Planning Committee

1 November 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

1 November 2021

CONTENTS

Case No.	Site Address	Parish/Town Council
18/01217/OUTFLM	Land At Cricket Lane Lichfield	Lichfield
21/00803/FUL	12 Merlin Way Whittington	Whittington And Fisherwick
21/00914/FULM	Land Off Milestone Way Burntwood	Burntwood

Lichfield district council
www.lichfielddc.gov.uk
District Council House
Frog Lane
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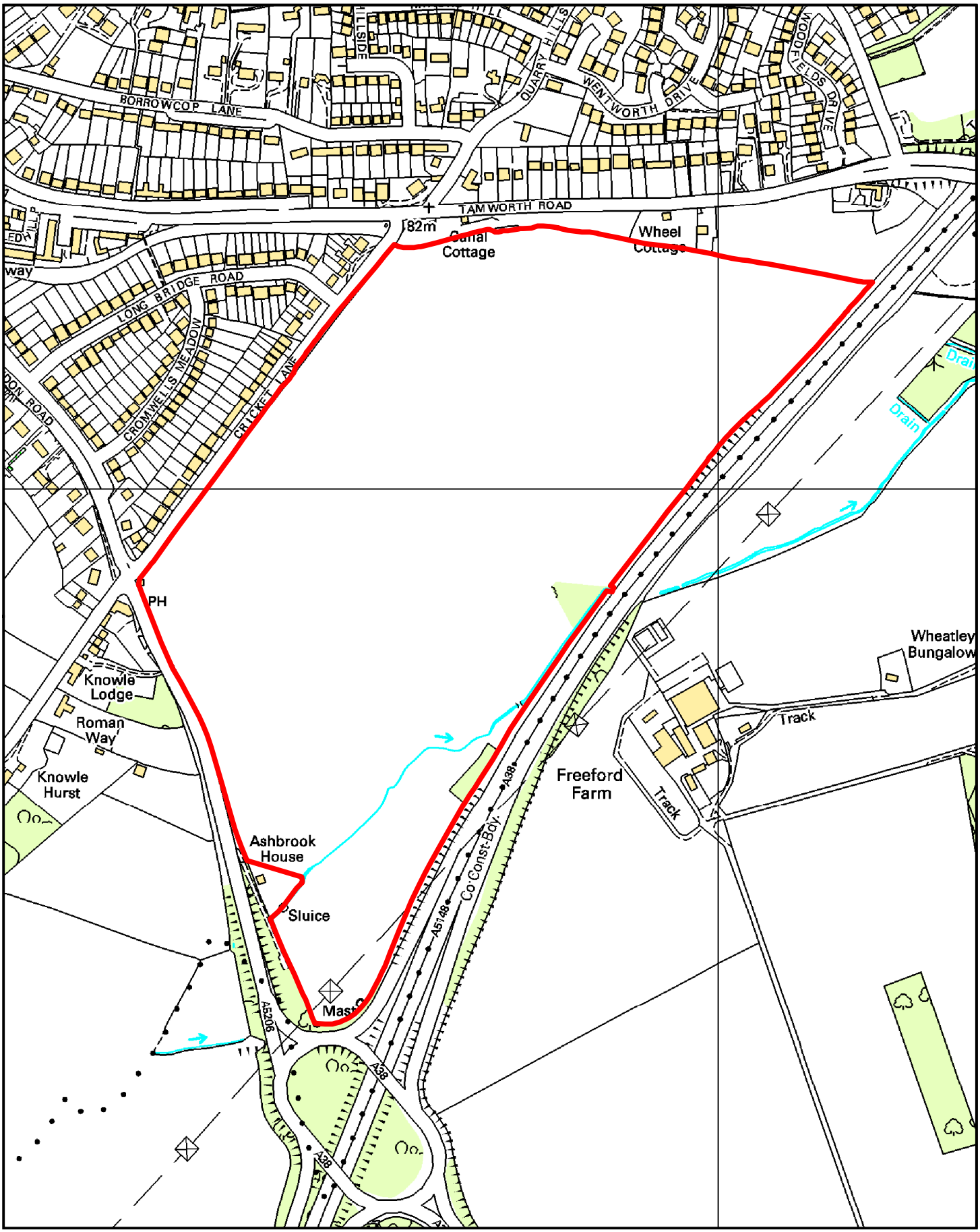
Staffs
WS13 6YY
Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

18/01217/OUTFLM
Land At Cricket Lane
Lichfield

Scale: 1:6,000	Dated: March 2021
Drawn By:	
Drawing No:	



18/01217/OUTM

OUTLINE PLANNING PERMISSION (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR THE CONSTRUCTION OF UP TO 520 DWELLINGS AND AN AREA OF UP TO 12.78 HECTARES FOR THE PROVISION OF EMPLOYMENT FLOORSPACE (USE CLASSES B1/ B2/ B8) INCLUDING; TWO POINTS OF ACCESS FROM CRICKET LANE; COMPREHENSIVE GREEN INFRASTRUCTURE INCLUDING FOOTPATHS, CYCLE WAYS, MULTI-FUNCTIONAL OPEN SPACE, CHILDREN'S PLAY AREAS, OPEN SPACE FOR SPORT AND SUSTAINABLE WATER DRAINAGE INFRASTRUCTURE INCLUDING BALANCING PONDS, RE-ROUTING OF ASH BROOK AND OTHER ASSOCIATED ANCILLARY INFRASTRUCTURE AND GROUND REMODELLING
LAND AT CRICKET LANE, LICHFIELD, STAFFORDSHIRE
FOR PERSIMMON HOMES LTD & ST MODWEN DEVELOPMENTS LTD

Registered **16/08/2018**

Parish: Lichfield City

1. This application is being reported to the Planning Committee, due to the scale of the proposed development; significant objections being received from Lichfield City Council; the number of neighbour objection letters received; that an Issues Paper on the application had been previously considered by members of the Planning Committee on 29th October 2018 and; due to there being more than 3 obligations contained within the proposed S106 agreement.
2. The application had originally been due for consideration at the Planning Committee Meeting on the 5th May 2020. Although at the applicant's request, it was delayed to provide opportunity to submit further information, which sought to address the LPA's concerns regarding the indicative Masterplan and allow for further discussion with Highways England regarding the delivery of off-site mitigation works to Swinfen Island. Such information was received on the 18th June 2020 and further consultations and discussions have been undertaken since.
3. The application was reported to the Planning Committee on 8th March 2021 but was deferred without debate in accordance with the officer's revised recommendation, to allow the opportunity for matters in relation to CIL and the Infrastructure Delivery Statement to be given further consideration.

RECOMMENDATION:

(1) Subject to the owners/applicants first entering into a Section 106 Legal Agreement under the Town and Country Planning Act (as amended) to secure contributions/planning obligations towards:-

1. **On-site affordable housing provision;**
2. **On-site sports provision (including changing facilities and management);**
3. **On-site Public Open Space provision (including delivery of allotments and public art);**
4. **Off-site Primary School Education provision;**
5. **Highway and transport contributions (comprising off-site highway works (junction improvements) and Quarry Hills Lane feasibility contribution), public transport service enhancement sum and travel plan monitoring sum and London Road connectivity contribution); and**
6. **Off-site Health Care Contribution.**

(2) If the S106 legal agreement is not signed/completed by 28 February 2022 or the expiration of any further agreed extension of time, then powers to be delegated to officers to refuse planning permission, based on the unacceptability of the development, without the required contributions and undertakings, as outlined in the report.

Approve, subject to the following conditions:

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

2. The first reserved matters application shall be made within 3 years of the date of this planning permission.

3. 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.

4. This is an outline planning permission and no phase of development shall be commenced until further approval of the Local Planning Authority has been given under the mentioned matters hereby reserved relevant to any phase as permitted by conditions 5 and 6, including:

    i) Layout
    ii) Scale
    iii) Appearance
    iv) Landscaping

CONDITIONS to be complied with PRIOR to the submission of any Reserved Matters applications:

5. Before the submission of the first Reserved Matters application relating to the residential uses, pursuant to Condition 4, a scheme for the phasing of the development of the residential area ('the residential phasing plan'), to include delivery of the sports pitches, pavilion and associated car parking, shall be submitted to and approved in writing by the Local Planning Authority. Residential development shall thereafter be undertaken in accordance with the approved residential phasing plan.

6. Before the submission of the first Reserved Matters application relating to employment uses, pursuant to Condition 4, a scheme for the phasing of the development of the entire employment area ('the employment phasing plan'), shall be submitted to and approved in writing by the Local Planning Authority. Employment development shall thereafter be undertaken in accordance with the approved employment phasing plan.

7. Before the submission of the first Reserved Matters application relating to the residential uses, pursuant to Conditions 1 and 4, a detailed Masterplan for the residential area, to include a residential Design Code, for the development of the site shall be submitted to and approved in writing by the Local Planning Authority.

    The Masterplan relevant to the residential development shall include the following, where relevant:

    i) Land use;
    ii) A movement framework including street types, road hierarchy, street layout and character;
    iii) Detail of key green infrastructure elements, including landscaped bund between the residential and employment areas of the site (location, size, function and character);
    iv) Connections to the surrounding area for all transport modes (including details of the 3 footpath links within the site towards the neighbouring Heritage Towpath);
    v) Connections through the site for all transport modes; and
    vi) Regard to views across and within the site towards the Lichfield Cathedral.

The residential design code shall include details of the following, where relevant:

i) Character areas;
ii) Principles of energy efficiency;
iii) Principles of building forms, to include building heights;
iv) Housing mix;
v) Principles of elevation design;
vi) Principles of garden sizes and separation distances;
vii) Parking Strategy, including space sizes and provision of secure cycle parking; and
viii) Materials palette.

Residential proposals contained within applications for the approval of Reserved Matters, pursuant to Condition 4, shall conform to the approved Residential Masterplan and residential design code.

8. Before the submission of the first Reserved Matters application relating to employment uses, pursuant to Conditions 1 and 4, a detailed Masterplan for the employment area, to include an employment design code, for the development of the site shall be submitted to and approved in writing by the Local Planning Authority.

The masterplan for the employment area shall include the following, where relevant:

i) Land use;
ii) A movement framework including street types, road hierarchy, street layout and character, and to give consideration to the need to accommodate access for oversize / wide-load vehicles;
iii) Key green infrastructure elements including landscaping bund between the residential and employment areas of the site (location, size, function and character).
iv) Pedestrian and cycle networks;
v) Connections to the surrounding area and connections through the site for all transport nodes; and
vi) Regard to views across and within the site towards the Lichfield Cathedral.

The Employment Design Code shall include the following, where relevant:

i) Principles of energy efficiency;
ii) Principles of building forms, including building heights;
iii) Development parcel access locations;
iv) Layout;
v) Principles of elevational design;
vi) Principles for placement of entrances;
vii) Principles of service arrangements;
viii) Parking strategy including the provision of secure cycle parking facilities and electric vehicle charging points for all users on site; and
ix) Materials palette.

Employment proposals contained within applications for the approval of Reserved Matters, pursuant to Condition 4, shall conform to the approved Employment Masterplan and employment design code.

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

9. Before any construction works hereby approved are commenced, a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) expanding upon the information provided within the 'Biodiversity Impact Calculator' dated 16th June 2020, detailing, in full, measures to protect existing habitat during construction works and the

formation of new habitat to secure a habitat compensation value of no less than 19.19 Biodiversity Units, shall be submitted to and approved in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:

i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
v) Assurances of achievability;
vi) Timetable of delivery for all habitats; and
vii) A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

The development shall thereafter be undertaken in accordance with the approved CEMP/HMP.

10. Before the development hereby approved is commenced, within each phase of the development (as approved by conditions 5 and 6), a Construction Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall:

i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
ii) Specify the delivery and construction / working times;
iii) Specify the types of vehicles;
iv) Specify noise, air quality and dust control, to include an assessment of impact on local air quality;
v) The management and routing of construction traffic;
vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
vii) Provide for the loading and unloading of plant and materials;
vii) Provide for the storage of plant and materials used in constructing the development;
viii) Provide details for the removal of all temporary materials and the 'making good' of any temporary surfaces;
ix) Access points to be used for the temporary construction of each phase of the development;
x) Details of the phasing for closure of temporary access points and strategy for making good the temporary access point;
xi) Include weekly records of HGVs accessing and egressing the site access(es); and
xii) Provide satisfactory arrangements for the control of surface water during the construction period, prior to the formation of the approved SUDs.

The development in that phase shall be carried out in accordance with the approved details and thereafter be adhered to throughout the construction period.

11. Before each phase of the development (as approved under conditions 5 and 6) hereby approved is commenced, a joint survey undertaken by the Highways Authority and the applicant, of the public highway, adjacent to the site access(es) used to access that phase, shall be undertaken. Immediately following the completion of the development, a further

joint survey of the site access(es) shall occur and an agreed schedule of dilapidations compiled. The extent of any damages specifically attributed to the construction works shall then be agreed and subsequently rectified in accordance with details that shall have first been submitted to and approved writing by the Local Planning Authority.

12. The submission of any Reserved Matters for a phase of development, pursuant to condition 4, shall be accompanied by a statement that demonstrates that such details of reserved matters accord with the design principles of the approved Masterplan and Design Code, pursuant to conditions 7 and 8. The development of that phase shall not be commenced until the statement has been approved in writing by the Local Planning Authority. Development of that phase shall thereafter be carried out in accordance with the approved statement.

13. Before the development hereby approved is commenced, within any relevant phase of development (as approved by conditions 5 and 6), a timetable for the provision/improvement of on-site linkages to footpaths, footways and cycleways adjacent to that phase, shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase, thereof, shall be carried out in accordance with the approved timetable.

14. Before the development hereby approved is commenced, within any relevant phase of development (as approved by conditions 5 and 6), the trees and hedgerows that are to be retained as part of the approved landscape and planting scheme for that phase of the development shall be protected in accordance with BS 5837:2012 and with details to be first submitted to and approved in writing by the Local Planning Authority. The agreed tree/hedge protection measures shall be put in place, prior to the commencement of any construction works within a particular phase and, shall be retained for the duration of construction works within that phase (including any demolition and / or site clearance works). 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. The approved scheme shall be kept in place until all parts of the development within that phase have been completed, and all equipment; machinery and surplus materials have been removed for that phase of development.

15. Before the development hereby approved is commenced, within any relevant phase of development (as approved by conditions 5 and 6), details of all proposed boundary treatments within the respective phase, including full details of any treatment within Public Open Spaces, shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space boundary treatment shall be provided before the first use of that Public Open Space. The residential and employment boundary treatments shall be implemented in accordance with the approved details, prior to the occupation of the dwelling(s) or use of the employment buildings to which the respective boundary treatment(s) is to serve.

16. Before the development hereby approved is commenced, within any relevant phase of development that includes buildings (as approved by conditions 5 and 6), full details of the proposed foul water drainage system for the specific phase of development, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of any of the buildings in that phase.

17. Before the development hereby approved is commenced, within the relevant phase of residential development, which is to include sports provision, as approved by condition 5, details of the design and layout of the sport pitches, changing facilities and associated car parking provision, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Sport England. These details shall include a schedule of playing field maintenance, including a programme for implementation for a minimum period of five years, starting from the commencement of use of the playing fields. The sports pitches, changing facilities and car parking provision shall not be constructed other than in accordance

with the approved details. Following the commencement of use of the playing fields, the approved schedule of playing field maintenance shall be complied with in full.

18. Before each phase of the development hereby approved is commenced, an overarching written scheme of investigation (WSI), which sets out a proportionate programme of archaeological work for that phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall provide details of a programme of archaeological works, including details of a programme of archaeological trail trenching. The WSI shall include post-excavation reporting and appropriate publication, details of which shall have been submitted and approved in writing by the Local Planning Authority, prior to first occupation of the units within the relevant phase. The WSI shall thereafter be implemented in full in accordance with the approved details and timescales.

19. Before the development hereby approved is commenced, within any relevant phase of development (as approved by conditions 5 and 6), a Site Waste Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be undertaken in accordance with the approved Site Waste Management Plan.

20. Before any part of the employment use hereby approved is commenced, 'as built' cross sectional drawings, including proposed site levels and a timetable for delivery of the realigned Ash Brook, shall be submitted to and approved in writing by the Local Planning Authority. The realignment works shall thereafter be undertaken in accordance with the approved details and timescales.

21. Before each phase of the development hereby approved is commenced a remediation strategy that includes the following components to deal with risks associated with contamination of the site, shall be submitted to and approved in writing by the Local Planning Authority:

    i) A site investigation scheme, based on the GRM Report 'Phase I Site Appraisal' (September 2015) Ref: GRP7128/F.1 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
    ii) The results of the site investigation and the detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
    iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

All other CONDITIONS to be complied with:

22. Each application for the approval of Reserved Matters pursuant to Conditions 5 and 6, shall be accompanied by a Landscape Management Plan for that phase, to include an implementation timetable; long term design objectives; management responsibilities; and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, for approval in writing by the Local Planning Authority. The Landscape Management Plan shall thereafter be implemented in accordance with the approved details and timescales.

23. Each application for Reserved Matters for each phase of development, pursuant to Conditions 5 and 6, shall be accompanied by a detailed Surface Water Drainage Strategy for that phase for approval in writing by the Local Planning Authority. The Surface Water Drainage Strategy shall be in accordance with the principles set out in the approved Flood Risk Assessment

(Report AAC5245 Issue 7 dated 17/06/2020 prepared by RPS) and shall include details of the following measures, where relevant:

i) Surface water drainage system(s) to be designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015);
ii) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) standard to 2.7 l/s/ha;
iii) Provision of adequate surface water run-off attenuation to a 100 year + 30% climate change standard;
iv) Confirmation of agreed points of surface water discharge (with no discharge into the highway drainage system for the A38);
v) Finished Floor Levels within flood zone 1 are set 150mm above adjacent ground levels and areas within the application site that are shown to be located within the modelled flood zone 2 associated with the Ash Brook are located 600mm above the 1 in 100 year plus 30% level, or have flood resilience measures incorporated within the design;
vi) The incorporation of two treatment trains to help improve water quality in accordance with CIRIA C753. SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria;
vii) Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements;
viii) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system, demonstrating that exceedance flows would be routed away from vulnerable areas;
ix) Provision of an acceptable management and maintenance plan for the surface water drainage network, all SuDS features, watercourses and culverts and details of maintenance arrangements to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development) no discharge into the highway drainage system. To include the name and contact details of the responsible party(ies); and
x) Provision of any measures necessary to maintain sufficient drainage between Ashbrook House and the watercourse (to be diverted). There is to be no diminution of drainage performance.

The development in that phase shall thereafter be carried out in accordance with the provisions of the approved Surface Water Drainage Strategy.

24. Prior to the first occupation / use of any of the dwellings or commercial units hereby approved, for a phase of development, as approved by conditions 5 and 6, a scheme of external lighting and noise mitigation for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting and any required noise mitigation scheme shall thereafter be implemented in full, prior to the occupation of the final dwelling within that phase or first use of the commercial building and thereafter be retained for the life of the development.

25. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the approved Ecological Appraisal reference ECO1611.EcoApp.vf, dated August 2018 and Technical Briefing Note: Addendum to Ecological Appraisal dated 30th August 2019.

26. Concurrent with the submission of any Reserved Matters, pursuant to Conditions 1 and 4, for any relevant phase of development, as approved by conditions 5 and 6, a scheme of mitigation for protecting any existing / proposed dwelling(s) from noise and vibration from surrounding land uses, from construction, existing highway use and from any proposed uses, including the

sports pitches and employment uses, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented, before the relevant phase is first occupied and shall be the subject of a validation report, which shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of the first dwelling, within each phase of development. The validation report shall ensure that all noise issues on the site have been adequately addressed, prior to the development being first occupied or used. The approved measures shall thereafter be maintained for the life of the development.

27. Any unit erected within the employment area, which has a floor area greater than 1,000 square metres, shall, within 6 weeks of the completion of the shell and core works, have a certificate of compliance, from an accredited assessor, confirming that the unit has achieved a minimum BREEAM rating of Very Good (2018), submitted to and approved in writing by the Local Planning Authority.

28. Prior to the first use of any external areas, associated with the approved employment uses, details of proposed plant equipment and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority, along with full details of any noise mitigation measures. Any approved mitigation or enclosure shall be installed prior to the first use of the equipment and shall thereafter be maintained for the life of the development.

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

30. Before the first use of any employment, general industrial or storage and distribution building, the car parking, servicing and circulation areas required for each respective building, shall be provided. The car parking spaces, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter, shall be retained in accordance with the approved plans, for the life of the development.

31. Before the first occupation of any of the dwellings hereby approved, the parking and turning areas associated with each respective property, shall be provided in a bound material and sustainably drained and thereafter retained for their designated purposes, for the life of the development.

32. Before the first occupation of any of the dwellings hereby approved, the roads connecting the dwelling to the public highway shall be constructed and surfaced to a minimum of base course level.

33. Before the first use of any commercial buildings within any phase of the development, details of the phasing for implementation and final completion timescales of the off-site highway improvements works (as broadly shown on plan 03589-A-10 Revision P3) shall be submitted to and approved in writing by the Local Planning Authority. The works so approved shall thereafter be constructed in accordance with the approved details and timescales.

34. Before the first occupation of any dwellings within any phase of the development, details of the phasing for implementation and final completion timescales of the off-site highway improvements works (as broadly shown on plan no 03589-A-05 Revision L, plan no 03589-A-0013 Revision P6, plan 03589-A-0014 Revision P4, plan 03589-A-15 Revision P1, plan 03589-A-0016 Revision P8 and plan 03589-A-0017 Revision P4 and 03589-A-18 Revision P3) shall be submitted to and approved in writing by the Local Planning Authority. The works so approved shall thereafter be constructed in accordance with the approved details and timescales.

35. The cycle parking for any apartments or business premises (including showers and lockers for B Class Uses) shall be implemented, in accordance with the approved details, pursuant to Condition 6, prior to the first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.

36. Before the first occupation or use of any buildings within any phase of the development, or other trigger as may be agreed by the Local Planning Authority (in consultation with Highways England and the Local Highways Authority), a scheme of highway improvement works at the A38/A5148/London Road Swinfen junction, in broad accordance with the works referred to as "Phase A" on drawing Tr-0001 Rev P3 "Swinfen Island Proposed Design Scheme", shall be implemented in full and open to traffic. The detailed design of the scheme of highway improvement works shall first be submitted to and agreed in writing by the Local Planning Authority (in consultation with Highways England and the Local Highways Authority).

37. Prior to undertaking any ground alteration works within 10 metres of the A38 Trunk Road Highway Boundary details of such, shall be submitted to and approved by the Local Planning Authority, in consultation with Highways England. The approved ground alteration works shall thereafter be implemented in accordance with the approved details and maintained in accordance with a specification to be submitted to and agreed in writing by the Local Planning Authority.

38. The playing fields and pitches approved under the requirements of condition 16 shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and, along with approved changing facilities and associated car parking, shall be made available for use before the first occupation of the relevant phase of residential development, as approved by condition 5 of the development hereby approved.

39. The buildings within the employment area shall be used only for purposes within Class B1a (only where ancillary to wider primary B, B2 and B8 Use Class uses), Class B1c, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

40. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission on application to the Local Planning Authority.

41. There shall be no more than 520 dwellings provided on the site.

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

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

4. The application has been made for outline permission only with these matters reserved for subsequent approval. Therefore, such details are required to be submitted and agreed in order to ensure a satisfactory form of development, safeguard the character of the area, protect the setting of nearby designated heritage assets and amenity of existing and future

residents, in accordance with the requirements of Core Policies 3 and 6 and Policies H2, BE1 and Lichfield 6 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document, the National Model Design Code and the National Planning Policy Framework.

5. To ensure the appropriate timing of delivery of residential development, green infrastructure, and social infrastructure, to promote a sustainable development, to safeguard residential amenity and the appearance of the development, in accordance with the requirements of Core Policies 3 and 4, and Policies BE1, IP1, HSC1 and Lichfield 6 of the Local Plan Strategy, the Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.

6. To ensure the appropriate timing of delivery of employment development and its associated green infrastructure, to safeguard residential amenity and to secure the appropriate appearance of the development, in accordance with the requirements of Core Policies 3 and 4, and Policies BE1, IP1, HSC1 and Lichfield 6 of the Local Plan Strategy, the Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.

7. To ensure the high quality form and appearance of the development, to protect the setting of surrounding designated heritage assets, to deliver sustainable transport links and to enhance natural habitat, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR3, NR4, BE1 and Lichfield 6 of the Local Plan Strategy, Policies IP2 and BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development, Biodiversity and Development, Historic Environment and Sustainable Design Supplementary Planning Documents, Policies 3 and 9 of the Lichfield City Neighbourhood Plan, the National Model Design Code and the National Planning Policy Framework.

8. To ensure the high quality form and appearance of the development, to protect the setting of surrounding designated heritage assets, to deliver sustainable transport links and to enhance natural habitat, in accordance with the requirements of Core Policies 3, 13 and 14, and Policies NR3, NR4, BE1 and Lichfield 6 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development, Biodiversity and Development, Historic Environment and Sustainable Design Supplementary Planning Documents, Policies 3 and 9 of the Lichfield City Neighbourhood, the National Model Design Code and the National Planning Policy Framework.

9. In order to safeguard the ecological interests of the site and to secure biodiversity enhancements as part of the development, in accordance with the requirements of Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

10. In the interests of highway safety, to ensure the free flow of traffic on the local and Strategic Highway Network, to reduce the risk of surface water flooding and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policies 3 and 5 and Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

11 In the interests of highway safety, to ensure the free flow of traffic on the Local Highway Network and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 5 and Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

12. To ensure the high quality and cohesive form and appearance of the development, to protect the setting of surrounding designated heritage assets, in the interests of highway safety and to enhance natural habitat, in accordance with the requirements of Core Policies 3, 5, 13 and

14, and Policies SC2, NR3, NR4, BE1 and Lichfield 6 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development, Biodiversity and Development, Historic Environment and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.

13. To promote the use of sustainable modes of transportation in accordance with Core Policy 5 and Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the National Model Design Code and the National Planning Policy Framework.

14. To ensure the high quality form and appearance of the development, to protect the setting of surrounding designated heritage assets and to enhance the natural habitat, in accordance with the requirements of Core Policies 3, 13, and 14 and Policies NR3, NR4, BE1 and Lichfield 6 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Trees, Landscaping and Development, Biodiversity and Development, Historic Environment and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.

15. To ensure the high quality form and appearance of the development, in accordance with the requirements of Core Policies 3, 13, and 14 and Policy BE1 and Lichfield 6 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document, the National Model Design Code and the National Planning Policy Framework.

16. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3 and Policies BE1 and Lichfield 6 of the Local Plan Strategy and the National Planning Policy Framework.

17. To ensure the timely provision of suitable sports pitches and associated facilities and their suitable subsequent maintenance, in accordance with the requirements of Core Policies 3, 10 and 11 and Policies HSC2, BE1 and Lichfield 6 of the Local Plan Strategy and the National Planning Policy Framework.

18. To ensure full evaluation and protection of any archaeological remains within the site, in accordance with Core Policies 3 and 14, and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.

19. To protect the water environment, reduce the transportation of waste off-site and to safeguard residential amenity, in accordance with the requirements of Policy 1.2 of the Staffordshire and Stoke on Trent Joint Waste Local Plan, Core Policies 3 and 14, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

20. To reduce the risk of groundwater flooding and protect the amenity of existing and future users of the site and surrounding area, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

21. To ensure the protection of controlled waters, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

22. In order to safeguard the arboriculture and ecological interests of the site, secure biodiversity enhancements and to ensure the long term management of the site in preparation of significant public use, in accordance with the requirements of Core Policies 3, 11 and 13 and Policies NR3 and NR4 of the Local Plan Strategy, the Biodiversity and Development and Trees, Landscaping and Development Supplementary Planning Documents and the National Planning Policy Framework.

23. 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 strategic highway 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, paragraph 50 of the DfT Circular 02/2013 and the National Planning Policy Framework.

24. To ensure the satisfactory appearance of the development, to minimise impact upon surrounding designated heritage assets, to protect the safe operation of the Strategic Highway Network and to safeguard the amenity of existing and future residents, in accordance with the requirements of Core Policies 3 and 14, Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document, paragraphs 45, 46, 47 and 48 of the DfT Circular 02/2013, the National Model Design Code and the National Planning Policy Framework.

25. In order to protect protected species and their habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

26. To safeguard the amenity of existing and future residential occupiers, in accordance with the requirements of Core Policy 3, and Policy BE1 of the Local Plan Strategy, paragraphs 45, 46, 47 and 48 of the Department for Transport Circular 02/2013 and the National Planning Policy Framework.

27. To ensure that the development is constructed in a sustainable manner, in accordance with Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

28. To safeguard the appearance of the development and to protect the amenity of neighbouring residents, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

29. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13, and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework

30. In the interests of highway safety, to protect the amenity of existing and future residents and to promote the use of sustainable means of drainage, in accordance with the requirements of Core Policy 3 and Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

31. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

32. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

33. To ensure that the safety and free flow of traffic on the local highway network is not compromised, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.

34 To ensure that the safety and free flow of traffic on the local highway network is not compromised, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework

35. To promote the use of sustainable modes of transportation, in accordance with Core Policies 3 and 5, Policies BE1 and ST1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.

36. To ensure that the safety and free flow of traffic on both the Strategic Road Network and local highway network is not compromised, in accordance with the requirements of Policy ST1 of the Local Plan Strategy and the National Planning Policy Framework.

37. To ensure the appropriate delivery of the proposed realigned watercourse near to the A38, to safeguard residential amenity and to protect the Strategic Highway Network, In accordance with the requirements of Policy BE1 of the Local Plan Strategy, paragraph 46 of Department for Transport Circular 02/2013 and the National Planning Policy Framework.

38. To ensure the timely provision of suitable quality sports pitches, in accordance with the requirements of Core Policies 3, 10 and 11 and Policies HSC2, BE1 and Lichfield 6 of the Local Plan Strategy and the National Planning Policy Framework.

39. In accordance with the applicant's stated intentions, in order to meet the requirements Core Policies 3 and 6 and Policies H2, BE1 and Lichfield 6 of the Local Plan Strategy and the National Planning Policy Framework.

40. To ensure the high quality form and appearance of the development, to protect the setting of surrounding designated heritage assets and to protect natural habitat, in accordance with the requirements of Core Policies 3, 13, 14 and 15 and Policies NR3, BE1 and Lichfield 6 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Biodiversity and Development and Historic Environment Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.

41. In accordance with the applicant's stated intentions, in order to meet the requirements Core Policies 3 and 6 and Policies H2, BE1 and Lichfield 6 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations Document (2019) and the 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. 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. When seeking to discharge condition 4, the applicant should include, where relevant; details of layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; boundary treatments; housing mix; surfacing treatments; the means of pedestrian and cycle access and parking layout; and the landscape and planting of the site (except the approved access to London Road, through Lichfield District Council application number 19/01076/FULM) have been submitted to and approved by the Local Planning Authority, by way of reserved matters application(s).

5. When seeking to discharge condition 8, the applicant is advised to have regard to the document 'Guidance on the assessment of dust from demolition and construction', from the Institute of Air Quality Management (IAQM), for advice on how dust assessments should be performed.

6. The applicant is advised to note and act upon as necessary the comments from the Council's Operational Services Customer Relations and Performance Manger specific to waste services dated 8th July 2019.

7. The applicant is advised to note and act upon as necessary the comments from the Police Architectural Liaison Officer dated 15th July 2020. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

8. The accesses and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk)
http://www.staffordshire.gov.uk/transport/staffshighways/licences/.

9. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 approval of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure the necessary approvals and agreements are secured.

10. The applicant is advised that when seeking to discharge condition 10, it is likely that during the period of construction of any phase of the development, no works including deliveries, will be permitted outside of the following times: 0730 to 1900 hours, Monday to Friday and 0800 and 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than in relation to emergency works).

11. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats, badgers or other protected species are found during clearance works / construction, all work should cease and the services of a licensed ecologist procured, to ensure an offence is not committed under the Habitats Legislation.

12. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in a garage, then the minimum internal dimensions of the garage will need to be 6.0m x 3.0m, in order for it to be considered suitable for the storage of a bicycle and a motor car.

13. The works proposed to the A38/A5148/London Road Swinfen junction will require a Section 278 Agreement to be entered into and all costs relating thereto will be borne by the developer. It is recommended that the scheme designer contact Highways England's Third Party Works team for additional guidance.

14. The applicant is advised that when seeking to discharge the requirements of condition 17, the design and layout of the sports pitches, changing facilities and car parking provision should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Football Foundation Data Sheets for Changing Accommodation; Sport England Clubhouse Design Guide and Sport England Natural Turf for Sport Guidance.

15. It is recommended that the maintenance schedule and programme for implementation, required under condition 17, is developed by a specialist turf consultant. The applicant should ensure that the new playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

16. The applicant is advised to note and act upon as necessary the comments from the Western Power Distribution specific to working and developing adjacent to their assets, dated 17th July 2019.

17. The applicant is advised to note and act upon as necessary the comments from Cadent Gas specific to working and developing adjacent to their assets, dated 3rd July 2019.

18. The applicant is advised to note and act upon as necessary the comments from National Grid specific to working and developing adjacent to their assets, dated 5th March 2020.

19. The applicant is advised to note and act upon as necessary the comments from the Staffordshire Fire & Rescue Service dated 25th June 2020.

20. The applicant is advised to note and act upon as necessary the comments from Severn Trent Water dated 7th July 2020.

20. The applicant is advised that when seeking to discharge condition 21, regard should be had to the comments made by the Environment Agency, within their consultation response dated 18th June 2019.

21. The applicant is advised that when seeking to discharge condition 10 that the amount/level of construction traffic accessing the site via Cricket Lane should be kept to a minimum and all endeavours should be made for such to use the London Road access or access points that limits any movement along the length of Cricket Lane in some way.

22. The applicant is advised that the estate roads as designed within future reserved matter applications are to be designed to a standard that will be adoptable as highway maintainable at public expense by the local highway authority.

23. The applicant is advised that following the issue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Use Class B1 is now to be treated as Class E. The legislation states however that for any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application.

24. During the course of the application, the Council has sought amendments to the proposals to ensure 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

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 9 – Tourism
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 H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy HSC1 – Open Space Standards
Policy HSC2 – Playing Pitch & Sport Facility Standards
Policy NR1 – Countryside Management
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Lichfield 1 – Lichfield Environment
Policy Lichfield 2 – Lichfield Services and Facilities
Policy Lichfield 3 – Lichfield Economy
Policy Lichfield 4 – Lichfield Housing
Policy Lichfield 6 – South of Lichfield

Local Plan Allocations
Policy IP2: Lichfield Canal
Policy NR10: Cannock Chase Area of Outstanding Natural Beauty
Policy BE2: Heritage Assets

Local Plan Review: Preferred Options (2018-2040)
Strategic objective and priority 3: Climate Change
Strategic objective and priority 4: Our Infrastructure
Strategic objective and priority 5: Sustainable transport
Strategic objective and priority 6: Meeting housing need
Strategic objective and priority 7: Economic Prosperity
Strategic objective and priority 8: Employment opportunities
Strategic objective and priority 11: Healthy and safe lifestyles
Strategic objective and priority 12: Countryside character
Strategic objective and priority 13: Natural resources
Strategic objective and priority 14: Built environment
Strategic objective and priority 15: High quality development
Strategic Policy OSS1: Presumption in favour of sustainable development
Strategic Policy OSS2: Our spatial strategy
Strategic Policy OSC1: Securing sustainable development
Strategic Policy OSC2: Renewables and low carbon energy
Strategic Policy OSC3: Sustainable building standards for non-domestic buildings
Strategic Policy OSC4: High quality design
Strategic Policy OSC5: Flood risk, sustainable drainage & water quality
Strategic Policy INF1: Delivering our infrastructure
Strategic Policy OST1: Our sustainable transport
Strategic Policy OST2: Sustainable travel
Local Policy LP1OST: Parking provision
Strategic Policy OHF1: Housing provision
Strategic Policy OHF2: Providing a balanced housing market and optimising housing density
Strategic Policy OHF4: Affordable housing
Strategic Policy OEET1: Our employment and economic development
Strategic Policy OEET2: Our centres
Strategic Policy OHSC1: Healthy & safe communities
Preferred Policy OSR2: Open space and recreation
Strategic Policy OHSC2: Arts and culture
Strategic Policy ONR2: Habitats and biodiversity
Strategic Policy ONR3: Cannock Chase Special Area of Conservation & River Mease Special Area of Conservation
Strategic Policy ONR4: Green infrastructure and connectivity
Strategic Policy ONR5: Natural and historic landscapes
Strategic Policy OBHE1: Historic environment
Strategic Policy OBHE2: Loss of heritage assets
Strategic Policy OBHE4: Evidence to support heritage proposals
Local Policy LC1: Lichfield economy
Local Policy LC2: Lichfield environment
Local Policy LC3: Lichfield services and facilities

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

Lichfield City Neighbourhood Plan
Policy 3: Primary Movement Routes.
Policy 9: Views of Lichfield Cathedral

Other

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018
Draft Environment (Principles and Governance) Bill 2018
Natural Environment and Rural Communities Act (2006)
The Conservation (Natural Habitats, &c.) Regulations (1994)
The Conservation of Habitats and Species Regulations (2017)
The Countryside and Rights of Way (CRoW) Act 2000
The Protection of Badgers Act 1992
Defra Net Gain Consultation Proposals (2018)
Lichfield Employment Land Review (2012)
Staffordshire and Stoke on Trent Joint Waste Local Plan
Staffordshire Residential Design Guide (2000)
Housing and Planning Act (2016)
Annual Monitoring Review (2018/2019)
Lichfield District Council Strategic Housing Land Availability Assessment (2016)
Lichfield District Council Housing and Economic Needs Assessment (2019)
Lichfield District Council Independent Living Study (Draft) (2019)
Lichfield District Council Employment Land Review (2014)
Lichfield District Council Infrastructure Delivery Plan (2021)
Strategic Housing Marketing Assessment (2012)
Providing for Journeys on Foot (2000)
Urban Capacity Assessment
Five Year Housing Land Supply Paper (August 2020)
Water Framework Directive
Lichfield District Economic Development Strategy
Lichfield District Nature Recovery Network (2019)
Staffordshire Historic Environment Record
Statement of Community Involvement (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)
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)
Historic England Good Practice in Planning Advice Note 3
Department for Transport Circular 02/2013
Technical Guidance Note 287 – Third-party guidance for working near National Grid Electricity Transmission equipment
Building for a Healthy Life (Homes England)

RELEVANT PLANNING HISTORY

19/01076/FULM	Installation of new three-armed signal controlled junction and associated access to land off London Road with associated landscaping, drainage and other infrastructure	Approved	17/01/2020
17/00343/PREAPP	Screening Opinion : Proposed residential development	EIA not required	28/03/2017

CONSULTATIONS

Lichfield City Council- Note the number of dwellings has increased to 520 from 450 and therefore residential density has increased and recommends it should be reduced due to on street parking demand and difficulties for emergency vehicles. Pleased to see affordable housing percentage offer. (03/03/2021)

Previous comments: Object. The bridge at the junction with Tamworth Road is an essential part of the development, whilst the employment area should be of a high quality, not large sheds (13/07/2020 & 06/03/2020).

Previous Comments: Object. The addition of a further 70 dwellings, above that identified by Core Policy 6 of the Local Plan Strategy, will create pressure on surrounding infrastructure. The amount of traffic accessing the site from London Road will be excessive and dangerous.

The application does not respect the Neighbourhood Plan, which seeks the delivery of good employment opportunities. The proposal is only for 'ancillary office space', to a huge warehouse facility, not flexible office space 'to provide employment development' for a number of businesses. The height of the warehouse facilities should also be restricted to 5.5 metres, as can be seen on Britannia Enterprise Park.

The parking needs for the development must be suitably considered.

Views from the north side of the site need to be protected and as stated, due consideration should be given to notable buildings of importance or prominence.

The s106 agreement should fund the Canal Trust to build a crossing on Cricket Lane.

Many previous concerns raised have not been addressed, whilst it is considered unacceptable to submit an outline major application with matters still reserved (28/06/2019).

Previous Comments: Object. Local roads are unable to accommodate the cumulative uplift in traffic from this and other planned nearby developments. The issue of maintenance of pavements, roads and open spaces must be clearly defined within this application. This should be time related (e.g. developer to be responsible for pavement, road and open spaces for at least 10 years, then SCC /LDC be given responsibility for certain items on an agreed inflation rate calculated developer contribution basis or residents to be charged for open space maintenance for up to 20 years at which point, Lichfield District Council will assume responsibility, via an agreed developer contribution basis). This must not be left open or subject to future insecurity of contract.

The vehicular access points appear poorly designed and insufficient in number. Any additional access points should not be on Cricket Lane, rather formed to service the employment site.

Suggest that all car parking, for the employment site, be sited adjacent to London Road, moving any large buildings further from the highway, thereby improving both the visual aspect and visibility of the existing junction.

The impact of this and the other proposed developments on education services is of concern, given that existing schools are already at capacity and this development relies on planned future facilities, such as the schools at St John's and Deanslade, which are not yet available. These schools may not be delivered, and this will result in a shortfall in places, as previously occurred with the promised school for Boley Park. Therefore, request that consideration be given to what occurs, in the event that the 2 proposed schools are not built.

The development lacks the shops, GP surgery and dental practice premises, necessary for the development to have a *"village feel"*.

The Local Plan allocates this site for 450 dwellings. This application proposes 520 dwellings, which is increasing the density of development and creating a greater impact on planned infrastructure, both here and nearby.

Requests assurances that a significant number of bungalows be included within the residential element of development.

The proposed density of 35 units per hectare is not appropriate, given that the nearby Darwin Park Estate, which was developed at 31 dwellings per hectare, has proved to be highly problematic.

Request assurances that bin lorries and other vehicles, such as Ambulances and Fire Engines, will be able to safely access and traverse the site and will not be restricted by on street car parking. Lay-bys for buses should be incorporated as should grit bins, which should be provided and paid for by the developer.

The visual impact of the employment site, which will form a primary "gateway" access into the City is of great concern, as the erection of large industrial buildings is unlikely to create high quality built form.

The Neighbourhood Plan determined the need for more employment in the city and of the right nature, e.g. white collar. The industrial units should be more in keeping with retail /customer service and less on automated warehousing, as the latter has fewer white collar opportunities. Suggest that hotel accommodation be incorporated into the proposal.

The route of the to be restored Lichfield and Hatherton Canal should be accommodated and considered at the outline stage, not at the detailed stage, when the matters of density and housing mix area have already been agreed.

Requests assurances and that consideration be given to the following matters:
Noise and light prevention / mitigation for the employment site and during construction works;
Retention of hedges and their improved maintenance (thickness and height);
Flexibility of the employment site to ensure sustainability over time and as local skills develop;
Bat roosts;
Flooding review;
Pedestrian crossings provided to pavements and walkways from the development to Tamworth Road, Cricket Lane and London Road pavements and facilities for pedestrians and cyclists;
Provision of appropriate visibility splays at each end of Cricket Lane, especially the junction with Tamworth Road;
Sufficient space be available to accommodate the canal and improve visibility at the Tamworth Road junction; and
Reduce speed limits and enforce weight restrictions to prevent HGVs from using Cricket Lane to access the employment site (05/09/2018).

Environment Agency- No objection, subject to a condition, requiring that prior to the commencement of development, an as built topographical survey and cross section drawing of the realigned Ash Brook, be submitted and approved by the Local Planning Authority. In addition, all finished floor levels must be set 300mm above the 1 in 100 year plus 30% flood level, whilst a further condition is needed to require the submission of a contaminated land remediation strategy (18/06/2019 & 06/09/2018).

Waste Management- Provides detail of the requirements for the storage and disposal of residential and commercial waste. Notes that there are a number of private drives within the development and unless indemnity is given the Council will not take vehicles onto unadopted roads (29/06/2020, 08/07/2019, 18/06/2019 & 20/08/2018).

Ecology Team- Satisfied with the additional information in relation to an updated Biodiversity Metric. However, as the scheme has been varied and there has been a number of the addendums, it would be useful to have all ecological information, such as ecological appraisals, biodiversity metrics and

protected species surveys in one current document, to ensure that all information is relevant and remains in context with the scheme.

Satisfied with the quantitative data submitted within the Biodiversity Impact Calculator dated 11/06/2020, with such being an accurate depiction of value/s of the habitat currently on the site of proposed development (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the site's current biodiversity value to be viewed as 77.45 Biodiversity Units (BU). Equally agree that the "Biodiversity Impact Calculator" is accurate in describing the likely achievable biodiversity value of the site post development, as 94.16 Biodiversity Units (BU) a net gain of 19.19 BU. As such the development is viewed as likely to provide a 25.5% net-gain (based on the habitat replacement ratio) to Biodiversity Value and so complies with both policy NR3 and the requirements of the Biodiversity and Development SPD.

Such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application, as per the guidance of paragraph 175 of the NPPF 2019.

However, recommends a condition to secure a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) demonstrating a biodiversity net gain across the site to a value of no less than 19.19 'net gain' or totalling 94.16 BU across the whole site. This should be supported by an updated biodiversity metric for the site (24/07/2020).

Previous Comments: Satisfied with the methodology and the information provided within the submitted Ecological Appraisal and Technical Briefing Note: Addendum to Ecological Appraisal. Concur with the conclusions of the appraisal in that it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species. However, adherence by the applicant to all recommendations and methods of working detailed within the Ecological Appraisal and Technical Briefing Note: Addendum to Ecological Appraisal must be made a condition of any future planning approval (05/03/2020).

Notes an error in the previously identified off-site provision in order to achieve a 20% uplift in biodiversity value. This should be 15.83 Biodiversity Units (BU). Rather than seek such a large off-site scheme, advise that it would be preferable to improve the on-site offer, through measures such as improving the on-site management of new habitat areas. Seeks a revised Biodiversity Metric from the applicant to address this point (27/01/2020).

The submitted quantitative data is an accurate depiction of the sites current biodiversity value of 78.36 Biodiversity Units (BU). Agrees that the Biodiversity Impact Assessment, is accurate, in describing the likely achievable biodiversity value of the site post development, as 75.61 Biodiversity Units. On-site Net-loss to Biodiversity Value is contrary to the requirements of the NPPF, Local Plan Policy NR3 and Biodiversity and Development SPD. Additionally, the development fails to achieve a measurable 20% net-gain in BU required by policy NR3.

It is clear however that the applicant has attempted to conduct avoidance of negative impacts, mitigation against negative impacts and compensation for negative impacts via onsite habitat creation or enhancement. However, there still remains a net loss of habitat, as such a Biodiversity Offsetting Scheme will need to be incorporated as part of the development proposal to account for the outstanding Biodiversity Units, which currently stands at 0.59 BU plus the requirement for a 20% habitat replacement ratio, which would equate to 0.708 BU. This could be achieved via planning condition or via commuted sums (24/10/2019).

Object. A biodiversity metric has not been provided for this application and hence, it is unclear if this application will deliver a net loss to biodiversity. The metric must be provided prior to any planning decision being made (02/10/2019).

Object. A biodiversity metric has not been provided for the site and hence it is unclear if this application results in a net loss to biodiversity, this must be provided prior to any planning decision being made.

In addition, updated protected species surveys are required for this site, prior to any planning decision being made. The phase one habitat survey/Preliminary Ecological Appraisal is over 2 years old and the site may have changed ecologically in that time period. Some of the species specific surveys are now out of date, for example great crested newts, bats, badgers, reptiles etc. All surveys as identified in the PEA/phase one habitat survey should be updated (10/07/2019).

Object. Insufficient information has been provided in respect of the impacts of the development on biodiversity, given a biodiversity metric has not been provided for the site. The metric, when provided, must display that the development will not result in a net-loss to biodiversity value and rather must display a net gain, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable net-gain to biodiversity value, is also made a requirement of all developments within the Lichfield District under local policy NR3 of the adopted Lichfield District Local Plan.

Due to the developers requirement to demonstrate both no-net-loss and an achievable and measurable net-gain to biodiversity value, it is required that a quantitative assessment of the sites value (both at present and post development), be undertaken and submitted to the LPA, prior to determination of the application (07/09/2018).

Conservation & Urban Design Manager- No objection. All comments have been addressed and previous concerns about maintaining design quality will be addressed via the design code, which will include references to all pertinent national guidance (26/08/2020).

Previous Comments: Notes that a further revision of the Design and Access Statement has been submitted. This document addresses some of the previous concerns raised, including the reintroduction of reference to Manual for Streets. Remaining concerns relate to the loss of the direct connection to the Lichfield and Hatherton Canal towpath to the north of the site and rather the applicant is proposing to take paths up to the edge of their property. This has the potential to impact on the level of integration of the development into its surrounding area and erode the permeability of the scheme. Requests that references to recently published guidance be referred to in the Design and Access Statement. This should include Building for a Healthy Life and the National Design Guide (05/08/2020).

Requests explanation from the applicant regarding the changes undertaken to the Design and Access Statement, specific to the removal of references to Manual for Streets and changes to references to the canal towpath and to pedestrian and cycle routes (14/07/2020).

Notes that indicative building heights remain identified within the Design & Access Statement.

Suggests the use of a condition to ensure that landscaping details along London Road and between the residential and employment sites be submitted at the same time as other reserved matters details to ensure that when details of future massing of the employment buildings is provided a full assessment of their impact can be undertaken (02/03/2020).

The submitted documentation needs updating, if, as stated, building heights are to be controlled through the reserved matters applications, or planning condition. If a maximum height is to be agreed at this stage, then it needs to reflect previous discussions and be a maximum of 12.5m for the more sensitive areas facing London road and the adjacent residential housing and a maximum of 18m elsewhere. It also needs to be understood that the scale and massing of an 18m commercial building is much greater than that of traditionally designed residential building, with a ridge height of 18m, due to the respective heights of the eaves.

Whilst it is appreciated that the location of the second pedestrian access point, between the employment and residential areas, cannot be fixed at this stage, there should be an undertaking that

such will be provided and that the exact location of this can be decided at a future point. This should not constrain future layouts, while also acknowledging the need for the layout to be guided by good planning and design considerations, as well as occupier requirements and market demand (05/09/2019).

The building height parameter plan still gives 18m as the maximum height. As previously advised, the maximum heights should be more carefully nuanced, to reflect the potential impact of the commercial structures on the rest of the site and the wider area.

As the outline application has all matters reserved, except for access, it is noted that the masterplan and parameter plans are all indicative. However, the following points should be noted:
- There should be more than one pedestrian link from the employment land into the residential land;
- The site's permeability and street hierarchy requires further consideration;
- The areas of different density should be explained. The lower density area is adjacent to both established residential areas and to more open areas;
- Two character areas is insufficient for a development of this scale; and
- The Arts and Craft Light character area has been re-named the Traditional character area. The traditional character area does not appear to have an identifiable character, with the same Edwardian style windows in all the types of houses shown on the indicative streetscene. The houses shown vary widely from cottage style, to townhouse style to modern executive house style.

The same comments apply in relation to the impact on heritage assets, which were provided on 05/09/2018 (09/07/2019).

The commercial element of the scheme is of concern, particularly where it will be visible from London Road and within the residential elements of the site. At present, when travelling northwards along the A38, fields give way to suburban residential development. The area has a human scale and a broadly harmonious appearance. The concern is that the introduction of large commercial units, close to the London Road, will create a jarring visually dominant feature in the landscape.

Only 1 elevation of the proposed industrial unit has any form of relief and that is to the southern elevation that will be visible from London Road. The western elevation will however also be visible from the road and the northern elevation will be visible from within the residential area, as well as from Tamworth Road, so these need redesigning in order to add visual interest. The eastern elevation would only be visible from within the commercial part of the site, so a utilitarian appearance, in this instance, would be acceptable.

The height of unit 4, which is the subject of the full application, is shown at a maximum of 12.5m, which is only slightly higher than a three storey building, which is around 12m. However, the massing is much greater, given the roof design and because the footprint is so much greater than any residential building, with the front elevation facing London Road, being 92m long and the side elevations being 37m long. The building is shown to be located to the front of the site, with limited space for planting. The proposed hedgerow planting along the west and south sides, will not screen the building and the proposed tree and hedge planting on the north side, will only slightly soften the visual impact, but not screen it. Therefore, due to siting, scale, massing and design, the proposed commercial unit will have a significant detrimental effect on this gateway site into Lichfield.

The building height parameter plan shows 18m as the maximum height, which is a concern, as while parts of the commercial area are adjacent to the A38 and therefore well screened by established and mature tree planting, located outside of the application site, aspects of the commercial area and in particular, some of the elevations of the buildings shown on the indicative masterplan, will be highly visible from the residential areas and would have the potential to adversely affect these areas. Therefore, this parameters plan needs to be more carefully nuanced, with the areas that adjoin the residential area, including those closest to the existing dwelling, having a maximum height of 10-12m and the remaining areas could still be up to 18m.

The following points should be noted, with reference to the outline residential element of the development:
- The building heights parameter plans should provide details of maximum heights as well as an indication of the number of the 3 storey properties that will be erected;
- There should be more than one pedestrian link from the employment land into the residential land.
- The site's permeability and street hierarchy requires further consideration;
- Two character areas are insufficient for a development of this scale; and
- The Arts and Crafts character area represents a watered down interpretation of Arts and Crafts architecture leaving Arts and Crafts Light as too plain and generic.

Concurs with the Heritage Statement with reference to the impact on the Cathedral and Knowle Lodge, in that the development will not harm the significance of these designated heritage assets. In terms of the impact on the setting of both Quarry Lodge and Freeford House, it is considered that the proposed development, will have a harmful impact on their setting and that in both cases, this will result in less than substantial harm.

In the case of Quarry Lodge, its original setting was as an isolated building and the proposed development will further erode this, through severing the last link between the building and its original rural setting, resulting in the building being totally surrounded by housing, being subsumed into the suburbs of Lichfield. Page 4 of the Historic England GPA Note 3 states that "*Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it".*

In the case of Freeford House, which was built on the site of a Lepers Hospital, its original setting was remote from any other buildings and this relates to its original function. The proposed development will further erode the remoteness of the setting of this building, so that as well as the C20th housing to the north, it will also have housing to the south.

In accordance with legislation and the NPPF, great weight should be given to any harm caused to a designated heritage asset, but where this is considered to be less than substantial, this can be balanced against any public benefits of the proposed development (05/09/2018).

Environmental Health Team- No objection. The additional information received in regard to air quality is satisfactory (08/05/2021).

Previous Comments: Raises concerns regarding the viability of the commercial units proposed adjacent to Ashbrook House. The agent has proposed noise limits to safeguard the amenity of the occupiers, but what is not clear is whether these units are capable of being operated in the intended manner, whilst complying with these limits. There appears to be little in the way of land to act as a buffer between this property and the commercial units. It's also not clear whether effective noise barriers could be provided as the relative land levels are unknown. Extensive restrictions could be placed on activities on the adjacent commercial land, affecting hours of operation, reversing alarms, loading operations, and material storage. Advises that this issue requires further consideration, prior to the granting of any outline permission (17/07/2020 & 30/07/2019).

Previous Comments: No objection. Control measures in relation to construction noise should be required by way of a suitably worded condition. A detailed noise assessment will be required once the site layout is finalised, and mitigation measures identified and agreed with the Local Planning Authority.

A construction phase dust mitigation scheme should be submitted and agreed in writing with the LPA, prior to the commencement of the development. The assessment of the impacts of construction on local air quality should be undertaken following a risk based approach.

A scheme of lighting should be agreed with the LPA for the proposed commercial units.

The recommendations made in the contaminated land site appraisal reference GRP7128/F.1 should be secured by condition (18/10/2019, 27/06/2019, 21/06/2019 & 08/09/2018).

Housing Manager- The housing mix to be delivered within the development must be in line with Policy H1 of the Local Plan Strategy, where a higher proportion of smaller dwellings are required. In line with the Local Plan Policy H2, 35% of the dwellings within the site should be affordable, with a split of 65% rent and 35% intermediate housing.

Based upon requests made through the Council's Housing Register, it is requested that the affordable dwellings be primarily 2 bed houses, 1 bed flats and 1 bed bungalows.

The aim on all new developments should be to create a mixed and sustainable community and so the affordable housing should be indistinguishable from and integrated amongst homes for sale.

The Design and Access Statement does not stipulate the provision of any properties to Lifetime Homes standards; such is encouraged for all homes delivered on the development, to ensure that the needs of our ageing population are met, both now and in the future (15/07/2020, 09/07/2019 & 10/09/2018).

Spatial Policy and Delivery Team- The amendments to the off-site highway works and canal interaction are supported from a Policy perspective. (18/05/2021)

Previous Comments: Note that no mix is proposed for the employment uses within the revised Design and Access Statement. Such information would be useful to determine how the development would contribute to the District's portfolio of existing and proposed employment sites.

The Council is currently undertaking a review of the Local Plan (2018-2040) and a consultation on the Preferred Options stage is currently underway. As part of this process, an evidence base and a number of documents offering information on the latest market trends, have been produced. The emerging Local Plan and its evidence identifies that there is still a requirement for B1a/b, B1c/B2 and B8 uses in Lichfield District. The Employment Land Availability Assessment advises that this can be delivered through the existing urban and employment areas and committed supply of sites, which is referred to in Strategic Policy OEET1: Our employment and economic development. Local Policy LC1: Lichfield economy, identifies a need for managed workspace style office accommodation as part of a mixed use scheme, although as with the existing Local Plan, this would be subject to a sequential approach being undertaken in relation to office provision (27/01/2020 & 07/01/2020).

Previous Comments: Welcomes the provision of allotments and the pedestrian / cycle connections to the canal towpath, which are now shown on the indicative masterplan (19/06/2019).

No objection. The proposed development forms one of the Strategic Development Areas (SDAs) (South of Lichfield - Cricket Lane) allocated for development as part of Policy Lichfield 6: South of Lichfield, within the adopted Local Plan Strategy. As such, the development of the site for residential and employment use, is clearly established within the adopted Local Plan.

The site lies adjacent to the route of the Lichfield Canal. Whilst the canal route is outside of the application boundary, it is expected that the design of the scheme will reflect this and provide integration with the route as set out in Policy Lichfield: South of Lichfield and the Concept Statement (03/10/2018).

No objection. The proposed development forms one of the Strategic Development Areas (SDAs) (South of Lichfield - Cricket Lane) allocated for development as part of Policy Lichfield 6: South of Lichfield, within the adopted Local Plan Strategy. As such, the development of the site for residential and employment use, is clearly established within the adopted Local Plan.

Core Policy 6: Housing Delivery provides further detail as to where housing will be delivered across the District and identifies 450 homes to the South of Lichfield at Cricket Lane. It is noted that the application is for 520 dwellings. Whilst this is an increase, the figures set out within the Local Plan Strategy are minimums and therefore, offer no objection, subject to the application according with other policies.

Core Policy 7: Employment & Economic Developments sets out that approximately 12 hectares of employment land (B1, B2 & B8) will be provided within the Cricket Lane SDA. The application includes a total 12.78 hectares of employment land and therefore the proposals are supported.

Notes that the applicant is proposing 35% affordable housing on site, with a tenure split of 65% social rent and 35% intermediate. This level of provision consistent with the latest Annual Monitoring Report and is supported.

Policy H1 of the Local Plan Strategy outlines the need in the District to create a balanced housing and promotes the creation of 2 and 3 bedroom properties within the District. This is supported by the evidence in the Southern Staffordshire Housing Needs Study & SHMA Update (2012). As the proposed development is one of the Council's SDAs, the dwelling mix provided must be in conformity with the strategic dwelling mix identified within the Local Plan. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings should be sought, as the detailed design of the scheme progresses.

Policy HSC1: Open Space Standards sets out open space provision required for Strategic Development Allocations and requires that all parts of the development be within a 10 minute walk time of equipped play facilitates and amenity green space. The policy requires new allotment space at a minimum of 1 plot per 32 households. The application currently does not make any reference to allotment provision and therefore further clarification is required. Policy HSC2 requires the SDA's to provide play field facilities and the proposals include the provision of two playing pitches.

The site lies adjacent to the route of the Lichfield Canal. Whilst the canal route is outside of the application boundary, it is expected that the design of the scheme will reflect this and provide integration with the route as set out in Policy Lichfield: South of Lichfield and the Concept Statement.

The opportunity for public art within the scheme is welcomed. Notes that regard should be had to the Lichfield City Neighbourhood Plan (20/09/2018).

Note that the Cricket Lane development is required to integrate the canal route into the adjacent development, although how this will be achieved is not prescribed within policy. Continues to advise that the Lichfield Canal is listed within the CIL Regulation 123 list as infrastructure to be funded in whole or in part by CIL (28/08/2018).

Tree Officer- No objection. Note the revised Arboricultural Impact Statement (Rev D), which identifies the removal of a 4m section of hedge, to deliver a cycleway. This loss was previously identified within an alternate location, but the amount remains unaltered, so no issue in principle with this revision. The loss of existing vegetation, to facilitate the delivery of this development, must be compensated through the future landscaping scheme (02/07/2020).

Previous Comments: The loss of the Category A tree is now considered necessary. However, in order to mitigate for its loss a significant and sustainable landscape scheme will be required, which must wholly be in accordance with the Trees, Landscaping and Development requirement to deliver a minimum 20% canopy cover within the site. It is considered that the current indicative landscaping areas will not achieve this requirement and therefore, whilst there are no arboricultural objections to the application, do not support the proposal until it can be demonstrated that the submission will be policy compliant (05/03/2020).

Object. The revised scheme includes the laying of additional hardstanding to the south of the site, within the employment area, which will require the removal of a Category A tree, which had previously been proposed to be retained. The Council's Trees, Landscaping and Development SPD does not support this loss and the scheme should be amended to retain this feature (20/02/2020).

The buffer planting, albeit generic in its representation, will not, as currently identified, be considered acceptable, if this application moves forward to the detailed stage.

The current site is entirely permeable as far as rainfall goes and therefore the inclusion of SUDs is welcomed. However, locating these features within the playing fields will be difficult and this item will need more explanation.

The spine road details show tree planting proposed within a two metre wide strip. This is unlikely to be large enough for creating a suitable rooting zone, likely resulting in the cycleway, shared surface area's and private garden areas, being affected by roots.

The development will need to provide for the 20% canopy cover figure required by the Trees, Landscaping and Development SPD (14/08/2019).

No objection. After reviewing the amended tree report from June 2019 and the more current changes, previous comments are still germane. However, advises that the buffer planting area, between the employment and residential elements of the scheme, whilst acknowledged to be indicative, would not be considered sufficient, when reserved matters are submitted. In addition, raises concerns regarding the location of the potential SUDs feature within the playing pitch area. Provides guidance on the scale and future design of tree planting along the spine road and throughout the site, where it will be necessary, in due course, to evidence the delivery of 20% tree canopy cover (09/07/2019).

No objection. An arboricultural report by Barton Hyett Associates details the tree cover within the site and illustrates that the majority of existing trees will be retained, whilst further detailed design work will ensure that an appropriate amount of canopy cover is created.

The illustrative landscape masterplan shows substantial numbers of trees within private plots, through green space, POS, near attenuation features and on the industrial site. There is scope to bolster this tree cover, through more planting on the boundary with the A38.

The secondary/tertiary streets and shared surface areas are noted as having trees located within front gardens. Options should be considered for locating these trees within the public realm to ensure their long term retention.

In terms of unit 4 of the industrial site, further larger species trees are required, along the frontage with London Road. In addition, tree planting is also required, to break up the large expanse of car parking to the south of the proposed building (07/09/2018).

Health and Wellbeing Development Manager- No objection. Happy to agree to the conditions as approved by Sports England (10/02/2020).

Previous Comments: Object. Notes that Local Plan Policy HSC2 states that all new SDAs will provide playing field facilities at a minimum of 1.23ha per 1,000 population, including 200sqm for changing and pavilion space and 0.025ha for off street car parking. The submitted Design and Access Statement shows two playing pitches, but no dimensions and there is no evidence regarding the provision of changing and pavilion space or parking. Therefore, requests that further information and clarification be included within the application, to secure and evidence delivery of the above noted minimum requirements (23/08/2018).

Economic Development- The Council's Business Data and Analysis Study contains data to demonstrate that between 2008-2016 the amount of office floor space created has increased and, the amount of industrial and storage and distribution floor space decreased.

The current logistics/warehouse supply surrounding Lichfield City is primarily concentrated along the A38, with development occurring at Fradley Park, through the Wellington Trilogy (50,000 sq ft, 60,000 sq ft and 70,000 sq ft industrial units) and the outline application for the final site on Prologis Park, Fradley. Further down the A38, two industrial units (117,000 sq ft and 48,000 sq ft) have been built on Liberty Park. The supply of units for logistics/warehouse purposes surrounding Lichfield City could therefore be seen as having been met for current and future demand, with similar units being built in close proximity at Cricket Lane, developing a potential oversupply.

Office floor space should therefore be considered for the Cricket Lane site, given such is growing across all geographical scales, whilst there is a decline in take up of larger industrial units nationally. A more balanced mix of office and industrial use, or predominantly office floor space should be considered at Cricket Lane, especially due to its location near a growing, highly residential setting. Logistics/warehouse units should be steered towards our key development sites, where these commercial uses dominate the landscape (09/01/2020).

Previous Comments: Welcomes the additional information and adjustments that have been made to the application (27/06/2019).

The employment uses proposed within the site are likely to generate approximately 500,000 sq ft of floor space, within a highly attractive location with excellent links to the A38, A5 and M6 Toll.

The site is likely to realise 844 jobs, which will feed into the Local Plan requirement to create between 7,310 and 9,000 additional jobs by 2029. It is hoped that the development will, once occupied, offer apprenticeships, facilitating the upskilling of local residents. The unit applied for in full, is considered likely to offer circa 70 jobs.

Raises a concern regarding the siting and scale of the unit applied for in full, given its proximity to the proposed dwellings and potential to impact upon the amenity of existing and future residents. Therefore recommend that the height of the building be reduced and consideration be given to working practices within the unit (23/08/2018).

Staffordshire Fire & Rescue Service- No objection. Provides advice regarding suitable design for fire management (25/06/2020 & 18/06/2019).

Police Architectural Liaison Officer- No objection. Provides advice to design out crime and advises that particular attention must be paid to ensuring that Pedestrian/Cycle Links and Public Open Space are designed appropriately, including being well overlooked. Those plots with side and rear boundaries to footpaths and open land must be secure (15/07/2020, 05/07/2019 & 05.09.2018).

Cannock Chase AONB Unit- No objection. The development would not give rise to direct landscape or visual effects on the AONB or its setting. Requests consideration be given to securing s106 or CIL funding towards mitigating for the impacts of future residents use of the AONB (02/07/2019).

Previous Comments: No objection. Notes that the development will have no direct visual impact on the AONB (16/08/2018).

Natural England- No objection (22/07/2019).

Previous Comments: No objection. Based on the Competent Authorities submitted Appropriate Assessment, it is considered that the development will not have an adverse impact, through recreational use, upon the Cannock Chase SAC. In addition, raises no objection regarding potential impact upon the Cannock Chase SSSI.

Advises that the LPA have regard to soil and land quality considerations, along with impact upon protected species (01/11/2018).

Object. Require the submission of an HRA Phase 2 Appropriate Assessment to determine the recreational impact of the development upon the Cannock Chase SAC. Offers no objection to potential impact upon the River Mease SAC.

Advice provided specific to the landscape impact, best and most versatile agricultural land, protected species, priority habitats and species, woodland and environmental enhancements (13/09/2018).

Cadent Gas Limited- No objection. Requests a note to applicant be added to any positive decision to advise the applicant that there may be operational gas apparatus, which runs through the site (15/07/2019).

Previous Comments: Notes that low or medium pressure gas pipelines within the vicinity of the site and therefore requests that no further action be taken with the application until future comment is made (14/02/2020, 12/07/2019 & 23/08/2018).

Severn Trent Water- No objection, subject to a condition requiring that prior to the commencement of development, details of a foul and surface water drainage scheme, be submitted and approved in writing, by the Local Planning Authority. In addition note that there may be a public sewer within the site and advise the applicant accordingly of the protection afforded to such (07/07/2020 & 28/08/2018).

National Grid- No objection (05/03/2020 & 30/12/2019).

Inland Waterways Association- The cycle and pedestrian route over the new canal bridge needs to align on the bridge, the canal channel between the bridge and lock 23 needs to be enlarged and lock details require amending. The provision of a new cycle bridge to the west of London Road canal bridge is acceptable in principle provided it does not restrict the canal channel. The proposed condition relating to offsite works refers to a superseded plan. Queries if an updated committee report is being prepared. (15/10/2021)

Previous comment: No objection. Confirmation has been received from Persimmon that the required minimum canal channel and towpath width will be provided under the canal bridge and subject to an appropriate condition requiring final approval at detailed bridge design stage in consultation with LHRCT the IWA is now satisfied on this point. In relation to the towpath connection this can be covered by condition at Reserve Matters stage. (07/09/2021).

Previous comment: To be added to response of 12 June 2021. No objections to revisions to canal bridge and associated indicative canal works on drawing 03589-A-0015-P1 (Tamworth Road Revised Junction Layout Option B) which shortens the canal culvert on the eastern side and realigns the south eastern corner wing wall to keep it within the highway boundary. The adjacent land is owned by Lichfield City Council and leased to LHCRT for the canal works and there should be no problem agreeing access to construction of the wing wall.

There is a minimum width required for the canal and towpath under the bridge of 3 metres (waterway) and 2 metre towpath which appears less in the cross section. It is undesirable to reduce these widths particularly as the canal channel width needs to be wider than the local to enable boats to manoeuvre into/out of the lock. IWA requests details of the exact internal width dimensions of the canal culvert to ensure these meet minimum navigation and public access requirements.

Further detailed construction drawings will be required in due course and determined in consultation to LHCRT and a condition should be attached to any planning consent. (06/08/2021)

Previous comments: No objection. The applicant has accepted the need for provision of the canal bridge (culvert), concurrent with the road works and their obligation to fund and deliver this, in accordance with the Lichfield Local Plan and Infrastructure Delivery Plan. Such should be secured via the use of a planning condition.

The Letter to you from LHCRT (dated 06/06/2021) explains how this satisfactory outcome has been achieved, through constructive discussions with Persimmon in the time allowed following postponement of the application from the Planning Committee meeting of 8 March 2021.

Notes LHCRT request for minor detail changes to the submitted drawings, which can be achieved through further discussion and can be addressed via condition.

Notes that there remains one point outstanding from the response of 03/03/2020 about the location of the towpath connection near Lock 25, which Persimmon has not yet addressed. This could be considered an issue of access, which is part of the Outline application. Therefore, it would be preferable for this to be addressed now. When final plans for the canal bridge are agreed, further consideration may be needed about the exact location of another indicated towpath access point in that vicinity. Therefore, IWA will be content for all the details of the pedestrian/cycle points of connectivity with the canal, and the integration with the open space and green infrastructure network as required by the Local Plan, to be covered by a condition under Reserved Matters (12/06/2021).

Previous Comments: Objection. Pleased to see planned canal infrastructure on both sides of the canal bridge including replacement lock 24, towpath ramps to east and wet and realignment of the existing 'big pipe' land drain. The proposal indicates that Cricket Lane will be raised by approximately 400mm under the bridge and ducting included for diverted services above the bridge.

IWA content that the delivery of the canal bridge and road junction improvements are compatible subject to design details. Therefore objections to the dimensions and bridge design are now resolved.

However objections remain in relation to uncertainty and deliverability of the road bridge at the same time as the road improvements until a commitment from the applicant to do so or a specific condition is included. Delivery of the bridge separately to the road works should be secured at outline stage.

IWA's view is that the funding of the bridge should be via S106 and CIL (as expected) and if via a S278 agreement the principle of the provision 'should be a clear requirement if the Outline consent and the work is fully funded'. 'Other outstanding matters including integration of the canal with the on-site open space infrastructure and pedestrian/cycle connectivity can be covered by Reserved Matters.' (31/05/2021)

Previous Comments: Object. Note the amendments, which do not incorporate the changes previously requested to the Indicative Pedestrian/Cycle Connectivity, or the Indicative Canal Bridge drawing in the Design & Access Statement, or the principle of developer funding for the canal bridge and associated works. Therefore, objections remain as previously stated (25/06/2020).

Object. The IWA's definitive responses previously provided on 07/09/2018 and 15/07/2019 and these comments solely relate to the latest amendments. Notes the alterations to the Masterplan, requesting the felling of trees along the northern boundary of the canal, which is supported. However disappointed that the amendment required to the middle of the 3 indicative connections to the canal towpath have not been made.

Suggests that the Lichfield & Hatherton Canal Restoration Trust provide comment on the FRA conclusion that surface water could be drained into the canal.

Requests that the Canal bridge drawing provided within the Design and Access Statement be updated to reflect the latest information supplied by the LHCRT to Persimmon. The provision of the bridge is necessary at an early stage within the development to avoid future access disruption. Therefore it is essential that the issue of its funding through either s106 or CIL is addressed and received at this outline stage of the application process. Notes that their response dated 07/09/2018 addresses the planning policy and Infrastructure Delivery Plan requirements for funding (03/03/2020).

Object. The application conflicts with the requirements of the Development Plan, as it fails to provide for a new road bridge over the Lichfield Canal, or integrate the canal within a wider open space and green infrastructure network, with sustainable transport, biodiversity, historic environment and sustainable drainage benefits. Whilst some of these requirements can be covered by Reserved Matters, it is imperative that the principle of the canal bridge provision is a clear requirement of any Outline consent.

Requests regard be had to previous comment dated 07/09/2018 and these additional comments should be read in conjunction with that response.

The Indicative Masterplan Rev: H shows potential pedestrian/cycle connections to the canal towpath at 2 additional locations; near Cricket Lane and towards the A38. However, the connection originally indicated on the Access & Movement Parameter Plan has been moved from the protruding 'triangle' of land, which provides a disabled access, below canal lock 25, to a position further west, where there is a retaining wall and a significant difference in levels between the application site and the canal towpath. It should be moved back to the 'triangle', the existence of which should be more clearly recognised on the plans, and drawings provided in conjunction with the Lichfield & Hatherton Canal Restoration Trust (LHCRT), showing how access can be provided at each of these locations.

Notes that in response to previous comments, that at the proposed Cricket Lane junction with Tamworth Road, the footpath on the western side has been relocated to better allow for the necessary canal bridge. However, the indicative plan showing a box culvert has no dimensions, does not allow for the canal channel being wider outside the culvert, and does not show the location of replacement Lock 24 to the west of the crossing or allow for the necessary alignment of the bridge culvert with the lock approach channel.

Furthermore, there is still no commitment to provide or fund the bridge as part of the application, and the draft S106 Heads of Terms specifically excludes any contribution to the canal infrastructure, except indirectly through CIL receipts.

This view appears to be based on a legally flawed interpretation that the generalised provision for the canal in the CIL list somehow overrides the specific requirements of the Infrastructure Delivery Plan (IDP) and the Local Plan that the provision of the road-bridge and channel works should be funded by the developer through the S106. As the Outline application includes means of access, it is essential that this matter is addressed, at least in principle, at this stage and not deferred to the Reserved Matters stage (15/07/2019).

Object. Restoration of the Lichfield Canal is supported and its route protected in the Local Plan Strategy, the IDP and by Policy IP2 in the Allocations Document. The IDP infrastructure requirement for Cricket Lane SDA includes *"works to include the provision of a new road bridge over the lowered canal channel and any further necessary works to facilitate its integration with a wider open space and green infrastructure network*", to be funded through s106 and CIL, by the developer, working with the Trust.

The formation of vehicular accesses from Cricket Lane will increase traffic at the junction with Tamworth Road. This will prevent reinstating the canal on its original level at this point (a hump back bridge not being suitable), which might have otherwise have been possible should Cricket Lane have been closed to vehicular traffic at this point and rather pedestrian and cycle access being solely offered. The development of the site, as currently proposed, would therefore require the lowering of the level of the canal from the existing Lock 24, through to the new lock, west of Cricket Lane and to provide a new road bridge over the lowered canal channel. The applicant should provide the design solution and pay for delivery of the canal in this location, in order to comply with the requirements of the IDP.

Notes that the present proposals for highway and footpath improvements to the Cricket Lane / Tamworth Road junction, do not include the necessary canal bridge and are therefore not acceptable. As this application includes means of access, it is essential that this matter is addressed at this stage.

The application should therefore be amended to include the essential infrastructure to provide both a navigable channel for boats and a towpath for pedestrians, as an integral part of the scheme, the minimum dimensions of which, should be 3.0m canal width, 2.0m towpath width, 1.5m water depth and 2.5m air draught.

Notes that Local Plan Allocations Document Policy IP2 also requires that development adjacent to the canal be sensitively designed and include the route as part of the open space network, consider opportunities for sustainable transport, enhanced biodiversity, enhancement of the historic environment and as part of sustainable drainage provision. The submitted documentation shows no significant attempt to meet these requirements. For instance, a possible pedestrian access point is shown adjacent to Lock 25. At this point the road layout is apparently in conflict with the small triangle of land that provides a disabled access ramp at the tail of the lock. Although this area is shown within the site boundary, there is no indication of how it can be retained and integrated with the proposed footpath. In general a narrow green strip is shown between the nearby dwellings and the canal, along this northern boundary, with the majority of the open space provision proposed adjacent to the A38. Requests that the housing be relocated further away from the canal in order to provide a more usable public recreation facility better integrated with the towpath trail. This could be achieved by relocating some of the open space provision or by reducing the number of dwellings within the site.

The Heritage Towpath trail will provide a sustainable transport link for the site and the developer should work with the Trust to fund its further restoration of the canal corridor, adjacent to the site and westwards towards London Road. The developer should also consider the potential for the canal to contribute to the site's sustainable surface water drainage, particularly to those areas at a higher level than the canal, such as adjacent to the A38 (07/09/2018).

Canal & River Trust- No comment (08/07/2019, 27/06/2019 & 20/08/2018).

Lichfield & Hatherton Canal Restoration Trust- No objection. Confirms that 'Persimmon and LHCRT are working with the other interested parties on an integrated solution for the provision of the highway improvements required as a result of the Cricket Lane SDA development, together with the canal restoration and the bridge over Cricket Lane.

Expects that conditions will be attached including the requirement for funding the canal bridge and the Trust remains willing to work closely with the applicant in the design of the bridge. The Trust requests a condition which requires its sign off to the details of the bridge design in order to ensure the canal is protected in accordance with the adopted Local Plan. (11/08/2021)

Previous comments: No objection. The letter on behalf of Persimmon and St Modwen dated 02/06/2021 addresses previous concerns. The letter states with regard to technical matters that revised drawings will be submitted in which *"all the proposed works (which includes the canal culvert works) fall in land which is adopted highway: this is to ensure that all the works can be delivered and funded through a Section 278 Agreement".* In the event that the revised drawings are not submitted in advance of consideration of the planning application, Persimmon propose a condition be applied in which plan 03589-A-0012-P5 or such other revised drawing are required to be agreed between the Applicants and LHCRT. With regard to legal/financial matters Persimmon confirm *"For the avoidance of doubt, the works to Cricket Lane/Tamworth Road Junction (including the canal culvert works) will be funded by the Applicants through a Section 278 Agreement".* Notes that there is satisfactory connectivity and integration between the canal and development between Cricket Lane and the A38 boundary (06/06/2021).

Previous Comments: Object. Persimmon, LHCRT, Staffordshire County Council (SCC) and Lichfield City Council (LCC) have been working together to provide an integrated solution for the provision of the highway improvements, required as a result of the Cricket Lane SDA development, together with the canal restoration and bridge. A solution for the road improvement and canal-bridge has been developed and is generally satisfactory, subject to final adjustments.

One problem that has arisen is that the canal bridge supporting structures on the current PJA plan would require highway adopted structures to be located outside of the current highway boundary and on land in the ownership of LCC. This would require LCC to sell land to SCC. Whilst LCC are willing to sell the land if necessary, they have advised of the legal requirements required, which include public consultation prior to the disposal of land. All parties are agreed that it would be better to avoid this situation and as a result, minor modification to the design of the bridge is currently under consideration. Requests that this technical issue be resolved and agreed before the planning application is returned to Planning Committee for further consideration.

In addition to the resolution of technical matters, it is also in the interests of all parties to have a common understanding and agreement on the mechanism for the funding/provision of the bridge. It remains unclear currently as to whether such agreement can be reached. As indicated in the planning report, provision for the bridge under a Section 106 Agreement or by other means was not made. This potentially leads to a repeat of the Deanslade Park / Claypit Lane debate. The planning report makes clear that the Council believes that its decision in the case of Claypit is correct. LHCRT provided specialist legal Counsel's opinion to the contrary. This opposing view was not tested in Judicial Review because, for reasons which are confidential, LHCRT trustees decided that other considerations over-ruled their duty to pursue legal action. Those conditions do not apply in this case.

In response to the planning report for Cricket Lane, IWA submitted a detailed response to planning report section 11 on 02/03/2021. LHCRT also submitted a detailed response on 04/03/2021 but assumed that there would be insufficient time for the Council to give proper and mature consideration of the legal/planning issues. It was for this reason that it was requested the application be deferred, in order that the Council could have time to properly consider the points raised and obtain legal opinion as necessary.

In between receipt of the IWA and LHCRT responses and the issuing of the Planning Supplementary Report, the Council is assumed to have given these proper consideration, because the Planning Supplementary Report states that in respect of the original planning report, "*all legal matters have been addressed".* However the deferment has given the opportunity for the Council to further reflect on its position and it is hoped that such has occurred.

Persimmon appear willing to contribute, but are not currently committed to providing the full cost of or the direct delivery of the bridge. It would be helpful if the Council could confirm its own position of what is required in accordance with the Statutory Local Plan and its underpinning documents SDA and IDP.

Whilst on the basis of discussions, it is hoped that the legal situation can be resolved, this is not formally confirmed at this time. On this basis whilst the positive collaboration of all parties is welcomed, it is necessary to maintain the current LHCRT objection on a hopefully interim basis (01/06/2021).

Object. Following on from the successful collaboration on St Johns development, Persimmon and LHCRT agreed to work together to develop designs for the required Cricket Lane Bridge, its adjacent canal structures and the interface between canal and development. The issue of whether the canal bridge is funded by Persimmon direct, built by Persimmon, through council funding, LHCRT funding or any combination was parked by agreement. Agreed however that the complete and agreed designs will enable construction costs to be determined.

For the avoidance of doubt LHCRT believes that LDC adopted planning policy requires the funding to be provided by developer and we have had this debate with the council in the past. The latest information submitted by Persimmon in the Design and Access Statement indicates that they are not expecting to build the bridge, nor I assume fund its construction. LHCRT will continue to object to the granting of planning consent if funding is not resolved in accordance with our reading of planning policy, as confirmed by legal advice obtained in respect of the Deans Slade development. Failure to agree on financial matters does not prevent Persimmon and LHCRT from working together and agreeing on technical issues and design.

Notes that LDC planning policy refers to *"the provision of a new road bridge over the lowered canal channel and any further necessary canal channel works".* Drawing BIR 3962 43C, details only the bridge location. It does not consider the road levels, cover between road and bridge structure or whether the road longfalls over the bridge and to the junction are compliant with highways standards, such that highway consents can be given by Staffordshire County Council. Currently, it is considered by the Trust that there are significant space constraints, notably with regard to the proximity of the electricity substation. Also need to ensure that there is space to fit all of the utility services which cross the line of proposed bridge (09/03/2020).

Object. The Trust continue to work with the applicant in respect of integrating the development with the canal in regard to the canal boundary treatment, including landscaping, access points linking the development's footpath with the tow path and the Cricket Lane bridge. These discussions are broadly demonstrated in the recently updated documents.

The applicant has shared a detailed plan with the Trust, showing the reworked Cricket Lane improvements, at the junction with Tamworth Road, as required by the Transport Assessment. The plan shows how the road could be reworked safeguarding the route of the canal, whereas such is not clearly demonstrated on the submitted Masterplan. Such a plan also needs to include details of the relocated pedestrian crossing on Tamworth Road, which should be moved closer to Cricket Lane to allow for the construction of new Lock 24.

Happy to continue discussions regarding the use of the canal as part of the surface water drainage scheme for the development, as detailed within the Flood Risk Assessment.

The Trust contend that the bridge and highway improvement works cannot be deliver exclusive of one another, due to disruption to future residents and rather are of the opinion that the applicant should fund this infrastructure via the s106 agreement. Therefore the objections previously raised within correspondence dated 26/09/18 and 11/07/19 remain pertinent (04/03/2020).

Object. Pleased to note that new information has been submitted with the application, which acknowledges the requirement for a canal bridge. Also note plans have been submitted indicating pedestrian access routes from the footpaths within the residential development area to the Heritage Towpath Trail, which runs beside the canal on the southern side.

The present drawing 467156 acknowledges that further work is necessary to ensure the bridge will achieve the correct levels for the canal channel and the air-draught above canal water level. Will liaise with the applicant to provide the information they need.

Objection remains until the applicant has submitted further drawings showing an acceptable crossing for the canal and towpath under Cricket Lane and has confirmed that these works will be funded by the applicant (11/07/2019).

Notes that the line of the, to be restored Lichfield & Hatherton Canal, passes through the 3 south of Lichfield SDA sites. The line of the canal is protected by the Local Plan, which seeks the delivery of new and enhanced infrastructure as part of these developments. The Infrastructure to be delivered and how it will be funded is identified within the Council's Infrastructure Delivery Plan. The Cricket Lane SDA identifies a requirement for a canal bridge to be provided at Cricket Lane.

The Council has secured the provision of a canal crossing within the St Johns SDA by the developer and proactive discussions continue to deliver this structure.

Despite requests from the Trust, Taylor Wimpey, the developer of the Dean Slade SDA, have refused to discuss the Claypit Lane canal-bridge and integration of the canal with the development, prior to the granting of planning permission. Despite the requirements of the IDP, the Council has failed to require Taylor Wimpey to provide the Claypit Lane canal bridge or fund it through the s106 agreement. This has led to legal opinions being sought and a delay in the issuing of the decision. Despite this legal

advice, the Council has now approved the Deanslade development, without securing the Claypit Lane canal bridge. This will lead to major disruption for future residents, adverse traffic disruption and increased costs when the bridge is delivered in the future. The Trust is considering judicial review of this decision.

The current Cricket Lane application, fails to make reference to the delivery of the canal bridge and as a consequence, the Trust has objected to the application. Persimmon Homes have subsequently engaged with the Trust in order to integrate the development and canal along the full northern extent of the site. The intention is to continue with these discussions to ensure the delivery of high quality public space and footpath cycle connectivity.

Persimmon Homes have accepted that it is their responsibility to demonstrate that the highway improvement works to be undertaken at the junction of Cricket Lane and Tamworth Road, required in order to mitigate the impact of this development, can be delivered without impacting upon the delivery of the canal bridge. To this end, Persimmon have proposed to provide a long section drawing, which incorporates the canal bridge and the section of Cricket lane to the junction, which will require bridge data from the Trust.

Persimmon advises that they are monitoring the situation at Dean Slade Farm and would expect their application to be dealt with similarly. It is noted that the Council maintain that the proposed bridges are not located within the SDA allocations and therefore do not need to be secured under the requirements of the planning application. This approach is incorrect, as the western abutment of the canal bridges, at both locations, cannot be sited solely within the highway boundary for reasons of clearance for traffic and visibility. This part of each bridge will be located within the SDA boundary.

Notwithstanding the above, it is the Trust's opinion that there are differences between the Dean Slade site and Cricket Lane and therefore they should be treated differently in terms of delivery of the canal bridge.

Background information specific to the Cricket Lane Bridge is supplied, which demonstrates that historically, a humpback bridge was in evidence adjacent to the Cricket Lane, Tamworth Road junction. Following closure of the canal in the 1960's, the bridge was removed and road levelled out. The 2009 Lichfield Canal Restoration Feasibility Study identifies that in order for the canal to pass through Cricket Lane, the road will have to be raised and a bridge reinstated. This will need to be achieved through the lowering of the canal from original levels to allow for a shallower bridge design profile. It is beholden on the applicant however to undertake this design process, in order to demonstrate that the junction works proposed as part of their development, can be delivered without impacting upon the delivery of the canal bridge. It is noted however that the submitted plan shows that suitable visibility splays can be delivered at the junction without conflict with the restored canal.

The above noted Study advised that the Claypit Lane bridge could be created without the need to raise the existing road. However there is concern that the proximity of the Claypit Lane junction to the new access roundabout for Deanslade will be insufficient to secure, with the proposed bridge in situ, suitable visibility splays. Subsequently a plan to demonstrate that appropriate splays can be provided has been submitted.

Notes that there are several utility services that run beneath the road and footpath at Cricket Lane that will need to be integrated within the design of the bridge. The undertaking of such will add considerable time to the erection of this feature.

Whilst there are no utilities indicated on Claypit Lane, it is felt that South Staffs Water will introduce a water supply into the Dean Slade site through this area. This pipe will have to be diverted when the bridge is formed, which will have impacts upon the delivery timeframe.

The Traffic Assessment submitted with this application demonstrates a significant traffic uplift to the Cricket lane / Tamworth Road junction, which will impact on the future likelihood of the Highway

Authority permitting the closure of the junction to allow for the creation of the canal bridge. This concern is also equally applicable to the Claypit Lane bridge (16/04/2019).

Object. The application fails to make provision for the, to be restored Lichfield Canal, as it passes under Cricket Lane. As required by the IDP, it is necessary for the Council to secure the delivery of this bridge. Should the applicant not deliver the bridge, it will fall to the Council to fund and provide such.

Should the bridge have to be constructed at a later stage during the development, during or post development, this will have a major impact on the road network, limiting access into the application site.

Whilst productive meetings with the applicant, Permission Homes, are ongoing for the St Johns development, no approach has been made by them to the Trust for this application, regarding the integration of the canal within the scheme, or the delivery of the canal bridge and the impact of the highway improvement works at the Cricket Lane / Tamworth Road junction, on the delivery of such. Both are a requirement of the Local Plan, along with securing funding via the s106 agreement to pay for the new bridge.

It is noted that a similar discussion arose during consideration of the Dean Slade application, where despite the Trust identifying the requirement for the Fosseway Lane canal bridge to be taken into account within the development's design, was recently given planning permission. The approved development has major negative impacts on the construction of the bridge and should such not be capable of construction, prior to completion of the development, there will be a major impact on residents of the housing scheme and traffic on Birmingham Road, as the Fosseway Lane access is closed for an extended period, during bridge construction works.

Irrespective of who funds the Cricket Lane canal bridge, the submitted Transport Assessment confirms the current problematic design of the Cricket Lane junction and the need for improvements to mitigate for an increased in usage, as a consequence of this development. The design as submitted however, whilst showing appropriate visibility splays, fails to take into account future canal bridge walls or structures, which are likely to impact upon such splays. The drawing also shows new footpaths to the west, which if constricted would lead to a need for significantly increased bridge width with associated uplifts in construction costs and the creation of an unnecessary tunnel effect. The development therefore fails to integrate the proposed roads and footpaths with the existing canal towpath (26/09/2018).

Staffordshire County Council (Planning)- No objection (15/08/2018).

Staffordshire Historic Environment Officer (Archaeology)- No objection, subject to a condition requiring that prior to the commencement of development, a written scheme of archaeological investigation be submitted to and approved in writing by the Local Planning Authority (17/02/2020).

Staffordshire County Council (School Organisation)- A development of 520 dwellings (excluding the 118 affordable homes from secondary and sixth form considerations) will generate 164 primary school, 90 secondary school and 18 6th form pupils.

A new 2FE (420 places) primary school is to be delivered on the South of Shortbutts Lane site, which will accommodate the primary school pupils. The proportionate cost from this development for facilitating the delivery of such is £2,743,502. Secondary school contributions will be sought via CIL. The sum identified is based upon May 2018 data, which may be updated prior to the signing of the s106 agreement (29/06/2020, 08/07/2019, 26/06/2019 & 05/09/2018).

Staffordshire County Council (Flood Risk Officer)- No objection. With regard to the previously raised issue relating to the existence of drainage between Ashbrook House and the watercourse, acknowledge that there is disagreement between the two parties, with the applicant stating that no connection between Ashbrook House and the watercourse was found when surveyed, but the homeowner stating that notwithstanding the survey, a connection does exist. The applicants have

suggested that if a connection is subsequently found then it will be appropriately dealt with. This is a reasonable way forward, which is recommended to be secured by condition. In addition, recommend a further condition to secure details of suitable temporary surface water drainage details, for during the course of construction works (12/02/2021).

Previous Comments: The position of the existing watercourse in relation to land ownership boundaries, and any riparian rights arising from this, is a private matter between the two concerned parties.

The issue of the watercourse diversion adversely affecting existing drainage from Ashbrook House requires further detail to demonstrate that such will not be detrimental to the site's drainage and any existing connections.

Raise concerns over the potential impact on biodiversity as a result of the proposed watercourse diversion, although acknowledge that such is not within their remit (19/01/2021).

Object. The Land Drainage Act section 23 part 1a states that *"No person shall erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction without the consent in writing of the drainage board concerned".* Given that there is a sluice on the watercourse adjacent to Ashbrook House, any alteration to the sluice will need the Flood Team's permission.

If any existing drainage is connected to the section of watercourse for which a diversion is proposed, then the diversion may adversely affect the existing drainage and therefore increase flood risk to third parties.

Upon further review of the proposals in relation to existing services, it is noted that a dual foul rising main is shown as crossing the site from west to east near Ashbrook House. Request that further evidence is provided to demonstrate that this will be accommodated with a suitable easement or appropriately diverted (16/12/2020).

Object. Residents are claiming Riparian rights to the watercourse located adjacent to their property. Riparian rights state *"water should flow onto or under your land in its natural quantity and quality*". As a statutory consultee, will not accept any proposal that removes rights, so in this case the resident has a right to the watercourse and therefore will not accept any proposal that would seek to remove that right. This is however more of a legal issue to be resolved by the two parties (02/10/2020).

Object. The proposal to re-route the Ash Brook from its current location, where residents at Ashbrook House have riparian rights in relation of this watercourse, to a location further south away from their land, should be satisfactorily resolved, prior to the issuing of any decision (21/08/2020).

No objection, subject to a condition requiring that prior to the commencement of development, a suitable surface water drainage scheme be submitted to and approved in writing by the Local Planning Authority (23/07/2020, 23/07/2019 & 07/09/2018).

Staffordshire County Council (Highways)- No objection, subject to conditions and completion of a S106 for planning obligations. Highways England have responded separately in relation to the strategic highway network. The following conditions are recommended or secured via a S106 legal agreement:

- Submission of and approval of a Construction Environmental Management Plan (CEMP) and compliance throughout the duration of the construction programme.
- No occupation of any dwelling until such time as its driveway is surfaced in a bound material and sustainably drained.
- Estate roads to be designed to adoptable highway standards with details to be approved prior to commencement of any phase.

- No dwelling to be occupied until such time as the roads connecting the dwelling to the highway have been constructed and surfaced to at least base course level. Secure cycle parking to be provided prior to first occupation.
- The proposed car parking, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material and marked out prior to first occupation of any non-residential use.
- Notwithstanding the submitted plan a Master Plan to include a Design Code for the residential area shall be submitted and approved. To include movement framework, connection for all modes, street layout to incorporate measures to restrain vehicle speeds to 20mph, parking strategy and development phasing.
- Prior to commencement of development a timetable for the provision/improvement of on-site linkages to footpaths and cycleways shall be submitted to and approved by the Local Planning Authority.
- Joint survey to be undertaken with the Highway Authority of the public highway adjacent to the site access to agree schedule of dilapidations.
- A scheme of highway improvements at A38/A5148/London Road Swinfen junction in broad accordance with drawing Tr-0001 Rev P3 to be agreed.
- Off-site highway works in accordance with agreed plans.
- Servicing and parking areas for the employment land to be provided before first use of any building.

S106 obligations to secure the following:

- Bus service as set out below.
- Travel Plan with monitoring fee of £7,000
- Feasibility study relating to the improvement of Quarry Hills Lane of £5,000
- A yet to be determined sum for the provision of a stand-alone structure to be built adjacent to the existing London Road canal bridge to provide safe and suitable off-site highway connectivity for pedestrians and cyclists.

Also informatives, as set out in the detailed Highway Officer's response. (03/10/2021)

Previous Comment: No objection. Recommends that the developer enters into a Section 106 Agreement to secure the following:

- a bus service to run (unless otherwise agreed between the County Council and the Owner) every 15 minutes on Mondays to Saturdays inclusive (excluding Bank Holidays), between the hours of 0700 and 1900, and every 30 minutes on Sundays between the hours of 0800 and 1800, to access and egress the Site and linking the Site with Lichfield City Centre and railway stations, the details of the route to be agreed between the Owner and the County Council prior to first occupation of the Development; and
- Travel Plan and associated monitoring fee of £7,000.

A number of conditions are recommended, requiring the submission and approval, prior to the commencement of development, of a Construction Management Plan (CMP), no dwelling to be occupied until the associated driveway has been surfaced in a bound material and sustainably drained, the estate roads to be designed to a standard that will be adoptable, as highway maintainable at public expense, no dwelling to be occupied until such time as the roads connecting it to the highway have been constructed and surfaced to at least base course level and before the construction of any buildings within any relevant phase of the development, a scheme for the provision of secure cycle parking for each building to be approved and thereafter installed.

Further conditions are recommended specific to the proposed car parking, servicing and circulation areas to be sustainably drained, hard surfaced in a bound material, (lit) and marked out prior to the first occupation of any non-residential use. In addition, notwithstanding the submitted plan, prior to the submission of any reserved matters, a Master Plan shall be agreed, which shall include details of;

- Movement Framework;
- Connections to the surrounding area for all modes;
- Connection through the site for all modes;
- Street layout and character including measures to restrain the speeds of vehicles to 20mph;

- Parking strategy around the school and community uses including the provision of secure cycle parking facilities for all uses on the site; and
- Development phasing.

Also, require details of a Pedestrian and Cyclist Connectivity Scheme, including a timetable for the provision/improvement of linkages to footpaths, footways and cycleways adjacent to that phase. The off-site highway improvements (including those at Swinfen Island) shall be built broadly in accordance with the submitted drawings and shall be constructed to a suitable standard, prior to any part of the development being occupied (12/02/2021).

Previous Comments: No objection. Advises that the likely levels of traffic generation and its distribution onto the highway network is agreed. The development is to deliver off-site highways improvement works, which are to be secured via s106 agreement, for the following:

- A5206 London Road / Cricket Lane / Knowle Lane Priority Junction by signalising it.
- A scheme to improve safety at the A51 Tamworth Road / Cricket Lane / Quarry Hills Lane Priority Junctions, including
- Extending the 30mph speed limit to the east by around 500m;
- A gateway feature to demarcate the start of the 30mph zone;
- Narrowing the carriageway through the junction to 6.5m to encourage slower traffic speeds;
- Building out the Cricket Lane and Quarry Hills Lane arms to improve visibility;
- Cutting back of vegetation within the visibility splay (within land maintainable at the public expense);
- Providing a widened footway through the narrowed section of carriageway;
- Building out the eastern side of the Cricket Lane arm to encourage slower entry speeds;
- Introducing a controlled crossing facility on Tamworth Road to the west of Cricket Lane.

Notes that further s106 contributions will be required to ensure the monitoring of the submitted Travel Plan along with Public Transport provision.

Conditions are requested requiring the submission and approval, prior to the commencement of development, of a Construction Vehicle Management Plan, details of cycle parking for each dwelling and a Pedestrian and Cycle Connectivity Scheme, which is to include a timetable for the provision / improvement of linkages to footpaths, footways and cycleways, within adjacent phases.

Prior to the submission of any reserved matter applications, it is requested that a public transport strategy to link the site with the city centre and other local services be submitted and approved, along with a masterplan, which is to include a movement framework (19/12/2019).

Object. Insufficient information has been provided within the Transport Assessment to demonstrate that the employment unit applied for in full, is to be served by a suitable off street car parking provision, sufficient cycle parking and a segregated service yard area.

A number of further queries raised regarding the acceptability of roads and access points, cycle parking provision, electric vehicle charging points and HGV routing agreements.

The internal road network proposed for the site is inappropriate, given that in order to facilitate its use by buses, the proposed road width of 6.5m, will have to be increased, in accordance with the Staffordshire Design Guide, to 6.7m to meet adoptable standards.

No tracking diagrams have been provided to demonstrate that larger vehicles, such as buses and waste collection vehicles, can safely access and egress the proposed access points.

The submitted plans need to be updated to demonstrate that crossing points, can be provided, over Cricket Lane, linking the combined 3 metre wide foot and cycleway into the existing footpath network.

A number of comments made regarding the suitability of the proposed off-site highway works, with amendments proposed as necessary to ensure appropriate delivery.

Notes that the Council's Integrated Transport Strategy requires a Southern Circular bus service to connect the site to rail services. Contributions of £300,000 to deliver the bus service and £10,000 for bus stops and flags on Cricket Lane are requested. In addition, an on-going site travel plan support sum of £6,760, is also required (13/12/2018).

Highways England- No objection, subject to conditions. The conditions required relate to the need for the Swinfen Island mitigation works to be implemented in full, prior to the first use / occupation of any building within the site, the submission and approval of a suitable Construction Management Plan, details of any ground alteration works within 10 metres of the A38 to be agreed prior to starting such, details to be approved of any external lighting and noise mitigation measures and no surface water from the development to be discharged into the highway drainage system (12/02/2021 and 13/08.2021).

Previous Comments: Continue to engage with the applicant on matters in relation to the mitigation scheme design, although not yet in a position to issue an updated formal response. Informally however can provide the following update:

A review of the VISSIM modelling work has been completed and are satisfied with how the modelling work has been undertaken for the opening year scenario, which is normally used by Highways England to ascertain the need for mitigation schemes on the network. Note that the results indicate that the 'Reduced Scheme' proposed to be delivered as part of this development is likely to deliver the same benefits to those expected from the 'Full Scheme', which has been agreed previously. The full mitigation results in turn showed an overall benefit over the Opening Year DM scenarios, therefore indicating that the development impacts will be mitigated by this scheme. As such, comfortable if this 'Reduced Scheme' were to be delivered, it will mitigate the impacts of the development in line with DfT's Circular.

The applicant has suggested the following planning condition: *"Before the first occupation or use of any buildings within any phase of the development, or other trigger as may be agreed with Highways England, either;*
(i) a scheme of highway improvement works at the A38/A5148/London Road Swinfen junction, referred to as "Phase A" on drawing Tr-0001 Rev P3 "Swinfen Island Proposed Design Scheme", shall be implemented in full and open to traffic, or; (ii) the applicants enter into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to make a proportionate financial contribution to the highway improvement works at the A38/A5148/London Road Swinfen junction to be paid to Staffordshire County Council to facilitate the delivery of the improvement works".

Note that a condition will be required to secure prior to first use or occupation of any of the units within the site the off-site highway works to the Swinfen Island junction. Such should be delivered either by the applicant or the local highway authority.

With regards to the mitigation, whilst it is not yet agreed, progress continues to be made on the design to ensure that it complies with design standards (20/01/2021).

Acknowledge the applicant's legal opinion on the proposed wording of the recommended Swinfen Island condition. Agree it would be unreasonable to require this developer to bring forward all of the necessary mitigation measures and rather this should be proportionally delivered across the 3 SDA sites (03/07/2020).

No objection, subject to conditions requiring that prior to first occupation, the highway improvement works, proposed at the A38/A51/London Road/Swinfen Junction, be implemented in full and open to traffic and that prior to the commencement of development, a Construction Management Plan be

approved. In addition, requests details of any ground alteration works, proposed within 10 metres of the A38, external lighting and noise mitigation measures (06/11/2019).

Holding objection. Notes that additional information in relation to the Transport Assessment has been submitted, specific to junction redesign, a walking, cycling and horse riding assessment and review and a Stage 1 Road Safety Audit. However, there remains an outstanding matter specific to the surface water drainage system and the acceptability of the applicant securing a third party connection to the highway drainage system (24/10/2019).

Holding objection. Notes that the quantum of employment development has increased from 10.73 hectares to 12.78 hectares. To address this uplift along with previously identified matters, request that the Transport Assessment be updated, specific to VISSIM traffic modelling and the need for off-site SRN mitigation. In addition request that the Walking Cycling & Horse Riding Assessment and Review and Road Safety Audit Stage 1 processes be completed. Continues to reiterate comments made on 06/07/2019 (18/07/2019).

Holding objection. Appropriate VISSIM traffic modelling of the A5 Wall Island ad A38 Swinfen junctions remains outstanding. Such will determine whether mitigation is required in these locations. Further mitigation for the SRN is required as a consequence of the employment element of the development. Details of such currently remains outstanding. Previous comments also remain outstanding specific to ground alteration works, Constriction Management Plan matters and surface water drainage (05/07/2019).

Holding objection. Traffic modelling has not yet been completed and therefore it is not possible to determine the need for, or the form of any mitigation works needed on the Strategic Road Network. In addition, there are some differences on the quantum of employment development, compared to what was presented at the pre-application stage. Therefore, the vehicular trip generation for the employment uses will need to be amended to reflect the details in the planning application.

Raise concerns regarding the proposed third party connection to the highway drainage system, which has not currently been demonstrated to be DfT 02/2013 compliant.

Once other matters are resolved, a suitably worded condition will be required to ensure that the detail of any ground works within 10m of the A38, be submitted to and approved by the LPA. Further details are also required, with regard to external lighting, noise mitigation measures and Construction Environmental Management Plan matters (03/09/2018).

Sport England- No objection, subject to conditions, as previously recommended. Welcomes the identification of an indicative location for the ancillary facilities (car park and changing accommodation) serving the playing field on the submitted Indicative Masterplan. The positioning of the ancillary facilities are considered to be suitably located to serve both of the playing pitches (30/06/2020).

Previous Comments: Notes that the location of the playing pitches has altered slightly, but the quantum of pitches and their dimension, remain as per the previous masterplan and therefore, raises no further comments. (17/02/2020)

No objection, subject to conditions requiring that prior to the commencement of development, within phase 2, details of the design and layout of the sports pitches, changing facilities and car parking be submitted to and approved I writing by the Local Planning Authority. Further conditions are proposed to secure the creation of a suitable standard of sports pitch and their maintenance thereafter by the applicant for 5 years. (30/09/2019)

Minded to withdraw objection. Requests that the description of development be amended to include the provision of changing facilities and car parking to be associated with the playing pitches. Recommends conditions requiring the submission and approval, prior to the commencement of development of details of design of the pitches, changing facilities and car parking and notes that the

current indicative provision lacks accessibility. Further conditions proposed in relation to the quality of pitch construction and maintenance. Finally requests that clarification be provided through the s106 agreement regarding the future maintenance of the pitches and associated facilities. (26/06/2019)

Staffordshire Clinical Commissioning Groups- Notes that residents within this development will mainly impact on capacity at the Westgate Practice. Any increase in a GP Practice population results in a requirement to change or develop health care premises to ensure that appropriate capacity, in terms of rooms, is available to ensure patients are seen safely. This in turn has an impact on rent reimbursements made by the CCG/NHS. This sort of increase in CCG expenditure has to be mitigated for through an increase in capitation funding.

Notes and supports the Staffordshire STP Estates strategy vision to increase capacity through the delivery of flexible multi-use premises primarily through the expansion of existing facilities

Based on expected increase in population from the development therefore requests a contribution towards the expansion of identified surgeries, The Westgate Practice (0.9 miles away), The Cloisters (0.9 miles away) and Darwin Medical Practice (1.7 miles away) of £218,400. (15/07/2019)

Western Power Distribution- Notes that there may be WPD assets in the vicinity of the development works. Strongly advises that any dwelling be sited no less than 5 metres from the boundary of any substation. (17/07/2019 & 26/06/2019)

National Planning Casework Unit- No comments. (14/08/2020 & 28/08/2019)

HS2- No comments. (25/02/2020)

Directorate of Leisure and Parks- No response received

West Midlands Ambulance Service- No response received

Fields in Trust- No response received

South Staffs Water- No response received

LDC - Greens & Open Spaces Strategic Manager- No response received

Campaign to Protect Rural England- No response received

LETTERS OF REPRESENTATION

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

Principle of Development

- The proposed housing density conflicts with the Local Plan, which identifies that this site will be developed through the erection of 450 dwellings, rather than the 520 now proposed.
- Fails to see the need for additional distribution buildings, given the number of units already available nearby, many of which are currently unused, along the A38.
- There is insufficient capacity within local schools to accommodate the additional students who will live within this site.
- The development fails to provide adequate community facilities to manage the growth in population resulting from this scheme. This will result in the development failing to create a sense of community.
- The delivery of the 750 dwellings permitted by the Secretary of State at Curborough, should be prioritised, prior to the development of this site.

- The Council is one of the largest developers of Green Belt land and the release of Cricket Lane and other local sites is contemptable and disrespectful.
- Brownfield land, previously identified for the Friarsgate redevelopment project, is available for development and should be brought forward, prior to this site.
- The scale of the employment area has increased from that shown within the Local Plan.
- No objection to the housing allocation, which should include an appropriate proportion of social housing in line with local housing needs. However, raise concerns regarding the lack of infrastructure to serve new residents and whether sufficient school places and social facilities are available.

Design

- The Local Plan stipulates that any commercial building should be restricted to 5.5 metres in height. The large warehousing buildings proposed for the site, fail to comply with this requirement and as a consequence, they will be unduly prominent when approaching Lichfield from the A38.
- The commercial buildings should not exceed 6m in height and should be screened via the use of mounding and landscaping.
- The industrial building proposed for the business park is an eyesore and will form a poor gateway for the historic city. A smaller scale office development would be more appropriate for this location.
- The open space provision is limited and rather than being located adjacent to the A38 should be relocated adjacent to Cricket Lane.
- The increase in housing numbers evidences a heightened interest in commercial gains, rather than securing a high quality design.
- Requests that a cycle path be introduced to the rear of the hedgerow along Cricket Lane to allow for a 20m stand-off between the existing and proposed dwellings. This will provide privacy to current residents and also introduce sufficient space for wildlife living in and around this habitat.
- Further clarification is required regarding the footway proposed to the south of Cricket Lane in order to gauge its visual impact. For instance, which side of the hedgerow will it be located, how wide and will it incorporate a cycle way?

Residential Amenity

- What assurances can be provided to demonstrate that the employment element of the development will not have a significant impact, through noise pollution, upon the future amenity of existing residents.
- The site's Green Infrastructure will not offset the negative air quality impacts arising from the development.
- The increased congestion on London Road and the surrounding highways network, will lead to queues forming near to King Edwards School, which will create an air pollution and potential road safety issue, affecting the health of students and local residents.
- The uplift in traffic resulting from development, in combination with stationary vehicles waiting at the new traffic lights, within southern Lichfield will have an adverse impact upon the area's air quality.
- The applicant has failed to include an impact analysis on surrounding residences, to include details of visual harm, disruption, reaction in household value, traffic congestion etc. As a Council tax payer would have thought the Council would highlight such impacts as one of their primary concerns.
- The Statement of Community Involvement document submitted with this application identifies that Persimmon will undertake further local consultation during the planning application process. Such has not been undertaken. In addition, the report identifies that the uses within the employment area are currently unknown, but states that residents are happy with this position. This is a misrepresentation.
- The proximity of the commercial development to residential uses means that careful consideration should be given to the type of activities undertaken within these units and the hours of work, in order to limit potential noise pollution. In addition, adequate levels of parking are required to ensure that local roads do not become utilised as overspill parking.

- Careful consideration is required of the construction works to ensure impact on residents is minimised. Notes that civil action by an individual can be taken against the perpetrator of noise, dust, fumes, light, vibration, seepage and odour, where such is felt to be a nuisance.
- Propose that the employment access be utilised to erect the residential units, in order to limit traffic movements along Cricket Lane.
- The development of the site will have an adverse impact upon Cricket Lane resident's outlook.
- The applicant needs to provide clear assurances of the measures that will be adopted to protect residents from construction pollution.
- The lighting scheme needs to be designed so as to not impact upon the amenity of neighbouring residents.
- The combination of increased noise levels generated by the uplift in traffic, including along the A38 and the activities associated with the future industrial units, will generate significant noise within what is currently a quiet environment. The applicant must demonstrate that adequate on and off-site mitigation measures are to be provided to protect the amenity of existing residents.

Historic Environment

- Notes that the Heritage Statement advises that there is unlikely to be anything of archaeological significance within the application site. Given that Cricket Lane is part of the original Rykneild Street and the area is where Oliver Cromwell laid siege to the city, finds the review to be tardy in its delivery and the conclusions unlikely.
- The large distribution units will detract from the historic character of Lichfield.

Environmental Impact

- How many of the trees shown on the plans will be provided by the developer and how many are optional extras reliant upon future residents to be planted?
- The removal of existing hedgerows will have an adverse environmental impact.
- Existing hedgerows should be retained where possible as there is currently a varied ecosystem, which is likely to be damaged by this development.
- The site is currently used by a number of protected bird species, including buzzards.
- The development will result in the loss of a large green space, on the edge of the city, which acts currently as a buffer to the A38.
- Cricket Lane suffers from flooding, with drains backing up on a regular basis, given it is the lowest point in south Lichfield. With the development of the field, the site will not be able to offer the same soak away benefits. The information submitted with the application fails to adequately evidence how this matter will be addressed, in order to prevent flooding of existing property on Cricket Lane.

Economic Impact

- The storage and distribution buildings proposed for the site will provide minimal employment opportunities, given that such businesses are becoming increasingly automated. At this point any jobs that remain within the units will be low skill and low pay.
- The poorly designed distribution units, will, due to their visual impact, detract from Lichfield as a tourist destination.
- Where will all of the new residents work given that the industrial units will only provide for minimal levels of employment?

Water Environment

- The Flood Risk Assessment has failed to adequately demonstrate that the development will not lead to the future flooding of existing property on Cricket Lane.
- The application fails to promote sustainable drainage techniques, such as water butts, water harvesting, green roofs, permeable paving, rain gardens and bio-retention bays.

Highways Safety

- The introduction of traffic lights between Cricket Lane, London Road and Knowle Hill will cause additional congestion on these roads.

- Given the majority of new residents will be working, further vehicles will be accessing the arterial access to the A38, as they commute to their place of employment. The design of this junction currently results in traffic, at peak times, backing up approximately 1 mile into Lichfield itself. The applicant has failed to demonstrate how this congestion will be alleviated.
- In order to improve the Swinfen junction it is proposed to:
    - Utilise the existing footpath along London Road as an extra south bound lane;
    - Create 2 lanes for the exit from Lichfield southbound with a third left lane for northbound A38 only;
    - Open up 2 lanes over the bridge;
    - Introduce a further lane on the slip road for the southbound A38 traffic to allow for one dedicated filter lane, one middle give way shared lane to merge with Lichfield traffic and one give way right lane for Lichfield, to clear the A38 southbound traffic at a greater rate;
    - Re-prioritise the exit to London Road by widening the exit;
    - Add peak time traffic lights to help control the flow;
    - Create new filter lanes for an entrance and exit for the industrial park; and
    - Build a dedicated pedestrian and cycle path on the south westerly side of London Road, utilising the existing path through to Old London Road.
- The applicant will attempt to deliver the most cost effective mitigation solution rather than one which will enhance the road network. It is however beholden upon the Council, Highways England and SCC Highways to secure a suitable sum for the delivery of these highway improvements.
- The traffic flow models utilised by the applicant are unrealistic and the mitigation measures identified are cheap options and will not address the issues.
- Rather than install lights at the junction of Cricket Lane and London Road, an island would be preferable as such would allow for the freer flow of traffic.
- Consideration should be given to the provision of an additional vehicular access point from London Road to serve the residential portion of the development, in order to minimise the impact upon existing Cricket Lane residents.
- The application fails to demonstrate how the additional traffic generated by this development, will flow through the City, without exacerbating existing congestion issues.
- The speed and weight limit along Cricket Lane should be reduced, to reflect its future residential character and in order to prevent HGVs utilising this road, to access the employment site.
- The impact of the new southern bypass is yet to be felt and traffic flows should be reconsidered once the bypass is open, whilst regard should also be had to the additional traffic generated from nearby approved housing schemes, such as that at Dean Slade Farm.
- The design of the proposed access from London Road to serve the employment site, where a single filter lane is proposed, is insufficient and will cause further congestion along this route at peak commuting times.
- No consideration has been had to the impact of additional pedestrian, cycle and car movements on the southern section of Quarry Hills Lane. This section of road is very narrow and predominantly single lane. The road is heavily trafficked already and further use will cause safety concerns.
- The surrounding highway network cannot accommodate 24 hour HGV use.
- The submitted information indicates 1,040 new vehicles associated with the housing development and 410 for the industrial estate plus HGV movements. The impact upon London Road will be significant, whilst there are likely to be yet more strikes to the St Johns Street railway bridge.
- The junction formed by London Road, Tamworth Road, Shortbutts Lane and Upper St Johns Street is already congested. This development will exacerbate this issue.
- The St Johns development should be built out and the highway impact realised, prior to this development coming forward, so that necessary mitigation can be considered and provided.
- The scheme fails to consider or provide for pedestrian movement from the site to the King Edwards Secondary School.

- Will Shortbutts Lane be closed off in one direction as part of these and other proposals within the area?
- The traffic lights proposed at the junction of London Road. Cricket Lane and Knowle Hill, should be provided, prior to the commencement of any development, in order to mitigate against traffic accidents.
- The application references that new cycle paths will be introduced within the site, but the submitted masterplan fails to show the provision of such.
- Private car use is unlikely to fall, especially given the current trend for children to stay longer within the family home, due to rising housing costs. Public transport is inflexible and therefore unviable for many and therefore the scheme should be redesigned to ensure sufficient off street car parking provision, to meet high levels of demand, is secured within the development. It is recommended that secure such the number of dwellings be reduced and the industrial usage of the site eliminated.
- What traffic measures are proposed to Cricket Lane in order for it to accommodate the two access points?
- The two access points proposed for Cricket Lane are in close proximity to two existing dangerous junctions. Their introduction will further exacerbate existing highway safety issues.
- The Local Plan indicates a single point of vehicular access onto the site from Cricket Lane, It is now proposed to install two. This will lead to increased traffic along this road.
- The applicant should remove the southern access point off Cricket Lane from the submission and rather, form a spine road through the development, in order to direct traffic away from Cricket Lane. This measure would also remove the need to place traffic signals on the London Road / Cricket Lane junction, which as proposed will create, in addition to the other signals proposed along London Road, future congestion uses.
- The remodelling of the dangerous Cricket Lane and Tamworth road junction will offer some benefit, but takes no account of the extra traffic coming from the development heading towards Tamworth. When the S106 agreement is reached for the development of the Canal Bridge over Cricket Lane, the whole junction will have to be re-modelled again (as the culvert will mean a partial raising of the junction, which will have an impact on visibility of the turn from Tamworth into Cricket lane). The simple solution is to close Cricket Lane to through traffic and allow the canal to run across the top of the lane. This will also ensures that Cricket Lane will stop being used as a cut through and therefore will remain safe, even with the additional balance of traffic from the new estate accessing Cricket lane.
- What traffic control measures are being proposed for Knowle Hill?
- The development is not located near to any facilities and as such residents will be reliant on private cars to access such. This signifies the unsustainable nature of the scheme.
- Vehicles with a width of 2.4 metre or more cannot enter Knowle Lane from any arm of the junction if there are more than two standard sized cars waiting at the lights. The increase in volume of traffic from the proposed development will mean that there will be more than two vehicles at this junction at most times.
- Despite SCC insisting that traffic will use arterial routes based on other similar sized developments they do not consider the psychology of 90% of drivers. Travelling from Cricket Lane to go east on A5 to Cannock and M6 or south on A5127 to Walsall/Sutton Coldfield, drivers will be faced with a choice of up to 5 sets of traffic lights on arterial route or 1 set of traffic lights by using the "rat run" of Knowle Lane.
- The extra traffic will also compromise the weight loading on Knowle Lane and add to subsidence potential at the bend half way down the lane on the blind, narrow corner.
- SCC need to re assess the impact of the development on Knowle Lane traffic, pedestrians, cyclists and residents immediately. A request for an on-site meeting to discuss these matters has been refused without good reason.
- To address the impact on Knowle Lane a number of options are available, including making such a no through road with suitable positioning and style of barrier and signage, closing access directly to Cricket Lane via junction/traffic island design at London Road, forming a no left turn out of Knowle Lane onto Birmingham Road and a corresponding no right turn from Birmingham Road into Knowle Lane or widening Knowle Lane.

- The new pedestrian access point into the site, proposed near Knowle Lane will add more traffic / pedestrian safety issues into this area.

Other Matters

- The s106 contribution to secure a Primary School on the neighbouring St John's site should be secured via an ESCROQW account or alternatively the school should be erected prior to the approval of any permissions to ensure its timely provision.
- The bollard at the end of Knowle Hill is making it difficult to exit from our driveway.
- Notes that neighbour notification letters were received on a Saturday, when no one within the Council is available to help. Finds it suspicious that the server was also down on this date, given the ease with which such an issue can be resolved.
- The Council's website does not make accessing the application details very easy, whilst locating the proposed site layout was difficult.
- Notes that applicant's agent is Neil Cox. Is there any relationship to the former planner Mr Cox who took Cricket Lane out of Green Belt designation?
- No anticipation that resident's objections will make a difference given 'stitch ups' being announced to the public only after planning deals have been done by the Council.
- Neighbour notification letters were not sent out to all properties that will be affected by this development.
- Appreciative of the work of the Lichfield and Hatherton Canal Restoration Trust, who are making South Lichfield a more interesting place to live and visit, providing a green corridor adjacent to this dreadful and depressing site, if planning permission is given.

4 letters of correspondence have been received from the South Lichfield Alliance Residents Group, who advise that:

- The proposed housing density conflicts with the Local Plan, which identifies that this site will be developed through the erection of 450 dwellings, rather than the 520 now proposed.
- The scheme is proposed to be developed at 35 dwellings per hectare, a ratio greater than that evidenced at Darwin Park, where access and parking difficulties are evident.
- Cricket Lane does not have the available capacity to accommodate the uplift in traffic that would result from this development.
- A traffic management plan needs to be provided for Cricket Lane, which reduces speed from 40mph to 30mph, retains weight restrictions at 7.5 tonnes, with improved signage, routes construction traffic though the employment site off London Road and the minimisation of traffic disruption during construction activities.
- Contrary to the Concept Statement contained within the Local Plan, the application makes no provision for essential infrastructure, such as convenience shops, schools, doctor's surgery or community hall. The nearest supermarket is 1.4 miles away and the city centre 1.5 miles away, which is beyond a suitable walking distance, whist existing surgeries are over-prescribed and remote from this site.
- The nearest Primary School, Cherry Orchard is oversubscribed and unable to accommodate additional children. Should the school within the St Johns Development be erected then children will have to cross the busy London Road, which is not suitable for safe pedestrian access.
- The development shows minimal recreational facilities and no changing room or car parking facilities for the sports pitches.
- The proposed future relationship between the residential and commercial elements of the development is unsustainable. Future residents are likely to experience significant noise pollution and also suffer from poor outlooks and a loss of light.
- Whilst the Government supports in principle the release of Green Belt land for the residential development, this does not extend to employment uses.
- The scale massing and proximity of the proposed employment uses to existing dwellings is unacceptable, creating an eyesore, blighting views and creating a prison like feel to the adjacent new dwellings.
- The creation of B2 and B8 land uses are inappropriate in a residential area, due to potential light and noise pollution problems, caused by 24 hour HGV movements.

- The scale of the employment development will significantly erode the character of the London Road gateway approach into Lichfield, which will have an adverse impact upon tourism within the city.
- The Local and Neighbourhood Plan both seek to support the delivery of high value jobs within the District, which would not be provided within warehouses.
- Insufficient information has been submitted with the application to demonstrate the vehicular access into the employment site can be appropriately formed without having significant adverse impact upon nearby residents.

Following a meeting between SLA, the Local Planning Authority and the Highways Authority the following comments were received on 10/03/2020:

- Request that the two vehicular access points to serve the development from Cricket Lane be relocated to be as far north and south as possible, whilst still having due regard to the provision of appropriate visibility splays. This will ensure that traffic entering and exiting the site are unlikely to utilise a large part of Cricket Lane, thereby preserving some its current character and lessoning the maintenance toll upon a roadway, which suffers extensively from potholes, due to its minimal constriction depth and quality.
- The 7.5T weight limit on Cricket Lane and Longbridge Road, except for access, should be retained, in order to prevent their use by heavy vehicles.
- The Construction Management Plan should route all construction traffic via the proposed London Road access, in order to lessen the potential 10 year constriction period impact upon existing Cricket Lane residents.
- The field hedgerow adjacent to Cricket Lane should be retained as far as possible, in order to help preserve the area's character.
- The proposed footpath treatment along London Road, between the St Modwen Junction and Cricket Lane is not clear and therefore a condition should be used to secure a 3m wide, cycle / pedestrian route into this area. This would encourage access into the employment area via sustainable transportation options.
- Following the completion of off-site highway mitigation works, it is acknowledged that currently 5 sets of traffic lights are proposed, at the A38 junction, the Cricket Lane / London Road junction (together with a pedestrian crossing), adjacent to 22 London Road (to be formed as part of the St Johns planning approval) and 2 sets of signals at the bypass and Shortbutts Lane.
- There would be a traffic flow benefit, if the lights proposed adjacent to 22 London Road were omitted, although such should only occur following the submission of evidence from traffic counts, over a representative period demonstrates that the bypass / London Road junction is achieving its predicted design criteria and a safe 3m wide cycle / pedestrian route is provided off London Road, to allow for safe access from London Road to the new Primary School on St Johns. Such provision should not be made along the bypass given its distance from the Cricket Lane development site, but rather be provided to offer the shortest possible route between the two sites.
- The Design & Access Statement states that a cycle / pedestrian route will be provided along Longbridge Road and London Road. No details of this route have yet been provided and are required in order to determine its impact upon the community and the canal route.

Following receipt of the updated documentations for this application, the following comments were received from the South Lichfield Alliance Residents Group on the 14/07/2020.

- Pleased to see a change in the access arrangements to Cricket Lane as discussed with Staffordshire County Council on 5th March 2020.
- The signal-controlled junction into the employment area needs to be a ghost Island as stated in the Pegasus amended Design and Access statement and discussed with Staffs CC on 5TH March 2020 as there is no justified need for traffic signals which will only impede the flow of traffic on London Road in peak periods.
- Other highway issues that should be conditioned:

i) Cricket Lane road pavements up to the new junctions need to be inspected and rebuilt if not up to the vehicle loading/capacity standards. The road has a history of potholes appearing regularly due to the age of construction.
ii) The 7.5T except for access restriction needs to be imposed between the new junctions on Cricket Lane with vehicles greater than 7.5T directed through the Spine Road.
iii) Whilst the 7.5T weight limit states 'except for access' we do not consider it to be acceptable that the residents of Cricket Lane be exposed to at least 10 years of construction traffic (50 dwellings/year). It should be conditioned that the employment access off London Road should be designed with a special construction access to the residential development for the duration of the total housing development.
iv) The Spine road width is acceptable but there should be grass verges on both sides not just one.
v) All combined Cycle/Pedestrian (CCP) routes should be not less than 3m wide.
vi) There should be a CCP on the north side of London Road between the employment access and Cricket Lane.
vii) There should be a CCP between Cricket Lane along London Road, to meet up with the Lichfield Southern Bypass CCP. The service road could be used in lieu of a 3m CCP, but all footpaths will need resurfacing.
viii) There should be a CCP along Longbridge Road leading to London Road but Longbridge Road and the 2m footpath could be used in lieu of a 3m CCP, but all footpaths will need resurfacing.
ix) If a CCP is to be created through the-cut through from Longbridge Road to Tamworth Road then there needs to be discussions with the Canal Trust regarding a 3m wide bridge across the canal.
x) The SLA would wish to be consulted with regarding the routing, details and timing of the CCP's.
xi) The 40mph limits on Tamworth and London Roads should be changed to 30mph, specifically from east of the London Road junction to east of Cricket Lane junction on Tamworth Road and from south of Shortbutts Lane junction to south of new employment area junction on London Road.
xii) The DAS states a footpath on Cricket Lane. The SLA would wish to be consulted on the details of this on behalf of Cricket Lane residents to be sure the hedge on Cricket Lane and any 'Roman Road' details are not compromised.

- With respect to the employment area, it is disappointing that despite extensive objections (over 52 direct neighbour objections on this point) and lack of planning policy support the applicant persists with proposing 18.5m industrial units within this site.
- The sheds will be a 'blot' on landscape, situated too close to the residential community and the City approach from London Road. There is no precedent for any mixed-use developments with 18m high Logistics sheds mixed with residential. The boundary mitigation as shown in the Design and Access Statement will not work with the trees taking at least 30 years to mature.
- The application should be conditioned to provide employment buildings not greater than 12m to eaves, to comply with the visual amenity clause.
- It is considered that the solution provided at the Liberty Park site, which provides mitigation to Burton Old Road residences, should be seen as an example to be followed and the minimum acceptable solution to the boundaries with London Road and the future residential areas.
- Planting to the mounding should be mature trees not less than 2.5m high and planted at the beginning of the development.
- Usage should be high-value employment in line with the Local Plan.

Following receipt of additional information received in relation to the off-site highways works proposed to Swinfen Island, the following comments were received on 29th December 2020;

- The submission states that the three developers cannot agree on a full scheme for Swinfen Island. Similarly, the submission states that Miller Homes have exceeded the housing target threshold (290th) and still not delivered the Swinfen scheme. If the total housing delivery trigger is 290 plus 190 from both the Streethay and St John developments respectively then

we expect the LPA to take the necessary enforcement action and reduce the total housing delivery until the full Swinfen scheme is delivered.

- The scheme indicated shows traffic signals and road marking improvements to A38 Swinfen junction. The main issues as shown in the traffic modelling are:
    a) Peak hour morning queuing from the southbound A5206 trying to access the junction with high traffic flows on the junction for traffic accessing the A38 northbound.
    b) Southbound A38 traffic passing through the junction from the north.
    c) Therefore, with the increased traffic flows any junction works should improve these 2 conflict points.
- With respect to Junction A traffic signals are considered necessary to allow southerly access through the junction to the A38 and the A5148 in peak periods. The timing of the signals needs to be 'scoot' controlled and tie in with the numerous signals being installed on the A5206 London Road.
- Junction B fails to follow the Highways Agency scheme published in 2010.
- This scheme requires what appears to be the sensible and logical proposal to provide 2No filter lanes for the A38 south. Such a scheme would provide:
    a) Free flow and increased capacity for the A38 southbound traffic particularly in peak periods without any interruption by traffic signals.
    b) Allow A5206 south junction traffic to merge into the A38 traffic as it does now, again without interruption by traffic signals.
    c) The scheme as proposed proposes an additional set of traffic lights on the A38 southbound junction and a further set of traffic lights on the northbound A38 slip road onto the junction. There is no lane widening through the junction and the merging lanes have been removed. This is not considered to be a good scheme and will have the following adverse effects:
        i) There will be an interruption to flow for the A38 and A5206 traffic that currently merge at this junction without interruption.
        ii) The installation of these signals effectively removes the benefit of the signals for the traffic entering from the A5206, as such traffic will meet the A38 traffic at the second set of signals and due to the volume of such A38 traffic in peak periods, the A5206 traffic will be on a red stop for a high percentage of the time.
        iii) The A38 northbound traffic will be interrupted as it enters the junction by traffic signals. Signals at this location are not justified as the traffic cross flows at this location are minimal and do not pose an issue. There are currently no significant accident statistics that warrant the installation of traffic signals. At this A38/ A5206 intersection.

Believe that the scheme that should be implemented here is:

- Traffic signals on A5206 southbound entry to main junction.
- Omit signals at the A38/A5206 junction intersection (Location B) and retain the merge lanes for the A38 and A5206 traffic.
- Double the A38 merge lane to the same arrangement as the Highways Agency Layout only if measured flows in the future justifies a need.
- Omit the signals on the A38 southbound entry to the junction (Location C) as there is no justified need for such signals and vehicle stacking for such signals would only increase the accident risk for the A38/A5206 through traffic.
- Implement the lane widening for the A38 merge lane to the east of the junction.
- Draw the Highways Authority's attention to the following when assessing this scheme:
    a) This scheme as proposed adds a further 2No traffic signal junctions for traffic leaving Lichfield southbound on the A5206. This increases the traffic-controlled junctions proposed between the Lichfield Southern Bypass from 1 at Shortbutts Lane to 6No.
    b) Ask for a review of the entire proposals for the A5206 London Road as the current arrangement will work and the road will become a congestion area. Before allowing the implementation of any further infrastructure works, the applicant should demonstrate that such a scheme is not going to cause congestion in peak periods.

c) There is no mention of any works to the A38/ Cappers Lane junction or the A5/A5127 junction, which will be affected by the cumulative effects of the Streethay/St Johns/Deanslade Farm/Cricket Lane proposals.
d) Are traffic signals required at the A5206 /A38 junction, before the Cricket Lane site is delivered?

Two letters of objection have also been received from the Borrowcop & District Residents' Association. The comments made are summarised as follows:

- The proposed housing density conflicts with the Local Plan, which identifies that this site will be developed through the erection of 450 dwellings rather than the 520 now proposed.
- The claim that the site is within easy walking distance of Lichfield City and the train station is misleading. Rather this distance is approximately 12 mile, which will result in many residents driving to access these facilities;
- The northern vehicular access on Cricket Lane is located too close Tamworth Road and should be relocated;
- Additional information is required to demonstrate that the Hatherton Canal can be appropriately integrated within the scheme, along with its passage under Cricket Lane;
- The houses adjacent to the canal should be designed to respect their setting;
- Sceptical of the delivery of a bus service for the development, given that Cricket Lane has a weight limit and the estate roads are likely to be too marrow to accommodate such;
- The development includes no provision for a doctor's surgery, pharmacy or other shops. Local health facilities are unable to cope with any additional demand;
- Children accessing the primary school on the St John's site will have to cross the very busy London Road;
- King Edwards Secondary School will need to be extended to accommodate the uplift in pupils. This will however result in an increase in congestion within this area.
- The development will cause additional congestion on London Road, whilst the proposed traffic lights at the junction of Cricket Lane, London Road and Knowle Hill will cause traffic to back up towards the city centre in the morning and the Swinfen Island in the evening. There is also the added problem of the HGV access to the business park, requiring lorries to cross the line of traffic to enter the site.
- The erection of an 18.5m high industrial building, adjacent to a new housing estate is ridiculous, rather smaller scale units akin to those at Wall Island, would be more appropriate.
- The number of jobs created in warehouse development would be minimal and noise levels from 24 hour operations high. Office development offering skilled employment, would be far more appropriate for this location, especially given that there are many other sites along the A38 corridor, including Liberty Park that can accommodate any additional storage and distribution need.
- The access proposed for the business park is inadequate. A complete redesign of Swinfen Island will be necessary to provide appropriate access.
- The traffic survey was conducted at the wrong time of day and give a false impression of the volume of traffic along London Road. A new survey must be done and the results analysed.
- Traffic data for this development should be considered in combination with the 2 other south of Lichfield SDA sites, rather than in isolation, in order to facilitate the delivery of long term transport solutions.
- The warehouses will have adverse impact on the character of the area and blight the approach into the city.
- It should be acknowledged that traffic movements associated with HS2 will shortly be using London Road and Cricket Lane and this should be taken into account when road and junction planning is undertaken.
- The extension of the 30mph limit along Tamworth Road past Quarry Hills Lane and the creation of improved visibility splays at the junction of Cricket Lane and Tamworth Road is supported.

- The development will likely increase traffic along Quarry Hills Lane and then onto Borrowcop Lane, given this is the quickest way to local schools. Quarry Hills Lane is narrow and a source of congestion and minor accidents.
- The applicant states that *"5500 leaflets were distributed within a 1 mile radius of the site".* This may be the case, but many were not distributed in time for the public meeting and many households, including those on Borrowcop Lane did not receive one.
- Reference is also made to *"a large turnout of 170-200"* people. Considering the thousands of people who live in the area this is hardly large, nor, representative, as the meeting was held when many residents would be at, or returning home from, work.
- St. Modwen state they *"build for demand".* They should rather build according to the Local Plan, which gives clear guidelines regarding size and style of employment buildings. These policies are strongly against sheds of up to 18.5m, requiring smaller mainly brick built units and companies offering high tech jobs. It is also stated that local residents *"are happy with the approach to employment land".* This is not correct: the Association has received many complaints regarding the possibility of huge sheds like those further down the A38 towards Burton being built on this former green belt land. Such structures would be completely out of keeping on this site, an important gateway to our City and would scar the landscape and ruin the pleasant open views from the higher land to the north and from the grade 2 listed Gazebo, which has protected views in this direction. In the past, the Building Inspector has refused permission for housing nearby that would have obstructed these views that St. Modwen seem willing to destroy.
- The erection of 520 houses will equal 1000+ extra cars, all of which will have to use either London Road or Tamworth Road. In addition, most of the cars from the new estates at St. John's and Dean Slade Farm and those using the new Southern "Bypass" will also find their way to these roads.
- There will be an increase in pollution from this traffic and light pollution from the industrial estate, which will also be extremely detrimental to the lives of the inhabitants of Ashbrook House.
- A flooding risk will arise from the diversion of the water course.
- The plans to install more traffic lights along London Road will cause tailbacks and at peak times these could well extend to Weeford Island and beyond.
- Note that for all 3 of the proposed housing developments there is no mention of any extra services (health, shops) which will put additional pressure on already overstretched facilities in the City centre.
- Why would people wish to purchase a home overlooked by 18.5m white, silver or grey sheds that are served by lorries 24 hours a day?
- Employment land should be well separate from residential land.
- Agree with the endeavours of the South Lichfield Alliance, to work and discuss with the developers ways to assuage local feelings, by improving the design and impact of the developments to create the best environment possible in this attractive area of the City.

OTHER BACKGROUND DOCUMENTS

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

Air Quality Impact Assessment
Arboricultural Impact Assessment
Biodiversity Impact Assessment
Biodiversity Metric
Design and Access Statement
Draft Heads of Term
Ecological Appraisal
Employment Report
Flood Risk Assessment
Ground Investigation
Heritage Statement

Hydraulic Modelling Report
Landscape and Visual Impact Assessment
Legal Opinion – Shoosmiths (Riparian Rights)
Noise Assessment
Planning Statement
Statement of Community Involvement
Sustainability Statement
Technical Briefing Note: Addendum to Ecological Appraisal
Transport Assessment
Travel Plan
Utilities Report

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

03589-A-0013-Revision P6 Cricket Lane Southern Residential Access (received 29 July 2021)
03589-A-0014-Revision P4 Cricket Lane Northern Residential Access (received 29 July 2021)
BIR.3962_02 Location Plan (received 15 August 2018)
Tr-0001 Rev P3 Swinfen Island Proposed Design Scheme (received 09 December 2020)
03589-P-05 Rev L junction design layout (received 29 July 2021)
03589-P-06 Revision J junction tracking (received 29 July 2021)
03589 – P-07 Revision B Site access Tamworth road/Cricket Lane (received 29 July 2021)
03589 -A-0010, Revision P3 London Road junction (received 23 May2019)
03859-A-0015 P1 Tamworth Road junction b options (received 28 June 2021)
03859-A-0016 P8 cycle connectivity (received 07 July 2021)
03859-A-0017 -P3 pedestrian connectivity (received 07 July 2021)
03859-A-0018-P2 cycle connectivity route overview (received 29 August 2021)

OBSERVATIONS

Site and Location

The site is located to south of Lichfield and comprises a single agricultural field, under arable cultivation, which is bordered by Cricket Lane to the north west, Tamworth Road (A51) and Lichfield Canal restoration site to the north east, London Road to the south west and the A38 to the south east. Existing hedgerows bound the entire site from the surrounding highway network. The Ash Brook flows north easterly in the south eastern corner of the site. Land in the southern corner of the site is lower than the adjacent London Road, whilst an overhead power line crosses the southern part of the site. The application site amounts to a total of 37.48 hectares of land.

Background

As required under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017), a Screening Opinion was undertaken, prior to the submission of this application. It was determined by the Secretary of State on the 28th March 2018 that an Environmental Impact Assessment was not required.

The application was deferred from Planning Committee on 6 March 2021 without debate following an updated recommendation to defer the application in order to assess further queries in relation to CIL and the Infrastructure Delivery Statement matters pertaining to the funding and delivery of a new canal bridge to the proposed Lichfield Canal through a S106 planning obligation. Clarification has been obtained on these matters and amendments and additional information received, which are also referenced and incorporated into this updated report.
Since May 2020, an amended Masterplan and Design and Access were submitted by the applicant. In addition the Flood Risk Assessment, Biodiversity Metric, Arboricultural Impact Assessment and

Transport Assessment were also updated. The changes proposed within the first two noted documents are detailed below:

The illustrative Masterplan has been updated with further detail added, which includes;

- The western-most Cricket Lane access being moved closer to London Road;
- Amendments to ensure deliverability at RM stage, including repositioned residential parcel to facilitate relocated access, along with the park area;
- Allotment detail and associated car parking added;
- Parking and changing facilities for the sports facility added;
- Road hierarchy updated, to ensure the allotments and sport facilities are indicatively being served off adoptable roads;
- The pumping station being accessible off an adoptable road; and
- Updated drainage details, including relocated and remodelled SUDs.

The Design and Access Statement has been updated to reflect these changes, along with amendments identifying that some elements of the scheme are now proposed to be controlled by condition or through a design code.

Proposals

This application seeks outline consent (with all matters reserved except access) for the construction of up to 520 dwellings and an area of up to 12.78 hectares for the provision of employment floorspace (Use Classes B1 (ancillary only)/ B2/ B8 (note following the update of the Use Classes Order in 2020 Class B1 will now be replaced with Class E (g)) including; two points of access from Cricket Lane; comprehensive green infrastructure, including footpaths, cycle ways, multi-functional open space, children's play areas, open space for sport and sustainable water drainage infrastructure, including balancing ponds, re-routing of Ash Brook and other associated ancillary infrastructure and ground remodelling.

An indicative masterplan, showing potential locations for the proposed development areas, accompanies the application. Matters relating to appearance, the layout of the site, landscaping and the scale/height of the buildings are reserved for subsequent approval and as such, do not fall for full determination at this time. Whilst not for approval, as part of this proposal, the applicant originally submitted parameter plans, specific to an access and movement framework, Green Infrastructure, phasing and building heights, which sought to demonstrate how the site could be developed in the future. These documents have been withdrawn from consideration by the applicant during the consideration of this application.

<u>Access and Road Network</u>

The two vehicular access points (to be fully considered as part of this application), which are proposed to serve the site, are located to the site's western edge off Cricket Lane. A further point of vehicular access, off London Road, has previously been agreed under the provisions of planning application 19/01076/FULM, which permitted a three-armed signal controlled junction that will serve the proposed employment part of the development. No through spine road is proposed to link the western and southern access points, rather, it is proposed that the two accesses from Cricket Lane are to serve the residential element of development and the London Road access will serve the employment site. Three pedestrian access points are indicatively proposed to the northern boundary of the site, to link towards the Lichfield Canal Heritage Towpath, whilst one further pedestrian access is proposed to provide a link between the residential and commercial elements of the scheme. A pedestrian / cycleway is proposed internal to the site forming a loop to the periphery of the residential scheme.

The indicative spine road that is shown, is to link the two Cricket Lane access points, potentially providing a bus route through the site. The remaining roads within the residential element of the development are all indicatively shown to be secondary streets, which run off from the main spine road.

As part of mitigating the impact of the development, off-site highway improvements are proposed to several junctions and areas, including the; A5206 London Road / Cricket Lane / Knowle Lane Priority Junction by signalising it which will also provide controlled pedestrian crossing facilities. The development will also deliver a scheme to improve safety at the A51 Tamworth Road / Cricket Lane Priority Junction. The works included in the scheme are detailed in the Transport assessment as follows:

- Building out the eastern side of the Cricket Lane arm to encourage slower entry speeds;
- Extending the 30mph speed limit on the A51 to the east by around 300m and therefore making Cricket Lane a 30mph road for its full length;
- A gateway feature to demarcate the start of the new 30mph zone; Cutting back of vegetation within the visibility splay (within land maintainable at the public expense); and
- Introducing a controlled crossing facility on Tamworth Road to the west of Cricket Lane.

Residential Development

The residential component of the proposals includes up to 520 dwellings (Use Class C3), with the development parcels, proposed broadly to run from the northern edge of the site, along the western boundary to the southern edge.

The housing area would be constructed to an approximate density of 35 dwellings per hectare (dph). The development will offer a mix of properties suitable for first time buyers and larger families and it is proposed to include 35% of the total site units (182 dwellings) as 'Affordable Dwellings' within the NPPF definition.

Employment Development

A new employment area of 12.78ha comprising of an undefined mix of Class B1 (E (g)) office (ancillary only) / light industry, B2 general industry and B8 Storage and Distribution, is proposed to the southern and eastern edge of the site. Details of the quantum of floor space are yet to be provided and rather, the exact amounts and mix of uses are to be determined at reserved matters stage. In 2020 the Use Classes Order was updated with a new Class E provision which amalgamated a range of previous use classes including B1 uses. Transitional arrangements were put in place which retained the original use classes for applications undetermined prior to the updated regulations coming into force. Condition 38 above refers to the pre-2020 classes in relation to B1 uses. Classes B2 and B8 are unaffected by the 2020 Regulation changes.

Green Infrastructure

The proposed green infrastructure comprises:

- Open space to the north and eastern edge of the site, proposed to contain 2 sports playing pitches and Sustainable Urban Drainage features;
- Smaller areas of informal public open space on the built development periphery, designed to incorporate ecological enhancement and mitigation;
- Green open space corridors, often combined with sustainable drainage features, which seek the re-routing of the Ash Brook, provide wildlife movement corridors and link the existing and proposed hydrological features within the site;
- Formal public open space within the built development to provide landscape/green focal areas and leisure destinations;
- Green corridors linking these central spaces to the wider green network, including the Lichfield Canal Heritage Towpath, beyond the application site boundary; and
- Other formal and informal green spaces such as play facilities (2 Local Equipped Areas of Play are shown on the indicative Masterplan) and new allotments.

Determining Issues

1. Policy and Principle of Development
2. Housing Mix and Affordable Housing
3. Design and Impact on the Setting of Surrounding Heritage Assets
4. Landscape and Visual Impact
5. Highway Impact, Sustainable Transport and Parking
6. Water Environment, Flood Risk and Drainage
7. Public Open Space, Sports Facilities, On-Site Green Infrastructure and Arboriculture Impact
8. Loss of Agricultural Land
9. Sustainable Built Form
10. Residential Amenity – Future and Existing Residents
11. Ecology including Biodiversity
12. Impact upon Special Areas of Conservation
13. Waste Management
14. Archaeology
15. Planning Obligations including Education Provision
16. Other Issues
17. Financial Considerations (including Community Infrastructure Levy)
18. 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 Lichfield City Neighbourhood Plan was also made in 2018 and as such, also carries full material weight. The Local Plan Review: Preferred Options (2018-2040) has recently completed its Regulation 19 public consultation stage (5 July – 30 August 2021) and is awaiting final updates and submission to the Secretary of State for Housing, Communities and Local Government for appointment of a Planning Inspector to undertake the independent examination of the Plan. It therefore is yet to be adopted by the Council. 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 above, are not specifically referenced elsewhere.

Residential

1.2 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

1.3 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 types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with

accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- an environmental role – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting 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.

1.4 Paragraph 74 of the NPPF requires that LPAs identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer (moved forward from later in the plan period) should also be supplied; 5% to ensure choice and competition in the market for land; or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement or recently adopted plan, to account for fluctuations in the market during the year; 20% where there has been significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned housing supply.

1.5 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper dated August 2020, which states that a supply of 12.8 years can be demonstrated within the District.

1.6 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Lichfield City Neighbourhood Plan.

Local Plan Policies – Housing

1.7 The Local Plan Strategy sets a strategic requirement to deliver a minimum of 10,030 dwellings during the plan period. Core Policy 1 of the Local Plan Strategy establishes the Council's Spatial Strategy, which seeks to direct growth to the identified sustainable settlements. Within this framework Lichfield is identified as a Key Urban Settlement, whilst the South of Lichfield Strategic Development Allocations (SDAs); of which this application site forms part; will be a location where future development will be directed. Core Policy 6 and Policy Lichfield 4: Housing, identifies that Lichfield will play a significant role in meeting housing need by providing growth of around 3,900 new dwellings within the community, with appropriate associated facilities, including transport and social / green / physical infrastructure, over the plan period. Specific details of the sites allocated to deliver part of this housing provision, approximately 1,350 dwellings across the South of Lichfield, are identified under Policy Lichfield 6: South of Lichfield. This specific site, which forms part of this wider allocation, is discussed further within Appendix I (Cricket Lane South of Lichfield) of the Strategy.

1.8 Appendix I of the Local Plan Strategy sets out the objectives for the site, which includes the development of approximately 450 dwellings, drawing upon the qualities and topography of the landscape to achieve a well-designed, sustainable urban extension, providing strong sustainable travel mode provision, through the development and access to local facilities and ensuring a good degree of physical and social integration with the existing settlement.

1.9 The Concept Rationale continues to sets out 8 points, which the design strategy should include and then goes on to summarise key infrastructure to be delivered within the scheme:

- A range of housing in accordance with Development Management Policies H1 and H2;
- Provision of open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2, incorporating playing pitches, amenity green space, equipped play and allotments;

- 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 NR3, NR4 and NR6 and the Trees, Landscaping and Development SPD 2016;
- Integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network;
- Protection of local areas and habitats of biological interest;
- The provision of public transport to serve the site: all development should be within 350m of a bus stop and should promote of smarter travel choices;
- The provision of pedestrian and cycling routes throughout the site, linking to the green infrastructure network and existing settlements, services and facilities beyond the site boundaries, including the other South of Lichfield SDA sites, along with the provision of safe crossing points to both London and Tamworth Roads;
- Internal road network to accord with Manual for Streets;
- The provision and maintenance of sustainable drainage systems and flood mitigation measures;
- Measures to address water supply and waste water treatment, relocation and provision of utilities infrastructure;
- The incorporation of public art; and
- Mitigation for impact on the A38 and London Road.

1.10 The Lichfield City Neighbourhood Plan was made on the 17th April 2018. The document focuses primarily on employment and tourism considerations and as such raises no specific policies or matters for consideration specific to the residential phase of this development.

Quantum of Development

1.11 To the west of this site is the Land South of Shortbutts Lane SDA residential development site (reference 12/00182/OUTMEI), which following the signing of a S106 agreement, was approved on the 10th August 2018 and permitted the erection of up to 450 dwellings.

1.12 The Dean Slade Farm SDA gained full planning permission (for the housing element of the proposal) under reference 17/01191/OUFMEI on 25th March 2019, for the erection of 475 dwellings. Couple these figures with that proposed by this development and the total housing provision across the three sites contained within the wider SDA will be 1,445 dwellings.

1.13 The proposal could potentially therefore, in isolation and in combination with the abovementioned neighbouring sites, result in a minor over delivery of housing for the South of Lichfield area. However, the figure of 1,350 dwellings, identified within the Development Plan is a minimum figure, establishing an appropriate parameter of housing delivery. A potential over delivery on this site of approximately of 70 dwellings or collectively 95 dwellings, is, subject to no significant infrastructure or design issues, not therefore considered to be contrary to the provisions of the Plan.

1.14 Overall, it is considered that subject to the development complying with the wider requirements, as detailed within Appendix I of the Local Plan Strategy, which is discussed further within the below report, the residential element of this development, will comply in principle, with the requirements of the Development Plan and NPPF in this regard.

Employment

1.15 Paragraph 81 of the NPPF focuses on building a strong competitive economy. It states that significant weight should be placed on the need to support economic growth and productivity,

taking into account both local business needs and wider opportunities for development. Paragraph 83 of the NPPF states that, "*planning policies and decisions should recognize and address specific locational requirements for different sectors*. *This includes making provision for clusters or networks of knowledge and data-driven, creative technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations."*

1.16 Paragraph 86 & 87 provides advice specific to the vitality and viability of town centres. The NPPF advises Local Planning Authorities to allocate suitable sites of a scale and type suitable for town centre uses such as retail, leisure office and other town centre uses.

1.17 Core Policy 7 of the Local Plan Strategy seeks to deliver between 7.210 and 9,000 additional jobs within the District during the plan period. To achieve such a target, it is proposed that 79.1 hectares of land will be allocated for employment uses, of which approximately 12 hectares will be delivered through the Cricket Lane SDA site. The Policy continues to advise that within the District "*high-value business, education and research… will be encouraged in sustainable locations".*

1.18 In this case, the Council has, through the allocation process for this site, identified through Policy Lichfield 3: Lichfield Economy that *"new employment uses will be focused … within the South of Lichfield (Cricket Lane) Strategic Development Allocation".* Appendix I provides some further insight into the vision for the employment element of the scheme, advising that the development *"may include a mix of employment uses within the part of the site. Any employment development will have regard to the residential amenity of the SDA and the road network which defines the site".*

1.19 Lichfield City Neighbourhood Plan, includes non-policy action A, which states that *"Lichfield City Council will liaise with developers and landowners to seek development of the employment part of the Cricket Lane Strategic Development Allocation that will maximise local economic and employment benefits, where this can be demonstrated to satisfy the sequential and impact tests; where good connections to adjacent residential areas and the City Centre can be achieved; and where development would not prejudice the re-instatement of the Lichfield Canal".* Evidently, as a non-policy action this statement carries little material planning weight.

1.20 The employment area extends to 12.78 hectares and will provide approximately 46,560 sq m of floor space. The applicant originally provided within their Planning Statement, an indicative breakdown of potential floor space provision within the site, which is reproduced below:

Development	Illustrative Gross Size (sq m)	Net Size	Sq m per employee	Gross jobs
General office (B1a) – Ancillary Use only	2,332	1,982	12	165
Light industrial/ manufacturing (B1c/B2)	6,996	-	36	194
Storage/Distribution (B8)	37,310	-	77	485
Total	46,638	-	-	844

1.21 The applicant has subsequently omitted this table from their application and rather have applied for an open employment use for the site with no likely floor space breakdown identified. The scale of the developable employment area, is complaint with Core Policy 6. The location of the employment area is also near identical to the indicative location proposed within Map 1.2 of Appendix I and therefore both of these matters are considered to be policy compliant.

1.22 It is noted that the latest consultation responses from the Council's Economic Development and Spatial Policy Delivery Team for this application, along with comments received from neighbours to the site, encourage the development of the employment element of this site, for an office led scheme. It is noted that there is currently market demand in the area for such provision, whilst it is advised that there have been a number of storage and distribution buildings erected along the A38 corridor, within the District, namely at Liberty Park and Fradley that will meet any existing demand.

1.23 The above argument is noted, however, the Council's latest evidence base applicable to the planning process, namely the Employment Land Review (2014) advises of the need to provide a mixture of B class land uses, whilst the evidence base included within the emerging Local Plan Review Preferred Options Document, contained within Strategic Policy OEET1: Our employment and economic development (this policy and document, as stated above, currently carry minimal material planning weight) highlights the need to deliver employment development on the level indicated in the below table:

Table 14.1 Employment land requirements

Employment land requirements		
Use class	Floorspace requirement (m^2)	Land requirement (Hectares)
B1a/b	76,500	15.3
B1c/B2	60,000	15.0
B8	160,000	40.0
Total	273,500	61.3

1.24 Given existing Local Plan policies, which require that this site delivers a 'mix' of employment uses and the Council's own emerging and existing evidence base, it would be wholly unreasonable to seek to limit the uses within this site, to a single B Class land use and rather a mix, is appropriate and is recommended to be secured via condition and subsequent reserved matters applications, albeit that the manner in which such is delivered, in terms of scale etc, requires further consideration, which will be discussed elsewhere within other sections of this report.

1.25 It is noted that neighbours to the site have advised that the employment elements of the scheme, as submitted, should be refused, as any storage and distribution use, would not deliver the aspiration of Core Policy 7 of the Local Plan Strategy, which seeks the delivery of 'high-value jobs'. Evidently the matter of appropriate uses for the site have been considered above, whilst this statement is an aspiration, rather than a definitive requirement for development in planning terms.

Sequential Test

1.26 Paragraph 87 of the NPPF states that main town centre uses outside of an existing centre and not in accordance with an up-to-date development plan, trigger the requirement for a sequential test. Paragraph 89 advises that a sequential approach should not be applied for small scale rural development, although no definition of small scale development is provided

1.27 Main Town Centre Uses according to Annex 2 of the NPPF are *"Retail development… leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)".* As such, in terms of the employment development proposed within this scheme, the offices are considered to be a town centre use.

1.28 This site lies outside of the nearest city centre boundary (located in Lichfield), as identified within the up-to-date Development Plan. The scale of the employment area and potential office floor space delivered therein is such that it goes beyond what could reasonably be considered as a small scale rural development. Therefore, in accordance with the above guidance, the development, specific to the office element of the scheme, requires a Sequential Assessment (SA).

1.29 The application has been submitted without a sequential assessment. This, it is argued by the applicant, is due to the fact that the office floor space indicatively proposed for site will all be ancillary to the wider B2 or B8 use of the building. In this circumstance a Sequential Assessment is not required and given the lack of such a document with this application, a condition must be attached to any positive decision restricting office uses to ancillary function only. It is acknowledged that whilst this somewhat limits the scheme's ability to offer a standalone 'mix' of employment uses, as required by Appendix I of the Local Plan Strategy, as discussed above, a mix still exists and therefore the scheme remains policy compliant in this regard.

Policy Conclusion

1.30 The application proposes a significant level of housing and economic development, in a spatially accessible location on an allocated site that is capable of being well connected to the main nearby Lichfield city centre. The development will significantly boost the local housing supply and employment floor space in the area, in a manner consistent with the desire in the NPPF. Overall, the development is therefore considered to accord with the spatial policies within the Development Plan and the NPPF.

2. <u>Housing Mix and Affordable Housing</u>

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

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

2.3 Appendix I of the Local Plan Strategy advises that this development will *"complement the existing settlement in terms of housing mix, scale and mass"* and deliver *"a range of housing in accordance with Development Management Policies H1 and H2".*

2.4 No details of housing mix have been provided within this application, however the outline stage is the appropriate time to define a suitable mix. To address this point therefore, it is recommended that a condition relating to the need to agree a suitable mix as part of the site's wider Design Code be attached to any approval. Subject to the details submitted to discharge this condition being in broad accordance with the requirements of the abovementioned policy, the scheme will comply with the requirements of the Development Plan and NPPF in this regard.

2.5 It is noted that the City Council have requested that a large number of bungalows be delivered as part of this development. No policy exists within the Development Plan to insist upon the

delivery of such and therefore no condition to require their delivery is recommended, as such would be wholly unreasonable.

2.6 The site is over the threshold for the provision of affordable housing, as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report issued in 2020 is for 38% of the units proposed, although at the time of the application being submitted, the 2020 AMR had not been published and as such, the required level of provision for this submission, as defined within the 2018 AMR, is 35%.

2.7 Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social rented and managed by a registered provider, with the remaining 35% intermediate, although it is acknowledged that the precise proportions will be agreed with the District Council, having regard to housing needs within the locality.

2.8 The applicant has proposed a wholly policy compliant affordable housing scheme, which will deliver 182 affordable dwellings. This provision is recommended to be secured via the s106 legal agreement. It is noted that within the Housing Manager's response to this application that the current demand for affordable housing in this area is for 2 bed houses, 1 bed flats and 1 bed bungalows. Delivery of the latter would evidently help to meet the aspirations of the City Council. Exact details however of the composition of the affordable housing elements of this development, will be secured via future reserved matters application, thereby allowing such to meet the most up to date needs, at the time of their submission. The request for Lifetime Home dwellings is noted, however the requirement to deliver such is not specified within the Development Plan and as such, cannot currently be reasonably required. Given the above assessment, the development, subject to the identified conditions and legal agreement schedule, complies with the requirements of the Development Plan and NPPF, in this regard.

3. <u>Design and Impact on the Setting of Surrounding Heritage Assets</u>

3.1 The site has a greenfield character, given its current agricultural use. The area surrounding the site contains a variety of character types, with to the north and west residential dwellings, set well back from the highway, erected primarily in the early to mid-twentieth century. To the east of the site lies the A38 Trunk Road, whilst to the south lies open countryside.

3.2 Local Plan Strategy Core Policy 14 states that "*the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings… and enhance the relationships and linkages between the built and natural environment*".

3.3 Local Plan Strategy Policy BE1 advises that "*new development… should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views*". The Policy continues to expand on this point advising that good design should be informed by "*appreciation of context, as well as plan, scale, proportion and detail*".

3.4 The NPPF (Section 12- Achieving well-designed places) advises that, "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". The document continues to state that *"development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".*

3.5 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. It states that planning decisions should ensure developments:

- Function well and add to the overall quality of the area;
- Be visually attractive as a result of good architecture layout and appropriate and effective landscaping;
- Sympathetic to local character and history, including the surrounding built environment and landscape setting;
- Establish or maintain a strong sense of place; and,
- Optimise the potential of the site to accommodate and sustain an appropriate mix of development and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible, promoting health and well-being with a high standard of amenity and where crime or fear of crime doesn't undermine quality of life or community cohesion and resilience.

3.6 The National Model Design Code advises that, *"In the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets which can be used as material considerations in planning decisions. This supports an aspiration to establish a default for local design principles and settings as part of forthcoming planning reforms that lead to well designed and beautiful places and buildings".* The Council does not as yet have a local design guide and therefore the above noted documents are important resources for securing good quality design.

3.7 The Planning Statement summarises the applicant's main ambitions for the development of the site to be as follows:

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

3.8 As described in the 'Proposal' section of this report, the application is made in outline, with an illustrative master plan showing how the resultant site could appear. Matters relating to

appearance, the layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time. However, the applicant initially provided a number of parameters plans, which seek to demonstrate how the site could be developed. The indicative plans, which are not for approval as part of the application, relate to matters of Access and Movement and Green Infrastructure. In addition, the application also includes a plan indicating the likely canal location, as it passes under Cricket Lane.

3.9 Broadly, the Access and Movement Plan, which relates solely to the residential element of the scheme, shows a main spine road, which will link the two Cricket Lane vehicular access points, with secondary roads running to the west and south from this road. Pedestrian and cycle routes are proposed to run to the periphery and through the centre of the site, with pedestrian access points shown in 3 locations to the north of the site, linking towards the Lichfield Canal Heritage Trail and a further link between the residential and commercial elements of the development.

3.10 A Building Height parameter plan was originally submitted with the application. This document has now been withdrawn from the submission and its proposals are not for consideration as part of this application. The document is mentioned here due to a number of initial neighbour and consultation responses, which specifically reference this document and the information it exhibited. The plan, specific to the residential aspect of the scheme, indicated that there be up to 2 storey (9.5 metres maximum) built form to the edges of the scheme, with to the centre, up to 3 storeys (12 metres maximum). For the employment element, it was proposed that for an area to the north of Ashbrook House, built form be limited to a maximum height of 12.5 metres, whilst elsewhere the maximum height be limited to 18 metres.

3.11 The Green Infrastructure Plan indicates an area of open space, including sports playing pitches, sustainable urban drainage features and allotments, to the north eastern edge of the site. Further open space is proposed to the centre of the site, through various linking greenways that could include cycleways, footpaths and similar, which are also to include 2 Local Equipped Areas of Play (LEAPs).

3.12 The Phasing Plan, originally submitted with the application, has also now been withdrawn by the applicant. Once more therefore, this document is not for consideration at this stage and its contents are solely noted for context in relation to initial comments received on the scheme. The document showed that the residential aspect of the proposal would likely be brought forward in 3 phases. The first phase would be located around the spine road. The second phase would be to the northern boundary and include the playing pitch provision, with the third phase being to the south western edge of the site, near London Road. It is recommended that a phasing plan now be secured via the use of a condition.

3.13 The indicative canal plan seeks to show likely route of the Lichfield Canal, where it passes under Cricket Lane. The plan seeks to demonstrate that the canal can be formed without additional impact, following the proposed off-site highway alterations, to be undertaken as part of this application, to the Tamworth Road / Cricket Lane junction.

3.14 As part of the consideration of the application, consultation with the Council's Conservation and Urban Design Officer has been undertaken. This consultee notes that the plans provided with the application are indicative only at this stage, given that all matters, except access, are reserved. Following the withdrawal from consideration of the various indicative parameter plans and amendments to the Masterplan and Design and Access Statement, there are no objections to the scheme as submitted, subject to various reasonable conditions. In particular, it is recommended that a Masterplan and Design Code, to detail and maintain the quality of development coming forward over both the residential and employment areas, be utilised.

3.15 Appendix I of the Local Plan Strategy requires that this development deliver *"The provision of pedestrian and cycling routes throughout the site, linking to the green infrastructure network and to the settlement, services and facilities beyond the site boundaries and to further development proposed to the South of Lichfield".* Thus, links out of the site to the north appear well catered for, through the provision of 3 links heading towards the Heritage Towpath. Evidently the applicant is only able to deliver pathways within their land ownership and as such integration to the towpath will require discussion with the Lichfield & Hatherton Canal Restoration Trust, to ensure that the points shown for such links are located appropriately. It is recommended that this be addressed via the use of a condition. Elsewhere within the site, a single point of access through to the south and onto London Road is proposed, which is insufficient to provide for suitable in-site connectivity and permeability. To address this point, a condition is recommended, requiring the submission of a pedestrian and cycle framework.

3.16 Appendix I of the Local Plan Strategy requests a "*variation in densities will occur through the concentration of above average densities around community hubs, with lower than average densities occurring around the edges of the built areas".* Further consideration of this point is required given the now lack of accompanying details submitted with this application. It is recommended that this matter be addressed through the Masterplan, to be secured via the use of a condition.

3.17 The Design and Access Statement indicatively identifies the provision of three character areas for a development of 520 dwellings. This number may be acceptable, but further detail of these areas and the architectural styles they are to utilise will be required to ensure an architecturally coherent development. This details should be secured through the Masterplan and Design Code documents, recommended to be secured via condition. These documents will have to evidence a nuanced and well-designed scheme. As stated in paragraph 50 of the National Design Guide, *"Well-designed places, buildings and spaces:*

■ *have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;*
■ *have a character that suits the context, its history, how we live today and how we are likely to live in the future; and*
■ *are visually attractive, to delight their occupants and other users".*

It will be for the applicant to demonstrate that their development will comply with these requirements, along with demonstrating compliance with the National Model Design Code, when moving forward towards reserved matters submission.

3.18 The sole design matter that must be fully considered at this point, is the suitability of erecting up to 520 dwellings within this site, at a density of approximately 35 dwellings per hectare. The NPPF advises (paragraph 124) that, *"planning… decisions should support development that makes the most efficient use of land"* taking into account identified housing needs, local market conditions and viability, infrastructure availability and capacity, an areas' prevailing character and setting and, the importance of securing well-designed, attractive and healthy places. The density proposed is not considered to be high (indeed such falls within the parameters established for 'Outer Suburb Areas', as defined within the National Model Design Code – appropriate given this setting) and, could easily be designed to ensure that the development integrates successfully into the surrounding pattern and form of development, whilst also offering high quality housing. The City Council's concerns on this point are noted, but density in and of itself does not create parking congestion, rather specifics of design cause such issues and it will be necessary, as the scheme moves forward, to ensure that such matters are appropriately addressed.

3.19 The height of the commercial buildings, is no longer for consideration as part of this submission, although such is considered in the round here for information to address some of the concerns raised by both neighbours and consultees on this matter. As noted by the abovementioned consultee and many local residents, this site will form a gateway to Lichfield,

for those entering and exiting the city from the adjacent Swinfen Island A38 roundabout junction. Given this degree of prominence, built form within this location will have to sensitively sited, massed and designed to ensure that buildings enhance this gateway. It is noted that within the submitted Design and Access Statement reference is made, as an example of good design practice, to the new development of employment buildings erected by St Modwen, south of Branston, near Burton upon Trent. The scale and nature of these units are unlikely to be acceptable to the front of this site, given the wildly different contexts between the two sites and a more human scale approach to built-form, to London Road will be necessary. In fact, as detailed within the applicant's Landscape and Visual Impact Assessment, it will be necessary to deliver *"'good design' allowing the development envelope closer to the London Road to promote the site frontage as a high quality approach to the City from the south, whilst retaining sufficient space to include some green infrastructure and open space to reflect positively in existing street scene".* Once more, it will be for the applicant to demonstrate that the employment site can be sensitively developed through the production of Masterplan, Design Code and subsequent reserved matter applications.

3.20 Overall, it is considered that the design and layout of the proposed scheme, including matters such as building height and design, will require careful consideration by the applicant through the Masterplans and Design Code Documents, in order to produce a high quality development, which will integrate successfully into the surrounding environment. Thus, subject to the application of the conditions, as specified, it is considered that the development is capable of complying with the requirements of the Development Plan and NPPF, in this regard.

Historic Environment

3.21 There are no designated heritage assets within the application site area. There are however a number of assets within the 1km study area surrounding the site, including 8 listed buildings, with the following located within close proximity to the site:

- Quarry Lodge – Grade II Listed – 70m to the north of the site;
- Freeford House – Grade II Listed – 110m to north of the site;
- Knowle Lodge – Grade II Listed – 100m to the north of the site;
- Knowle Farmhouse – Grade II Listed – 750m to the east of the site;
- Freeford Hall, Grade II Listed – 750m to east of the site;

3.22 There are no scheduled monuments or Conservation Areas that fall wholly or partly within the site study area. It is noted however that the Roman Rykneild Street, forms the site's southern boundary, whilst further archaeological interest arises due to the deserted medieval village at Freeford, located approximately 345m to the east of the site, which has led to numerous stray finds within the study area, including within the application site, a medieval or post medieval, knife end stop, coins, seals and other artefacts.

3.23 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

3.24 Paragraph 197 of the NPPF states that in determining planning applications that may affect the historic environment, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
- the desirability of new development making a positive contribution to local character and distinctiveness.

3.25 Paragraph 199 of the NPPF goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered.

3.26 The Council has adopted policies governing developments affecting heritage assets and the NPPF provides an overarching approach to decision taking and heritage assets, which includes balancing public benefits against harm to significance, where appropriate.

3.27 Policy BE2 of the Local Plan Allocations Document advises that *"development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting"*

Assessment

3.28 The effects of the development on the above identified heritage assets are assessed in the applicant's Heritage Statement, in terms of construction impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases, the submitted Heritage Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. This includes impact upon the Grade I Listed Cathedral Church of the Blessed Virgin Mary and St Chad, where it is considered that there are no perceivable historic associations between the site and the Cathedral, whilst the development of the site will not result in any adverse effects on the setting of this building.

3.29 With reference to impact upon the Lichfield Cathedral, whilst no harm to the setting of this building is presently identified, it should be acknowledged, that one of the key design principles for this site, as defined within Appendix I of the Local Plan Strategy, is for the scheme to take into account *"views out of the city and across the site, as well as views into Lichfield, towards the Cathedral and church spires, which will be used to generate the planned layout. Different types of views should be considered and created; impressive vistas are gained from medium and long distance, but glimpsed views of the Cathedral are characteristic from within the built form of the City*". This requirement is also echoed within Policy 9 of the Lichfield City Neighbourhood Plan, which requires that development proposals must demonstrate that their design incorporates and enhances views of Lichfield Cathedral. It will be for the applicant to demonstrate within the Masterplan and Design Code documents recommended to be secured via conditions that due regard is had to this matter when the internal layout of the scheme is designed.

3.30 The Council's Conservation & Urban Design Officer advises that the impact of the development upon the above identified designated and non-designated heritage assets will be within the 'less than substantial harm' range. The harm that does arise will be as a consequence, in the case of Quarry Lodge, due to its original setting being as an isolated building and the proposed development will further erode this, through developing upon the last rural outlook, resulting in the building being totally surrounded by housing, thereby being subsumed into the suburbs of Lichfield.

3.31 In the case of Freeford House, which was built on the site of a Lepers Hospital, its original setting was remote from any other buildings and this relates to its original function. The proposed development will further erode the remoteness of the setting of this building, so that as well as the C20th housing to the north, it will also have housing to the south.

3.32 Page 4 of the Historic England GPA Note 3 states that "*Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could include the restoration of a building's original designed landscape or the removal of structures impairing key views of it".*

3.33 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*".

3.34 In terms of paragraph 202, the NPPG advises that public benefits can be *"anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7)… benefits do not always have to be visible or accessible to the public in order to be genuine public benefits*". Evidently, this development will secure a large number of dwellings and employment floor space, on an allocated site and as such, offers significant wider economic and social benefits, which includes amongst other matters, the provision of public open space and sports facilities to the wider community, which when weighed against the identified low level of conservation harm, leads to the conclusion that the proposal in principle, is acceptable and compliant with the requirements of the Development Plan and NPPF, in this regard.

4. <u>Landscape and Visual Impact</u>

4.1 The Landscape and Visual Impact Assessment (LVIA) document, considers the wider landscape impact of the development, in the context of National Landscape Character Areas and more localised townscape vantage points. The quality and interest associated with the landscape, the visibility of the site by particular receptors and visibility of the site from key assets, are also considered, in the context of the wider landscape.

4.2 With regard to the quality of the landscape, the site is not subject to any national or regional landscape designations. The LVIA states that *"The assessment of impacts on landscape character has determined that the significance of effect on the 'Sandstone Estatelands' LCT will be 'minor adverse'. In order to consider impacts at a more detailed level, the assessment has also considered the site and its local landscape context; at this level the assessment concludes that the proposed development will result in a 'minor to moderate adverse' effect. In both instances effects are limited, highly localised and not considered significant in overall landscape and visual terms".*

4.3 The aforementioned document continues to advise that the site does not contain any particular characteristics or features considered to be rare or distinctive. There is currently no public access to the site and its recreational value is low. From the wider landscape, the site is generally screened by the influence of landform and vegetation, and where visible, it is seen in the existing context of the settlement edge, characterised by the residential areas rising across Borrowcop Hill. There will be some views to the northern edge of the proposed development from the Heart of England Way recreational route, however these are from only a short section of the route. The greatest degree of visual effect will be from locations immediately adjacent to the site, along Cricket Lane and from a small number of individual properties on Tamworth Road. Given the nature and scale of visual effects, when considered overall, these highly localised effects are not considered significant. Overall, it is concluded that the proposed development will result in limited impact at a localised level, to a landscape of low value.

4.4 In the views that are apparent, it is inevitable that there will be some minor adverse impacts as the development process progresses across the site. However, once the proposed landscape mitigation has established (for example in 10 -15 years) the effects are likely to be

much reduced and represent a negligible effect. Nevertheless, there are no significant concerns raised by consultees about wider landscape visibility.

4.5 It is considered, based upon the information contained within the LVIA that the development will have an acceptable scale of effect upon the landscape and as such, will comply with the requirements of the Development Plan and NPPF, in this regard.

5. Highway Impact, Sustainable Transport and Parking

5.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

5.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

5.3 Core Policy 3 of the Local Plan Strategy advises that the Council will seek to reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport. Core Policy 6 advises that residential development will be expected to contribute towards the achievement of sustainable communities.

5.4 The applicant has carried out an in depth analysis of traffic data, collected during 2018, in a manner agreed with the Staffordshire County Council Highways Authority (SCC Highways). This data has been modelled and increased to a 2034 forecast year for the purposes of occupation traffic assessment and includes committed developments in the vicinity of the site.

5.5 An assessment of junction capacities to establish the potential for driver delay has been carried out within the submissions and uses peak hour (worst case) traffic flows at junctions. Of the 8 junctions analysed, a total of four are forecast to require mitigation. The 4 junctions that will continue to operate under capacity and require no mitigation are; Upper St John Street / Birmingham Road; A51/A5127/Sante Foy Avenue/ The Friary roundabout, Bowling Green junction and the A5127 Birmingham Road / Shortbutts Lane / Fosseway.

5.6 Following the introduction of occupation levels of traffic, mitigation schemes are proposed to the remaining 4 junctions, in the following manner and locations:

- Introducing a signalised junction at the London Road / Cricket Lane / Knowle Lane crossroads,
- Existing safety issues at the junctions of Cricket Lane with Tamworth Road and Quarry Hill Lane. Mitigation as proposed;
    - Extending the 30mph;
    - Gateway feature to demarcate the start of the 30mph zone;
    - Narrowing the carriageway through the junction to 6.5m to encourage slower traffic speeds;
    - Building out Cricket Lane and Quarry Hill Lane arms to improve visibility;
    - Cutting back vegetation within the visibility splay (within public land);
    - Providing a widened footway through the narrow section of the carriageway;
    - Building out the eastern side of the Cricket Lane arm to encourage slower entry speeds; and
    - Introducing a controlled crossing facility on Tamworth Road to the west of Cricket Lane.

- A scheme to further improve the design of the London Road junctions with Shortbutts Lane / Tamworth Road, the forthcoming Lichfield Southern Bypass and forthcoming St John's development access has been identified and can be delivered within land controlled by the applicant or the land under the control of SCC; and
- Alterations to Swinfen Island, including the installation of a new three-armed signal controlled junction with a new right-hand turn land for vehicles heading from the south (Swinfen Island - A38) with the main access being off London Road.

5.7 In their formal response to the Council, the Highways Authority state that there is no objection to the principle of the development, subject to conditions and a legal agreement to secure the abovementioned off-site highway works (exact details of which are recommended to be the subject of conditions, whilst also being considered under separate highway technical reviews), amongst other contributions which are discussed below. In particular they comment that *"as the assessment of the likely impact of the development is reasonable and the measures proposed mitigate the impact on highway capacity and provide improved facilities for walking, cycling and public transport, the local highway authority can recommend permission be granted for the proposed development".*

5.8 The suitability of the mitigation measures have also been considered by Highways England, who have considered the impact of the development and the identified mitigation measures upon the Strategic Highway Network. Following revisions to the design of the, to be revised Swinfen Island junction, this consultee has determined that the impact of this development can be suitably mitigated, subject to the installation of the highway improvements, prior to the first occupation / use of any of the buildings within this site. Therefore, it is recommended that these off-site highway improvements and the identified delivery timetable, be secured, via conditions and the S106 agreement, as necessary. The concerns of the South Lichfield Alliance on the matter of the Swinfen Island works are noted, however both Highways England and the Highway Authority have advised that the design, as currently proposed, is broadly acceptable.

5.9 The comments of the South Lichfield Alliance Residents Group (SLA) on the matter of off-site highway works are noted. The exact details of these works will be determined by the Highways Authority via their own determination processes that sit outside of the planning process. As such it will be for that body to consider the merits of the solutions identified in due course, albeit that the details as provided currently have been considered to be broadly acceptable by that consultee.

5.10 In addition to junction capacity improvements, the proposed mitigation package, includes a range of sustainable transport infrastructure and travel planning initiatives. A summary of the sustainable transport mitigation package is as follows:

- Providing on and off-road cycle routes from the site towards Lichfield City Centre;
- Cycle parking to be provided in line with locally adopted standards;
- Network of pedestrian and cycle routes throughout the Site;
- The layout allows for bus penetration to enable easy access to public transport services. It is envisaged that this will be delivered by a new bus service being provided to connect the site to the City Centre and railway station; and,
- Framework Travel Plan to promote and stimulate modal shift – i.e. a wider change in behaviour to promote more sustainable travel choices from users of the development.

5.11 The TA states that following the delivery of the proposed mitigation package, development impacts across the majority of the study area, are forecasted to continue to be negligible.

5.12 Working through the identified sustainable transport measures in turn, it is apparent that with reference to pedestrian and cycle connectivity Pedestrian and Cycle Links, Appendix I of the Local Plan Strategy seeks *"A continuous network of pedestrian and vehicular route ways that connects into newly formed green spaces and integrates with the existing, surrounding*

movement networks, including public rights of way. Of particular importance will be safe crossing points on both London and Tamworth Roads".

5.13 The applicant proposes to achieve this requirement through links to be provided across Cricket Lane, Tamworth Road and London Road whilst also seeking to offer improved cycle movement to the city centre. Broad details of these measures have been provided and will need to be formally worked up as the application progresses towards implementation. Securing the delivery of these works will once more be captured through the S106 agreement. In summary they include a proposed on -road cycle route using Longbridge Road/Cromwells Meadow and London Road service road to connect to the main London Road. In addition the provision of a new toucan crossing on London Road opposite Longbridge Road service road and new 3 metre shared use carriageway on the west side of London Road (heading north).

5.14 Further wider sustainable transport improvements arising from the development are proposed through the creation of 3 links onto the Lichfield Canal Heritage Trail and the improved pedestrian connectivity that will be offered upon completion of this route. Such ensures compliance with the infrastructure delivery target of Appendix I, which seeks *"integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network".* Exact details of the location and design of these links will be secured via condition and within the Masterplan for the site.

5.15 Given the outline nature of this application, details of cycle parking are yet to be defined. However, conditions are recommended to secure further details of such, within subsequent reserved matters applications, which shall also include, for the employment uses, the provision of suitable shower and locker facilities. The level of provision to be supplied, will need to accord with the requirements detailed within the Council's Sustainable Design SPD.

5.16 Broad details of pedestrian and cycle linkages through the site are identified on the Access and Movement Parameter Plan. This plan shows indicatively the provision of a formal movement framework throughout the site, which will provide permeability of movement for future residents. The indicative movement framework identified on this parameter plan is considered to be broadly acceptable, other than the need for additional links between the residential and employment areas, as discussed above, given such offers appropriate levels of connectivity through and into and out of the application site.

5.17 The Staffordshire County Council Walking Route Assessment Criteria (2014) suggests that a walking distance of up to 2 miles is appropriate for access to school provision. However, this document was produced in the County Council's capacity as Local Education Authority and differs from the preferred distance of 600m, outlined in the Staffordshire Residential Design Guide (2000). This site will be served by the minimum 1FE with nursery provision, Primary School, to be erected within the St Johns Development, which has been secured via s106 agreement. This school is to be delivered on a 1.1ha site, with an additional 0.9ha set aside for future expansion (the St John's s106 details that the Cricket Lane developer is to pay the cost of purchasing this expansion land). The timeframe for delivery of the school is not set within the legal agreement, but payment of the requested £2.8m is required, prior to the occupation of the 150th dwelling. The school is proposed to be erected within the south eastern corner of the built form element of the site, with access proposed over the playing fields or off London Road, via a new access to be created at 22 London Road.

5.18 However, subsequent to the drafting of the previous Planning Committee Report in March 2021, it has become apparent that the alternative new access to the St John's site via 22 London Road is no longer possible due to land ownership issues. Options of providing an alternative route to the school via Knowle Lane have been assessed by the Highway Authority, (this being the closest available access point) but it has been concluded that lane does not offer opportunities for upgrading to provide a pavement and allow two vehicles to pass each other. Knowle Lane has therefore been discounted as an alternative route to that previously anticipated to be delivered through 22 London Road.

5.19 The location of the Primary School ensures that the latter identified targets will not be met for parts of the application site, with some housing, in the north eastern corner of the site, likely to be approximately 1,100m from the school. To address this issue therefore, it will be necessary to ensure that access to the school, via alternative sustainable transport modes, such as bike (discussed above) or bus travel is secured.

5.20 An assessment has been undertaken of pedestrian and cycling connectivity from the site in the absence of the second access via 22 London Road. The route would therefore follow London Road to its junction with the by-pass which is provided with a controlled crossing and would enable walking and cycling access on existing and improved pavements/cycleway. A pinch point occurs at present at the existing canal bridge as the pavement narrows and cyclists are restricted due to the road width. Provisional discussions are ongoing between Staffordshire County Highways and the developer and the Lichfield & Hatherton Canal Restoration Trust to provide a separate structure, a footbridge/cycleway alongside the existing canal bridge to provide pedestrians/cyclists with an alternative crossing point. This is achievable, as the County Highway Authority have control over the adjacent land which comprises part of the adopted highway. A costing assessment is currently underway and at this stage the submitted plans show an indicative pedestrian bridge which would be secured via a financial contribution. The County Highway Authority would design and deliver the structure as part of its highway works.

5.21 Consideration has also been given to pedestrian and cycle connectivity and a financial contribution has been agreed with the applicant to enable a feasibility study to be undertaken of the potential for highway improvements to be made to Quarry Hills Lane, which is identified in the Staffordshire Local Cycling and Walking Infrastructure Plan as it links to Borrowcop Lane and a senior school.

5.22 Appendix I of the Local Plan Strategy advises that as part of the infrastructure provision *"all development should be within 350m of a bus stop*". Bus penetration through the site, along the Primary Road Corridor, is proposed to be secured via a Schedule within the S106 agreement, which will ensure compliance with this requirement. On-site provision of bus infrastructure as well as provision for Cricket Lane, through bus shelters and flags is also recommended to be secured via the S106 agreement. The Highways Authority have advised that a bus service would be expected to be provided to enable a service which would serve the St John's Grange development (already secured via a S106 agreement) and which would be extended into the application site. An alternative option would be for the applicant to make a financial contribution to the delivery of the service for the application site provision.

5.23 There are on-going discussions with regard to the S106 planning agreement in respect of the above. In terms of the financial contribution, an early County Highway consultation response indicated that if a financial contribution were to be agreed, this would be in the region of £300,000. However, this figure would now need to be reviewed and potentially amended to take account of the extended period of time that has elapsed since the calculation was undertaken (approximately 3 years). If the financial contribution route were to be taken the exact figure would be subject to agreement with the applicant. The bus service will run every 15 minutes on Mondays to Saturdays inclusive (excluding Bank Holidays), between the hours of 0700 and 1900, and every 30 minutes on Sundays between the hours of 0800 and 1800, to access and egress the site and link it with Lichfield City Centre and railway station. Additional destinations may also arise following the completion of consultations through the Travel Plan.

5.24 Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development, will have regard to the *"provision for alternative fuels including electric charging points".* Paragraph 112 of the NPPF advises that *"applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations*". The Transport Assessment and Sustainability statement submitted with the application, make no

reference to such provision. To ensure therefore that charging points are provided, namely within the employment areas, given it will be for individual households to supply their own charging points as necessary, a condition is recommended.

5.25 The Travel Plan has been considered by the Highways Authority. They advise that the document is acceptable and therefore, a contribution of £7,000 towards the monitoring and promotion costs of this document is required and to be secured under the s106 agreement.

5.26 In terms of the specific access points into the site, which are to be considered as part of this application, three are proposed, as identified above. The number of access points needed to serve the development is not identified within the Local Plan Strategy, although it is acknowledged that Map I.2, Cricket Lane Concept, shows two points of access, one each from Cricket Lane and London Road. This is an indicative plan however and by no means seeks to constrain future development.

5.27 The acceptability of using two access points to serve the residential element of the development, from Cricket Lane, has been considered to be acceptable by the Highway Authority, as has the design of these junctions, which are proposed to be priority junctions built to enable bus access, with 10m radii and a 6.5m carriageway width. The request made by South Lichfield Alliance for these junctions to be relocated is noted and has resulted, following the submission of revised documentation, in the southern most access on Cricket Lane being re-sited closer to the junction with London Road. This amendment was requested in order to limit the number of potential vehicle movements along the central portion of Cricket Lane. The new ghost island junction off London Road, to serve the employment phase of the development, is also considered to be acceptable, as evidenced by the fact that such has been approved separate to this application under planning reference 19/01076/FULM.

5.28 It is noted that the South Lichfield Alliance have raised a number of concerns, including a suggestion that rather than utilising Cricket Lane, a new spine road should run through the site, providing a link between Tamworth Road and London Road. Such a design would not be encouraged by the Highways Authority however, due to their want to separate employment and residential traffic on safety grounds. In addition, the spine road would also encourage HGV traffic to access the employment site using Tamworth Road, with resultant impact upon existing and future resident's amenity, whereas currently, future routing strategies will promote the use of the neighbouring Swinfen Island junction.

5.29 The South Lichfield Alliance have also raised the point that in order to limit the impact of construction activities upon the existing residents of Cricket Lane, as far as possible, vehicular movements associated with such, should come off London Road. The exact details of construction traffic routing will be addressed within the Constriction Management Plan, which is recommended to be secured via condition. The request however is not unreasonable and a note to applicant to that effect, to inform the Construction Management Plan, is recommended.

5.30 A further concern raised by the City Council relates to the width of the highways within the site and their ability to safely accommodate emergency vehicles. Such detail will evidently be addressed within subsequent reserved matters applications, given such forms part of the site's specific layout and design.

5.31 The Council's car parking requirements are identified within Policy ST2 of the Local Plan Strategy, which provides further clarification through guidelines detailing maximum off street car parking levels, set out in the Council's Sustainable Design SPD. To ensure delivery of appropriate levels of off street parking to meet the targets identified within policy, broad details of a site wide car parking is proposed to be secured within the recommended Design Code condition.

5.32 Finally, it is noted that the Highways Authority have requested a condition to secure a phased assessment of the public highway adjacent to the site throughout the construction process, in order to assess any damage caused. This process will ensure that any repairs directly deemed necessary as a consequence of the site's development are addressed by the applicant, rather than the public purse. Such a condition is considered to be reasonable and necessary and is therefore recommended.

5.33 It is considered that the submitted highway modelling and analysis reflect good practice in terms of the approach to estimating the uplift in resultant traffic and required mitigation. Thus, subject to the abovementioned S106 requirements and conditions specific to off-site junction improvements, public transport contributions, junction improvements, the delivery of on and off site pedestrian and cycle networks, the development as proposed, will, in terms of highway safety and wider highway impact, be compliant with the requirements of the Council's Development Plan and the NPPF.

6. Water Environment, Flood Risk and Drainage

6.1 Appendix I of the Local Plan Strategy states that key infrastructure delivery within the site will include *"the provision and maintenance of sustainable drainage systems and flood mitigation measures*", along with *"Measures to address water supply and waste water treatment, relocation and provision of utilities infrastructure".*

6.2 Approximately 586m of the Ash Brook, an Ordinary Watercourse, runs through the site. The Brook flows in a north easterly direction, from the southern corner of the site and enters via a culvert under London Road and exits via a further culvert under the A38. The Swinfen Brook drains into Ash Brook to the east of the Application Site (downstream from the proposed development) and flows in a northerly direction. Swinfen Lake and Freeford Pool both drain into Swinfen Brook, which subsequently drains into Ash Brook.

6.3 There are noted existing flooding hotspots on Rykneild Street and Tamworth Road, which are located near to the site.

Flood Risk

6.4 The site is located wholly within Flood Zone 1 as shown on the Environment Agency's Flood Risk Maps. Flood Zone 1 is defined by the Environment Agency as land that has a low probability of flooding (<0.1% Annual Exceedance Probability [AEP]).

6.5 As part of the Flood Risk Assessment, the applicant has provided information, which considers the potential sources of flooding at the site and utilises modelling data to predict anticipated flood levels at 100 year + 30% climate change and 1 in 1000 year events. The report confirms that the Ash Brook represents the most significant source of flooding.

6.6 As an Ordinary Watercourse, the Environment Agency do not assess the flood risk of either Ash Brook or Swinfen Brook and rather, consideration of risk and any works to be undertaken to these Brooks, fall to be considered by the Lead Local Flood Authority.

6.7 The development seeks to realign the Ash Brook and as a consequence, the FRA has considered the flood risk associated with both the Brook as currently evidenced and post realignment. For the design scenario, a Hydraulic Assessment of Brook has been undertaken, which illustrates that the site remains flood free in all events up to and including the 1 in 100 year plus 30% climate change event. Due to the capacity of the proposed re-alignment channel, the floodplain on the site associated with the overtopping of Ash Brook (apparent on the 1 in 1000 year event in the baseline scenario, flooding along right bank) is removed for the 1 in 1000 year event for the design scenario. During the 1 in 1000 year event for the existing Brook route, flooding is predicted on site associated with the A38 culvert. The area over which the 1 in 1000 year event floodplain (for the Brook as is) extends, is identified on the indicative

Masterplan as comprising employment land and public open space. As a consequence of this assessment, it is concluded through the Hydraulic Assessment that part of the site forms Flood Zone 2 and the remainder Flood Zone 1.

6.8 The NPPF advises in relation to flood risk, the importance of taking into account the consequences and not just the probability, of future flooding events. It clarifies the sequential test as a risk based approach to be applied at all stages of the process, to steer new development to areas at the lowest probability of flooding.

6.9 The 'more vulnerable' uses proposed within this development, namely the dwellings, have, in accordance with sequential test requirements defined within the NPPF, been sited within flood zone 1 away from the Brook, with the only element of built form to fall within the now defined flood zone 2, being within the employment area. Part of the playing pitches also fall within this area. Both of these uses are defined as being 'less vulnerable' and are, as a consequence, in accordance with the NPPF Technical Guidance, considered to be appropriate uses within this area.

Surface Water Drainage

6.10 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with the application identifies that the existing surface water flood route through the site is generally shown as low risk (i.e. each year it has a chance of flooding of between 1 in 100 and 1 in 1000). The surface water drainage risk associated with the site post development will be dependent upon the levels of impermeable material created during the development process and the mitigation measures to be installed. It is currently proposed however that this mitigation will ensure that site is capable of conveying flows of up to 1 in 100 years plus 30% for climate change. The indicative measures as currently proposed are two attenuation pons located within the north eastern open space area. The southern pond would retain water prior to discharge into the Ash Brook, whilst the northern pond would discharge into the restored Lichfield Canal.

6.11 The FRA also recommends that all dwellings have a finished floor level 150mm above adjacent ground levels, where practicable, which will mitigate flood risks associated with surface water run-off. This recommendation is increased to 600mm above ground level for any commercial buildings located adjacent to Ash Brook.

6.12 The acceptability of the drainage proposals have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development, subject to the submission of further information specific to further exploration of a potential drainage connection between Ashbrook House and the Ash Brook, to be secured as part of the wider surface water drainage condition. Subject to the application of such a condition, the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.

Riparian Rights

6.13 A neighbour to the application site previously asserted their riparian rights to the Ash Brook. These comments have now however been withdrawn at the behest of the homeowner. Consideration of such will however be briefly considered within this report given the initial objections raised by the Lead Local Flood Authority. Riparian rights apply to the owner of the land forming the bank of a river or stream to use water from the waterway for use on the land, such as for drinking water or irrigation.

6.14 The Lead Local Flood Authority, now advises that riparian rights, will have to be taken into consideration, when an application (separate to the planning process) for land drainage consent is made to the LLFA. As part of such an application, the LLFA will require the applicant to demonstrate that they have resolved any riparian issues.

6.15 Given riparian rights are considered separate to the planning process, under land drainage consent, in principle, if consent is not sought, prior to the issuing of a relevant reserved matter decision, then drainage amendments to the planning application could still be required.

Foul Drainage

6.16 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 previously stated that there they were unsure whether the existing 225mm diameter public combined sewer within Cricket Lane, which continues north of the site in Tamworth Road, had capacity to serve the development. To address this issue, the applicant undertook a Sewer Capacity Assessment, which concludes that there is insufficient capacity at the Lichfield Sewerage Treatment Works, to accommodate this proposal.

6.17 Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to increase capacity to accommodate this and neighbouring development. To that end, Severn Trent propose to install approximately 80m of 1500mm diameter sewer within the boundaries of the site. The location of this pipe routing has been taken into account within the masterplan design.

6.18 Given the above assessment, subject to the application of conditions, as recommended, the development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

7. Public Open Space, Sports Facilities, On-Site Green Infrastructure and Arboriculture Impact

7.1 The submitted Green Infrastructure Parameter Plan indicatively shows the main area of green infrastructure within the development itself to be the sports facility and SUDs area proposed to the north eastern corner of the site; along with the peripheral green space and horizontal green strips running through the development; which includes elements of both formal and informal public open space. There are a total of 2 Local Equipped Areas of Play (LEAP) proposed across the site, with details of the equipment to be installed within the parks presently unknown. Details of facilities within the Open Space, such as benches or bins, have not yet been provided and will be secured under the provisions of the S106 agreement. The park extends to approximately 9.06 ha, with exact details of such to be agreed via condition.

7.2 The requirements for open space are set out in Policy HSC1 of the Local Plan Strategy and the Council's Open Space Assessment Document (2016), further details of which are provided within the below table. For information, it should be noted that given the proposal is for 520 dwellings, an estimated population, utilising data of average household estimates, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015)), results in 1,165 residents.

OPEN SPACE, SPORT AND RECREATION PROVISION	HA/PER 1,000 Residents	HA/PER 1,165 Population (Policy HSC1 compliant)	Proposed Development Provision (approx. ha)
Informal Open Space, incorporating:	1.63	1.91	Unspecified
Amenity Green Space incorporating Parks and Gardens	1.43	1.67	
Allotments	0.20	0.24	0.24
Formal Open Space, incorporating:	1.48	1.72	Unspecified

Equipped Play	0.25	0.29	
Outdoor Sports Pitches and Courts	1.23	1.43	1.52
Total (ha)	3.11	3.63	9.06

7.3 It is evident from the above table that the proposed development is capable of being policy compliant in all matters, albeit that a breakdown of the public open space provision has not been provided. The quantum of POS however is policy compliant, however further regard to the green infrastructure details as currently submitted shall be provided below.

7.4 The Infrastructure Delivery Plan requires specific to *"the linear form of this corridor will be opened up in places to provide public Canal Restoration Trust completed by full construction stage with an amenity space".*

Play Facilities

7.5 Policy HSC1 of the Local Plan Strategy states that *"All new Strategic Development Allocations to provide equipped play to ensure all parts of the development are within 480m / 10 minutes walk time of a safe and over-looked equipped play facility".*

7.6 As noted above, the composition of the play facilities will be approved at a later stage, although regard will be given to the indicative location and provision. The Fields In Trust document 'Guidance for Outdoor Sport and Plan: Beyond the Six Acre Standard' (England) advises that the walking distance for residents to equipped or designated play areas, should be no greater than 100m to Local Areas of Play, 400m to LEAPs and 1,000m to NEAPs. This guidance also advises of the need to ensure the appropriate provision of ancillary facilities and equipment, suitable footpath access, designed to be free from harm or crime and containing equipment of a requisite standard. Thus, there is some slight discrepancy between the two guidelines in terms of suitable walking distances.

7.7 The National Playing Fields Association advises that for LEAPs, which will generally be designed for children between 4 and 8 years old, the minimum size should be 400 sq m.

7.8 The two LEAPs proposed for this site are located within modest green areas within the northern and southern housing parcels. The furthest distance likely from a dwelling within the site to a LEAP, as shown on the masterplan, is approximately 250m, whilst each indicative location is capable of accomodating a scale of LEAP compliant with the abovementioned guidance. Thus, the development evidences an appropriate level and siting of equipped play provision within the site.

Public Art

7.9 Core Policy 12 of the Local Plan Strategy advises that *"new strategic housing… development will incorporate public art".* Appendix I of the Local Pan Strategy identifies that development within the application site will need to deliver *"Opportunities for public art to be integrated within the design of the development".*

7.10 The provision of public art within the site is proposed to be secured through the s106 agreement, although exact details of such, will not be provided until the appropriate phase of development, through a subsequent reserved matters application. However, the proposed route will ensure compliance with the requirements of the Development Plan in this regard.

Allotments

7.11 Local Plan Policy HSC1 details the extent of allotment provision required within the SDAs (as detailed within the above table) and continues to state that *"allotments will be well maintained and well managed and will be designed so as not to have a detrimental visual*

impact upon the wider landscape. Depending upon the location, in some circumstances this may require restrictions upon the number and type of buildings which can be erected to serve the site such as individual sheds".

7.12 The illustrative masterplan submitted with this application shows such allotments to be provided within the north eastern corner of the site. The indicative location, served off a secondary road, with its own dedicated 6 space off streetcar parking area is considered to be broadly acceptable. Given however the outline nature of the submission, it will be beholden on the applicant to demonstrate appropriate siting and provision of facilities within subsequent reserved matters applications and the principle requirement at this juncture is to gain agreement for the provision of this community facility. The creation of this area and management thereafter, is recommended to be secured by means of the s106 agreement.

Sports Facilities

7.13 Policy HSC2 of the Local Plan Strategy requires all SDA to *"provide playing field facilities at a minimum level of 1.23ha per 1,000 population, including around 200m2 for changing and pavilion space and 0.025ha for parking".*

7.14 Facilities for sport and recreation will be focussed within the green space, located to the north eastern corner of the site. Indicatively two football pitches are presently shown within this area, as well as a sports pavilion and associated off street car parking. Additionally, there will be a series of on-site recreational trails for walking, cycling and running and the site wide internal trail with an opportunity to tap into the wider public rights of way.

7.15 Sport England have been consulted on this application, along with the Council's Health and Well Being Development Manager. The advice received by the Council is that the provision to be supplied within the development is acceptable (as demonstrated above), subject to the application of conditions to secure a suitable design and layout of the playing pitches, pavilion and car park, prior to the occupation of any dwellings within the relevant phase of development within which these facilities are to be delivered. Such conditions are considered reasonable and necessary and will enable the delivery of the sports facilities within an appropriate time frame.

7.16 Given the above assessment, the recreational and public open space provision proposed within the development, as submitted, is considered to be compliant with the requirements of the Development Plan and NPPF, in this regard.

Arboricultural Impact

7.17 Paragraph 180 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed. The SPD also seeks to ensure that a minimum 20% canopy cover is achieved on development sites.

7.18 Appendix I of the Local Plan Strategy advises that one of the key design principles for developing this site is the delivery of *"A landscape framework and planting strategy, which will be produced as a driver for the designed layout that integrates the development within the landscape and shows how the new urban edges will be formed and managed*". The document continues to advise that the proposal should include *"A strategy for new planting, the extent of which must not just be confined to the edges of proposed new development. The landscape strategy will demonstrate how the countryside can be drawn into the city through the integration of multi-functional green spaces – that combine with street trees, courtyard and*

garden planting to provide a characteristically verdant extension to Lichfield City. The strategy must demonstrate how places can be produced that will be visually distinctive but also robust in terms of climate change, encouraging alternative modes of movement and bringing wildlife into the City".

7.19 The Arboricultural Impact Assessment, identifies that there are 6 individual trees and 5 groups of trees to be felled as a direct consequence of this development. A further 3 hedgerows and 4 tree groups are proposed to be partially removed. Of these individual and groups of trees, 1 is category A, 12 are category b and 5 are category c.

7.20 The Council's Trees, Landscaping and Development Supplementary Planning Document advises that, *"the Council expects that all trees that are protected by a tree preservation order or classified as retention category A or B in a BS 5837: 2012 survey will be retained on the site".* The document continues to state that, *"it should not be assumed that C category trees that constrain development may be removed".*

7.21 The Council's Arboriculture Team advise that the impacts on existing trees of the development have been properly assessed and quantified. Concerns have however been raised regarding the loss of the Category A Oak tree, although subsequently, it has been accepted that in order to allow for the delivery of the scheme, this tree will need to be felled. In order to mitigate for the loss of this tree and also deliver the abovementioned SPD requirement, specific to tree canopy cover, significant, sustainable and well-designed landscaping will need to be designed and thereafter planted. Such expectations, along with details for measures to protect retained trees during the course of development, will be confirmed within the Design Code and Landscape Management Plan, which are both recommended to be secured via condition. On this basis, no objections are raised to the above identified tree works.

7.22 In terms of the hedgerow to Cricket Lane, the retention of which has been raised as an issue by a number of residents, it is evident that the above noted document advises that the vast majority of this feature will be retained and protected by suitable measures throughout the constriction process. The only areas of hedgerow to be removed are those necessary in order to form the two access points.

7.23 Appendix I of the Local Plan Strategy advises that *"Any surface level parking areas will make provision for generous planting in order to aid visual containment and help to ameliorate the effects of climate change*". This requirement is also reflective of the contents of the Trees, Landscaping and Development Supplementary Planning Document. Finally, it should be noted that the National Model Design Code requires that *"all new streets should include street trees".*

7.24 Exact details of landscaping is evidently a reserved matter. However, the indicative masterplan identifies suitable landscaping areas, capable to drawing the surrounding countryside into the application site. Further details of the overall landscaping strategy for the site, including the suitable retention of trees and hedgerows during construction works are to be contained within a Landscape Management Plan, which is recommended to be secured, via condition. The Management Plan should also identify how the development will achieve a 20% tree canopy cover by mid-century, supply suitable levels of tree planting within the car parking areas associated with the employment units and deliver suitable street trees.

7.25 Given the above considerations, with reference to green infrastructure and arboriculture considerations, this development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

8. <u>Loss of Agricultural Land</u>

8.1 The application site is currently in arable agricultural use.

8.2 The Agricultural Land Classification (ALC) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Grade 3b is moderate, Grade 4 is poor and Grade 5 is very poor.

8.3 Paragraph 174 of the NPPF states that planning decisions should recognise *"the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland".*

8.4 Natural England Guidance produced in 2010 identifies this site as falling within an area of Grade 3 Agricultural Land. As such, whilst of reasonable quality it is not the best or most versatile and its loss from food production will have to be considered within the overall planning balance exercise, as advised within the above national guidance.

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 residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy however, the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built form. Therefore, no conditions are required under the requirements of this policy, to secure sustainable built technologies within the residential phases of this development.

9.2 Local Plan Strategy Policy SC1 continues to set out requirements that major non-residential development, with a floor area in excess of 1,000 square metres, should achieve the BREEAM excellent standard from 2016.

9.3 It is considered reasonable to require that any building 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.

9.4 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 now equivalent to a current (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.

9.5 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. In addition, the wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition to secure the provision of these matters, the development is considered to be compliant with national policy in terms of sustainable building techniques.

9.6 In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.

10. Residential Amenity – Future and Existing Residents

10.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.

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

10.3 Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of $45m^2$ should be provided, for 3 or 4 bed $65m^2$ and for 5 bedroom dwellings $100m^2$. All gardens should have a minimum length of 10m.

10.4 Evidently, this application is made in outline with matters of layout reserved for future consideration. To ensure that this is achieved, it is recommended that the need to agree space around dwelling standards, be included within the Design Code condition.

10.5 Paragraph 174 of the NPPF advises that *"the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability".* Appendix I of the Local Plan Strategy advises of the need for *"Measures to demonstrate how the amenities of existing residents living on the boundaries of this site will be respected and protected, with any proposed layout justified on this basis".*

Contaminated Land

10.6 Paragraph 183 of the NPPF advises that *"Planning… decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation".*

10.7 A ground investigation report accompanies the application. As part of the assessment, historical ground investigation information has been utilised, which includes a Phase I Environmental Assessment.

10.8 A review of desk study information indicates that there is generally a low potential for ground contamination to exist at the site, given its existing and former use for agricultural. However, potential contaminants or concerns for the site are noted, due to PCBs associated with the electricity substations located next to the mobile signal mast in the south of the site and the building in the east and the use of pesticides associated with the agricultural use of the site.

10.9 In order to secure a site suitable for residential led redevelopment, as detailed above by paragraph 183 of the NPPF, the ground investigation report advises the completion, prior to commencement of development of an on-site Phase II ground investigation, along with mitigation measures to include capping layers, upgraded water pipes and gas protection measures.

10.10 The suitability of the above identified approach and recommended conditions has been considered by the Council's Environmental Health Team, who offer no objections to the development on these grounds and therefore, it is recommended that, subject to the above

identified conditions, the proposal complies with the requirements of the Development Plan and NPPF, in this regard.

Lighting

10.11 No Lighting Assessment document has been submitted with this application. The Environmental Health Team conclude that the lighting within the development has the potential to cause loss of amenity to existing and future residents. To address this matter, a condition requiring the submission and approval by the Local Planning Authority of a lighting scheme, for each phase of development, is recommended, whilst such will also address Highway England's request for such a condition.

10.12 Thus, subject to compliance with the abovementioned condition, the development will accord with the requirements of the Development Plan and NPPF in this regard.

Noise and Vibration

10.13 Paragraph 1.2 of Appendix I of the Local Plan Strategy states that *"The disposition of uses should have due regards* (sic.) *to the A38 and mitigation measures should be considered accordingly".*

10.14 In response to the above, the applicant has submitted a Noise Assessment with this application, which identifies that the proposed development has the potential to be both impacted upon by existing sources of noise and also produce noise and vibration impacts from several different sources. Broadly speaking, these matters comprise:

- Noise and vibration that may occur during construction;
- Operational noise including vehicles associated with the site impacting on existing and prospective users of the site ;
- Commercial and industrial noise and noise from existing overhead lines;
- Playing pitch use; and
- Vibration and noise impacts from the local highway network and A38 Trunk Road.

10.15 Construction work has the potential to increase the ambient noise levels, however, with the implementation of the site specific CEMP, recommended to be secured via condition, any adverse impacts will be minimised to ensure that the overall effects of the demolition and construction activity are not significant.

10.16 The noise survey identifies that local ambient noise levels are principally influenced by the local and strategic highway networks. The noise report found that areas of the site near to the A38 experienced noise levels up to the 73 to 83 LAFmax Range, where BS8233:2014 'Guidance on sound insulation and noise reduction in buildings states *For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments…..',* albeit some relaxation of these levels is possible.

10.17 To address the issue of noise arising from the A38, the scheme has been designed such that the playing pitches and SUDs are located adjacent to this route, with residential built form set into the site. In addition, it is recommended that affected dwellings be fit with appropriate glazing and ventilation, whilst property should be orientated so that rear gardens face away from the road, thereby allowing the buildings to act as a noise shield.

10.18 Noise arising from the employment uses are, given the outline nature of the submission, currently unknown. Rather master planners are to be advised on sensible layouts for the employment area, such as locating lower noise generating activity adjacent to existing and new dwellings and service yards away from residential receptors. However, given that the design of these buildings, the uses and operations to be undertaken within the sites are as yet

unknown, the potential for mitigation for existing and future properties remains. A condition is therefore recommended to address this concern.

10.19 No other operational noise impacts other than those associated with the commercial element of development are identified, other than those potentially associated with the playing pitches and pavilion. The properties adjacent to this area are already, due to their proximity to the A38, proposed to be fitted with appropriate glazing and ventilation, whilst the pitches themselves are not to be floodlight and therefore will only be usable through day light hours. Thus it is considered that any noise arising will be successfully mitigated.

10.20 Any increases in road traffic noise associated with the proposed development are considered to have a maximum, minor magnitude effect (increase of between 1 dB and 3 dB), noted to 36 London Road in accordance with the significance criteria. Therefore, noise mitigation measures to existing dwellings related to road traffic noise are not considered to be required.

Construction Vibration

10.21 The nearest sensitive properties to the proposed construction work, will vary, depending on the phase of the proposed development. There is potential for future dwellings, which become occupied before the completion of the construction phase, to also be located in close proximity to building operations. It is possible that vibration, due to the operation of various construction plant and in particular, a vibratory roller, may be above the threshold of complaint. However, these instances will be transient and for limited periods of a day and therefore not considered to be significant.

Air Quality

10.22 The application includes an Air Quality Impact Assessment (AQIA), which was updated in April 2021. The document considers construction activities, whilst having regard to committed developments nearby, in tandem with the construction and occupation phases of the development and considers vehicular traffic and emissions from stationary plant associated with the proposed development. The assessment focuses on air pollutants that are likely to arise from the construction and occupation of the development, such as nitrogen oxide (NOx), nitrogen dioxide (NO2), particulate matter (PM10 and PM2.5) and dust for human receptors.

10.23 The AQIA utilises existing baseline data in the form of desktop information collection and on site diffusion tube monitoring. In the case of the desktop study, data from the Council's Air Quality Review and Assessment Report is utilised, alongside DEFRA background mapping data for the above oxide and particulate matter concentrations. In terms of specific site assessment, a review of past monitoring by the Council's Environmental Health Teams was undertaken, as well as further short term diffusion tube monitoring along the A38. Diffusion tubes were also positioned at two locations along London Road, on Tamworth Road, Upper St John Street and to the north of the site at The Spires.

Construction Phase Impacts

10.24 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM10, PM2.5). Sources include:

- Generation of airborne dusts from exposure and movement of soils and construction materials;
- Generation of fumes on-site by plant and tools during construction;
- Increase in vehicle emissions potentially as a result of slow moving vehicles should local congestion ensue; and
- Re-suspension of dust through vehicle tyres moving over dusty surfaces.

10.25 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary, a

construction dust assessment has been undertaken, which has assessed the overall effects of the construction phase activities to be negligible.

10.26 To minimise the risks from the above processes, mitigation steps are proposed within the AQIA, which include:

- Communication – Agree lines of communication between the local authority pollution control officer and contractors, prior to the commencement of works and a procedure for reporting dust events or complaints from local residents;
- Site Management – minimise drop heights and chutes where possible, placing activities which are a potential source of PM10 such as the cutting and grinding of material and cement mixing away from boundaries and construction vehicle wheel washing facilities;
- Monitoring – undertake daily onsite and offsite inspections, including dust soiling checks of surfaces such as street furniture and cars within 100m of site boundary, with cleaning provided if necessary; and
- Preparing and maintaining the site – during extended periods of dry weather (especially over holiday periods) plan for additional mitigation measures to avoid wind-blown dust issues both within and outside normal working hours. Avoid long term stockpiles of material on site without application of measures to stabilise the material surface, such as application of suppressants or seeding.

10.27 The AQIA suggests that subject to the implementation of the above mitigation, air quality impacts through construction dust will not be significant. Therefore, it is concluded that emissions from the construction phase have a greater potential for impact, although such impacts are readily addressed through management measures. A CEMP will need to be secured via condition, in order to control the impact of emissions during the construction phase. This is likely to incorporate the measures identified above. The CEMP should be agreed with Environmental Health Team and the Highways Authority, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

Operational Phase Impacts

10.28 To assess the potential impacts associated with nitrogen dioxide (NO2), PM10 and PM2.5 upon existing and future receptors, an assessment has been undertaken at receptor locations surrounding the site. The model takes account of the proposed uplift in air quality impact resulting from the development, in tandem with similar additional impacts resulting from committed developments in the vicinity in the years 2021 and 2029.

10.29 The results suggest that for both the combined committed development scenarios in 2021 relating to peak construction and 2029, following full completion that predicted impacts will be imperceptible to low for all pollutants at all receptor locations, with a change to magnitude falling within a negligible to slight adverse effect.

10.30 It is noted that Staffordshire Authorities, including Lichfield, are currently working on an Air Quality Guide for Developers. Whilst this document has yet to be introduced, in the interim, it is recommended that applicants consider the future use of electric vehicles, by residents on the development and install appropriate infrastructure, which supports this in dwellings, especially in view of the fact that many will not use their garage to charge an electric vehicle. For instance, consideration can be given to external driveway charging points. This matter is addressed within the highway section of this report.

Retained Power Infrastructure & Electromagnetic Radiation

10.31 It is noted that to the southern edge of the site adjacent to the London Road, Swinfen Island junction, High Voltage Transmission Overhead Lines enter the site, with a single pylon structure also in evidence. The presence of this structure is identified on the submitted masterplan, with a buffer to built form afforded to the pylon.

10.32 The distance from the overhead line to the nearest proposed dwellings is sufficient to ensure that the Electromagnetic Frequency levels will be below UK/European recommended health and safety limits for the general public and will allow the reliable operation of standard communication equipment within any homes that may be built at the residential development. The applicant will however be advised of their responsibilities regarding working near to electricity infrastructure via the use of a note to applicant.

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

11. Lichfield Canal Restoration Route

Green Infrastructure

11.1 The restored Lichfield Canal and its associated green infrastructure are identified as one of the District's significant assets through Core Policy 1 of the Local Plan Strategy. The benefits that would be delivered to tourism, recreation, sustainable transport, biodiversity and well-being are further supported by Core Policies 4, 9, 10, 13 and Policies HSC1, NR6, Lichfield 1, 2 and 6 of the Local Plan Strategy.

11.2 Policy Lichfield 6 allocates the three Strategic Development Allocations (SDA) South of Lichfield (Deans Slade Farm, Cricket Lane and South of Lichfield (St Johns)). The policy requires: *"Integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network".* Paragraph 1.2 of Appendix I of the Local Plan Strategy advises that *"Linkages to the adjacent Lichfield Canal route will be included as part of the open space network, which will take account of sustainable drainage and the potential for enhanced biodiversity. Integration of the route for a restored Lichfield Canal into an integrated open space and green infrastructure network".*

11.3 Policy IP2 of the Local Plan Allocations Document provides guidance specific to the delivery of the Lichfield Canal and states *"To assist in the delivery of the Lichfield Canal the route of the Lichfield Canal as shown on the Policies Maps and including the Heritage Towpath Trail will be safeguarded from any development which could prejudice its long term restoration. New development shall recognise the advantages of supporting the delivery of the canal through a sensitively designed scheme and by including the route as part of the open space network, considering opportunities for sustainable transport, enhanced biodiversity, enhancement to the historic environment and where demonstrated that infiltration drainage is not viable, use of the canal as part of sustainable drainage for disposal of surface water, where appropriate".*

11.4 The application as submitted, indicatively demonstrates integration of the scheme's open space with the canal through, as discussed within the highways and public open space sections of this report, the creation of 3 pedestrian access points from the site heading towards the heritage towpath. To ensure that the proposal accords with the requirements of the Development Plan in this respect and to secure the delivery of these links, utilising appropriate design in terms of levels and materials, it is recommended that a pedestrian connectivity condition be included, which will allow opportunity for further discussion with the Lichfield and Hatherton Canal Restoration Trust, amongst other relevant consultees, prior to its agreement and discharge. This is in line with Core Policy 4 of the Local Plan Strategy in terms of the delivery of infrastructure for new development.

Formation of improved junction at Cricket Lane and Tamworth Road and the impact upon the deliverability of the canal bridge under Cricket Lane:

11.5 The applicant has submitted an off-site highway works plan (ref. 03589-A-0015-P1) to demonstrate that the delivery of the proposed highway improvement works at the junction of Cricket Lane and Tamworth Road; namely the introduction of an uncontrolled pedestrian crossing point, revised and new footway provision the installation of a nearby signal control crossing and the re-siting of an existing bus stop, which will not affect visibility splays or the safe use of any canal bridge that will need to be erected (assuming that planning permission for such, will at some future point be submitted to and granted by the LPA), when the canal is constructed under Cricket Lane. The plan shows that the highway works, as proposed, will not impact upon the delivery of the canal or associated bridge, compared to the current circumstance, which includes the need for the Trust to deal with the existing substation. Given the information provided, it is considered that the applicant has successfully demonstrated that the off-site highway works, will not impact upon the delivery of the canal, in that these works will not affect the works that the Trust would have had to have undertaken, notwithstanding this proposal.

11.6 Lichfield & Hatherton Canal Restoration Trust and Inland Waterways Association have previously commented that a new Cricket Lane canal bridge should be funded via S106 contributions and should be delivered alongside the housing to minimise disruption to Cricket Lane highway works. The most recent comments received do not highlight this as a principle concern to either the Trust or Inland Waterways Association.

Cricket Lane Canal Bridge and Channel Works

11.7 It is necessary to consider here whether the specific Lichfield Canal restoration works, detailed below, are a requirement of the development plan or are otherwise a requirement, the failure to meet warrants the refusal of planning permission on a proper application of the statutory tests, with which Members will be familiar.

11.8 Core Policy 4 (Delivering Our Infrastructure) of the Local Plan Strategy requires development to be supported by the required infrastructure at the appropriate stage. It states that, *"new development will be required to provide the necessary infrastructure at a timely stage to meet the community needs arising as a result. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community*".

11.9 Policy IP1 of the Local Plan Strategy states that, *"to ensure that all new development provides the necessary infrastructure facilities required to create and support sustainable communities, the following will be required: The District Council will require all eligible development to provide the appropriate infrastructure on and off site, in line with other policies of the Local Plan and Infrastructure Delivery Plan*". The Policy continues to advise that "*For the Strategic Development Allocations (SDAs) reference will be made to the relevant infrastructure requirements as set out in the Concept Statements and Infrastructure Delivery Plan*".

11.10 Core Policy 13 (Our Natural Resources) states that "*The District Council will support the safeguarding of our ecological networks, including the restoration and creation of new habitats… including through the opportunities provided within… the project associated with the restoration of the Lichfield Canal*".

11.11 Policy Lichfield 6 (South of Lichfield) of the Local Plan Strategy advises that *"within the allocations identified south of Lichfield City… approximately 1,350 dwellings will be delivered by 2029"* across the 3 sites designated at South of Lichfield (St Johns), Deans Slade Farm and Cricket Lane, further details of which are provided within Appendices C, H and I. Appendix I specifically relates to the development of Cricket Lane, advising that the infrastructure requirements for the site will be *"set out in detail in the Infrastructure Delivery Plan and developers will be expected to enter into a legal agreement to ensure the provision of necessary infrastructure and facilities detailed in order to make the development acceptable".*

Any legal agreement will have to comply with paragraph 57 of the NPPF, which states that *"planning obligations must only be sought where they meet all of the following tests:*

a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development".

11.12 The Council's Infrastructure Delivery Plan (IDP), which details the requirements that are needed to make places function efficiently and effectively, in a way that creates sustainable communities, was last updated in June 2021. It advises that as part of the Green Infrastructure for the Cricket Lane development, infrastructure needs shall include landscaping, green spaces and "*works to include the provision of a new road bridge over the lowered canal channel and any further necessary works to facilitate its integration with a wider open space and green infrastructure network*". The document indicates that funding for the canal works could be secured via "*Developer/s106 and CIL where applicable*" and phasing "*alongside development of the site, to be completed by full construction stage with an ongoing programme for maintenance*". The developer, working with the LHCRT is identified as the delivery lead.

11.13 The requirement to provide a singular new road bridge over the lowered canal channel is replicated across the IDP requirements for each of the three South of Lichfield SDA sites. In this case, this can only be interpreted to relate to a future bridge requirement on Cricket Lane, where the canal channel would need to pass under this existing highway. The IDP requirements therefore are clear that a new road bridge is to be delivered, with the developer as lead, or through a S106 contribution and CIL provision, where applicable, along with any further necessary canal channel works.

11.14 In having regard to the extent of necessary canal work attributable to this application, the approach agreed on the approved neighbouring sites, which fall within the South of Lichfield SDAs, need to be considered for the sake of consistency of approach, namely the South of Lichfield site (St Johns) (planning reference 12/00182/OUTMEI) and the employment and residential parts of the Deans Slade SDA (planning references 17/00977/OUTMEI and 17/01191/OUTMEI). In the case of the former (which was approved, subject to the signing of a S106 agreement, by the planning committee on the 28th November 2016 and issued on the 10th August 2018), the developer is to deliver a small section of the Lichfield and Hatherton Canal in the vicinity of Denbar, Marsh Lane due to the narrowness of the corridor and the need to provide the Canal route, pedestrian access and the bypass, and the inability to provide this once the bypass is in operation. The developer is also required to provide a vehicular access road bridge and a pedestrian access bridge over the route of the future canal to connect elements of the residential development (housing parcels straddle the canal route). The route of the canal furthermore lies wholly within the planning application site in this instance. Due to the siting of the canal within the application site, integration of the canal is therefore an integral and necessary piece of infrastructure for the delivery of the South of Lichfield (St Johns) SDA and a requirement of the Local Plan Strategy, as detailed above and therefore, its delivery as part of the wider development, is compliant with the requirements of the Development Plan and NPPF.

11.15 In the case of the employment site within the Dean Slade SDA, the Trust are to deliver the canal channel works, with exact details of such to follow as part of a reserved matters application. There has therefore been a variance of approach across the currently permitted South of Lichfield SDA sites. Notably where the infrastructure (bridge / canal channel works) are an integral part of the development and hence are required to provide appropriate means of access or deliver necessary infrastructure to make the development acceptable, then the developer is/will be providing such works. In the case of the employment site at Deans Slade SDA, a different approach is proposed, where the Trust will be lead on developing the canal. This approach is because the delivery of the canal is not necessary to ensure delivery of the wider development, rather such can be delivered outside of construction of the employment units.

11.16 In the case of the residential led part of the Dean Slade SDA, it was determined that given that the delivery of the canal and associated infrastructure was not necessary in planning terms, to make the development acceptable, it did not meet the tests of Regulation 122.

11.17 Utilising precedent across the 3 approved SDA applications, it is apparent that, given the similarly in circumstance between the Dean Slade residential site and this proposal, then only if a clear factual difference between the two schemes is evidenced, could the Council reach a different conclusion, as otherwise it would be liable to challenge by the applicant, through a point of consistency.

11.18 The Infrastructure Funding Statement 2020, which replaced the Council's CIL Regulation 123 list, following the issuing of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, which deleted Regulation 123, advises, specific to Environment and Biodiversity that, "*Infrastructure works relating to the restoration of the Lichfield Canal will potentially benefit from CIL funds".* The Council's Developer Contributions Supplementary Planning Document (SPD), similarly notes that "*Infrastructure works relating to the restoration of the Lichfield Canal will potentially benefit from CIL funds, apart from works required in relation to any on-site provision by developers connected to the three SDAs in the vicinity of the canal: South of Lichfield, Deans Slade Farm and Cricket Lane".*

11.19 The Developer Contributions SPD therefore states that on-site canal works will be secured by S106 agreement. A reasonable interpretation therefore is that conversely off-site works will be supported using CIL funds and this is a reflection of the note section of the list. The Cricket Lane road bridge and any canal channel works are evidently off-site, being outside of the application's red line boundary, which indicates land ownership. It is noted that this application area differs from that identified within the concept diagram at Appendix I of the Local Plan Strategy, which includes the existing canal, highway verge and other sites, including Wheel Cottage, located to the north of the site. However, neither within the concept plan nor the application site area does this bridge lie within the 'site's' boundaries.

11.20 The notes section of the Developer Contributions SPD states that "*Section 106 agreements will be required to secure infrastructure works relating to the restoration of the Lichfield Canal for the three SDAs in the vicinity of the canal*". There are two potential interpretations of this statement. Firstly, this could reference the need for a S106 agreement for infrastructure, such as the Cricket Lane bridge, where it is in the vicinity of the three SDAs. Alternatively, the word vicinity may not be intended to provide clarity in regard to the location of "works" (on or off site), it could simply be there to confirm and provide clarity as to which of the three of the SDA's (3 of 5 as identified within the Local Plan Strategy and including the Broad Development Location), within the Local Plan Strategy, appropriate works to the canal could be attributed. It is unclear, which is the correct interpretation.

11.21 It is evident from the above summation of the Council's Policies for this that there is something of disparity between the IDP, which identifies that the bridge works will be secured via a s106 and CIL payments and the Developer Contributions SPD, which implies that these works, given they are off-site will be addressed solely through CIL. Notwithstanding this point however, the primary matter for consideration here is whether the infrastructure is necessary, in accordance with the requirements of the NPPF, as detailed above, in paragraph 11.11 of this report.

11.22 It is noted that prior to September 2019, when this same matter was considered within the Dean Slade application, Regulation 123 of the Community Infrastructure Levy Regulations 2010 imposed 'double-dipping' restrictions advising that if infrastructure was to be delivered via CIL, then it could not also be secured via S106 agreement or condition. Regulation 123 has however, as stated above, subsequently been removed, thereby allowing greater flexibility for seeking to fund infrastructure projects.

11.23 Regulation 122 of the Community Infrastructure Levy Regulations (2010) remains and continues to be the main test for whether s106 obligations are appropriate and this should be the determinative factor in this matter. Regulation 122 states;

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development".

11.24 This regulation therefore requires the decision maker to have regard to what is genuinely, 'necessary' to make a scheme acceptable. Thus, in this case, the question to be considered is; if the delivery of the canal bridge and associated channel works are not provided as part of this development, then would it make the scheme as a whole, unacceptable in planning terms? If it is determined that this does make the scheme unacceptable, the abovementioned Regulation along with Court of Appeal decisions (such as Oates v. Wealden District Council & Anor) demonstrates that consideration should thereafter be given to whether the failure to provide the bridge and channel works would be so significant as warrant the refusal of this application or alternatively whether a Grampian style condition (i.e. prior to the first occupation of any of the dwellings hereby approved, the canal bridge and associated channel works shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority) is necessary to make it acceptable in planning terms.

11.25 The dwellings and canal are, from a construction viewpoint, capable of being developed independently and the lack of a canal would not hinder the wider delivery of the proposed development and vice versa.

11.26 The second point to consider, which has been raised by the Court of Appeal decision for Oates v. Wealden District Council & Anor is whether a Grampian style condition, (to ensure the delivery of the bridge via financial contribution, prior to the first occupation of any the dwellings), is required to make the development acceptable in planning terms. Such a condition is not considered appropriate in this case, given that the delivery of the canal is not required to make the scheme as a whole acceptable. For instance, in the Oates case, CIL was being collected in order to deliver off-site highway junction improvements, required in order to increase capacity in the network to enable development. The works were required, prior to the occupation of any of the dwellings, as the network was operating at capacity. Thus, in the Oates case, a condition may have been appropriate, as the works were fundamental to enable development. It is considered that, the formation of the canal bridge at Cricket Lane or canal channel works is not fundamental to the delivery of the wider housing scheme, given such could be delivered outside of this application process and notwithstanding the submission of this application, would always have been required to be built by the Trust in order for the canal to pass under the highway.

11.27 CIL funding will potentially be available for the road bridge and channel works associated with the canal restoration. The level of CIL applicable to this development is £14 per sqm. This significant discount, applicable to all SDA sites, compared to elsewhere within Lichfield, where CIL is £55 per sqm, arises due to scheme viability. CIL funding will be allocated to strategic infrastructure requirements in line with the adopted Administration and Governance arrangements (adopted by Full Council in July 2016). Not all of the infrastructure requirements identified within the Regulation 123 List or the IDP will benefit from CIL, due to the identified funding gap. This position is not unique to the canal and exists for all of the requirements identified on the Regulation 123 list. This view should however also be balanced against the IDP, as stated above, which acknowledges that not all funding for projects will be available from developer contributions, with paragraph 3.10 advising that not all infrastructure will be able to be funded via CIL or S106 and paragraph 6.66 of the Strategic Infrastructure Section, which identifies that the canal itself will be delivered utilising "*developer contributions, the*

David Suchet Appeal, Member's contributions, the Inland Waterway Association, the Manifold Trust and possible grant funding".

11.28 The LHCRT's legal opinion dated 11th January 2019 submitted in regard to the Dean Slade application, is of relevance to this submission, given such advised that one of the exceptional circumstances for releasing the Dean Slade development site (along with the other 2 SDA's to the south of Lichfield) from the Green Belt, was the creation of the canal, providing compensatory green public open space and a green transport corridor. The Inspector's Report to Lichfield District Council on the examination into the Local Plan Strategy, states at paragraph 207 that "*the additional sites selected by the Council (Deans Slade and Cricket Lane) are in Green Belt and land should be released from Green Belt only in exceptional circumstances. In my judgement the lack of more sustainable sites outside the Green Belt to meet the identified need for housing in a way that is consistent with the Plan's urban and key centre strategy amounts, in this instance, to the exceptional circumstances that justify the release of Green Belt land at Deanslade Farm and Cricket Lane*". No mention is made within the report to the canal being an exceptional circumstance to justify the removal of land from the Green Belt. Rather, as identified above, the delivery of homes is the exceptional circumstance, which the granting of permission for this application would help to realise.

11.29 It is acknowledged that the IWA submitted representations in relation to the Local Plan Allocations document, which stated: "… *Dean Slade SDAs as Main Modifications (Jan. 2014), removing them from the Green Belt. All 3 of these SDAs will extend the City to the south of the agreed restoration route for the Lichfield Canal (the section adjoining South of Lichfield and Dean Slade being a diversion from the original route due to development following its closure in 1954). These sites require road access across the line of the canal from Falkland Road (Dean Slade), the Southern Bypass continuation (South of Lichfield), and Tamworth Road (Cricket Lane). In order to avoid additional physical obstacles and significant extra cost to the restoration project it is important that the developments each provide a new road bridge over the canal line and associated canal channel works. IWA's representations on MM12, MM13 and MM15 and LHCRT's representation on MM15 made this case, and it was accepted by LDC in the Council Responses [Document 1] which agreed to add the words: LPMM30 Deans Slade Farm: "including the provision of a new road bridge over the lowered canal channel and any further necessary canal channel works"*

11.30 The Local Plan Allocations document has now been adopted, with the text comprising such, detailed within paragraph 11.3 of this report. It should be noted that the Policy does not include provision for the delivery of the canal or its infrastructure, rather, requires that the Heritage Towpath be safeguarded from development and provide an open space network to enhance the canal's setting. Thus, the requirement for the developer to deliver off-site infrastructure, as requested by representations from the IWA, were not included within the policy wording.

11.31 It is fully appreciated that in making this planning balance and concluding that it is not reasonable to request the developer to provide and/or pay by way of S106 for the road bridge and canal channel works, having regard to all material planning considerations, this will clearly have implications for the delivery of the canal, in terms of timescales and cost. As noted by the LHCRT, the cost of delivery would likely be higher than if the bridge works were to be delivered at the same time as the SDA housing and associated off-site highway works. Also, there would be acknowledged additional disruption in delivery at different timescales. Furthermore, it is also recognised that CIL receipts across the district will not generate enough to pay for all of the identified infrastructure set out in the CIL Regulation 123 list. Accordingly, the cost of the delivery of the canal and associated road bridge in the vicinity of the site would be unlikely to be achieved, solely through CIL receipts, particularly as other infrastructure demands will/do also bid for part of such receipts. Therefore, in making this planning balance, whilst the development itself will not prevent the route of the proposed canal, the timescales for delivery are likely to be impacted upon along with how it will be funded. This does not however make the development proposal either unlawful or unacceptable in planning terms,

as it is considered that all relevant material considerations, have been duly taken into account in this report and in assessing the planning balance, which is ultimately for the consideration of Members.

11.32 Notwithstanding the above, it is noted that the applicant has submitted a letter to the Local Planning Authority, which has been commented upon by both the IWA and the LHCRT, which states that "*on behalf of the applicants… we are agreeable to the PJE 'Tamworth Road Revised Junction Layout' (Reference: 03589-A-0012-P5) or such revised drawing agreed between the applicants and LHCRT being conditioned as part of the Outline Permission, whereby the onus is on the applicants to ensure the works listed on approved drawing are delivered".* The letter continues to state *"for the avoidance of doubt, the works to Cricket Lane / Tamworth Road Junction (including the canal culvert works) will be funded and delivered by the applicants through a Section 278 Agreement".* The S278 agreement for such off-site highway works is under highways legislation, rather than planning legislation and would be an agreement between the County Council, as the highways authority and the applicant/developer. A condition is recommended, however, (Condition 34) that the details of the junction are carried out in accordance with the approved plans or unless otherwise agreed in accordance with details submitted to and subsequently agreed in writing by the LPA.

11.33 Overall, it is acknowledged that Local Plan Strategy Policy IP1 requires the SDAs to deliver off-site infrastructure, in accordance with other Local Plan Policies and the IDP. The Strategy, including the Concept Statement (Appendix H) do not require the delivery of the Cricket Lane canal bridge or canal channel works, but the IDP clearly identifies such will be delivered by the developer directly, through S106 agreement and CIL. The Council's Developer Contributions SPD and Infrastructure Funding Statement state that this infrastructure will be delivered, given its location off-site, through CIL contributions. In addition, it is not considered that payment towards the delivery of the canal works meets the Regulation 122 test, given that such is not necessary in planning terms, in order to make the development acceptable. Thus, it is considered that CIL is the appropriate mechanism through which the Trust should seek to deliver the road bridge and canal channel works and that in having regard to all relevant material considerations, the development is acceptable, in this regard, subject to conditions.

12. <u>Ecology including Biodiversity</u>

Protected Species

12.1 *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.

12.2 A detailed desk study of known ecological records within the site has been undertaken, as well as field surveys covering an array of species. Specific habitat assessments relating to bats, badgers, breeding birds and reptiles have been undertaken.

12.3 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecology Manager has considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable, subject to the application of conditions, which detail the need to submit a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and

Construction Environmental Management Plan (CEMP). These documents will need to be submitted on a phased basis with any Reserved Matters application and should also 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 will need to be suitably supervised. The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.

Biodiversity

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

12.5 Due to the Local Planning Authorities obligation to *"reflect and where appropriate promote relevant international 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".*

12.6 The submitted biodiversity metric has assessed the site's biodiversity value. The Ecology Manager considers that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 77.45 Biodiversity Units (BU). In addition, it is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development, as 94.16 BU.

12.7 The applicant's intention is therefore to deliver net gains of 19.19 BU (25.5%) as part of the proposed development scheme. The Ecology Manager approves of the new habitats and their management proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such, the development scheme is viewed as likely to be able to achieve in excess of 20% net-gain to Biodiversity Value and so complies with the requirements of the Development Plan and NPPF in this regard.

12.8 The applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof), demonstrating a net gain to a value of no less than 19.19 BU. It is recommended that these requirements be secured via appropriately worded conditions, which will thereby ensure the development's compliance with the requirements of the Development Plan and NPPF in this regard.

13. Impact on Special Areas of Conservation

13.1 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

13.2 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures. In particular, dwellings within a 15km radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

13.3 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 8 - 15 km zone and as such is not directly liable to SAC payment.

13.4 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA, which concludes that the mitigation measures identified within the Council's Development Plan for housing sites, will address any harm arising from this development to the SAC and therefore they have offered no objections to proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

14. Waste Management

14.1 Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, as supported by paragraph 8 of the National Planning Policy for Waste, requires the better use of waste associated with non-waste related development, where all 'major development' proposals should:

i. Use / Address waste as a resource;
ii. Minimise waste as far as possible;
iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource efficiency in terms of sourcing of materials, construction methods, and demolition;
iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;
v. Maximise on-site management of construction, demolition and excavation waste arising during construction;
vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,
vii. Be supported by a site waste management / waste audit if the development is likely to generate significant volumes of waste.

14.2 Matters pertaining to waste are discussed briefly within the submitted Sustainability Statement, although exact details of the sustainable use of resources to minimise waste during construction have not been provided. To address this issue a Waste Management Strategy is recommended to be secured via condition, to ensure compliance with the above noted document.

15. Archaeology

15.1 Paragraph 194 of the NPPF places a duty on Local Planning Authorities to *"require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".*

15.2 The Heritage Statement, as noted above, advises that the Roman Rykneild Street, forms the site's southern boundary, whilst further archaeological interest arises due to the deserted medieval village at Freeford, located approximately 345m to the east of the site, which has led to numerous stray finds within the study area, including within the application site a medieval or post medieval, knife end stop, coins, seals and other artefacts. The report concludes that there is limited potential for the presence of currently unknown archaeological remains of significance within the site.

15.3 The County Council's Archaeologist has been consulted on this planning application and advises that given there is identifiable matters of archaeological interest within the area, a scheme of Archaeological Investigation should be secured by condition. Such a condition is considered to be reasonable and proportionate and will ensure that the scheme complies, in this regard, with the requirements of the Development Plan and the NPPF.

16. Planning Obligations Including Education Provision

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

Education Provision

16.2 Based on the location of the proposed development, the County Council's School Organisation Team advise that the development will impact on school places in Lichfield and more specifically at the following schools:

- St Michael's CE (VC) Primary School
- King Edward VI Secondary School

16.3 The Council is advised that the erection 520 dwellings will create a requirement for 164 primary school places, 90 secondary places and 18 post-16 places.

16.4 There are projected to be an insufficient number of school places in the local area within existing provision, to accommodate the children generated by this development, at both primary and secondary phases of education. A new 2FE (420 places) primary school is to be delivered on the South of Shortbutts Lane site, which will accommodate the primary school pupils. The proportionate cost from this development for facilitating the delivery of such is £2,743,502. The sum identified is based upon May 2018 data, which may be updated prior to the signing of the S106 agreement.

16.5 The concerns of the City Council regarding the delivery of the Primary School are noted, however, such has been and will be secured via legal agreement and therefore the County Council have surety of delivery, should the dwellings be erected.

16.6 In terms of secondary education, necessary contributions will be sought via CIL. Subject to compliance with the appropriate Schedule of the S106 agreement, the development will comply with the requirements of the Development Plan and NPPF, in this regard.

Health Care

16.7 Lichfield District Council's requirements for health provision, are detailed within the CIL 123 list, which identifies that *"CIL funds may be used where evidence is provided that there is no local capacity and expansion of services is required to support growth across the district*". The entry continues to highlight that S106 contributions for health care are only required for the Strategic Development Allocations identified within the Local Plan Strategy. As this is a SDA site, it therefore follows that a S106 contribution be sought to mitigate impact.

16.8 It is noted that the Staffordshire Clinical Commissioning Group (CCG) have commented upon this application, advising that the application site falls fully or partly within three GP Practice catchment boundaries, namely The Westgate Practice, The Cloisters and Darwin Medical Practice. The Primary Care Team will work closely with practices throughout proposed development to understand its impact and then take any necessary steps required to enhance or extend existing surgeries, rather than promote a new on-site facility. To this end, the CCG have submitted a S106 funding form requesting a contribution of £218,400. The contribution as requested, is considered to be reasonable and proportionate and has been agreed with the applicant, thereby ensuring the scheme's compliance with the Development Plan and NPPF in this regard.

Other Matters

16.9 The request of the Cannock Chase AONB Unit for a contribution via S106 or CIL towards the enhancement of this area is noted. However, there is no project in place against which to secure a reasonable payment currently, nor is such included within the Council's CIL 123 list. As such this request is currently considered to be unreasonable.

17. <u>Other Issues</u>

17.1 The above report considers the majority of the matters raised by neighbours to the site. Of these that remain to be addressed, it is evident that it is not within the Council's gift to seek the prioritisation of other permitted development sites (Watery Lane / land east of Birmingham Road), prior to the commencement of works upon this scheme. Furthermore, the fact that there are other empty employment units available near to the application site, does not mean there is no demand for the delivery of such within this site, indeed as detailed within the above report, evidence suggests demand does exist. The impact on existing resident's outlook has been discussed within the landscape section of this report. Evidently there is no right to a view, but in a wider sense, regard will be had when determining reserved matters applications, to ensure that suitable separation distances are secured. The Council officer who worked on the Local Plan Strategy was the original stated agent for the application (this is no longer the case), but this has no bearing upon the determination process. Lastly, the date upon which letters are received by residents is solely dependent upon the date of application submission, whilst issues with the Council's website have been resolved, allowing for significant time for residents to comment upon this proposal.

17.2 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the conditions recommended within this report have been agreed in discussion with the applicants' agent.

18. Financial Considerations (including Community Infrastructure Levy)

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

18.2 The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.

18.3 In terms of direct employment it is anticipated, a significant number of FTE jobs could be created by the development, once it is fully constructed and operational. The construction of the proposed scheme could support approximately 160 full-time equivalent temporary construction jobs and a further 265 indirect/induced full-time equivalent temporary jobs. The economic contribution per annum during construction is estimated to be approximately £26.2 million GVA.

18.4 It should also be noted that the development will generate New Homes Bonus, Council Tax and Business Rates.

19. Human Rights

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

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses and whose future residents would support existing and proposed facilities within the area. Socially, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site. In addition, the scale of development is compliant with the requirements of the Council's Development Plan.

Environmentally the site occupies a location where any landscape harm will be localised. It is considered that adequate, high quality public open space can be provided on site, to meet the needs of future and existing residents, whilst new sports provision, will be provided on site, to ensure the health and well-being of existing and future residents. The number of dwellings and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District. The development will cause less than substantial harm to the setting of nearby listed buildings and non-designated heritage assets, with the degree of harm likely to be further lessened through the application of an appropriate landscaping scheme.

With regard to transport and highway matters, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the three vehicular access points to ensure that the development can be safely and appropriately accessed, without undue harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact upon the Strategic Highway Network.

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

The comments raised by the Lichfield & Hatherton Canal Restoration Trust, Inland Waterways Association and other parties have been fully considered and the implications of such are addressed above. In terms of the development's impact upon the delivery of the, to be restored Lichfield Canal, it is considered that the proposal is in conformity with the requirements of the Development Plan, subject to conditions, in that it will ensure integration of such within the development's green infrastructure. Other material considerations, including published documents of the Council, such as the IDP and CIL 123 List, have been given due consideration. Ultimately as the decision maker, it is for the Council to come to a balanced view on the guidance available, attribute appropriate material planning weight and make a subsequent judgement. It is considered that a balanced and appropriate recommendation has been arrived at.

Given the above assessment and the weight attributable to the delivery of residential led development through the NPPF, it is recommended that this application is in conformity with the Development Plan as a whole and no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, the recommendation, subject to the signing of a S106 agreement, is one of approval.

Lichfield district council
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Frog Lane
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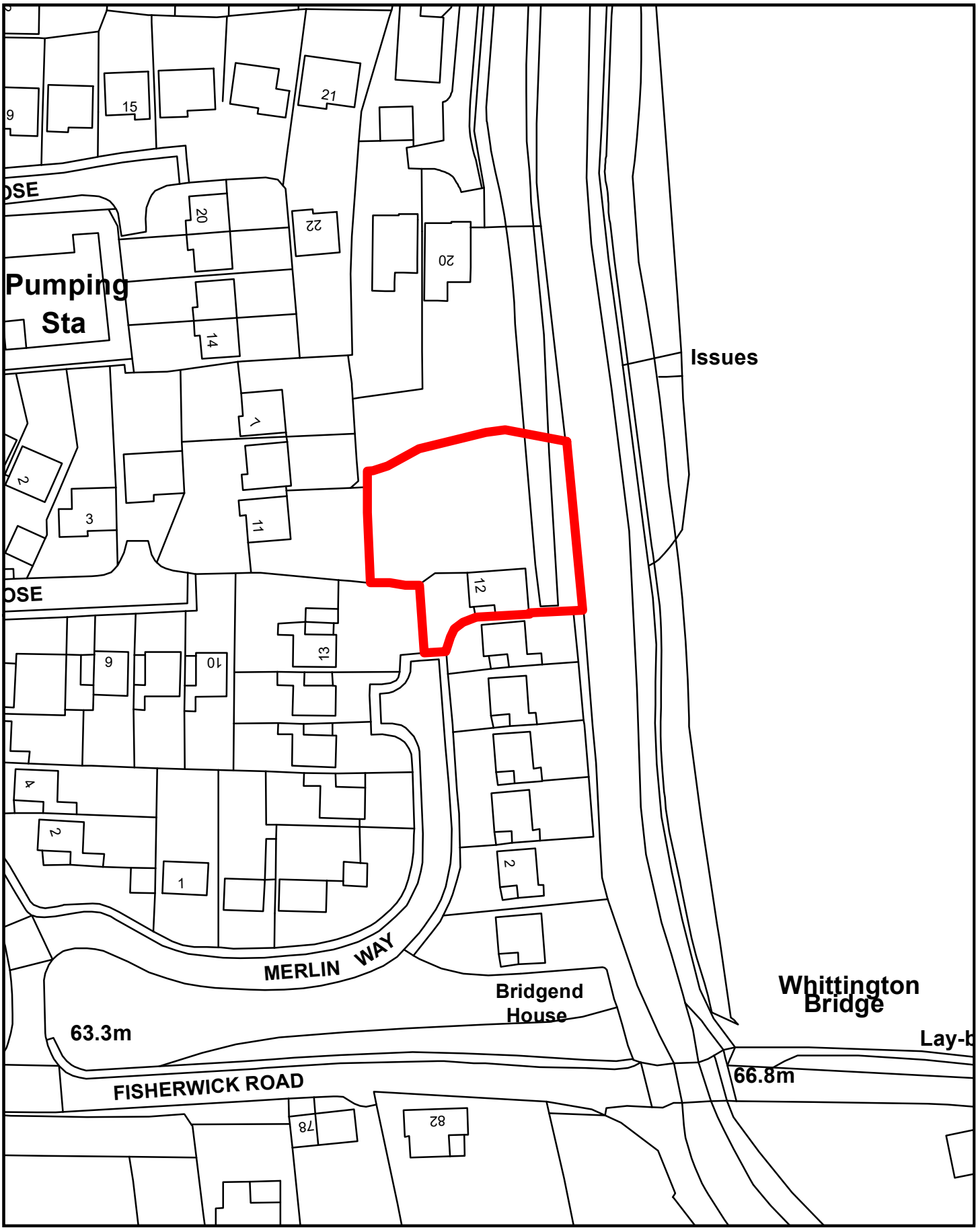
Staffs
WS13 6YY
Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

12 Merlin Way
Whittington

Scale: 1:1,000	Dated: November 2021
Drawn By:	
Drawing No:	



21/00803/FUL

ERECTION OF 2NO THREE BEDROOM DETACHED DWELLINGS
LAND AJD. 12 MERLIN WAY, WHITTINGTON STAFFORDSHIRE WS14 9PG
FOR MR MILNER

Registered **25/05/2021**

Parish: Whittington And Fisherwick

Note: This application is being reported to the Planning Committee due to a Call-In request from Councillor Harry Warburton. The Call-In request was provided in response to the original scheme and is summarised as follows:

1. Access. The plans seem to be mistaken in that the proposed access road appears to pass very close to some conifer trees to the front of number 12 A necessary allowance of space for mitigation against root damage would result in a very narrow entrance point Thinking of access for construction traffic and trucks (the site is not level) would be problematic including for emergency vehicles.
2. Over Development. The area is characterised by large houses with largish gardens so this plan for the site with its number of houses would absolutely not fit into its village setting. Whittington is a rural village and has a dependency on car travel so any house would to my mind require plenty of parking and easy access. We're not convinced this has been thought through here.
3. Possible felling of protected trees.

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

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

3. Before the development hereby approved is commenced, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority for
    a. parking of vehicles of site personnel and visitors
    b. loading and unloading of plant and materials
    c. storage area of plant and materials used during the construction of the development
    d. measures to prevent the deposition of deleterious material on the public highway.

    Each of the facilities shall be provided and maintained during the construction of the development hereby approved.

4. Before the development hereby approved is commenced a Construction Method Statement relating to works within a 10m proximity of the Coventry Canal shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be informed by a Slope Stability Assessment of the adjacent Coventry Canal embankment and a Condition Survey of the canal wash wall structure (copies of which shall also be submitted with the Method Statement). The Method Statement shall include full details of the design and means of construction of the foundations of the dwellings hereby permitted and full

details of the type of material and compaction method of the increase in the ground level at the toe of the Coventry Canal embankment, together with details of all earthmoving, excavations and operation of plant and machinery. The development shall thereafter only be carried out in accordance with the approved Construction Method Statement.

5. Before the development hereby approved is commenced a Monitoring Regime for identifying and reporting any damage to the adjacent Coventry Canal embankment during construction shall be submitted to and approved in writing by the Local Planning Authority. The Regime shall include clearly identified working parameters and arrangements for immediately ceasing work and reporting in the event of parameters being exceeded, together with details of vibration monitoring identifying the impact of vibration (for example from piling operations of operation of plant, machinery, vehicles etc. in proximity to the embankment) on the adjacent canal embankment together with vibration cut-off parameters and clearly defined procedures in the event of the cut-off parameters being exceeded. The Monitoring Regime shall thereafter be implemented as approved.

6. Before the development hereby approved is commenced a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of arrangements to deal with surface water run-off from the canal embankment and to prevent any build-up or pooling of surface water that could adversely affect the stability of the embankment through saturation. The scheme shall include details of the long-term management and maintenance arrangements for ensuring continued effective operation of the drainage system. The development shall be completed in accordance with the approved details prior to its first occupation.

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

8. Before the development hereby approved is commenced a scheme of boundary treatments to include hedgehog friendly fencing shall be submitted to and approved in writing by the Local Planning Authority. The scheme of boundary treatments shall be provided prior to the first occupation of the respective dwelling which it serves and shall be maintained for the lifetime of the development.

9. Before the development hereby approved is commenced an updated scheme of biodiversity enhancement shall be provided and agreed in writing by the Local Planning Authority. The Enhancement measures shall be provided prior to the first occupation of the dwellings hereby approved and retained for the lifetime of the development.

CONDITIONS to be complied with BEFORE the commencement of development hereby approved above slab level:

10. Before any development above slab level, hereby approved is commenced 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.

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

11. Before the first occupation of the dwellings hereby approved the access, parking and turning areas shown on the approved plans shall be provided in a bound material and thereafter shall be made available at all times for their designated purposes.

12. Before the development hereby approved is commenced details indicating a communal bin collection point rear of the highway boundary shall be submitted to, and approved in writing by, the Local Planning Authority. The bin collection point shall be provided prior to first occupation and thereafter retained at all times for its designated purpose.

13. Before the first occupation of any of the residential units hereby approved, weatherproof cycle storage shall be provided and thereafter retained for the life of the development.

All other CONDITIONS to be complied with:

14. The development hereby approved shall be carried out in strict accordance with the essential recommendations , which are detailed in pages 16-17 of the Preliminary Ecological Appriasal (Document Ref 624PEA) dated as received 25 May 2021.

15. New rooflights shall have a black finish and be installed so that their outer faces are flush with the plane of the roof. Once installed the rooflights shall not be replaced with any alternative type without the prior written consent of the Local Planning Authority.

16. The development shall be carried out in strict accordance with the recommendations contained within the Arboricultural Implications Assessment (Document No. 624AIA, Revision 2) dated as received 20 July 2021. All protective fencing as set out in Appendix A of this document shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

17. During the period of construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 1900 hours Monday to Friday and 0800 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Developemnt) Order 2015 (as amended), (or any order revoking or reenacting the Order with or without modification) no development contained within Classes A, AA, B, C, D and E of Schedule 2, Part 1, (including that no extensions or alterations, no extra storey, no additions or alterations to any roof, no windows, dormers or other openings being created, no enclosures or other structures required for purposes incidental to the enjoyment of the dwellinghouses being erected or installed within the domestic curtilage) shall be carried out at the new dwellinghouses hereby approved.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 the existing garage accommodation/parking space which serves No.12 Merlin Way shall be retained and made available at all times for the parking of vehicles in relation to the residential use of the premises unless planning permission for any alternative use has first been granted by the Local Planning Authority.

REASONS FOR CONDITIONS

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

2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP3, CP5, CP13, CP14, BE1, NR3, NR4 and ST2 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Historic Environment SPD, the Biodiversity and Development SPD the Trees, Landscaping & Development SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

3. In the interests of highway safety, in accordance with Policies CP3, CP5, ST2 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

4. In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the adjacent Coventry Canal and the canal embankment along the application site eastern boundary, in accordance with the advice and guidance on land stability contained in National Planning Practice Guidance and the National Planning Policy Framework.

5. In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the adjacent Coventry Canal and the canal embankment along the application site eastern boundary, in accordance with the advice and guidance on land stability contained in National Planning Practice Guidance and the National Planning Policy Framework.

6. In the interests of minimising the risk of creating land instability arising from any adverse impacts from surface water drainage/run-off upon the stability of the adjacent Coventry Canal and the canal embankment at the embankment toe and to ensure adequate drainage facilities are provided to serve the development to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy CP3 of the Lichfield Local Plan Strategy, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

7. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

8. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

9. 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, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

10. To ensure the satisfactory appearance of the development in accordance with policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

11. To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

12. In the interests of the visual amenities of the area and highway and pedestrian safety, in accordance with in accordance with the requirements of Policies CP3, BE1 and ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

13. To facilitate and encourage the use of a sustainable transport mode, in accordance with Policies CP3, ST1 and ST2 of the Lichfield Local Planning Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

14. 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, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

15. To ensure the satisfactory appearance of the development and in order to protect and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP14 and BE1 of the Lichfield Local Plan Strategy, policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

16. To safeguard existing protected trees in accordance with the requirements of Policies CP3, NR4 and BE1 of the Lichfield Local Plan Strategy and the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

17. To safeguard the amenity of nearby residents in accordance with the requirements of Core Policies 3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

18. To ensure the satisfactory appearance of the development and in order to protect neighbour amenity and encourage enhancements in biodiversity and habitat in accordance with policies CP3, CP13, CP14, BE1 and Policy NR3 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Sustainable Design SPD, the Biodiversity and Development SPD, the Whittington and Fisherwick Neighbourhood Plan and the National Planning Policy Framework.

19. To ensure highway safety and appropriate off road parking provision, in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) the Whittington and Fisherwick 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 www.lichfielddc.gov.uk/cilprocess.

5. Severn Trent Water advise that there is a public 762mm surface water sewer located close to this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer.

6. The applicant/ developer is recommended to contact the Canal and Rivers Trust before undertaking any work on or near to the Canal embankment to the Eastern boundary or on Trust property to ensure that any necessary consents are obtained, and that works are compliant with the Trust's Code of Practice. For further advice please contact Shom Khan, Senior Works Engineer, in the first instance at shomsur.Khan@canalrivertrust.org.uk or by telephone on 0303 040 4040.

PLANNING POLICY

National Planning Policy
National Planning Policy Framework
National Planning Practice Guidance

Local Plan Strategy
Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 5: Sustainable Transport
Core Policy 6: Housing Delivery
Core Policy 13: Our Natural Resources
Policy ST2: Parking Provision
Policy H1: A Balanced Housing Market
Policy NR3: Biodiversity, Protected Species and their Habitats
Policy NR4: Trees, Woodland and Hedgerows
Policy BE1: High Quality Development

Local Plan Allocations
BE2: Heritage Assets

Supplementary Planning Documents
Sustainable Design SPD
Historic Environment SPD
Trees, Landscaping and Development SPD
Biodiversity and Development SPD

Whittington & Fisherwick Neighbourhood Plan
DP1- Sustainable Development Principles
DP2- Flood Prevention and Management

HOU1- Development inside the Whittington Village Settlement Boundary
HOU2- Smaller Infill Sites- General Criteria
D1- Design of New Development
D2- Reflecting Local Character and Design in new Development
HE2- Local Non Designated Heritage Assets
Policy NE&L 2: Biodiversity and Habitats
Policy CFOS 3 Open space provision as part of new development
Policy T&M 1: The impact of new development
Policy T&M 3: The Coventry Canal

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

There is no relevant planning history.

CONSULTATIONS

Whittington & Fisherwick Parish Council- Provided key observations which can be summarised as follows:

- The site access would be from the existing turning bay at the head of the cul-de-sac to which no 12 Merlin Way directly faces.
- These proposals envisage constructing 3 new dwellings (two 3 bedroom semi-detached and one 4 bedroom detached) disposed over 3 levels. The design of the proposed dwellings was described.
- Developments of this nature do tie in with the Neighbourhood Plan established preference for small scale infill projects. The closest dwelling, served by an extended Peregrine Close and completed some years ago – albeit at a significantly lower level and masked by a substantial tree screen - virtually adjoins the site which is the subject of the current application. Similar more recently completed examples exist on Blacksmith Lane and Cloister Walk and construction activity is approaching completion on the Old School site on Main Street. All three are within the Conservation Area with the latter involving works on a listed building.
- Although establishing a clear precedent for developments of this nature in the Village the current application does raise some specific issues which will require satisfactory resolution if the scheme is to proceed. The most significant of these is site access. A number of neighbouring residents have substantial concerns about the disruption – and possibly obstruction – that would be caused by construction traffic and other site activities.
- Given the restricted nature of the proposed access and the substantial nature of excavation required for constructing essential retaining structures and associated drainage the Parish Council would certainly endorse concerns raised by local residents.
- A further area of concern relates to landscape aspects. Although supporting documentation accompanying the application indicates an awareness of biodiversity issues, over half the existing trees on site (albeit some of variable quality), plus a stretch of boundary hedge, would have to be removed. In the Parish Council's view the submission of a comprehensive landscape plan should be an essential pre-requisite to any planning approval that may in due course be granted.
- Although not strictly a planning issue we would also recommend, bearing in mind the poor ground conditions that exist in the locality that, during the construction stage Building Control Officers adopt a particularly pro-active stance in overseeing - given their critical nature – excavation and related foundation and retaining wall works (14.06.2021).

Severn Trent Water- No objections were raised subject to a condition requiring details of foul and surface water drainage and an informative. (14/06/2021)

Canals and Rivers Trust- It is essential that the proposed works to, and in proximity to, the canal embankment are carried out in an appropriate manner which safeguards the stability of the embankment slope and the structural integrity of the canal; any protective measures or other works required to facilitate this must be fully incorporated into the development and the construction methodologies for undertaking the works. We consider that there is sufficient information to indicate that a technical solution should be possible, and conditions have been recommended to include the provision of construction management plans. (29/09/2021)

Previous comments: The trust were unable to provide a substantive response due to the absence of information regarding the structural integrity of the canal embankment, heritage and design, ecology and land ownership clarification. Further information was provided, to which the Canals and Rivers Trust raised no objections. Conditions and an informative were recommended. (16/06/2021 & 06/08/2021)

Inland Waterway Association- No objections were raised to the revised scheme. By amending the scheme from 3 storey houses to 2 storey dormer bungalows the visual impact of the development is reduced and by raising the ground level there will no longer be any need to excavate foundations into the toe or side of the canal embankment. This removes our major concerns about possible impacts of the construction on the stability of the canal embankment and allows IWA to withdraw our holding objection. A detailed landscaping plan for the area at the top of the embankment that addresses any issues of ground levels or leakage, in consultation with Canal & River Trust should be provided. (09/09/2021)

Previous comments: A holding objection was raised based on concerns regarding possible excavation and impact on the canal embankment and structure. (28/05/2021)

SCC Highways- No objections were raised subject to conditions to ensure that the parking and turning areas are provided, details of a bin collection point and cycle storage facilities are provided and a construction management plan is agreed prior to any works taking place. (29/09/2021)

Previous comments: No objections were raised subject to conditions requiring the provision of parking and turning areas, and the provision of details for a bin collection point and a construction management plan. (09/06/2021)

LDC Conservation Officer- It is necessary to address the concerns raised by the Inland Water Association (IWA) to ensure the preservation of the canal as a non-designated heritage asset. It is noted that the IWA have removed their holding objection to the scheme following the change of design and reduction in scale of the dwellings.

The plans show a mix of brick and render for the proposed new dwellings. Whilst there are a small number of properties within the area (i.e. on Osprey Close and Peregrine Close) with elements of render on them, these are set away from the canal. The predominant character of the dwellings in the local area is of red brick. Therefore, the proposed lighter brickwork and render will be at odds with the character of the area. There are no objections to the general architectural design and form of the new proposed dwellings, however the materials will need to better reflect their surroundings in order to minimise the impact on the character of the canal. (29/09/2021)

Previous comments: Object to the proposals. The proposal is adjacent to the Birmingham and Fazeley Canal which is a non-designated heritage asset and 90m from the Whittington Conservation Area. The ridge heights of the dwellings exceed neighbouring dwellings and while there are no objections in principle to the use of a contemporary design, it is unclear how the dwellings will sit in terms of the existing street scene. Cycle storage and bin collection points should be shown and the land ownership with the canal boundary should be clarified. Revised plans were provided, to which the Conservation Officer raised objections on the basis of the ridge height and proposed materials.

The concerns raised by the Inland Waterway should also be addressed. A landscape plan was submitted which was not considered to address issues raised previously. (14/06/2021 & 13/07/2021 & 27/07/2021)

LDC Arboricultural Officer- No objections. The revised proposals do not impact on the tree information of 21st July 2021 where the revised tree protection information was considered to be acceptable and appropriate conditions were recommended (09/09/2021).

Previous comments: Originally objected to the proposal on the grounds of loss of protected trees. A revised tree report was submitted which referred to the need for landscape mitigation for the loss of a number of protected trees (in conflict with adopted policy). Concerns were raised that the density and layout of the proposal precludes any opportunity for meaningful tree and landscape plantings. It was also noted that the tree report does not contain a tree protection plan to the required standard in as much as the access to the site is not detailed and sufficiently protected. Tree pit design details along with the soil volume calculations were requested.

A revised tree report and landscaping plan was submitted, the arboricultural officer raised no further objections and confirmed that original objections had been overcome. Conditions were recommended to ensure appropriate tree protection is used for remaining trees and a landscaping plan is submitted. (26/05/2021 & 09/07/2021 & 12/07/2021 & 16/07/2021 & 21/07/2021)

LDC Ecology- Originally objected to the proposal on the grounds that the proposal represented a net loss top biodiversity. Further to the submission of a biodiversity enhancement scheme satisfied that a net gain would be achieved. The recommendations of the preliminary ecological assessment must be made a condition of any planning approval. (17/06/2021/ & 22/07/2021)

LDC Environmental Health Officer- No objections. (29/09/2021).

Previous comments: No objections were raised subject to a condition restricting construction/ delivery hours. (15/06/2021)

LDC Waste Officer- No objections. The inclusion of a bin collection point is noted. A suitable bin collection point (BCP) should give 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. (09/09/2021)

Previous comments: No objections. 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 and return them as soon as possible after emptying. Given the number of properties that will be bringing their bins down to Merlin Way consideration may need to be given for the provision of a bin collection point. (25/05/2021)

LETTERS OF REPRESENTATION

REVISED SCHEME

4 objections to the revised scheme have been received from 4 neighbouring addresses. The comments are summarised as follows:

- The revised proposals do not overcome original objections.
- The scale of the houses remains unacceptable
- The access and parking issues have not been addressed.
- The proposals do not account for a mains sewer pipe or other necessary services.
- The impact on the canal infrastructure and canal safety.

- There is no bin collection point.
- Disruption during works and damage to pavements.
- Loss of light/ overshadowing/ overbearing impacts.
- External lighting and noise from additional traffic, in particular engine noise
- Car lights impacting on residential amenity.
- There are no employment, local facilities or social benefits arising from the proposal.
- Loss of protected trees.
- Biodiversity impacts.
- No details of materials or landscaping have been provided.

ORIGINAL SCHEME

13 responses containing objections to the original scheme have been received from 12 neighbouring addresses. The comments made are summarised as follows:

- The scale, ridge height, mass and design of the proposed dwelling houses.
- Three Storey properties is not in keeping.
- The proposal in general is out of character with the area.
- The proposed landscaping is inadequate.
- The proposal would fail to enhance of protect the character of the area.
- The proposal would conflict with local plan policy and the neighbourhood plan.
- Loss of light/ overbearing impact.
- Loss of privacy/ overlooking.
- The impact on the canal and the canal embankment.
- The proposal would result in issues regarding bin presentation on bin day.
- The access is substandard.
- Parking and turning is inadequate/ substandard.
- Disruption during construction works
- Access for deliveries and emergency vehicles.
- Foul sewerage impacts.
- Impact on protected trees and biodiversity.

PLANS & DOCUMENTS CONSIDERED AS PART OF THIS RECOMMENDATION

30950/01 Revision F 'Location Plan and Proposed Site Plan' dated as received 09 September 2021
30950/02 Revision C 'Proposed Plans and Elevations' dated as received 13 October 2021
30950/04 Revision D 'Proposed Street Scene and Street Section' dated as received 08 September 2021
Arboricultural Implications Assessment (Document No. 624AIA, Revision 2) dated as received 20 July 2021
Preliminary Ecological Appriasal (Document Ref 624PEA) dated as received 25 May 2021.

OBSERVATIONS

Site and Location

This application relates to No.12 Merlin Way and its associated garden area. The application site is located within a predominantly residential area and is bordered by the Coventry Canal to the east. No.12 has an uncharacteristic large garden area to the north containing mature landscaping and trees. It is noted that a Tree Protection Order, made in 1959 Ref W2, covers trees within the application site. In terms of topography, the site is generally lower than surrounding properties with the ground levels of the main garden area to the north of No.12 being sunken behind the canal to the east; several residential properties on Kestrel Close to the west; Peregrine Close to the north and Merlin Way to the south.

No.12 Merlin Way is a two storey detached property with an existing car port and garage to the side. The property has brick elevations with a gable frontage and is similar in scale and design to surrounding dwelling houses. The property occupies a site at the end of the cul-de-sac and is accessed via a driveway off Merlin Way.

The application site is located within the settlement boundary of Whittington as set out in the Local Plan Strategy. The site is not located within the Whittington Conservation Area but it is noted that the Canal is considered to be a non designated heritage asset.

Proposals

Consent is sought for the erection of 2 No. detached dwelling houses within the garden area of No.12 Merlin Way. The two storey dwellings would be handed in design with gable features to the front and rear elevations. The dwellings would be positioned in line with adjacent dwellings in Merlin Close, with the rear elevation facing the Canal along the eastern boundary of the site. The dwellings would be accessed off Merlin Way via an existing driveway, and an area of hard and soft landscaping would be provided to the frontage of the new dwellings. Each property would have 3 bedrooms and two parking spaces to the front. An additional two parking spaces would be provided adjacent to the turning area at the front of the dwellings.

The proposals have been revised significantly during the course of the application process, with the overall number of dwellings proposed reduced from 3 to 2, and the scale and design revised from three storey to two storey properties. Additional information relating to the protection of protected trees has been provided along with a biodiversity enhancement scheme and section drawings to confirm the relationship of the proposed dwellings to their surroundings. A heritage statement has also been provided in support of the proposals.

Determining Issues

1. Policy & Principle of Development
2. Design & Impact on Heritage Assets
3. Landscaping and Trees
4. Residential Amenity
5. Access and Highway Safety
6. Ecology
7. Drainage and Flooding
8. Community Infrastructure Levy
9. Human Rights

1. <u>Policy & Principle of Development</u>

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 Whittington and Fisherwick Neighbourhood Plan was also made in April 2018 and as such, also carries full material weight.

1.2 The emerging 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 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 Five Year Housing Land Supply 2020 for Lichfield shows that the District Council can currently demonstrate a 12.8 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.

1.5 Policy CP1 of the Lichfield District Local Plan Strategy sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.

1.6 Policy CP6 of the Lichfield District Local Plan Strategy sets out that a sufficient supply of deliverable/developable land is available to deliver around 478 new homes each year. Housing development will be focused upon the following key urban and rural settlements:

- Lichfield City
- Burntwood
- Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
- Adjacent to the neighbouring towns of Rugeley and Tamworth

1.7 Policy Whit4 'Whittington Housing' sets out that a range of between 35 - 110 homes will be provided with final numbers and locations to be determined via the Local Plan Allocations document. The quality of the built and natural environment will be enhanced and protected. Infill development will be prioritised provided that this does not result in a loss of services and facilities which contribute to the function of the settlement as a Key Rural Centre. Housing in Whittington will provide for the needs of the local community, particularly providing a range of affordable homes, starter homes and smaller homes to address downsizing need and the needs of the ageing population.

1.8 In terms of the Whittington Neighbourhood Plan, Policy DP1 'Sustainable Development' confirms that planning permission will be favourably considered for development in Whittington and Fisherwick, at a scale and in locations that accord with policies set out in the Neighbourhood Plan, where it can be shown that the development would support the community by providing new homes, to meet the development requirement of between 35 to 110 new dwellings identified in the adopted Lichfield Local Plan, taking account of the setting and character of the village and addressing local housing needs in terms of size, type and tenure.

1.9 Policy HOU1 of the Neighbourhood Plan sets out that new housing development on infill or redevelopment sites inside the village settlement boundary, as defined by the Lichfield District Local Plan Strategy Policies Maps, will be supported. Infill Housing is defined in the glossary of the neighbourhood plan as 'Limited infilling Infill development, which is particularly small in scale, occupying small gaps between buildings comprising one or two, rather than several dwellings.

1.10 The site is within the defined settlement boundary for the village of Whittington and is considered to be an infill site in line with the definitions set out in the Neighbourhood Plan, given the proximity and siting of surrounding residential development. In principle, the proposal is considered to be acceptable in terms of the policies set out in the Local and Neighbourhood Plan, by providing a small infill development in a sustainable location.

1.11 Policy H1 of the Local Plan Strategy states that there is currently an imbalance of dwelling types within the District. To address this, Policy H1 states that the 'District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities'. Policy DP1 of the Whittington and Fisherwick Neighbourhood Plan reflects this aim by requiring new housing development to address local housing needs in terms of size, type and tenure.

1.12 The proposal would provide 2 No. 3 bedroom dwelling houses and as such would accord with Policy H1 of the Local Plan and Policy DP1 of the Neighbourhood Plan. In respect of the above, the principle of development is considered to be acceptable and the development of new housing in this location is compliant with relevant policies contained within the Local Plan Strategy as well as relevant guidance within the National Planning Policy Framework.

2. <u>Design and Impact on the Heritage Assets</u>

2.1 The NPPF in Section 12 sets out that Government attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an areas defining characteristics, it states that developments should:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Achieve appropriate densities
- Respond to local character and history, and reflect local surroundings and materials
- Create safe and accessible environments
- Be visually attractive as a result of good architecture and appropriate landscaping.
- Opportunities should be taken to incorporate trees

2.2 Core Policy 3 and Policy BE1 of the Local Plan Strategy advises that new development should provide an explanation of how the built form will respond to the topography of the site and maintain long distance countryside views and the need for a landscape framework that integrates the development within the landscape. Furthermore, there is a requirement to show how the scheme proposes to provide new homes and buildings of a high quality, inspired by the character and existing architectural design (vernacular) of the District.

2.3 Core Policy 14: Built and Historic Environment sets out that the significance of designated heritage assets and their settings will be conserved and enhanced and given the highest level of protection. Policy BE1: High Quality Environment states that all development should ensure that a high quality sustainable built environment can be achieved.

2.4 Policy BE2: Heritage Assets of the Local Plan Allocations document sets out that development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset (including non-designated heritage assets) or its setting.

2.5 Policy D1 of the Whittington and Fisherwick Neighbourhood Plan sets out design criteria for new development, including taking into consideration existing development patterns and taking advantage of the local topography, landscape and water features, trees and plants, wildlife habitats, existing buildings, site orientation and microclimate. This policy also requires the use materials appropriate to the development's context.

2.6 Policy D2 states that the design, layout and density of new development should reflect the rural nature of Whittington and Fisherwick through an environmentally sustainable and sympathetic approach which reflects the historic character of the village. The design approach should seek to improve the local environment by actively promoting high quality design of buildings, use of high quality materials, hard and soft landscaping and associated

communal spaces. Where there is scope, without detriment to local character, more contemporary designs/materials may be considered, but any such proposals will need to be clearly justified in a detailed design assessment.

2.7 Policy HE2 of the Neighbourhood Plan confirms policy in relation to non-designated heritage assets and requires new development to preserve or enhance its architectural or historic interest. Designs should take account of local styles, materials and detail. Policy T&M3 sets out that development proposals that impact on the Canal should demonstrate that full account has been taken of matters relating to heritage.

2.8 The proposal has been significantly revised during the course of the application, following concerns raised by Officers. The overall number, scale and design of the houses has been reduced and amended to reflect the surroundings of the site. The ridge heights would be set lower than the ridge height of the nearest property No.12 Merlin Way and the plans have been revised to indicate that the rear elevations facing the canal would comprise of brick to reflect the surrounding built form. There would be rendered elements to the side elevations and frontage of the properties and each dwelling would have a chimney which help add interest to the elevations. Whilst a contemporary approach has been taken in design terms, it is not considered that this would be out of character or context with the surrounding locality.

2.9 Concerns have been raised regarding the presentation of bins on refuse collection days. It is noted that a bin presentation area is indicated, however this would need to be adjacent to the highway in Merlin Way. The County Highways Officer has requested that this detail is provided by means of a suitably worded condition, which is recommended.

2.10 Taking into consideration the revised form and layout of the proposed dwellings it is considered that the development would cause no harm to the significance of the Coventry Canal, which is a non-designated heritage asset. A suitably worded condition is recommended to ensure that appropriate high-quality materials are used in the development. Permitted development rights are also recommended to be removed to the new dwellings, in order to control future extensions/ alterations to the properties and further protect the historic setting. The site is located 90m away from the Whittington Conservation Area, with modern housing intervening views between the two. It is therefore considered that the scheme would cause no detriment to the character and appearance of the Conservation Area.

2.11 In conclusion regarding the heritage and design impacts of the revised scheme, the proposed dwelling houses are considered to be appropriate additions to the application site. The development, as revised will provide a unified and coherent form of development along the canal and thus, not have a detrimental impact upon the significance, setting, the character or appearance of the non-designated heritage assets. As such, the scheme is considered to be acceptable on heritage and design grounds, in accordance with the requirements of the Development Plan and NPPF in this regard.

3. <u>Landscaping and Trees</u>

3.1 Policy NR4 of the Local Plan Strategy sets out that in order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. The Trees, Landscaping and Development SPD sets out how the Council will expect trees to be protected during development and appropriate new planting to be incorporated into new development sites.

3.2 The site contains a number of protected trees, and during the course of the application an updated Arboricultural Implications Assessment has been provided to inform the proposals.

The tree survey categorises the existing individual trees in terms of their health and longevity and identifies protection measures for retained trees on site.

3.3 There are a number of trees within the site and outside, but in close proximity to the boundary. A total of 11 trees were surveyed along with a group of Leylandi along the northern boundary of the site. The proposals would result in the direct loss of two individual trees, and the group of Leylandi along the northern boundary which have been catergorised as 'C' in the tree report. 'C' category are trees of low quality and value. It is further proposed to remove an additional two trees for arboricultural reasons as these trees are in poor condition with signs of disease. Therefore, a total of 4 No. trees would be removed along with a Leylandi hedge. Details of tree protection during the construction phase of the development have been supplied with reference to the remaining trees. Whilst the scheme would result in the loss of some trees, compensatory planting would be secured by a landscaping condition requiring full details of soft and hard landscaping. The Councils Tree Officer has confirmed that the proposed protection measures, which could be utilised in the revised scheme are acceptable and should be conditioned as such.

3.4 In light of the above, it is considered that the impact upon retained trees can be controlled and a landscaping scheme will ensure that any loss of trees will be mitigated in accordance with the aforementioned Local Plan Policies, the Trees, Landscaping and Development SPD and the NPPF.

4. Residential Amenity

4.1 Policy BE1: High Quality Development states that new development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

4.2 The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity, including separation distances to ensure that new dwellings do not result in overlooking or overbearing. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD requires dwellings with 3 bedrooms to have 65 square metres of private amenity space.

4.3 In terms of the impact on existing neighbouring property, the separation distances as set out in the Sustainable Design SPD would be met by the proposals. It is noted that there is a separation distance of 16.23m between the proposed front elevation of the new dwellings and the western boundary of the site with No.11 Kestrel Close. There is a separation distance of 31.33m between the proposed front elevation of the new dwelling houses and the rear elevation of No.11 Kestrel Close. The proposed amenity area would meet with the space standards set out in the Sustainable Design SPD. As such it is considered that the proposal would comply with the relevant separation and space guidelines and would therefore not have an unacceptable impact upon the residential amenity of neighbouring occupiers in terms of overlooking, loss of light or overbearing impact.

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

5. Access and Highway Safety

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

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

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

5.3 Policy T&M 1 of the Neighbourhood Plan confirms that developments that would generate a significant amount of movement or would potentially affect a known and evidenced traffic hazard should be supported by realistic measures to maintain highway safety and avoid vehicular/ pedestrian conflict.

5.4 The proposed access would be via the existing driveway of 12 Merlin Way. The existing driveway would be widened. Cross sections have been provided to show how the proposed driveway would dip down into the site in accordance with the prevailing ground levels. Three trees located adjacent to the widened driveway (in the ownership of No.13 Merlin Way) would be retained and protected as part of the recommended tree protection condition.

5.5 The proposed new dwellings would have 2no. external parking spaces to serve each property with an additional two spaces for visitors/ overflow parking. It is noted that the scheme would result in the loss of a parking space to the frontage of No.12 Merlin Way, however the existing garage and car port of No.12 which provide 2 No. spaces would be retained. The parking standards for both existing and proposed development are therefore met. A condition is recommended to ensure that the existing parking space and garage serving 12 Merlin Way are retained to ensure sufficient parking is maintained.

5.6 Records state that there have been no personal injury collisions on Merlin Way within the last five years and there are sufficient spaces and turning areas for the vehicles. On this basis, Staffordshire County Council Highways have raised no objections to the amended proposals, subject to conditions of which relate to the submission of a Construction Management Plan, bin presentation point details and the retention of the proposed parking and turning facilities. In respect of the above, subject to conditions, the development proposal is considered to be acceptable on highway grounds. As such, the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

6. <u>Ecology</u>

6.1 Local Plan Policy NR3 requires all development within the district to provide a net gain to biodiversity. Should an application be submitted full regard must be had to any protected/priority species which may be affected. Details of any avoidance of harm/mitigation/compensation/habitat improvements must be incorporated within the proposed development.

6.2 Policy NE&L of the Whittington and Fisherwick Neighbourhood Plan 'Biodiversity and Habitats' sets out that development proposals impacting on biodiversity will be required to demonstrate how any potential impact on local wildlife sites, habitats and species networks has been taken into account. This will require appropriate measures being put into place to protect wildlife and habitats and enhance biodiversity. If development is permitted, any consequent loss of biodiversity must be minimised and mitigated by the creation of new habitats or the enhancement of existing habitats.

6.3 As part of the original scheme, a biodiversity enhancement scheme was provided which the Councils Ecology Team confirmed was acceptable and mitigated for the loss of trees and

scrub. The biodiversity enhancement scheme included specific planting and the installation of bat and bird boxes. It was further noted that a landscaping scheme could secure further net gain in biodiversity potential. On this basis, a condition is recommended to ensure that the biodiversity enhancement scheme is updated to reflect the revised scheme prior to any works taking place.

6.4 The Ecology team agreed with the conclusions and recommendations of the submitted preliminary ecological assessment, which sets out essential measures and methods of working to ensure protected species are not harmed during the construction phase of the development. This includes any vegetation clearance to be outside of bird nesting season, and the requirements for licensed ecologists to be brought on site should any unexpected protected species be discovered.

6.5 In respect of the above, the development proposal is considered to be acceptable on ecological grounds and is compliant with Policy NR3 of the Local Plan Strategy as well as relevant guidance contained within the NPPF.

7. Drainage and Flooding

7.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

7.2 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques and limit surface water discharge to the greenfield run-off rate.

7.3 Policy DP2 of the Whittington and Fisherwick Neighbourhood Plan 'Flood prevention & management' states that development should not increase the risk of flooding and/or exacerbate existing drainage problems. In line with the requirements of national policy and advice from the Environment Agency and/or Staffordshire County Council proposals for new build development must be accompanied by a site- specific flood risk assessment.

7.4 The site is not located within an identified flood risk area being in Flood Zone 1, nor is it an identified local flooding hotspot. In terms of national policy and standing advice from the Environment Agency a Flood Risk Assessment is not required in this case. Severn Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections, subject to the submission and approval of a scheme for the disposal of foul and surface water.

7.5 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, subject to condition, considered to be compliant with the Local Plan Strategy and the NPPF, in this regard.

8. Community Infrastructure Levy

8.1 The Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge will apply and this application site falls within the lower charging zone. An informative noting the need to resolve CIL payment for this development will be attached to any permission.

9. Human Rights

9.1 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 development proposals have been significantly altered during the course of the application and as revised, are considered to be an appropriate form of development in this location. The principle of the development is acceptable and complies with spatial strategy and housing policy objectives contained in the Development Plan and relevant guidance contained within the National Planning Policy Framework.

Heritage and highway concerns have been appropriately addressed and mitigated through the submission of an amended, improved scheme. It is considered that no outstanding material considerations are present in the determination of this application. The development proposal will not have an unacceptable impact upon the heritage assets and will enhance the character and appearance of the Listed Building. Appropriate mitigation measures have been put in place to accommodate the increase in the number of vehicles accessing the site, ensuring the safety of the surrounding highway network. The proposal is therefore considered to be compliant with the development plan and the NPPF.

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

Lichfield district council
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Frog Lane
Lichfield
Staffs
WS13 6YY
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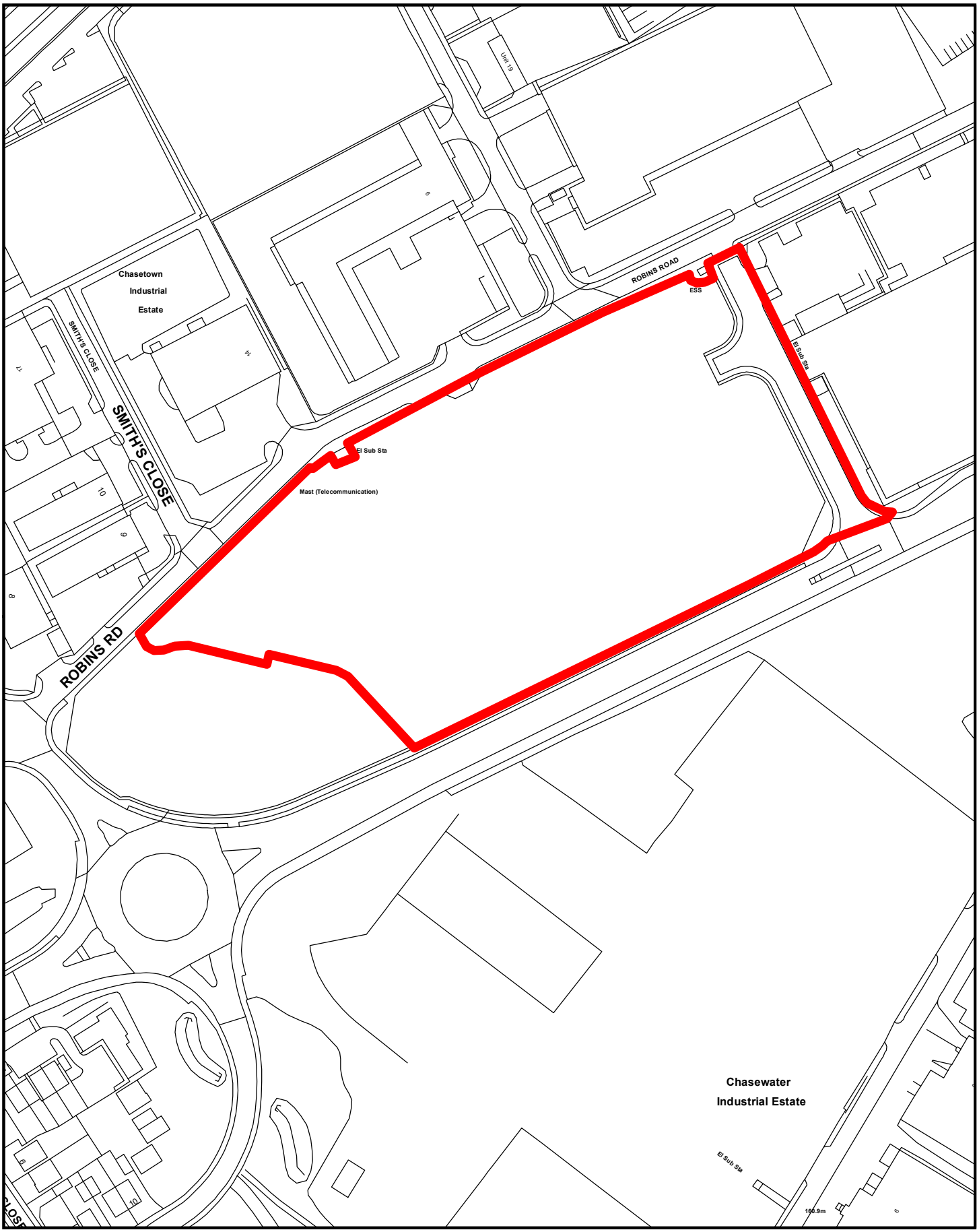
LOCATION PLAN

Land Off Milestone Way
Burntwood

Scale: 1:1,750	Dated: November 2021
Drawn By:	
Drawing No:	

N W E S



21/00914/FULM

RESIDENTIAL DEVELOPMENT COMPRISING 87 DWELLINGS (100% AFFORDABLE DWELLINGS), INCLUDING FORMATION OF VEHICULAR ACCESS, ASSOCIATED LANDSCAPING AND SITE REMEDIATION
LAND OFF, MILESTONE WAY, BURNTWOOD, STAFFORDSHIRE
FOR LONDON & CAMBRIDGE PROPERTIES LTD AND BROMFORD HOUSING

Registered **06/07/2021**

Parish: Burntwood

Note: This application is being reported to the Planning Committee due to two senior officers' view that it would be appropriate to do so, in view of the major nature of the application and the policy and affordable housing considerations related thereto.

RECOMMENDATION: Refuse, for the following reasons:

1. The Lichfield District Local Plan Strategy (2015), the Lichfield District Local Plan Allocations (2019) and the Burntwood Neighbourhood Plan (2019) plan for the strategic growth and enhancement of Burntwood Town Centre. The location proposed for development is not identified as a location for housing development in the Local Plan or the Neighbourhood Plan. Whilst provision is made for affordable homes, this does not represent an overwhelming need for affordable housing which cannot be met elsewhere within the District, on allocated sites or through current planning permissions. Therefore, the proposals would be in conflict with Core Policy 8 (Our Centres), Policy Burntwood 1 (Burntwood Environment) of the Lichfield District Local Plan Strategy (2015), Policy Burntwood 3 (Burntwood Economy) of the Lichfield District Local Plan Allocations (2019) and Policies B1 (Burntwood Town Centre) and B2 (Improving the Environment of Burntwood Centre) within the made Burntwood Neighbourhood Plan (2021).

2. The scheme is of poor design and layout, of which will have a detrimental impact upon the amenity of future occupiers as well as the character and appearance of the surrounding area. Therefore, the proposals would be in conflict with Core Policy 3 (Delivering Sustainable Development) and Policy BE1 (High Quality Development) of the Lichfield District Local Plan Strategy (2015), guidance contained within the Sustainable Design Supplementary Planning Document; and Policy B5 (Enhancing the Identity and Distinctiveness of Local Neighbourhoods) and B6 (Promoting Good Quality Design in New Housing Development) of the Burntwood Neighbourhood Plan (2021), the National Design Guide, the National Model Design Code and the National Planning Policy Framework.

3. Insufficient information has been provided to allow the Local Planning Authority to fully evaluate the Ecological impacts of the development proposal. Therefore the proposals would be in conflict with Core Policy 3 (Delivering Sustainable Development), Core Policy 13 (Our Natural Resources), Policy NR3 (Biodiversity, Protected Species and their Habitats) of the Lichfield District Local Plan Strategy (2015), guidance contained within the Biodiversity and Development Supplementary Planning Document; and the National Planning Policy Framework.

4. The applicant has failed to demonstrate that the proposed access to the site and highways layout is acceptable. Both the access and layout are considered to be of substandard design resulting in an unacceptable highways safety impact upon both vehicular traffic and pedestrians on the local highway network. Therefore, the proposals would be in conflict with Core Policies 1 (The Spatial Strategy), 3 (Delivering Sustainable Development), and 5

(Sustainable Transport), Policy ST1 (Sustainable Travel) & Policy ST2 (Parking Standards) of the Lichfield District Local Plan Strategy (2015); and the National Planning Policy Framework.

5. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed in relation to future maintenance and exceedance flows. Therefore, the proposals would be in conflict with Core Policy 3 (Delivering Sustainable Development) of the Lichfield District Local Plan Strategy (2015) and, the National Planning Policy Framework.

6. In the absence of a signed unilateral legal agreement to secure necessary financial mitigation towards the Cannock Chase Special Area of Conservation, the proposals are in conflict with Policies CP13 (Our Natural Resources) and NR7 (Cannock Chase Special Area of Conservation) of the Lichfield District Local Plan Strategy (2015), guidance contained within the Developer Contributions SPD and, the National Planning Policy Framework.

NOTE TO APPLICANT(S)

1. The development is not considered to be of a sustainable form 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
Manual for Streets

Local Plan Strategy
Core Policy 1: The Spatial Strategy
Core Policy 2: Presumption in Favour of Sustainable Development
Core Policy 3: Delivering Sustainable Development
Core Policy 5: Sustainable Transport
Core Policy 6: Housing Delivery
Core Policy 7: Employment and Economic Development
Core Policy 8: Our Centres
Core Policy 10: Healthy and Safe Lifestyles
Core Policy 13: Our Natural Resources
Policy ST1: Sustainable Travel
Policy ST2: Parking Provision
Policy H1: A Balanced Housing Market
Policy NR3: Biodiversity, Protected Species and their Habitats
Policy NR4: Trees, Woodland and Hedgerows
Policy NR7: Cannock Chase Special Area of Conservation
Policy BE1: High Quality Development
Policy Burntwood 1: Burntwood Environment
Policy Burntwood 2: Burntwood Services and Facilities
Policy Burntwood 4: Burntwood Housing

Local Plan Allocations
Policy Burntwood 3: Burntwood Economy (replaces Policy Burntwood 3: Burntwood Economy in the Local Plan Strategy)
Policy B1: Burntwood Housing Land Allocations
Policy B2:Burntwood Mixed Use Allocations

Local Plan Policies Maps
Inset 3 Burntwood

Supplementary Planning Document
Developer Contributions
Trees, Landscaping and Development
Biodiversity and Development
Sustainable Design

Burntwood Neighbourhood Plan ('Made' 8 June 2021)
Policy B1 – Burntwood Town Centre
Policy B2 – Improving the Environment of Burntwood Centre
Policy B5 – Enhancing the Identity and Distinctiveness of Local Neighbourhoods
Policy B6 – Promoting Good Quality Design in New Housing Development

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 emergining Local Plan is afforded limited weight.

RELEVANT PLANNING HISTORY

07/00273/FULM	Development of Burntwood town centre Phase 1 comprising 16 retail units with total floorspace of 9,659sq.m and an area management suite with means of access and highway improvements to Milestone Way and Robins Road, associated car parking, servicing, landscaping, external lighting, ancillary service infrastructure, the creation of interim footpath links and environmental enhancement works on land to the rear of 29-39 Cannock Road	Approved	14/08/2007
10/00361/FULM	Development of Burntwood Town Centre Phase 1 comprising 16 retail units with total floorspace of 9,659sq.m and an area management suite with means of access and highway improvements to Milestone Way and Robins Road, associated car parking, servicing, landscaping, external lighting, ancillary service infrastructure, the creation of interim footpath links and environmental enhancement works on land to the rear of 29-39 Cannock Road (Extension of time for application 07/00273/FULM)	Approved	11/08/2010
16/01379/FULM	Retail development comprising a total of 7,259sqm of retail floorspace comprising 3 pod units (499 sqm in total) for use within Classes A1, A2, A3 & A5 and up to 9 units (6,461 sqm) for use within Class A1 retail together with a drive thru restaurant (Use Classes A3 & A5) (299 sqm) together with associated access, car parking, servicing, landscaping and associated works.	Approved	26/01/2018
16/01379/AMD	Non-material amendment to amend the wording of condition 10 details of extraction and ventilation and condition 12 odour and require the information to be submitted "before the units are first brought into use"	No Objection	25/05/2018
19/00676/FUL	Erection of a Drive-Thru Restaurant (Use Classes A3/A5) including formation of an access off Robins Road, car parking, landscaping and associated works	Approved	05/03/2020

21/01054/FUL	Erection of a Drive-Thru Coffee Shop (Use Class E) including formation of access, car parking, landscaping, and associated works	Pending Determination
21/01055/ADV	Display of 12 internally illuminated signs and 1 non illuminated sign	Pending Determination

CONSULTATIONS

Burntwood Town Council- Strongly object to the proposals. The Town Council strongly object to the development proposal as it is contrary to Policy B1 of the Burntwood Neighbourhood Plan, which allocates the site as mixed use development for residential, retail and leisure. The Town Council have stated that Burntwood has already met its housing target under the provisions of the Lichfield District Local Plan and does not need further large scale residential development, which will be a burden on local infrastructure. (22/7/21)

LDC Ecology Team - Object **-** The Ecology Team stated that they do not have enough information in relation to impacts on designated sites (SAC, SSSI), protected/priority species and habitats and the ecological impacts discussed have still not been considered and fully addressed. A full biodiversity metric, shadow HRA, specific species surveys (reptiles, birds, invertebrates etc.) have also not been submitted.

Specifically with the current survey, the Ecology Team disagree with the site being classified as modified grassland and the team consider the site to be more suitably classified as Open Mosaic Habitats on Previously Developed Land which is considered to be a priority habitat.

As with previous comments, the ecology team does not agree with any of the conclusions of the Ecological Report and it is not considered sufficient to support the current application. Best practice guidance in relation to the report has not been utilised, with species surveys not being conducted and furthermore this is not an EcIA as requested. A shadow HRA has also not been completed with regards to potential impacts to European Sites (i.e. recreation, air quality impacts).

The Ecology Team conclude that the development is currently ecologically unsustainable due to the net loss of priority habitat and poses a risk of harm to protected/priority species and habitats. (5/8/21)

Previous Comments: None of the Ecology works discussed with the applicant's Ecologist have been completed. Indeed the survey submitted is from February 2019, is thus over 2 years old, and considered to be out of date and is not in context with the submitted scheme. Specifically the ecology survey provided is for an entirely different planning scheme i.e. industrial units.

The ecology team does not agree with any of the conclusions of the Ecological Report and it is not considered sufficient to support the current application. The Ecology Team conclude that the development is currently ecologically unsustainable due to the net loss of priority habitat and poses a risk of harm to protected/priority species and habitats. (12/7/21)

LDC Conservation Team (Urban Design Perspective) - Object. The proposed residential development is not considered to comply with the guidance within the National Design Guide and the national Model Design Code, both of which are material planning considerations and therefore there are objections to the current proposals.

Previous guidance provided at pre application stage on design and layout has been largely ignored. There are still a number of outstanding issues, of which relate to layout as the apartment blocks are still in a single cluster; poor quality amenity space; poor provision of cycle storage for future residents; insufficient landscaping provision; insufficient level of bin collection points; poor quality boundary treatments; and materials are not in keeping with the character and appearance of the surrounding area. (28/7/21)

LDC Economic Development Team - Object. It is noted that an application has been submitted on the adjacent land for a drive-thru coffee shop, providing some commercial offer on the site and the retail assessment stating the enhancement of the town centre through the delivery of a mixed use scheme, using residential development as part of the wider scheme. This proposal would result in a very heavy proportion of the site being utilised for residential and not supporting the expansion of the town centre. The focus upon residential development for this site will limit opportunities to create employment within the urban centre and create larger congestion on the local transport infrastructure as more residents commute to areas out of the centre. The proposal is unacceptable on economic development grounds. (27/7/21)

LDC Housing Strategy- Whilst the principle policy conflicts are noted in terms of the location of the site being a focus of the site for regeneration of Burntwood Town Centre, on the evidence available there is a need for 87 new affordable homes in Burntwood. (21/10/21)

LDC Environmental Health Team- The team have considered the noise report submitted in support of this application and have no objections in principle. However, a ground investigation report has been submitted which was undertaken over 14 years ago. This should be revisited and the assessments updated to reflect any changes to the site and relevant guidance. The updated report should be submitted to the LPA for the team's further consideration. (3/8/21)

LDC Spatial Policy and Delivery Team- Object. It is considered that the loss of the site to residential uses would be contrary to the recently adopted Local Plan and would not support sustainable development. No evidence has been provided which justifies the loss of the amount of land for town centre uses to residential development or shows the ability of any remaining sites within the identified policy area to meet local needs and the requirements of the NPPF for the centre to grow and adapt during the next 10 years and the local policy ambitions to provide an improved town centre to serve a settlement the size of Burntwood.

The Burntwood Neighbourhood Plan was made on 8 June 2021 and therefore forms part of the Development Plan for the area. Of relevance to this application is that a key planning issue identified within the plan is 'The need for a stronger Burntwood town centre and maintaining local retail provision' the town centre area should provide for the needs of its 26,000 plus population and also future residents and Objective 1 in the Neighbourhood Plan is to 'redevelop and regenerate Burntwood Town Centre to create a key focal point for the area.

Policy B1 ' Burntwood Town Centre which identifies the site as 'Site B' states that the following proposals will be supported on the site: retail (Use Class A1) and leisure uses, Use Class A3 (restaurants and cafes), A4 (public houses) and D2 (assembly and leisure e.g. cinema, concert hall, bingo hall, etc). The policy also seeks all new development within the Town centre boundary to be of good design that seeks to create a strong physical and visual identity for Burntwood Town Centre by including integrated links to the wider centre use of materials, signage and street furniture.

In summary, whilst in principle the an aspect of residential development is supported in this location, there are notable concerns that the proposed scale of residential development on this key town centre opportunity site is in conflict with the aims of Policy Burntwood 2 and Policy Burntwood 3 as well as the recently adopted neighbourhood plan. (21/7/21)

LDC Directorate of Leisure and Parks- Advised that the Council would not be adopting any public open spaces, therefore, arrangements need to be made to ensure the future maintenance of all POS areas are covered by a suitable management organisation and Plan. (19/7/21)

LDC Waste Management- No objections. Bin details and collection point advice has been provided. 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. Bin capacity is increased incrementally as the number of apartments

increases. A bin store should be positioned within a reasonable walking distance from the further apartment it serves and within 10m of the nearest kerbside or stopping point of the collection vehicle. Bin stores must allow room for filling and emptying and provide a clear space of 150mm between and around the containers. The minimum bin store area for 6 apartments would be 12 square metres and this would need to be increased on a pro rata basis for the 12 apartments. (12/7/21)

LDC Tree Officer- Objects. The site is not within any designated conservation area and currently there are no TPO's, and it does not appear that there are any trees affected. However, it is noted that 50% of the proposed trees are from the same family and this does not meet current requirements for urban forestry. Tree Pit details have not been provided and these are required especially next to hardstanding, and the available soil volumes for the trees must be shown.

The most important point at this juncture is the low numbers of tree planting, there are 85 houses and only 38 trees. As such we cannot support this proposal and ask that if the applicant wishes to pursue this that a revised landscape plan is supplied have considered the above comments. (13/7/21)

Staffordshire County Council (School Organisation)- No objections. Confirmed that the planning application would not result in an education contribution and is therefore acceptable from an education perspective. The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 75 dwellings would require 16 primary school places, 11 secondary places and 2 Post 16 places. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places. All 1 bedroom dwellings have been deducted from the dwellings numbers in line with the Staffordshire Education Infrastructure Contributions Policy. Although there are limited places within the schools and the cluster area, there are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education. (28/7/21)

Staffordshire County Council (Highways)- Objects and recommends refusal, as there is insufficient information for the authority to determine an outcome to the application for the following reasons:

- The submitted application fails to provide an appropriate description of Personal Injury Collisions, and identify trends;
- The submitted application fails to provide a continuous cycleway/footway across the site frontage and to connect with existing facilities on Milestone Way, and cycle connectivity between the site and the existing highway;
- The submitted application fails to assess walking distances to the nearest primary and secondary schools with places with regard to current SCC policies
- The submitted application fails to provide an assessment of public transport use and details of contributions towards improvements;
- The submitted application fails to provide appropriate visibility splays at the existing junction of the no through road with A5190 Milestone Way, and at all private accesses onto the internal adoptable roads;
- The submitted application fails to provide pedestrian visibility splays in accordance with the Staffordshire County Council (SCC) Residential Design Guide;
- The submitted application fails to provide appropriate car parking provision in accordance with the Lichfield District Council Local Plan Car Parking Standards;
- The submitted application fails to provide appropriate details of the design for the cycle parking;
- The submitted application fails to provide appropriate access hard surfacing and drainage from each plot;

- The submitted application fails to demonstrate details of refuse and recycling storage at all shared private drives;
- The submitted application fails to demonstrate details of species of any trees which are proposed to be located adjacent to areas to be put forward for adoption, and tree pits;
- The submitted application fails to demonstrate an internal road network with appropriate details of a 20 miles per hour design speed, main road visibility splays at all adoptable road junctions, waiting restrictions, junction priorities, and forward visibility splays;
- The submitted application fails to demonstrate that the proposal will not lead to an unacceptable increase in queuing and delays at junctions within the study area;
- The submitted application fails to demonstrate an appropriate Travel Plan; and
- The submitted application fails to provide a Construction Management Plan. (15/9/21)

Staffordshire County Council (Flood Risk Officer)- Object. Insufficient information has been submitted to demonstrate that an acceptable drainage strategy is proposed. The Flood Risk Officer recommends that planning permission is not granted. The outstanding issues relate to maintenance and exceedance issues. (3/8/21)

Severn Trent Water- No objections, subject to a condition requiring details of foul and surface water drainage. (30/7/21)

Architectural Liaison Officer- No objections. Guidance and recommendations aimed at reducing opportunities for crime and ensuring that high level of physical security is incorporated into the development were provided. (2/8/21)

Environment Agency- No objections, subject to conditions being attached relating to land contamination. (21/7/21)

Highways England – No comments (12/7/21)

LETTERS OF REPRESENTATION

39 responses raising objections to the scheme were received from 37 local residents. The comments made can be summarised as:

- All responses raised objections to further housing on this site, confirming that further facilities and infrastructure is required for the town on Burntwood;
- Retail and Leisure facilities/ a multiple purpose centre and open space are needed;
- Schools and Doctors Surgeries are needed;
- The public voted for the Burntwood Neighbourhood Plan only a few months ago via a referendum;
- Opportunity for economic growth should be encouraged and supported;
- There are too many houses in Burntwood already. Housing targets have been met;
- Residents have to travel to other towns for retail offerings;
- The highways impacts of the proposal;
- The noise impacts of the proposal.

A response was also received on behalf of the DX Group. DX Group operate an established depot on the Burntwood Business Park directly north of the application site (within approximately 15m at the closest point) and currently operates 24 hours a day, 6 days per week, closing on a Saturday PM until Monday AM. The average daily vehicle movements during day time hours total around 37 two way movements per day minimum (not including incoming deliveries and staff). Vehicle movements include HGV vehicles, which is unrestricted. DX Group object to the proposals on the principle of the development being in conflict with current and recently adopted planning policies, residential amenity for future occupiers and the implications for existing businesses, the ecological implications and the general design of the scheme.

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

4200 Rev P01 Site Location Plan dated as received 06 July 2021
1173 Site Survey dated as received 06 July 2021
1100 Rev P18 Proposed Site Plan dated as received 06 July 2021
1102 Rev P05 Proposed Highways Visibility Splays dated as received 06 July 2021
1106 Rev P06 Proposed Materials Plan dated as received 06 July 2021
1103 Rev P07 Proposed Boundary Treatments Plan dated as received 06 July 2021
1200 Rev P02 861 House Type dated as received 06 July 2021
1201 Rev P02 723 House Type dated as received 06 July 2021
1202 Rev P02 973 House Type dated as received 06 July 2021
1205 Rev P01 800 House Type dated as received 06 July 2021
1206 Rev P03 1072 House Type dated as received 06 July 2021
1207 Rev P03 Proposed Apartments dated as received 06 July 2021
1208 Rev P07 Proposed Street Scenes dated as received 06 July 2021
1209 Rev P07 Proposed Street Scenes dated as received 06 July 2021
1400 Rev P03 Proposed Elevations- Apartments dated as received 06 July 2021
JSL3829-RPS-XX-EX-DR-L-9001 Rev P04 Detailed Soft landscape Proposals (1/2) dated as received 06 July 2021
JSL3829-RPS-XX-EX-DR-L-9002 Rev P04 Detailed Soft landscape Proposals (2/2) dated as received 06 July 2021
JSL3829-RPS-XX-EX-DR-L-9003 Rev P04 Landscape- Planting Schedules and Specification dated as received 06 July 2021
JSL3829-RPS-XX-EX-DR-L-9003 Rev P04 Landscape- LAP Detail dated as received 06 July 2021
AAC5377_RPS_XX_XX_DR_C_ 603-01 Conceptual Drainage Strategy dated as received 06 July 2021
AAC5377_RPS_XX_XX_DR_C_TR1-01 Refuse Vehicle Tracking dated as received 06 July 2021

The application is also supported by the following documents:

- Affordable Housing Statement
- Air Quality Assessment
- Design and Access Statement
- Ecology Assessment
- Flood Risk Assessment
- Ground Investigation Report
- Noise Assessment
- Planning Statement
- Retail Assessment
- Overheating Statement
- Open Space Statement
- Transport Assessment
- Travel Plan

OBSERVATIONS

Site and Location

The application site lies to the south west of Burntwood Town Centre. The site is situated to the west of the Morrison's service area. Milestone Way roundabout situated to the south west, Milestone Way situated to the south and Robins Road running to the north.

The site extends in total to 5.225 acres and is relatively flat and grown over. The site is currently vacant with Blue Hoarding running around the perimeter of the site. Directly to the north of Robins Road lies the Burntwood Business Park, comprising a mix of Use Classes E/B2/B8 operations. Directly to the south of Milestone Way, opposite the site, Barratt and Taylor Wimpey are developing the land to the south of the Milestone Way for 150 dwellings (Application No. 17/01484/REMM).

The site is located within the Town Centre for Burntwood as identified on the Local Plan Inset Map and Area 'B' as identified on Policies Map 3 within the Burntwood Neighbourhood Plan.

Proposals

This application seeks permission for residential development comprising 87 dwellings, including formation of vehicular access, associated landscaping and site remediation. The submissions indicate that the dwellings would provide 100% affordable housing, with 33 shared ownership and 54 Social Rent dwellings.

The majority of the application site will be given over to residential development, with commercial development located to the south-west of the site, of which lies within the application blue line plan.

In terms of housing mix, the scheme will comprise 1 and 2 bedroom apartments as well as 3 and 4 bedroom dwelling houses. All of the houses would be 2 storey.

Tenure	No. of dwellings on site
1 Bed Apartment	12
2 Bed Apartment	12
2 Bed House	33
3 Bed House	26
4 Bed House	4

The design of the new dwellings will be of traditional style, including design features such as window lintels, stacked chimneys and gable roofs. Details of materials have been provided which include two types of red brick with a mix of grey and terracotta roof tiles across the site. It is also noted that on key corner locations the dwellings would be rendered, along with the majority of the elevation of the apartments facing into the site.

There is currently an existing 'no through' road off Milestone Way to the eastern end of the site which serves the service yard to the adjacent Morrison's food store. The proposed housing development would be accessed from this existing no through road, with houses spaced around internal roads broadly in a grid formation.

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 Trees
6. Ecology
7. Cannock Chase Special Area of Conservation
8. Drainage
9. CIL / Planning Obligations
10. Human Rights

1. <u>Policy & Principle of Development</u>

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 Burntwood

Neighbourhood Plan was also made in June 2021 and as such, also carries full material weight.

1.2 The emerging 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 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 Five Year Housing Land Supply 2020 for Lichfield shows that the District Council can currently demonstrate a 12.8 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan, and as a result the adopted Local Plan Policies can be considered as up to date.

1.5 The NPPF also sets out in Section 7 the importance that town centres play, being at the heart of local communities. Policies are set out to provide a positive approach to their growth, management and adaption.

1.6 Core Policy 1 of the Lichfield District Local Plan Strategy outlines that the majority of future development will be distributed amongst areas including Burntwood. Core Policy 1 states that new and improved retail will be focused on the Districts commercial centres including Burntwood. It follows that an enlarged centre in Burntwood to meet local needs will be supported. The District Council will encourage new retail development comprising both comparison and convenience floorspace as well as leisure uses on the two key opportunity sites in order to increase the attractiveness and market share of the centre. Core Policy 1 also sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, making best use of and improving existing infrastructure.

1.7 Core Policy 3: Delivering Sustainable Development provides a number of key issues that development should address in order to ensure sustainable development. The policy includes the following key issues which are of relevance to this application:

- Promote and enhance the character and distinctiveness of Lichfield District and its settlements;
- Assist in the regeneration and evolution of towns and villages and surrounding areas in meeting the changing needs of their population over time and maintain the vitality, viability and vibrancy of local communities.
- Be of a scale and nature appropriate to its locality; and
- Encourage the re-use of previously developed land in the most sustainable locations, and encouraging the reuse of buildings as a sustainable option.

1.8 Core Policy 6: Housing Delivery seeks to focus housing delivery on Lichfield City and Burntwood and residential development will be expected to contribute to the achievement of sustainable communities, incorporate high quality design, assist in meeting identified housing needs, including affordable homes and deliver the required identified physical, green, social and community infrastructure necessary to support sustainable communities.

1.9 Core Policy 8: Our centres states that development proposals for retail, leisure, office and cultural facilities will be focused within the commercial centres of Burntwood and Lichfield City in line with the Hierarchy of Centres set out in Table 9.1 of the Local Plan Strategy. It also

states that leisure uses, cultural development, attractive spaces and a balanced night time economy will be encouraged in both Lichfield City and Burntwood town centres.

1.10 The Vision for Burntwood set out in the Local Plan Strategy clearly seeks Burntwood to be a more sustainable, healthier and self-contained town with an enlarged and viable town centre that has a range of retail outlets, commercial, leisure, health and cultural facilities of an appropriate scale to meet local needs. It seeks to improve green infrastructure and walking and cycling links particularly linking the town to the wider open space network including Chasewater Country Park.

1.11 Policy Burntwood 3: Burntwood Economy was updated within the Local Plan Allocations Document. This policy sets out a focus to support the regeneration of Burntwood town centre to provide a range of retail, employment, leisure, health and residential uses. It states that through regeneration the focus in Burntwood will be on the creation of a vibrant and diverse town centre. The policy also confirms support will be given for an enlarged town centre to meet local needs as defined on the Policies Map (and Map 10.1). The District Council will encourage new retail development comprising both comparison and convenience floorspace as well as leisure uses on the two key opportunity sites in order to increase the attractiveness and market share of the centre.

1.12 Policy Burntwood 2 of the Local Plan Strategy states where possible the range of services and facilities in Burntwood will be improved to remedy existing deficiencies, including the delivery of a new town centre so that these best meet the needs of the residents, businesses and visitors. This site presents a key opportunity to improve the range of services and facilities in Burntwood and contribute towards the delivery of a new town centre in line with Policy Burntwood 2.

1.13 The Burntwood Neighbourhood Plan was made on 8 June 2021 and therefore forms part of the Development Plan for the area. Of relevance to this application is that a key planning issue identified within the plan is 'The need for a stronger Burntwood town centre and maintaining local retail provision' the town centre area should provide for the needs of its 26,000 plus population and also future residents of the town. Objective 1 in the Neighbourhood Plan is to 'redevelop and regenerate Burntwood Town Centre to create a key focal point for the area.

1.14 Policy B1 ' Burntwood Town Centre which identifies the application site as 'Site B' states that the following proposals will be supported on the site: retail (Use Class A1) and leisure uses, Use Class A3 (restaurants and cafes), A4 (public houses) and D2 (assembly and leisure e.g. cinema, concert hall, bingo hall, etc). The policy also seeks all new development within the Town centre boundary to be of good design that seeks to create a strong physical and visual identity for Burntwood Town Centre by including integrated links to the wider centre use of materials, signage and street furniture.

1.15 The Burntwood Neighbourhood Plan is statutory Planning legislation, of which is afforded equal weight as other documents that form the Authority's Development Plan. As such, equal weight shall be afforded its policies within the Planning Balance. The scheme is in clear conflict with Policy B1 of the Plan, where the site is allocated for a mixed retail and leisure use town centre development and the high level of provision of dwellings at the site will undermine the creation of a 'new vibrant town centre' in Burntwood.

1.16 The loss of the site to residential uses would also be contrary to the Local Plan Strategy and Allocations documents and the recently adopted Burntwood Neighbourhood Plan and would not support sustainable development. In addition, the NPPF puts a strong emphasis on the importance of town centres. No evidence has been provided which justifies the loss of the amount of land for town centre uses to residential development or shows the ability of any remaining sites within the identified policy area to meet local needs and the requirements

of the NPPF for the centre to grow and adapt during the next 10 years and the local policy ambitions to provide an improved town centre to serve a settlement the size of Burntwood.

1.17 It is considered that the scale of proposed residential development will prohibit the creation of a vibrant and diverse town centre. The quantum of residential development on this site would be contrary to the Local Plan Strategy and the recently adopted Neighbourhood Plans thrust which is seeking to deliver an enhanced and diverse town centre for Burntwood within the area identified as the town centre.

1.18 Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Planning Practice Guidance states that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest. Taking this into account, it is considered that the provision of affordable housing can be considered a material consideration which should be given weight.

1.19 Policy H1 of the Local Plan Strategy 'A balanced housing market' seeks to deliver a range of house types, sizes and tenures based on the latest assessment of local housing need. The council is actively promoting the delivery of smaller properties to redress a current imbalance. The mixture of housing and apartments would accord with the dwelling mix required by policy H1. Policy H2 'Provision of affordable homes' requires sites of over 15 or more dwellings to provide affordable homes. The current affordable housing viability target is 38% as established in the Authority Monitoring Report 2020 (available on the Councils website). It is noted the proposed scheme is for 100% affordable dwellings.

1.20 The applicant has submitted an Affordable Housing Statement, which states that 'significant weight' should be attributed to the delivery of affordable housing within the District. The report identifies that 377 affordable houses are required to be delivered each year within the plan period (up to 2029) in line with the Housing Needs Study and Strategic Housing Market Assessment (SHMA), published in 2012 which formed the evidence base for the Local Plan. Up to 2020, this would equate to 4,524 affordable dwelling being delivered. In reality, up to 2020, 631 affordable dwellings have been delivered, as set out in the Authority Monitoring reports (AMRs). The applicant therefore considers that only 14% of the affordable housing requirement has been delivered, with a shortfall up to 2020 within the overall plan period of 3893 dwellings.

1.21 Whilst attributing strong weight to affordable housing is indeed a requirement in decision making, the weight of the affordable housing is still a material consideration within the wider Planning Balance. The Affordable Housing Statement provided by the applicant makes no reference to the weight to be applied to Policy B1 of the Burntwood Neighbourhood Plan, Core Policy 8, Policy Burntwood 2 of the Local Plan Strategy and Policy Burntwood 3 of the Local Plan Allocations which allocate the site for town centre uses or other material considerations such as design, highways implications and ecology requirements. The following sections of the report discusses other material considerations taken into account in the consideration of this planning application.

1.22 The applicants Statement makes the case that the Affordable Housing need in Lichfield District is 377 dwellings a year which is not being delivered so far within the plan period. Officers agree with the figures put forward and note the under delivery upto 2020. Whilst this figure is referred to in the Local Plan, the applicants have overlooked the fact that whilst the Strategic Market Housing Assessment (SHMA); which identifies that figure, the Local Plan Strategy explanatory text conclude that the delivery of 377 Affordable Homes a year is unrealistic as part of an Overall Assessed Need of 478 dwellings a year and so this is not a delivery target set out within Local Plan policy. The SHMA does not set housing

requirements – it provides evidence which underpinned the adopted Local Plan which identifies a need of 377 affordable dwellings per annum across the plan period. Policy H2 of the Local Plan sets out the adopted policy position in respect of the delivery of affordable housing, that is to deliver on qualifying sites up to 40% of new dwellings as affordable homes. Paragraph 8.15 of the Local Plan Strategy acknowledges that it would not be realistic to deliver 277 affordable homes per annum as this would equate to 79% of the housing requirement of 478 dwellings per annum.

1.23 The District Council has prepared updated evidence in respect of affordable housing need in support of the review of its Local Plan. The Housing and Economic Development Needs Assessment (HEDNA) published in November 2020 identifies an affordable housing need of 220 dwellings per annum, significantly below the 377 figure taken from the SHMA 2012. Whist the HEDNA has yet to be tested at examination it provides a significantly more up to date assessment of housing need in Lichfield District and indicates a lower annual affordable need than the 2012 dated SHMA. Analysis of the AMRs published in recent years shows that there has been, on average, an increase in the number of affordable homes being delivered and importantly the number being permitted. The AMR 2020 indicates that there has been a significant increase in the number of permitted affordable homes within the District. Indicator H8 in the AMR 2020 identifies a supply of 1,108 committed affordable homes which could be delivered within the next five years.

1.24 Overall, no substantial evidence has been provided to justify approving the development, which is contrary to the development plan. Whilst affordable housing is a benefit which should be given weight in decision making, it is not considered that this weight outweighs the harm to the clear development strategy set out in the Local and Neighbourhood Plan as a whole.

1.25 In principle, the proposal does not accord with the relevant and up to date local and national planning policies as set out above.

2. <u>Design and Impact upon the Character and Appearance of the Surrounding Area</u>

2.1 Core Policy 3 of the Local Plan Strategy states that development should protect and enhance the character and distinctiveness of the Lichfield District, while development should be of a scale and nature appropriate to its locality. Policy BE1 underlines the fact 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 upon this point advising that good design should be informed by appreciation of context, as well as plan, scale, proportion and detail.

2.2 The NPPF attaches great importance to design of the built environment and sets out that high quality and inclusive design should be applied to all development, including individual buildings, private spaces and wider area development schemes. It also states that development should respond to local character and history, and reflect the identity of local surroundings. This sentiment is echoed in Policy BE1 of the Local Plan Strategy.

2.3 The National Design Guide and the National Model Design Code illustrate how well designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. The National Design Guide addresses the question of how we recognise well designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The NPPF sets out that the National Design Guide and National Model Design Code should be used to guide decisions on applications in the absence of locally produced guides or codes. These documents provide guidance on what constitutes well-designed and beautiful places as well as providing a default checklist of issues that schemes will be expected to address.

2.4 In terms of the Burntwood Neighbourhood Plan, Policy B5 "Enhancing the Identity and Distinctiveness of Local Neighbourhoods" requires consideration to be given to building materials and the sites relationship to the surrounding street and road pattern. Policy B6 "Promoting Good Quality Design in New Housing" of the Burntwood Neighbourhood Plan states that new residential development should be of a good quality design and should be designed in such a way that the best of the varied, local building styles in the Burntwood neighbourhood area is used to inform new designs.

2.5 The scheme is considered to be out of keeping with the design and appearance of the surrounding area, in terms of its layout and materials. The low provision of landscaping on site will be further detrimental to the appearance of the site and finished quality of the resultant development. It is noted that no visual buffer is proposed between the site and its surroundings thereby having a detrimental impact upon the visual and residential amenity of future occupiers.

2.6 The scheme would fail to have a satisfactory relationship with its wider surroundings, and would result in a development which fails to connect or make a positive addition to the public realm.

2.7 The Urban Design Officer has been consulted, of whom objects to the scheme on a number of grounds. Overall the design of the scheme is considered to be of poor quality that will have a detrimental impact upon the character and appearance of the surrounding area and is therefore in conflict with Core Policy 3 of the Local Plan Strategy, Policy B5 of the Burntwood Neighbourhood Plan and relevant guidance contained within the National Planning Policy Framework, the National Design Guide and the National Model Design Code.

3. Residential Amenity

3.1 It is necessary to consider any potential impacts of the development on the amenities of existing nearby residents and businesses, and in addition whether future occupants of the new dwellings would enjoy a satisfactory level of amenity. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings and existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

3.2 Policy BE1 of the Local Plan Strategy states that all development proposals should ensure that a high quality sustainable built environment can be achieved. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact upon amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.

3.3 Core Policy 3 also states that development should protect the amenity of residents and seek to improve overall quality of life. When assessing the impact of development on the neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). This sets out space about dwellings and amenity guidelines for all development. In particular, numerical guidelines are set out to ensure that new residential development does not overlook or cause overbearing impacts to surrounding properties, including received daylight and sunlight.

3.4 It is considered that the development proposal will result in a poor level of amenity for future occupiers. Although a number of the rear amenity spaces on site meet the space standards required, a number of the properties would still fall short of the requirements. Furthermore, the site lies adjacent to an industrial estate and although the Environmental Health Officer has no objections to the proposal, subject to planning conditions requiring noise mitigation

measures, concerns are still raised in relation to potential noise and odour issues affecting the outdoor amenity space of future occupiers.

3.5 The site is located in an area adjacent to the Burntwood Business Park and it is noted that an objection has been made by a business operating from premises off Robins Road adjacent to the site. Due to the close proximity of the Business Park, there is potential for adjacent commercial operations to have an impact on the amenity of future residents. The applicant has submitted a noise assessment which has been considered by the Council's Environmental Health Team, who raise no objection, subject to a condition requiring the submission of a comprehensive environmental noise assessment and mitigation measures embodying the principles set out in the submitted noise assessment.

3.6 Overall, the scheme, in terms of the levels of amenity being provided for future occupiers is not considered to be compliant with policies contained within the Development Plan and relevant guidance contained within the NPPF.

4. Access and Highway Safety

4.1 Core Policy 5: Sustainable Transport of the Lichfield District Local Plan Strategy 2008-2029 seeks to ensure all new development is well served by an attractive choice of transport modes, including public transport, footpaths and cycle routes to provide alternatives to the use of the private car.

4.2 Policy BE1 of the Local Plan Strategy seeks to protect amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. Further to this Policy ST1 - Sustainable Travel and Policy ST2 - Parking Provision of the Local Plan Strategy are also relevant. It is important to also consider the Council's Adopted Sustainable Design (SPD) as well as the NPPF, particularly paragraph 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.3 SCC Highways have recommended refusal of the application proposals on a number of grounds. The vehicle and cycle parking provision falls short of requirements set out in the Sustainable Design SPD and the access to and from the site is considered to be unacceptable. Most notably however, SCC Highways have stated that the details submitted as part of this application fail to provide appropriate visibility splays at the existing junction of the no through road with A5190 Milestone Way, and at all private accesses onto the internal adoptable roads.

4.4 As such, it is considered that the scheme in its current form would have an unacceptable impact upon highway safety for pedestrians and vehicles and would therefore be in conflict with Policies BE1 and ST2 of the Local Plan Strategy, as well as relevant guidance contained within the Sustainable Design SPD and the NPPF.

5. Impact on Trees

5.1 Paragraph 131 of the NPPF sets out that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

5.2 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside.

5.3 In order to retain and provide local distinctiveness in the landscape, trees, veteran trees, woodland, ancient woodland, and hedgerows, are of particular significance. Trees and woodland will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

5.4 The site does not comprise any protected trees and the scheme does not propose the removal of any on site trees. Landscaping plans have been provided to support the application, which have been reviewed by the Councils Arboricultural Officer. The Arboricultural Officer raised concerns in respect of the significantly low provision of trees on site as part of the development proposal; there are 85 houses and only 38 trees proposed as part of the landscaping plan. Overall, the scheme is not considered to be acceptable on arboriculture grounds, although it is noted that additional trees could be secured by means of an appropriately worded condition. As such, it is considered that this will have a detrimental impact upon the appearance of the site as well as not being compliant with Policy NR4 of the Local Plan Strategy, Trees & Development SPD and the objectives set in the NPPF.

6. <u>Ecology</u>

6.1 Policy NR3 of the Local Plan Strategy states that development will only be permitted where it protects, enhances, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of the land and buildings minimises fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats (including links to habitats outside Lichfield District) and incorporates beneficial biodiversity and/or geodiversity conservation features, including features that will help wildlife to adapt to climate change where appropriate.

6.2 To comply with the guidance contained within Paragraphs 8 and 120 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.

6.3 Policy NR3 of the Local Plan Strategy maintains that development will only be permitted where it protects, enhance, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of land or buildings; minimises fragmentation and maximise opportunities for restoration, enhancements and connections of natural habitats; incorporates beneficial biodiversity and/or geodiversity conservation features, including feature that will help wildlife to adapt to climate change where appropriate; and delivers a net gain for biodiversity and/or geodiversity in the district.

6.4 The Ecology Officer has been consulted and considers that insufficient information has been provided in order to properly and thoroughly assess the ecological impacts of the development. The Councils Ecologists disagree with the submissions which classify the site as 'modified grassland', and instead consider that the site should be classified as 'Open Mosaic Habitats on Previously Developed Land' which is defined as a priority habitat. This priority habitat can be of importance in being one of the less managed habitats in otherwise urban landscapes, providing a home for a number of species. In previous comments the site was calculated to have a biodiversity unit value of 24 in an assumed moderate condition. This is significantly higher value than the 6.88 biodiversity unit value presented in the submissions.

6.5 The Ecology Team have concluded that the development is currently ecologically unsustainable due to the net loss of priority habitat and the scheme in its current form poses a risk of harm to protected/priority species and habitats on account of the lack of information

submitted with this application. As such, the scheme is not in accordance with the requirements of Policy NR3 of the Local Plan Strategy and the NPPF and is therefore unacceptable on ecological grounds.

7. Cannock Chase Special Area of Conservation

7.1 Policy NR7: Cannock Chase SAC as the proposed development lies within the 0-15km of the Cannock Chase SAC. Evidence prepared to support the Local Plan identified that development which results in an increase in visitors to the SAC can have an adverse impact upon the sites integrity and the purposes for which it is designated. A separate assessment is therefore required in order to meet the requirements of the Habitat Regulations.

7.2 The application site lies within the 0-8km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-8km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC unless or until satisfactorily avoidance and/or mitigation measures have been secured.

7.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment. The Council's Appropriate Assessment (AA) concludes that the mitigation measures identified within the Council's Development Plan for windfall housing sites, will address any harm arising from this development to the SAC. Natural England have offered no objections to the proposal subject to suitable mitigation measures in the form of a developer contribution being secured. As such a unilateral undertaking is required to secure the financial contribution.

7.4 On this basis, it could be concluded that the Local Planning Authority has met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard, subject to the applicant submitting a Unilateral Undertaking (UU) to mitigate the adverse impact of the development on the Cannock Chase Special Area of Conservation. However, as the application is recommended for refusal, this has not been entered into with the applicant, consequently the development does not accord with the Development Plan and the NPPF in this regard.

8. Drainage

8.1 Section 14 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

8.2 Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS). Systems will discharge clean roof water to ground via infiltration techniques and limit surface water discharge to the greenfield run-off rate.

8.3 The site is not located within an identified flood risk area being in Flood Zone 1. Notwithstanding this, the Lead Local Flood Authority have been consulted and have raised objections to the proposed drainage strategy. In particular there are concerns regarding the long term maintenance of the system and exceedance issues at times of heavy rain. Severn

Trent Water Ltd have been formally consulted with regard to the proposal and have raised no objections subject to the submission and approval of a scheme for the disposal of foul and surface water.

8.4 In light of the above, it is considered that whilst a suitable drainage strategy may be employed to adequately address the drainage requirements for the proposed development, in this case this has not been demonstrated in the application submission and the proposal would therefore, fail to address the requirements set out in the Local Plan and the NPPF in this regard.

9. Community Infrastructure Levy

9.1 The Council adopted its Community Infrastructure Levy (CIL) on 19th April 2016 and commenced charging on 13th June 2016. A CIL charge would apply and this application site falls within the lower charging zone and. The applicant has submitted with the application a completed CIL form. An informative noting the need to resolve CIL payment for this development would be attached to any permission, should Members resolve to grant.

10. Human Rights

10.1 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 conflicts with the overarching aims of the Local Plan and the recently 'Made' Burntwood Neighbourhood Plan which allocate the site for mixed town centre retail and leisure uses in response to an identified need to serve existing and future residents of the town and to 'redevelop and regenerate Burntwood Town Centre to create a key focal point for the area. Whilst the scheme would provide for affordable housing, there is insufficient evidence to suggest that this need cannot be met within the sustainable locations through allocated sites, new development coming forward and existing permissions. The proposals therefore conflict with the adopted Development Plan.

In addition to the key principle issue set out above, there are a number of technical objections to the scheme in relation to the design and layout of the scheme, highway safety, ecology, impact on the Cannock Chase SAC and drainage, which have not been addressed and also justify sustainable reasons for refusal.

Consequently, it is recommended that this application be refused, subject to the reasons set out above.