

PLANNING COMMITTEE (1 November 2021)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

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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

Additional Consultation Responses

Lichfield Civic Society – In their letter of 3rd March 2021 they recommended the number of dwellings be reduced from the proposed 520. As this reduction has not been made, they recommend refusal of the application.

Following a recent review of the application, including the committee report, they have these additional observations:

- The size of the proposed development will adversely affect the City in terms of pressure on the infrastructure- do not believe a S106 Agreement can adequately mitigate the problems.
- The proposed logistical business units are unsightly for this gateway location and, moreover, are likely to produce an over-provision of this type of business unit in the City.
- Re Education Places, note that this site will require an increase in secondary school places to be provided and that such an increase at the local school mentioned is likely to produce an increase also in traffic congestion.
- RE NHS GP Access, note that the committee report quotes that the proposed development will mainly impact the Westgate Practice. This and the Cloister Practice sit cheek by jowl on the same site. Westgate site is already overburdened and has a large number of elderly patients. This number is likely to increase further with the occupation of 2 other nearby residential developments (the one opposite on Rotten Row, adj Mercian Court, and the other recently approved for land at Quonians Lane). The suggestion that the 3 existing GP practices simply be enlarged is, we believe, neither practical nor appropriate.

Additional Letters of Representation

14 further letters of objection have been received and 1 letter of representation. The issues raised, beyond those noted within the main report, are summarised as follows:

- Too short notice to be able to lodge to speak – requests new Committee date
- Proposal goes against the Prime Minister's recent speech that houses should not be built on green fields.
- Lack of concern for biodiversity on the site.
- Lack of protection of views from the north into the City.
- Opportunistic addition of 70 houses. 520 houses an overdevelopment of the site.
- Employment area/large sheds will be invasive, ugly and an eyesore, a blight on views and a scar on the gateway to the medieval City.

- Failure to remove the B8 sheds from the application. No sheds should be agreed.
- The area and type of development (B8 employment floorspace) is unsuitable to border a major entrance to historic and attractive Lichfield.
- Buildings up to 18 metres height would destroy the visual impact of the access and set a precedent for other major roads into Lichfield.
- Requests that the on the commercial area any structures over 5 metres is sunk into the lowest part of the site, adjacent to the A38 and therefore not visible from London Road.
- Suggests commercial buildings should be built along the A38 to provide a noise barrier to the A38.
- No acknowledgement of existing stretched services and infrastructure with insufficient school places currently and need for a new leisure centre.
- City should be protected from bolt on developments.
- The Council should insist on the very best design and developers should accord.
- Employment area should be low rise development and in tune with the Lichfield Plan.
- Employment area is out of character with the low density residential part of the site.
- The development will impact on the attractiveness of the City including its tourism offer.
- The warehouses will be noisy and operate 24 hours per day.
- There is already an oversupply of warehouses in the City – on the north side of Lichfield some are unoccupied.
- The employment area will have a negative effect on the existing Cricket Lane houses.
- Business units should be confined to designated commercial sites such as Britannia Way.
- Offices at Wall Island is a good example of attractive job creating development.
- The City is already overcrowded and there are too many new houses in Lichfield which overstretches the City.
- Recent ruling is that planning shouldn't be allowed on greenfield sites.
- The commercial area has been brought much closer to Cricket Lane with an exit onto the lane – as a residential road with weight limit this shouldn't be permitted.
- Detrimental impact from additional traffic on St John Street, London Road and Swinfen Island when including Deanslade development and commercial traffic will be day and night.
- A traffic impact of the whole development is required – rush hour on London Road is already an issue.
- Junction of Cricket Lane/Quarry Hill Lane onto Tamworth Road is a dangerous junction unsuitable for large lorries.
- Both ends Cricket Lane have had accidents (including fatal accidents) and the island on the approach to London Road has accidents.
- A resident reported that driving a motorbike in the City is dangerous currently.
- Land is high grade agricultural land.
- Warehousing does not create employment opportunities.
- Commercial vehicles should be restricted from going through the residential area.
- The development has no character.
- The Historic Environment Character report is deficient and does not recognise the Bronze Age Knowle Hill.
- St Modwen advised last year they would discuss the proposed sheds with Lichfield DC Leader.
- Would provide an opportunity for Councillors to 'take back control' and provide high quality units to attract highly paid jobs – Massive sheds housing a few low paid workers is inconsistent with the Council's Strategic Plan.

- The commitment by Persimmon to build a primary school on St Johns has not been started.
- Welcomes feasibility study on how to improve safety at Quarry Hills Lane/Tamworth Junction but alarmed that 1 fatality in past 6 -7 years has not be taken into account.
- Welcomes speed reduction on Tamworth Road but considers traffic lights needed on Cricket Lane/Tamworth Road junction for pedestrian safety.
- Since A38 built Lichfield grown and needs additional slip roads northbound and southbound onto A38 or a collector road (Hilliards Cross – Cappers Hill). This needs to be considered as part of traffic infrastructure planning for the City not on an application by application basis.
- Unclear if any provision made for a medical centre in any part of the three major developments in South Lichfield. If not new residents will have to join the existing residents in the existing hard pressed medical centres and will drive to them.

Additional Observations relating to Plans

Since the drafting of the report, an updated set of plans have been submitted. It is understood that they correct a limited number of discrepancies between individual plans, to ensure all proposed plans accord with each other but do not introduce new matters for consideration. The plan versions listed in the proposed conditions and proposed approved plans would therefore need to be updated to accord with the updated versions once checked and verified as such by officers. However, in the event of any significant and /or fundamental amendments the matter would be referred to the Chair and Vice Chair of Planning Committee to determine if a referral back to Planning Committee is required.

Otherwise the recommendation remains as set out in the original report, subject to the following amended wording of conditions.

Amended Conditions

Amended wording is proposed following discussions with the applicants agents on pre-commencement conditions as follows. Final confirmation of agreement to the wording is to be confirmed.

Condition 5 amended to read:

Before the submission of the first Reserved Matters application relating to the residential uses, pursuant to Condition 4, a plan defining the extent and a scheme for the phasing of the development of the residential area (the ‘residential phasing plan’), to include delivery of the sports pitches, changing facilities 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.

Condition 6 amended to read:

Before the submission of the first Reserved Matters application relating to the employment uses, pursuant to Condition 4, a plan defining the extent and 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 residential phasing plan.

Condition 9 amended to read:

Before any construction works hereby approved are commenced, within each phase of development (approved by conditions 5 & 6), a Construction Environment Management (CEMP) and Habitat Management Plan (HMP) required for that phase expanding upon the information provided within the 'Biodiversity Impact Calculator' dated 16 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 and full biodiversity metric across each phase, 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.

Condition 18 amended to read:

Before each phase of the development hereby approved is commenced (as approved by conditions 5 & 6), 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 trial trenching. The WSI shall include post-excavation reporting and appropriate publication, details of which shall have been submitted to 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 accordance with the approved details and timescales.

Condition 20 amended to read:

Before any part of the employment use hereby approved is commenced, proposed cross-Sectional drawings, including proposed site levels and a timetable for the 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.

Condition 21 amended to read:

Before each phase of the development hereby approved is commenced (as approved by conditions 5 & 6) 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.

Condition 24 amended to read:

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

Condition 27 amended to read:

Any unit erected within the employment area, which has a floor area greater than 1,000 square metres, shall, within 8 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.

Condition 33 amended to read:

Before the first use of any employment 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.

Condition 39 amended to read:

The buildings within the employment area shall be used only for purposes within Class B1a (only where ancillary to wider primary B1c, B2 & 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 purpose.

Additional / Further Observations

All matters raised by the additional representations and consultee response have already been addressed in the main committee report, therefore no alteration of the officer recommendation is proposed.

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21/00803/FUL - Erection of 2no three bedroom detached dwellings 12 Merlin Way, Whittington, Lichfield, Staffordshire, WS14 9PG

Additional Letters of Representation

1 No. additional letter of representation has been received. This is summarised as follows:

- The access to the development is a major issue and a visual plan has been provided to outline the concerns.
- There is insufficient space for an access road for cars or emergency vehicles to access the site.
- The minimum requirement of 3.7m road width is not provided, and neither is a designated parking space to serve 12 Merlin Way.

Additional Observations

The access provision have been fully assessed by the County Highways Authority and no objections have been raised. The visual plan submitted refers to a parking space immediately to the frontage of No. 12 Merlin Way, which would effectively block the access to the new dwelling houses. Notwithstanding the objections raised, this parking space does not form part of the proposals.

The existing driveway would be widened as part of the scheme. Condition 11 requires the parking, turning and access facilities shown on the approved plans to be provided prior to the first occupation of the new dwelling houses. The parking provision includes 2 No. spaces to serve each new dwelling along with an additional 2 No. visitor spaces. A condition is also attached (Condition No.19) which requires the existing parking provision to No.12 Merlin Way (a car port and garage) to be retained for the parking of vehicles.

Subject to such conditions, the scheme as a whole would be in compliance with the off-road parking standards set out in Appendix D of the Sustainable Design SPD and the access requirements to serve the new dwelling houses. It has therefore been demonstrated that there is sufficient and appropriate access and parking arrangements to serve the proposed scheme.

No amendment to the original recommendation to approve, subject to the conditions is therefore proposed.

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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

Additional / Amended Plans

These are also plans/information considered in the consideration of the application to be added to the list included in the main report:

- Blue Hoarded Travel Plan v8-1 (submitted 20th October 2021)
- Blue Hoarded Transport Assessment v8-1 (submitted 20th October 2021)
- Statement in Respect of Paragraphs 122 and 123 of the NPPF (submitted 16th August 2021)

Additional Consultation Responses

Staffordshire County Highways were consulted on the above amended plans and documents; which were submitted after the Planning Committee report was published. Their comments were received on 28th October. They do not consider that the updated information overcomes the reasons for refusal previously set out and recommends the application should be refused for the reasons set out in their previous response.

Additional Letters of Representation

1no. additional letter of objection has been received. The comments are summarised as follows:

- The scheme will place greater pressure on existing infrastructure and services in Burntwood.
- Burntwood has an expanding population and services and entertainment facilities are required, rather than additional housing.

Additional / Further Observations

The revised highway information and subsequent consultation response from the County Highways are noted, but no changes are proposed to the recommendation or reasons for refusal relating to Highways (Reason No.4).

The additional letter of representation is also noted, the concerns raised have already been addressed in the main committee report.

It is recommended that the reason for refusal 3 is updated in line with representations received from the Council's Ecology team, to ensure it addresses all of the concerns they have raised.

Amended wording for reason 3 to read as follows:

Insufficient and inaccurate information has been provided to allow the Local Planning Authority to fully evaluate the ecological impacts of the development proposals, including failure to consider the impact on designated sites, which include the Cannock Chase SAC and Site of Special Scientific Interest and the impact on protected species. Therefore, it has not been demonstrated that the scheme would not lead to a net loss of priority habitat and the scheme in its current form poses a risk of harm to protected/priority species and habitats and would therefore 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.

The applicant's agent considers that no reference has been made about their 'Statement in Respect of Paragraphs 122 and 123 of the NPPF' which was submitted to the Local Authority on 16th August 2021.

Paragraphs 122 and 123 of the National Planning Policy Framework (July 2021) state the following, respectively:

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.*

The applicants Statement concludes with the following paragraph: *“The site has been identified for Town Centre redevelopment for a period in excess of 35 years. The NPPF is clear that where development proposals in adopted Development Plan documents do not come forward that the Planning Authority should take positive action to consider alternative uses which would meet an identified need.*

It has been demonstrated that the applicants have owned the site for in excess of 35 years, have attempted to bring forward various retail/leisure led developments but without success for a number of reasons. Furthermore, the decline in the retail sectors has not assisted in providing retail development on the site. There is a clear and accepted need for additional affordable housing in Burntwood and Lichfield District. This development would help meet part of that need.

Finally, there are a significant range of benefits that the proposals can bring forward as a result of the proposed development. It is therefore requested that the Planning Authority grant planning permission for the proposed development of the reasons set out in this report”.

Whilst Committee Report does not make specific reference to paragraphs 122 and 123 of the NPPF it does balance the issues on these points. The comments made within the submitted Statement are noted in paragraph 1.18 of the Committee Report, which addresses that Authorities can make decisions that depart from policies contained within the adopted Development Plan. However, in this case it remains that the outstanding material considerations are too great to outweigh the evident policy conflict.

It is considered that the allocation of the site for town centre uses remains a priority and this was reflected in the strategic allocations within the Local Plan Allocations Document (2019) and most recently as allocated within Burntwood Neighbourhood

Plan; which was 'made' on 8th June 2021. As such, Officers consider that the allocation of the site for town centre uses has been subject to regular and recent review, and therefore the requirements of paragraph 122 of the National Planning Policy Framework is not relevant in this case and has not been engaged.

In reference to paragraph 123 of the National Planning Policy Framework which sets out policies for unallocated sites, this is not considered to be relevant in this case, as the application site is specifically allocated within the Local Plan Allocation Document and the Burntwood Neighbourhood Plan for Town Centre development.

The officer recommendation therefore remains as that set out in the main report, subject to the above change to the wording of conditions 3.

LIST OF SPEAKERS

PLANNING COMMITTEE MEETING

1 November 2021

18/01217/OUTFLM

Rosie Briggs	Objector
Cllr Christopher Spruce	Ward Member
Ben Cook (<i>Persimmon and St Modwen</i>)	Applicant's Agent

21/00803/FUL

Claire Parlour	Objector
Laura Milner (<i>Southmill Country Homes Ltd</i>)	Applicant

21/00914/FULM

Cllr Darren Ennis	Ward Member
Nick Burgess (<i>London & Cambridge Properties Ltd</i>)	Applicant's Agent