enclosed by a 1.8m high brick wall and fencing.

No.28 Lime Grove is the adjoining semi and has been extended to the rear with a single storey rear extension. No.24 Lime Grove has also been extended with two storey side and rear extensions. The surrounding area is residential in character and contains dwelling houses which vary in design and scale.

Proposals

This application seeks permission for the erection of a single storey rear extension and a detached summerhouse within the rear garden.

The proposed rear extension would have an overall depth of 4.8m and would be set in from the side boundaries of the application site by 0.5m. The footprint of the extension has been revised and reduced during the course of the application to include a 'dog leg' in both side elevations resulting in the extension being set a further 0.9m off the side boundaries after a depth of 2.3m from the rear elevation. The overall depth of the extension was also reduced by 0.6m.

The external materials have been specified within the application to provide a contemporary appearance with rendering and bronze finished cladding to the elevations and Bi Fold doors to the rear elevation. The proposed roof tiles would match the main property. The extensions include provisions for a flue to serve a solid fuel appliance within the extension. Internally, an additional family room would be provided.

The proposed summerhouse would have a hexagon shaped footprint with windows and a door facing into the garden. The elevations would comprise a rendered blockwork base with timber cladding above and a plain clay tile or timber shingle roof. The summerhouse would have an overall height of 3.9m, with an eaves height of 2.2m, and would be located in the North Eastern corner of the garden, adjacent to the rear and side boundary of the application site.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Residential Amenity
4. Access and Highway Safety
5. Impact on Ecology and the Cannock Chase SAC
6. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 1.2 The emerging Lichfield District Local Plan (2040) is currently subject to Regulation 19 pre-submission public consultation, completing this stage on August 30 2021 with submission to the Secretary of State expected in autumn 2021. 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 Paragraph 11 of the NPPF advises that plans and decisions should be considered in the context of the presumption in favour of sustainable development and this is echoed in the Lichfield District Local Plan Strategy Core Policy 2.

- 1.4 This application relates to extensions to an existing residential property located within a predominantly residential area. The application site is sustainably located within the settlement boundaries for Lichfield as identified in the Local Plan and as such, the principle of the proposal is considered to be acceptable, subject to other material considerations which are discussed in further detail below.
2. Design and Impact on the Character of the Area
- 2.1 Core Policy 3 states that new development should: “*protect and enhance the character and distinctiveness of Lichfield District*”; “*be of a scale and nature appropriate to its locality*” and “*encourage the re-use of previously developed land*”. Policy BE1 of the Lichfield Local Plan Strategy requires that all development including residential extensions carefully respects the existing built vernacular with regard to scale, layout and architectural design.
- 2.2 The proposed development seeks to provide a modern extension to the rear of the property and a summerhouse within the rear garden. The depth and design of the single storey extension has been amended during the course of the application and it is considered that the proposal would be in keeping with the character and appearance of the original property. The summerhouse would be an appropriate development within the rear garden and would not compromise the provision of private amenity space given its size and location.
- 2.3 The proposed materials have been confirmed on the application plans and whilst contemporary in appearance they would not compromise the existing character of the main property. A condition is recommended to ensure these materials are used in the development, along with a condition to ensure the black finish of the proposed flue which forms part of the proposals. These conditions would ensure a high quality finish to the proposals.
- 2.4 In terms of overall design and impacts on the character of the area, the proposals have a good quality visual presentation that is considered to meet the design requirements of Policy BE1 and Core Policy CP3 of the Lichfield Local Plan Strategy.
3. Residential Amenity
- 3.1 Core Policy 3 of the Lichfield Local Plan Strategy states that development should “*protect the amenity of our residents*”.
- 3.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes 45 degree daylight guidelines and recommended separation distances between existing and proposed development. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 3.3 Lichfield City Council have objected to the proposals on the basis that they do not meet with the Space about Dwellings and Amenity Standards. In addition it is considered that the 45 degree rule is not met with regard to no.24 Lime Grove.
- 3.4 On consideration of the guidelines and standards set out within the SPD, the proposal as amended complies with the 45 Degree guidelines in relation to the impact on daylight which seeks to ensure that the impacts on the light and outlook of the neighbouring occupiers is acceptable. This is due to the orientation of the properties, the design and location of the proposals and the existence of substantial boundary treatments. Furthermore the proposed developments do not conflict with the separation standards relating to principal windows within the SPD as all new principal windows are positioned to face into the rear garden of the application site and not the neighbours private garden areas.

3.5 Sufficient private amenity space to meet the needs of the occupiers of the property would remain with the garden area following the proposed development being in excess of the minimum guideline of 65m² for a three bedroom property.

3.6 The proposals are therefore considered to be acceptable with regard to residential amenity and would accord with the requirements of the development plan.

4. Access and Highway Safety

4.1 The guidance within Policy ST2 and the Sustainable Design SPD focuses upon parking provision in relation to the number of bedrooms at a dwelling. This application does not result in a net increase in bedrooms and parking provision/ vehicle access would remain unaffected by the proposals. The development is therefore considered to have sufficient private parking provision.

5. Impact on Ecology and the Cannock Chase SAC

5.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *"Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings"*. It further requires that all development deliver a net gain for biodiversity.

5.2 Taking into account the submissions, it is not considered that the proposals would cause harm to existing biodiversity. Notwithstanding this, in order to achieve a net gain to biodiversity as required by Policy NR3, a condition is recommended to secure the provision of a bird box within the application site.

Cannock Chase SAC

5.3 Policy NR7 of The Lichfield Local Plan Strategy states that before development is permitted it must be demonstrated that either alone or in combination with other developments the proposal will not be likely to lead directly or indirectly to an adverse effect on the integrity of the Special Area of Conservation (SAC).

5.4 The provisions of the Conservation of Habitats and Species Regulations 2017, require that the Local Planning Authority, as the competent authority, must have further consideration, beyond planning policy matters, to the impacts of the development on the Cannock Chase SAC.

5.5 A Habitat Regulation Assessment has been completed which has screened out the requirement for an Appropriate Assessment as the development will not increase the number of dwellings within the defined zone of influence for the Cannock Chase SAC. Where the number of dwellings does not increase through the development proposals there is no requirement for mitigation or financial contribution. It is therefore considered that the proposals will not have an adverse impact on the Cannock Chase SAC.

5.6 The proposal is therefore considered acceptable with regard to the ecological considerations of the development plan.

6. Human Rights

6.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be



justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

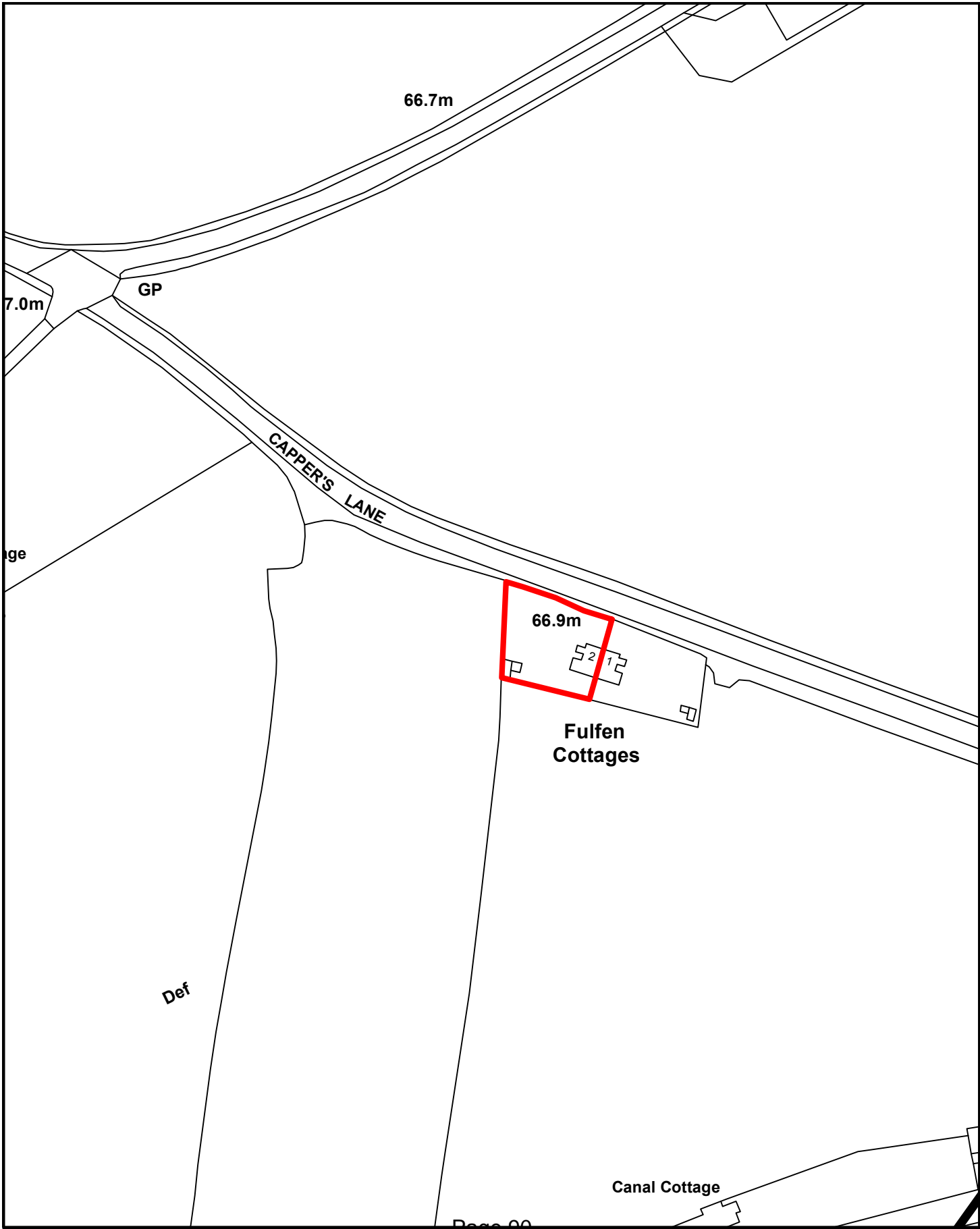
Conclusion

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

The proposed development has been amended during the course of the application and as a result complies with the objectives of adopted planning policies which seek to protect the character of the surrounding locality and ensures that the existing residential amenities of the neighbouring occupiers are not compromised.

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

 <p> Lichfield district council www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk </p>	<h1>LOCATION PLAN</h1> <p> 21/00971/FUL 2 Fulfen Cottages Cappers Lane Lichfield </p>		Scale: 1:1,250	Dated: September 2021	
			Drawn By:		
	Drawing No:		© Crown Copyright Database Rights 2021 Lichfield District Council Licence No: 100017765		



21/00971/FUH

**DEMOLITION OF EXISTING TWO STOREY SIDE EXTENSION AND DETACHED GARAGE AND ERECTION
OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION
2 FULFEN COTTAGES, CAPPERS LANE, LICHFIELD, STAFFORDSHIRE
FOR MR M POWELL**

Registered **20/05/2021**

Parish: Fradley and Streethay

Note: This application is being reported to the Planning Committee due to the applicant being the spouse of an employee of Lichfield District Council.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in pages 30 - 33 of the Preliminary Bat Roost Assessment and Bird Survey, prepared by S. Christopher Smith and dated 21.06.2021.
4. Within one month of completion of the development hereby approved a bat box shall be installed or integrated within the site on the western gable apex of the extension, in accordance with the recommendations detailed in pages 26 – 28 of the Preliminary Bat Roost Assessment and Bird Survey, prepared by S. Christopher Smith and dated 21.06.2021. The bat box shall thereafter be retained as such for the life of the development.
5. Within one month of completion of the development hereby approved a sparrow terrace and two other bird boxes shall be installed or integrated within the site on the western elevations of the extensions, in accordance with the recommendations detailed in pages 29 – 30 of the Preliminary Bat Roost Assessment and Bird Survey, prepared by S. Christopher Smith and dated 21.06.2021. The sparrow terrace and bird boxes shall thereafter be retained as such for the life of the development.
6. Before the development hereby approved is constructed above slab level, details of all external materials to be used in the construction of the development 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 and retained as such for the life of the development.

REASONS FOR CONDITIONS

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

2. For the avoidance of doubt and in accordance with the applicant's stated intentions and to meet the requirements of Core Policy 3 and Policy BE1, Policy NR2, Policy NR3 and Policy ST2 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, the Rural Development SPD and Sustainable Design SPD and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.
3. In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
4. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
5. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
6. To ensure the satisfactory appearance of the development in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy

Policy BE1 - High Quality Development
Policy CP2 - Presumption in Favour of Sustainable
Policy CP3 - Delivering Sustainable Development
Policy NR2 - Development in the Green Belt
Policy NR3 - Biodiversity, Protected Species & their habitats
Policy NR7 - Cannock Chase SAC
Policy ST2 - Parking Provision

Supplementary Planning Document

Biodiversity and Development SPD

Rural Development SPD

Sustainable Design SPD

Other

The site lies within the Streethay Neighbourhood Plan Area which was approved in December 2014. The Parish Council are in the process of preparing a neighbourhood plan for their area. It is therefore noted that there currently is no 'made' i.e adopted neighbourhood plan for the area.

Emerging Lichfield District Local Plan 2040

An emerging local plan is in preparation and has reached Regulation 19 public consultation stage (5 July – 30 August 2021) on the soundness and legal compliance of the pre-submission version of the Lichfield District Local plan, the proposed publication plan. At Regulation 19 consultation stage the proposed Local Plan is afforded limited weight.

RELEVANT PLANNING HISTORY

L365	Addition of bathroom and sitting room extensions use as existing residential	Approved	23.09.1974
L1204	Addition of timber and glazed conservatories to semi-detached cottages	Approved	09.05.1975
L1475	Erection of single garage	Approved	28.10.1975
L880266	Extensions to form garage utility hall cloaks and bedrooms	Approved	23.05.1988

CONSULTATIONS

Fradley & Streethay Parish Council - Fradley and Streethay Parish Council stated that they have no comment against this planning application to make. (14.06.2021)

Ecology Team - LDC - The LDC Ecology Team noted the features of the dwelling that may allow for its utilisation by bats as a roosting place. They further noted numerous records of bat presence within 2km of the application site and the close proximity to the site of a number of commuting routes and areas that were known to offer good bat foraging opportunities. The Ecology Team requested a bat survey to be conducted and submitted to the Council for assessment prior to the determination of the application which has been submitted during the course of the application. The LDC Ecology Team confirmed that they were satisfied with the methodology and information provided in the survey and that they concurred with the conclusions based upon the data contained within the survey. (18.06.2021/ 24.08.2021)

Severn Trent Water - All Staffordshire - Severn Trent Water noted the proposals within the application would have minimal impact on the public sewerage system and advised that a drainage condition was not required in this instance. (14.06.2021)

LETTERS OF REPRESENTATION

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

OTHER BACKGROUND DOCUMENTS

Preliminary Bat Roost Assessment and Bird Survey, prepared by S. Christopher Smith, 21.06.2021

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Location and Block Plan, Drawing 1 of 9 dated as received 10 September 2021
Existing Elevations, Drawing 2 of 8 dated as received 19 May 2021
Existing Ground Floor Plan Drawing 4 of 8 dated as received 19 May 2021
Existing First Floor Plan, Drawing 5 of 8 dated as received 19 May 2021
Proposed Elevations, Drawing 3 of 9 dated as received 24 August 2021
Proposed Ground Floor Plan, Drawing 6 of 9 dated as received 24 August 2021
Proposed First Floor Plan, Drawing 7 of 9 dated as received 24 August 2021

OBSERVATIONS

Site and Location

This application relates to a semi-detached dwelling sited to the south of Cappers Lane, east of Lichfield City Centre and within the Parish of Fradley and Streethay. The property has brick elevations with a cat slide roof to the frontage containing 2.No dormer windows. The property has an existing porch to the front and side extension with a detached garage.

The site is in a rural location surrounded by open countryside that comprises the West Midlands Green Belt. The planned HS2 site is located 234m east of the application site and the A38 is 498m to the west, 375m north of the site lies the West Coast Main Line. The dwelling benefits from a front, side and rear garden and a drive with a detached garage. The site currently offers off road parking provision for 3no vehicles. The application site is within the 8 – 15km buffer zone of the Cannock Chase Special Area of Conservation.

Proposals

This application seeks permission for the demolition of existing side extensions and detached garage and the replacement with two storey and single storey side extensions. The plans have been revised during the course of the application in response to concerns raised by Officers relating to scale and design.

The proposed side extensions would have a total width at ground floor of 9.9m, with the first floor section having a width of 4.9m and a maximum height of 7.8m. The single storey element of the extension will have a flat roof and projects a further 5m to the side of the two storey extension. The overall height of the single storey element of the extension will be 3.6m and within the roof there is proposed integrated lantern light. The single storey extension will be set back from the two storey extension by 1.5m. An external flat roofed canopy is also proposed to the front elevation. The proposed extensions will have an overall footprint of approximately 70m².

The roof of the two storey extension is the same design and pitch as the existing roof, there will be a single dormer window to the front over the stairs that is of similar design to the existing dormer windows in the main property. There will be a glazed panel above the gallery landing. To the rear elevation at first floor level 2no Juliet balconies will be installed to serve the rear facing bedrooms, the surrounds of which will run through the eaves of the roofline.

Details of external materials will be supplied for approval prior to the commencement of the development above slab level. This has been included as a condition of this recommendation.

The application has been submitted following a pre application advice request.

Determining Issues

1. Policy & Principle of Development
2. Design and Layout
3. Residential Amenity
4. Impact on Ecology and the Cannock Chase SAC
5. Other Matters
6. Human Rights

1. Policy & Principle of Development

- 1.1. Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy 2008-2019 (2015) and the Local Plan Allocations (2019).
- 1.2. The NPPF sets out a presumption in favour of sustainable development that is supported in Core Policy 2 of the Local Plan Strategy. Paragraph 11 of the NPPF states that *“Plans and decisions should apply a presumption in favour of sustainable development”* and that, for decision making, this means *“approving development proposals that accord with an up-to-date development plan without delay”*. Paragraph 182 of the NPPF states that *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”* The application site is within the 15km zone of influence of the Cannock Chase Special Area of Conservation (SAC), it is necessary for developments within the zone to demonstrate the proposals satisfy the Habitats and Species Regulations by not adversely affecting the Cannock Chase SAC and having regard to avoidance or mitigation measures. This is addressed fully in section 4 of this report.

Green Belt

- 1.3. The application site is within the West Midlands Green Belt and therefore is subject to a stricter degree of control in order to ensure that development proposed in this location does not harm the special characteristics and openness of the area.
- 1.4. The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
 - a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 1.5. Paragraph 147 of the NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 148 states that Paragraph 149 sets out that an LPA *“should regard the construction of new buildings as inappropriate in the Green Belt”* but lists a number of exceptions to this. Paragraph ‘c)’ of paragraph 149 details *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”* as an exception to inappropriate development.
- 1.6. Policy NR2 of the Lichfield Local Plan Strategy replicates the NPPF in relation to development within the Green Belt.

- 1.7. The application has been assessed against exception C of Paragraph 149 *“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”*. The proposed development includes the demolition of an existing outbuilding and an existing two storey extension and the replacement of these with two storey and single storey extensions to the side of the dwelling.

The original dwelling is considered to have a footprint of 62m² the total area of existing extensions is 55.65m², the store being 23.75m² and the two storey side extension being 31.9m². The total area of the proposed extensions is 70m². It is acknowledged that the total area of existing extensions and outbuildings are to be removed. Notwithstanding this the proposed development has a greater area than the original dwelling and therefore is not considered to meet the requirements of exception C of paragraph 149 and is therefore considered to be an inappropriate form of development within the Green Belt that is, by definition, harmful.

Impact on openness

- 1.8. The existing dwelling has been previously extended and has a substantial outbuilding. During the course of the application the proposed extensions have been significantly reduced in scale. The proposed development would be contained within the building lines of the existing built form at the site to the front, rear and side of the property. It is considered that the proposal represents a consolidation of the existing built form at the site. Weighing these points the proposed development is considered to have an acceptable impact upon the visual openness of the Green Belt.

Purposes for including land within the Green Belt

- 1.9. Paragraph 138 of the NPPF sets out the five key purposes of the Green Belt.
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

When viewed within the context of the built form the proposed extensions do not conflict with the five key purposes of the Green Belt.

The proposals contained within this application are not considered to unduly impact the purposes of the Green Belt, this reasons for this are:

- a) The site is not adjacent to a large built up area and is surrounded by countryside which is bounded within relatively close proximity by existing and forthcoming transport infrastructure;
- b) The site is not closely associated with a town and lies in an isolated location;
- c) The proposed development does not extend the limits of the existing built form on the site, nor does it seek to extend the residential curtilage, and therefore does not result in encroachment
- d) The site is not adjacent to any historic towns and does not infringe upon this purpose of the Green Belt
- e) There is no impact upon urban regeneration as this application is for a residential extension.

Green Belt Summary and Very Special Circumstances

- 1.10. The proposed development does not meet the requirements of paragraph 149 exception c in relation to exception to development in the Green Belt. Where development is determined

to be inappropriate in the Green Belt both the NPPF and Policy NR2 of the Local Plan Strategy state that the development will not be approved except in very special circumstances. Very special circumstances are only considered to exist where the harm to the Green Belt is clearly outweighed by other considerations.

- 1.11. Key considerations in this instance, are that the form and projections of the proposed development are contained within the existing building lines of the original dwelling and subsequent extensions and outbuildings; and that the proposed development does not conflict with the five key purposes of the Green Belt as defined in the NPPF.
- 1.12. These reasons together are considered to result in very special circumstances. In this case the potential harm to the Green Belt, by reason of inappropriateness, is outweighed by the consideration of the similarities between the existing and proposed built forms and the absence of conflict between the development proposed and the five key purposes of the Green Belt.
- 1.13. The proposal seeks to demolish previous extensions and an outbuilding to an existing residential dwelling and replace these with modern extensions. The proposed development will be wholly within the established residential curtilage and the development proposal is therefore considered acceptable in principle.

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

- 2.1. Core Policy 3 states that development should: *“protect and enhance the character and distinctiveness of Lichfield District”; “be of a scale and nature appropriate to its locality” and “encourage the re-use of previously developed land”*. Policy BE1 of The Lichfield Local Plan Strategy requires that all development including residential extensions carefully respects the existing built vernacular with regard to scale, layout and architectural design.
- 2.2. The proposed development seeks to modernise an existing residential dwelling and will include design features of the existing dwelling alongside additional modern elements. The proposed development amends the existing ‘eyebrow’ dormer and installs a pitched roof dormer in the two storey side extension. The roof of the two storey extension adopts the same design and pitch as the roof of the main house, with a lower ridge height, thus ensuring the newly proposed extension is both subservient to and in keeping with the roof of the original dwelling. The proposals have a good quality visual presentation that is considered to meet the design requirements of Policy BE1 and Core Policy CP3.

3. Residential Amenity

- 3.1. Core Policy 3 of the Lichfield Local Plan Strategy states that development should *“protect the amenity of our residents”*.
- 3.2. The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. This includes the recommended distance between windows serving principal habitable rooms and recommended distance between existing and proposed development. The SPD further recommends minimum standards for amenity space based upon the number of bedrooms in a dwelling.
- 3.3. The proposed development does not conflict with guidance relating to principal windows within the SPD as all new principal windows are positioned to face open countryside and not the neighbouring dwelling. Furthermore the linear form of the development ensures that there is no loss of light to the occupiers of the adjoining dwelling.
- 3.4. The amount of amenity space retained to the rear and side of the dwelling, following the proposed development will be 275m². The Sustainable Design SPD recommends a minimum

of 65m² for dwellings of 3no bedrooms. As such the proposed development is considered to retain sufficient amenity space to meet the needs of occupiers.

- 3.5. The proposals are considered acceptable within regard to residential amenity.

4. Impact on Ecology

- 4.1. Policy NR3 of the Local Plan Strategy states that development will only be permitted where it *“Protects, enhances, restores and implements appropriate conservation managements of the biodiversity and/or geodiversity value of the land and buildings”*. It further requires that all development deliver a net gain for biodiversity.
- 4.2. Following observations of opportunities for high value foraging and commuting for bats in the immediate vicinity of the application site an ecological survey was requested by the LDC Ecology Team. A Preliminary Bat Roost Assessment and Bird survey has been submitted in support of this application. The Ecology Team concur with the methodology of the survey and requested that both the recommendations for bat and bird enhancements and methods of working were secured by condition of any planning permission.
- 4.3. In accordance with the recommendations of the ecologist providing the survey, the LDC Ecology Team and the policy requirements conditions have been recommended to ensure appropriate methods of working during the construction period and to secure biodiversity net gains for both bats and birds have been included in this recommendation.

Cannock Chase SAC

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

5. Other Issues

5.1. Parking

The guidance within Policy ST2 and the Sustainable Design SPD focus upon parking provision in relation to the number of bedrooms at a dwelling. This application does not result in a net increase in bedrooms but does reconfigure parking provision at the dwelling. The site is considered to retain sufficient space for the private parking of 2no vehicles which is in accordance with the maximum requirements of the SPD for 3no bedroom dwellings. The development is therefore considered to have sufficient private parking provision.

5.2 Drainage

Severn Trent Water state in their consultation response that the proposed development will have minimal impact upon the public sewerage system and that a drainage condition is not required.

6. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. The proposal complies with relevant policies contained within the Local Plan Strategy and relevant guidance contained within the National Planning Policy Framework.

The proposed development is considered to consolidate existing extensions and additions to the property and does not conflict with the purposes of the Green Belt. The proposals will modernise the dwelling and secure its continued future use for residential purposes. In addition a net gain for biodiversity has been secured and no ecological harm will result from the proposed development.

On this basis the proposal is considered to accord with the development plan and the requirements of the NPPF and is recommended for approval subject to the conditions included in this report.

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Tree Preservation Order No 2021/00451/TPO

Cabinet Member: Cllr Iain Eadie
 Date: 4th October 2021
 Agenda Item:
 Contact Officer: Gareth Hare
 Tel Number: 01543 308207
 Email: gareth.hare@lichfielddc.gov.uk
 Key Decision? NO
 Local Ward: Cllr Brian Yeates Bourne Vale Ward
 Members



PLANNING COMMITTEE

1. Executive Summary

- 1.1 To seek members decision regarding the confirmation of Tree Preservation Order no 2021/00451/TPO

2. Recommendations

- 2.1 That the Committee confirm the Tree Preservation Order with modifications.

3. Background

- 3.1 A tree preservation order was made on the 22nd of April 2021 in respect of trees within the boundary of Drayton Manor Business Park, Coleshill Road. The grounds for the order are as follows:

Previous works have removed a large area of woodland from the site. The TPO will afford protection to the remaining trees and ensure that they continue to provide amenity to both the business park and surrounding area.

The TPO documents are located at Appendix A at the end of the report and can also be found via <https://lichfielddc.ezyportal.com/>

A previous order of the same number was served on the 14th of October 2020 but lapsed before it could be confirmed.

- 3.2 One objection to the order was received and raised a number of points. Correspondence was entered into regarding the objection but the objection has not been negotiated away.
- 3.3 The objections are detailed below (essentially in the form of previous communication with the objector) and are dealt with in context for ease of reference:

1. Amenity

Objection: The purpose of a Tree Preservation Order (TPO) is to secure the amenity benefits that arise from trees. Specifically, hedges, bushes and shrubs are excluded from a TPO. A local planning authority may only make a tree preservation order where it appears to the authority that it is expedient to do so in the Interests of amenity, held in the Court of Appeal case FFE Estates v Hackney LBC [1981] Q.B. 503, CA to mean “pleasant circumstances or features, advantages”. Furthermore, orders should only be generally made to protect trees which are publicly visible and if the removal of such trees would have a significant impact upon the environment and its impact viewed by the public.

Response: 2021/00451/TPO protects a large number of trees which are visually significant and prominent in views from the surrounding road network, adjoining properties, and the adjacent access routes such as that to Drayton Manor Park. In addition, many of the trees perform a very effective screening function or break up the views to the existing industrial buildings on site. They may also perform similar screening functions for potential development within the site. A significant amount of concern was expressed by members of the public in relation to works on the site and this concern stemmed from the trees being visible from public viewpoints. Therefore the placing of the order from the amenity, public visibility and environmental impact perspectives is- in the opinion of the Council- satisfied.

2. Expediency

Objection: Secondly, the local planning authority should only make a tree preservation order where it is “expedient” to do so. The approach taken by the Council once more in the above mentioned TPO is to designate areas of trees and groups of trees in arbitrary ways which are not capable of clear identification in real terms on the ground.

Response: the TPO clearly defines what it protects via the varied designations of the schedule. These are clarified further via the changes in the schedule addressed below. The initial basis for the mapping of the TPO was the report prepared by a landscape architect on behalf of the site owner. The report clearly identifies trees and the boundaries of groups/areas as does the TPO. Having visited the site twice and assessed the positioning of the trees against the initial report and the TPO I can report that the trees and groups of trees can be easily identified by reference to the TPO plan. The potential for further removal of trees within the site adds to the case for expediency as the trees are seen to be under threat.

3. Blanket cover/amenity

Objection: It appears that the Council has undertaken an approach to provide blanket cover rather than to assess the areas and groups of trees and the individual trees within those areas. In particular, the Council has not addressed its mind as to whether or not there are significant amenity benefits arising from the areas or groups of trees in question and consequently whether their loss would have any significant negative impact upon the local environment and its enjoyment by the public.

Response: The designation of individual trees, groups and areas within the site does not appear to fall within the description of blanket protection. Those trees protected are and will following additional amendments, be those which provide significant amenity benefits. Conversely, their loss would have a significant negative impact upon the local environment and it’s enjoyment by the public.

4. Lack of survey

Objection: The Council has not carried out any tree, arboricultural or landscape survey to justify the making of this TPO. A qualified landscape architect carried out a survey on behalf of the site owner to assess whether the individual trees/groups/areas should be afforded the proposed blanket protection of the TPO as issued by the Council in July 2020.

Response: The LDC Arboricultural Officer has visited the site twice to assess the trees and whether they should be included within the TPO.

The following are points raised in objection to the previous iteration of the TPO and are considered of absolute relevance by the objector. Therefore they are included and addressed individually:

5. Inclusion of T5

Objection: T5 – This tree is of poor form and condition. It is considered that this tree is in decline and it is not expected that decline in health would be delayed by remedial pruning or other intervention and is likely to die within 10 years. The tree does not contribute to visual amenity or landscape character. This tree should not be included in a TPO.

Response: T5 was assessed and decline was not evident. The tree forms an integral part of a small group of predominantly Birch trees within a grassed island and therefore contributes positively to amenity. Good views of the tree are afforded from Drayton Manor Drive which is very heavily used by visitors to Drayton Manor Park.

6. Inclusion of T10

Objection: T10 – The tree does not contribute to landscape character or visual amenity and is of low arboricultural value.

Response: T10 forms an integral part of the same group of trees as T5. It can be clearly viewed from Drayton Manor Drive and reads as part of the group. The group has considerable amenity value from this perspective.

7. Inclusion of T16

Objection: The tree is of poor form and condition and there is limited live growth. It is in an apparent advanced state of decline. The tree does not contribute to landscape character or visual amenity and is of low arboricultural value.

Response: The assessment of T16 is agreed and it will be deleted from any future version of the TPO.

8. Inclusion of T17

Objection: The tree is of poor form and condition. Tree does not contribute to landscape character or visual amenity and is of low arboricultural value.

Response: The assessment of T17 is agreed and it will be deleted from any future version of the TPO.

9. Inclusion of T21

Objection: The tree is of poor form and condition and lacking vigour, this tree is in decline due to its entanglement in a fence restricting the growth and it is not expected that its decline in health will be delayed or reversed by remedial pruning or other intervention and it is likely to die within 10 years. This tree does not contribute to landscape character or visual amenity and is of low arboricultural value.

Response: The assessment of T21 is agreed and it will be deleted from any future version of the TPO.

10. Inclusion of T40

Objection: This tree does not contribute to landscape character or visual amenity.

Response: The assessment of T40 is agreed and it will be deleted from any future version of the TPO.

11. Inclusion of T41

Objection: The tree is considered to be in decline. It is anticipated that there will be decline in the tree's health over next 10 years. The tree is of low/temporary transient landscape benefit and does not contribute to visual amenity.

Response: The assessment of T41 is agreed and it will be deleted from any future version of the TPO.

12. Inclusion of T43

Objection: The tree is in poor condition and showing signs of drought stress. It is anticipated that there will be decline in the trees health over next 10 years.

Response: T43 showed no sign of drought stress. However due to its location hard against a large building it will not be included in a revised TPO.

13. Assessment of Group/Area designations

Objection: The assessment against the 2020 TPO notice also provides comments on the Group/Areas included in the TPO. As a result of these findings and the issuing of the 2021 TPO, we suggest that no adequate assessment has yet to be carried out by the Council of the either the groups or areas of trees that have been listed within the TPO to reasonably conclude whether:

- the preservation of the tree in question is not expedient in the interests of amenity;
- the tree or woodland is under proper management;
- the tree is dying or dead;
- the tree is dangerous, either by virtue of disease or defect taken together with its location;
- the tree is causing (or is likely to cause) damage to property, such as foundations;
- the tree is overshadowing nearby land (either in the same ownership as the tree or
- otherwise).

Response: As previously indicated the trees have been assessed and this includes the Groups and Areas. Consideration has been given to the points raised and the responses follow:

The question of expediency in the interests of amenity has been dealt with in previous responses, particularly at point 2 above.

Proper management of trees within the site is currently not evident. There appears to have been some tree loss since the TPO was made (A3) and prior to the TPO a large expanse of woodland was removed from the site. The potential for further removals adds to the case for expediency as the trees are seen to be under threat. Where trees are dying/dead or in poor condition, these factors have been taken into account where highlighted.

The last two points raised –in relation to damage to property or overshadowing- have not been raised specifically about any trees within the site. Should such concerns have been raised then they would have been taken into account.

14. Assessment for inclusion within the TPO

Objection: The survey carried out by the Landscape Architect indicates various groups/areas of trees that do not contribute to landscape character and visual amenity and are of low arboricultural value; or are non-native invasive species and hedge plants; or are fruit trees that if regularly managed, are not typically included within TPO.

With respect to these trees, we propose in order to make a valid order it is arranged for a detailed survey, to be carried out by the Council (employing a suitably qualified person), to establish which tree, if any, are really of sufficient amenity value to justify the long-term protection of the TPO. The Council clearly do not have enough information and have not carried out a survey to gather enough evidence

in order to reach a reasonable conclusion that the trees set out in the schedule to the TPO are required to be protected to satisfy the powers in the Act. As a result, no order should be confirmed until such works have been carried out.

Response: The above is largely addressed in previous points. However, other revisions to the schedule have been made as a result of further assessment of groups, areas and individuals. The revisions include the removal from the schedule of T16, T17, T21, T26, T35, T36, T38, G3, A3, A4, A5 and A6 and the revision of the description of A2 to include the species present. These omissions are reflected in the modified schedule and plan at the latter part of Appendix 2. The remaining trees are felt to be worthy of the protection of the preservation order in light of the foregoing responses.

15. The objector asks that all the points be considered in detail prior to confirmation and it is respectfully submitted that the foregoing information indicates that this has been carried out as requested.

- 3.4 Applications can be made and determined under the TPO (if confirmed) and if those applications are refused by Lichfield District Council then the applicant has recourse to appeal to the Planning Inspectorate (PINS).
- 3.5 As per 2.1 and taking the above into account it is recommended that Committee confirm the order with the modifications detailed.

Alternative Options	1. The Committee may choose not to confirm the Tree Preservation Order.
Consultation	1. There is a duty to consult the owner of the affected property and all neighbouring properties (who may have common law rights to work on trees protected by the TPO) when the TPO is made. A copy of the order is served on all affected properties and owners/occupiers are invited to comment or object within 28 days of the date of the order.
Financial Implications	1. Tree Preservation Orders make provision for the payment by the Local Planning Authority, of compensation for loss or damage caused or incurred, within a twelve month period from the date of their decision, as a result of their refusal of any consent under the Tree Preservation Order or their grant of consent subject to conditions. There are no financial implications in the confirmation of a Preservation Order.
Legal Implications	1. There is the potential for High Court Challenge (after confirmation), however this is mitigated by ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.
Contribution to the Delivery of the Strategic Plan	1. Assists in ensuring that Lichfield remains a clean, green and welcoming place to live.

Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 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 of the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the administration of the tree preservation order. 2. There are not considered to be any specific implications in relation to the Public Sector Equality Duty.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. There are no specific crime and safety issues associated with 2021/00451/TPO
Environmental Impact	<ol style="list-style-type: none"> 1. If a tree preservation order is not confirmed then trees may be lost. This may negatively impact on the potential within the District for carbon capture and delay progress towards net zero.
GDPR	<ol style="list-style-type: none"> 1. The requirements of GDPR are considered to be met both in the service and administration of the TPO and the presentation of information in the report.

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	High Court Challenge (after confirmation) LDC	Green	Ensuring that the TPO is within the powers of the Act and that the requirements of the Act and Regulations have been complied with in relation to the TPO.	Green

	Background documents See end of report
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	Relevant web links https://lichfielddc.ezyportal.com/
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APPENDIX A

2021/00451/TPO AS SERVED 22/04/2021 FOLLOWS.

SCHEDULE

SPECIFICATION OF TREES

Drayton Manor Business Park, Coleshill Road, Fazeley, Tamworth

Tree Preservation Order No 2021/00451/TPO

Trees Specified Individually (encircled in black on the map)

Reference on Map	Description	Situation
T1	Silver Birch,	Grid Ref: SK-19913-01206
T2	Silver Birch,	Grid Ref: SK-19917-01206
T3	Silver Birch,	Grid Ref: SK-19921-01205
T4	Silver Birch,	Grid Ref: SK-19925-01205
T5	Silver Birch,	Grid Ref: SK-19930-01206
T6	Silver Birch,	Grid Ref: SK-19935-01205
T7	Silver Birch,	Grid Ref: SK-19940-01206
T8	Silver Birch,	Grid Ref: SK-19930-01193
T9	Silver Birch,	Grid Ref: SK-19929-01185
T10	Goat Willow,	Grid Ref: SK-19926-01176
T11	Downy Birch,	Grid Ref: SK-19917-01173
T12	Silver Birch,	Grid Ref: SK-19910-01176
T13	Downy Birch,	Grid Ref: SK-19906-01179
T14	Silver Birch,	Grid Ref: SK-19923-01199
T15	Sycamore,	Grid Ref: SK-19999-01136
T16	Goat Willow,	Grid Ref: SK-19986-01108
T17	Silver Birch,	Grid Ref: SK-19984-01104
T18	Norway Maple,	Grid Ref: SK-19979-01094
T19	Norway Maple,	Grid Ref: SK-19975-01082
T20	Norway Maple,	Grid Ref: SK-19972-01079
T21	Goat Willow,	Grid Ref: SK-19971-01082
T22	Common Ash,	Grid Ref: SK-19978-01107
T23	Sycamore,	Grid Ref: SK-19961-01123
T24	Italian Alder,	Grid Ref: SK-19959-01126
T25	Sycamore,	Grid Ref: SK-19987-01141
T27	Italian Alder,	Grid Ref: SK-19975-01138
T28	Italian Alder,	Grid Ref: SK-19975-01146
T29	Italian Alder,	Grid Ref: SK-19970-01144
T30	Italian Alder,	Grid Ref: SK-19968-01151
T31	Italian Alder,	Grid Ref: SK-19959-01150
T32	Sycamore,	Grid Ref: SK-19946-01134

**Trees Specified Individually
(encircled in black on the map)**

Reference on Map	Description	Situation
T33	Large-leaved Lime,	Grid Ref: SK-19949-01130
T34	Red Oak,	Grid Ref: SK-19943-01129
T37	English Oak,	Grid Ref: SK-19993-01268
T39	Horse Chestnut,	Grid Ref: SK-19726-01477
T40	Cherry spp,	Grid Ref: SK-19806-01384
T41	Sycamore,	Grid Ref: SK-19760-01315
T42	Colorado Spruce,	Grid Ref: SK-20009-01140
T43	Norway Maple,	Grid Ref: SK-19841-01261

**Groups of Trees
(within a broken black line on the map)**

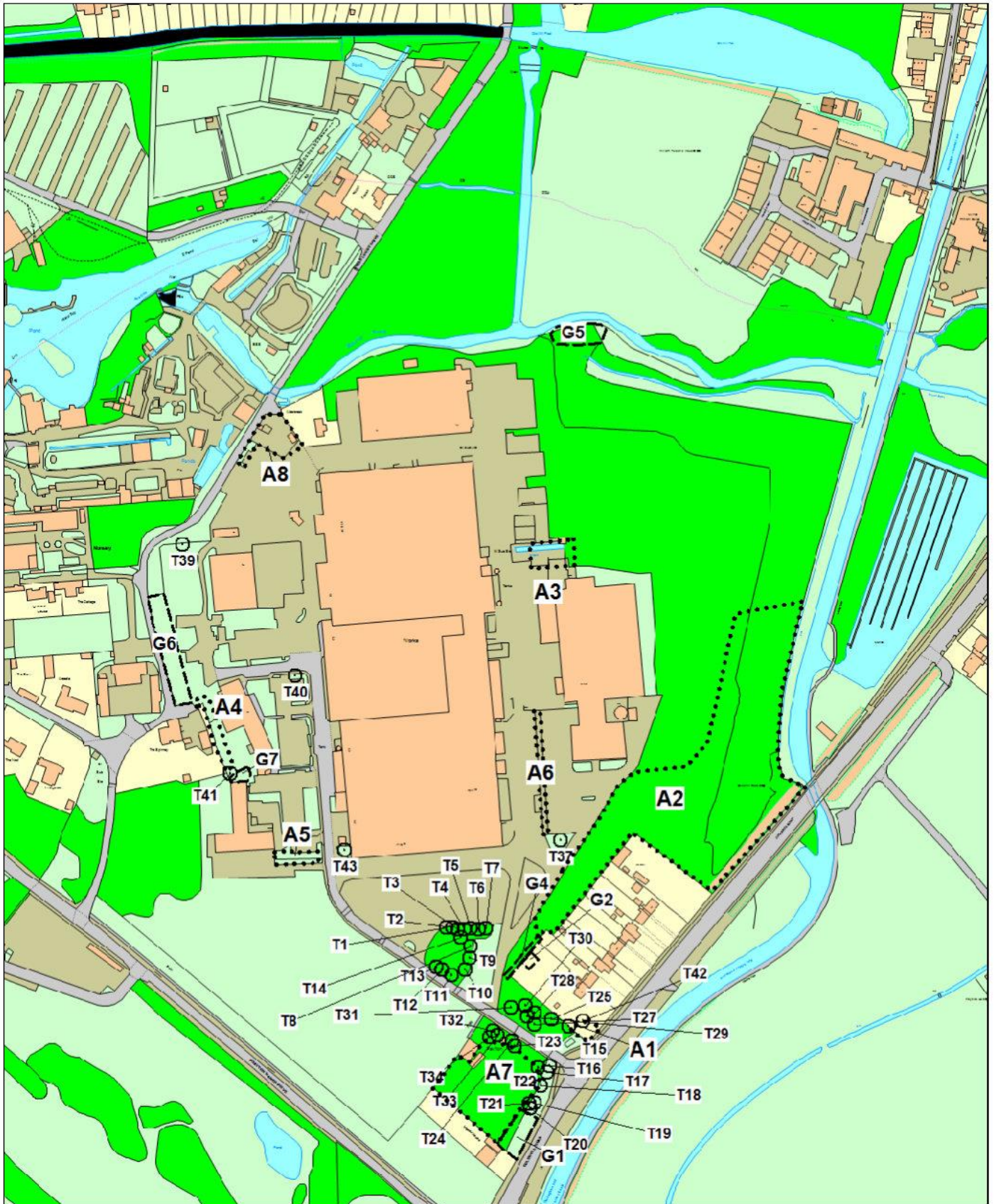
Reference on Map	Description	Situation
G1	Balsam Poplar (4),	Grid Ref: SK-19962-01059
G2	Silver Birch (2),	Grid Ref: SK-19971-01183
G4	Balsam Poplar (8),	Grid Ref: SK-19966-01186
G5	Sycamore (3), Common Alder,	Grid Ref: SK-20002-01627
G6	Horse Chestnut, Lawson Cypress (25), Common Holly (2), Apple spp (2),	Grid Ref: SK-19714-01407
G7	Silver Birch (3),	Grid Ref: SK-19768-01315

**Woodlands
(within a continuous black line on the map)**

Reference on Map	Description	Situation
NONE		

**Trees specified by reference to an Area
(within a dotted black line on the map)**

Reference on Map	Description	Situation
A1	Silver Birch, Common Ash, Spruce species,	Grid Ref: SK-20010-01136
A2	Trees of whatever species,	Grid Ref: SK-20071-01297
A3	Sycamore, Silver Birch,	Grid Ref: SK-19984-01469
A4	Sycamore, Goat Willow,	Grid Ref: SK-19745-01351
A5	Wild Cherry,	Grid Ref: SK-19806-01257
A6	Silver Birch, Lawson Cypress,	Grid Ref: SK-19980-01316
A7	Sycamore, Italian Alder, Silver Birch, Lombardy Poplar, Weeping Willow, Large-leaved Lime,	Grid Ref: SK-19950-01104
A8	Sycamore, Silver Birch, Goat Willow,	Grid Ref: SK-19786-01548



Lichfield District Council
TPO Ref: 2021/00451/TPO

Drayton Manor Business Park, Coleshill Road,
Fazeley, Tamworth

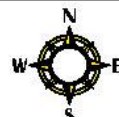
Lichfield
District Council

The scale shown is approximate and should not be used for accurate measurement.

Scale 1:2500

Date 21/04/2021

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Licence No: 100017765 Dated 2020



2021/00451/TPO AS MODIFIED AND PROPOSED FOR CONFIRMATION FOLLOWS:

SCHEDULE
SPECIFICATION OF TREES

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(encircled in black on the map)**

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T5	Silver Birch,	Grid Ref: SK-19930-01206
T6	Silver Birch,	Grid Ref: SK-19935-01205
T7	Silver Birch,	Grid Ref: SK-19940-01206
T8	Silver Birch,	Grid Ref: SK-19930-01193
T9	Silver Birch,	Grid Ref: SK-19929-01185
T10	Goat Willow,	Grid Ref: SK-19926-01176
T11	Downy Birch,	Grid Ref: SK-19917-01173
T12	Silver Birch,	Grid Ref: SK-19910-01176
T13	Downy Birch,	Grid Ref: SK-19906-01179
T14	Silver Birch,	Grid Ref: SK-19923-01199
T15	Sycamore,	Grid Ref: SK-19999-01136
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T19	Norway Maple,	Grid Ref: SK-19975-01082
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T25	Sycamore,	Grid Ref: SK-19987-01141
T27	Italian Alder,	Grid Ref: SK-19975-01138
T28	Italian Alder,	Grid Ref: SK-19975-01146
T29	Italian Alder,	Grid Ref: SK-19970-01144
T30	Italian Alder,	Grid Ref: SK-19968-01151
T31	Italian Alder,	Grid Ref: SK-19959-01150
T32	Sycamore,	Grid Ref: SK-19946-01134
T33	Large-leaved Lime,	Grid Ref: SK-19949-01130
T34	Red Oak,	Grid Ref: SK-19943-01129
T37	English Oak,	Grid Ref: SK-19993-01268

**Trees Specified Individually
(encircled in black on the map)**

Reference on Map	Description	Situation
T39	Horse Chestnut,	Grid Ref: SK-19726-01477
T42	Colorado Spruce,	Grid Ref: SK-20009-01140

**Groups of Trees
(within a broken black line on the map)**

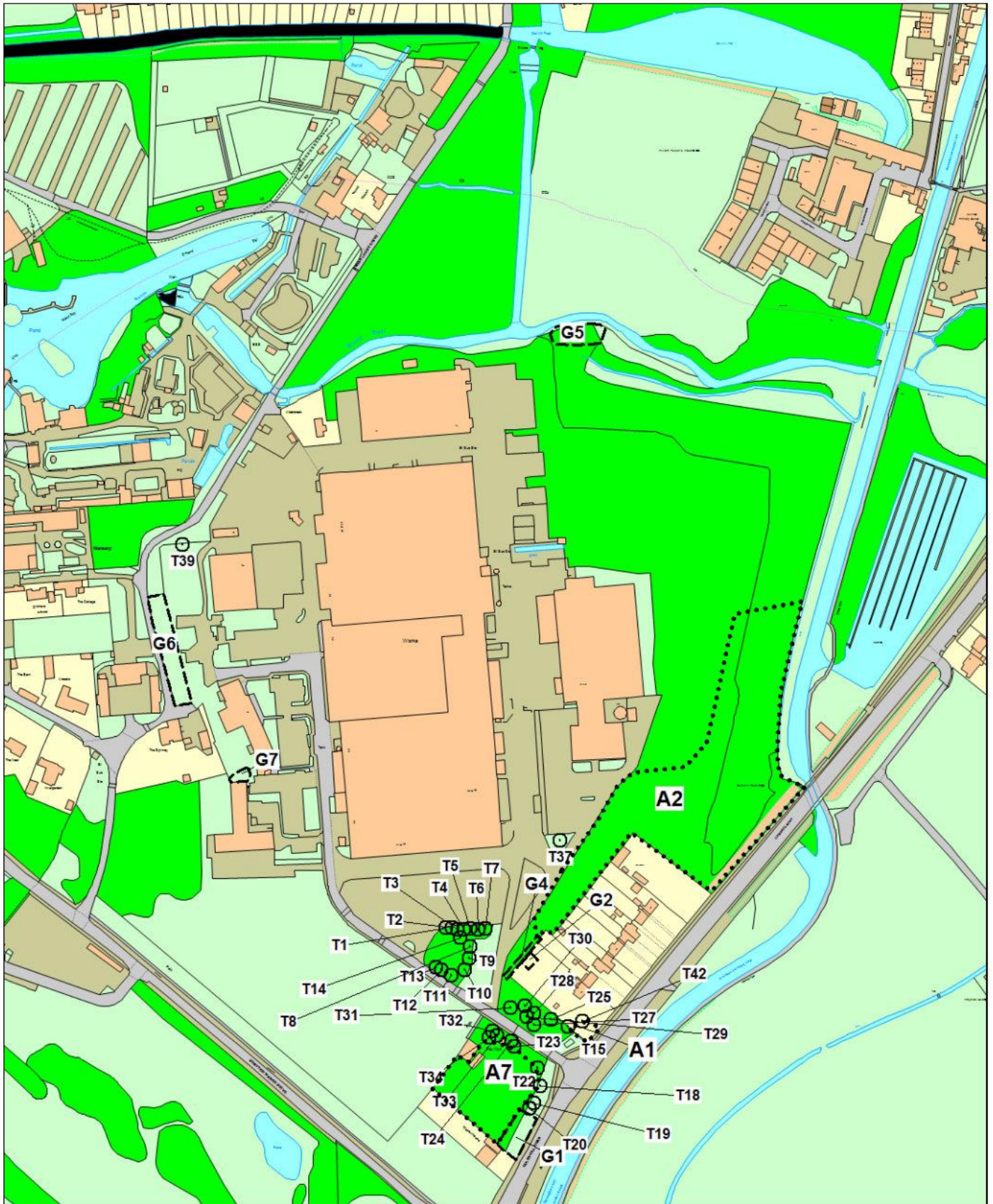
Reference on Map	Description	Situation
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G2	Silver Birch (2),	Grid Ref: SK-19971-01183
G4	Balsam Poplar (8),	Grid Ref: SK-19966-01186
G5	Sycamore (3), Common Alder,	Grid Ref: SK-20002-01627
G6	Horse Chestnut, Leyland Cypress (25), Common Holly (2), Apple spp (2),	Grid Ref: SK-19714-01407
G7	Silver Birch (3),	Grid Ref: SK-19768-01315

**Woodlands
(within a continuous black line on the map)**

Reference on Map	Description	Situation
NONE		

**Trees specified by reference to an Area
(within a dotted black line on the map)**

Reference on Map	Description	Situation
A1	Silver Birch, Common Ash, Spruce species,	Grid Ref: SK-20010-01136
A2	Norway Maple, Sycamore, Alder spp, Silver Birch, Hornbeam, Leyland Cypress, Common Ash, Poplar spp, Oak spp, Willow species,	Grid Ref: SK-20071-01297
A7	Sycamore, Italian Alder, Silver Birch, Lombardy Poplar, Weeping Willow, Large-leaved Lime,	Grid Ref: SK-19950-01104



Lichfield District Council
TPO Ref: 2021/00451/TPO

Drayton Manor Business Park, Coleshill Road,
Fazeley, Tamworth

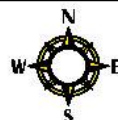
Lichfield
district council

The scale shown is approximate and should not be used for accurate measurement.

Scale 1:2500

Date 09/07/2021

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