

Planning Committee

4 July 2022

Agenda Item 4

Contact Officer: Claire Billings

Telephone: 01543 308171

Report of Chief Executive

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

AGENDA ITEM NO. 4

ITEM A

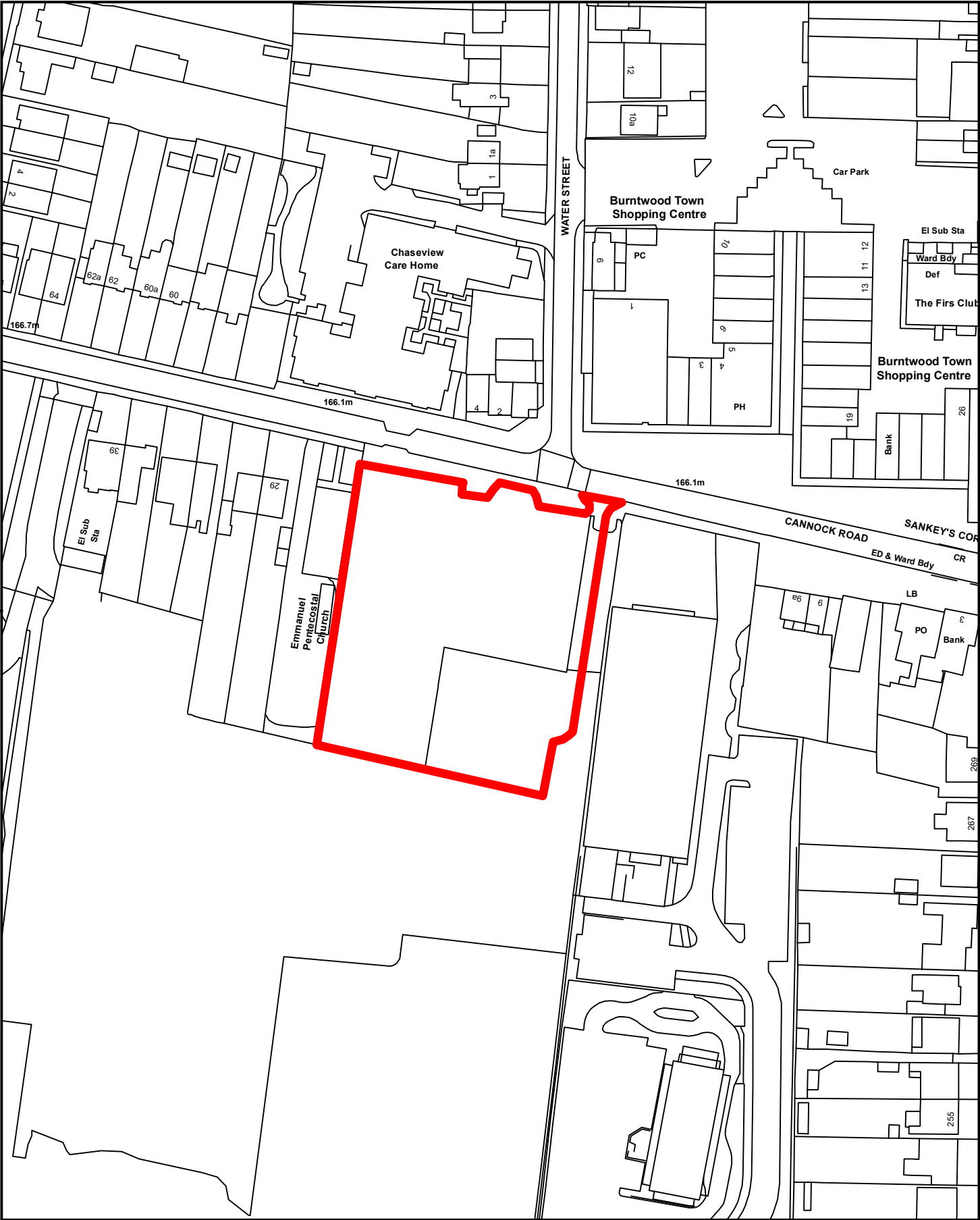
APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

4 July 2022

CONTENTS

Case No.	Site Address	Parish/Town Council
21/00016/FULM	Former Site Of Bridge Cross Garage, Cannock Road, Chase Terrace, Burntwood	Burntwood

 <p> Lichfield district council www.lichfielddc.gov.uk District Council House Frog Lane Lichfield Staffs WS13 6YY Telephone: 01543 308000 enquiries@lichfielddc.gov.uk </p>	<h1>LOCATION PLAN</h1> <p>21/00016/FULM</p> <p>Former Site Of Bridge Cross Garage</p> <p>Cannock Road</p> <p>Burntwood</p>		Scale: 1:1,250	Dated: June 2022	
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21/00016/FULM

**ERECTION OF 3 STOREY, 78 BED CARE HOME WITH COMMUNITY HUB ROOM AND ASSOCIATED CAR PARKING/ ACCESS ARRANGEMENTS
FORMER SITE OF BRIDGE CROSS GARAGE, CANNOCK ROAD, CHASE TERRACE, BURNTWOOD
FOR Mr N Sellman**

Registered **02/02/2021**

Parish: Burntwood

Note: This application is being reported to the Planning Committee, due to a call-in request received from Cllr Ennis on the following grounds:

- Highways - Located on high commuter road, congested, would create a busy cross road on an already congested junction.
- Probity - We have the responsibility of setting/ allowing care homes to be in the correct placement. The proposed site is not the place for people who need care.
- Residential amenity - Located on high commuter road, congested, next to town centre, would create a busy cross road on an already congested junction. We already have issues.
- Burntwood Neighbourhood Plan- within the plan this area is earmarked for large format retail and leisure, this will deviate from that plan and not for the needs of the town.
- Lichfield Local Plan- this area is located within the Burntwood Town Centre Boundary and as such should be for town centre use not a Care Home.

Burntwood Town Council also raise significant planning objections on the grounds that the principle of the proposal is contrary to the Burntwood Neighbourhood Plan.

RECOMMENDATION:

(1) Subject to the owners/applicants first entering into a S106 to secure the following:-

- i A financial contribution towards biodiversity off setting of £42,588;**
- ii A travel Plan Monitoring fee of £7,000;**
- iii The continued community/ public use of the community room.**

(2) If the S106 legal agreement is not signed/completed by 04 October 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.

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.

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

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

Reason: For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policies CP1, CP3, CP4, CP5, CP6, CP13, ST1, ST2, NR3, NR4, NR7, BE1 and Burntwood 1, 2, 3 and 4 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, the Trees, Landscaping and Development SPD, the Burntwood Neighbourhood Plan and Government Guidance contained in the National Planning Practice Guidance and the National Planning Policy Framework.

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

3. Before the development hereby approved is commenced, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and thereafter retained for the life of the development.

Reason: 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 and the National Planning Policy Framework.

4. Before the development hereby approved is commenced, a detailed landscape and planting scheme (incorporating future maintenance details) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within eight months of the development first being brought into use.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Trees, Landscaping and Development SPD and the National Planning Policy Framework.

5. Before the development hereby approved is commenced, including any site clearance works, a Construction Vehicle Management Plan (CVMP) that includes the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Details of the Construction access
- Arrangements for the parking of the site operatives and visitors
- Location of the contractors compounds, cabins and material storage areas
- Hours of construction
- Recorded daily inspections of private road/ adopted highway leading to the site access
- Measures to remove mud and debris carried onto the private road/ adopted highway.

The approved scheme shall thereafter be implemented in accordance with the approved details and maintained throughout the construction period.

Reason: In the interests of highway safety and to minimise the impact of construction activity on the ecological interests of the site and the surrounding environment, in accordance with the requirements of Policies CP3, CP5, NR1, NR3, BE1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

6. Before the development hereby approved is commenced, details of all external facing materials, including colour, size and texture of the buildings, and details of all boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved details and thereafter retained as such for the life of the development.

Reason: To ensure the satisfactory appearance of the development, in accordance with the requirements of Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

7. Before the development hereby approved is commenced, details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all buildings hereby permitted with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

8. Before the development hereby approved is commenced, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of any noise mitigation measures required. The development shall only be implemented in accordance with the approved mitigation measures and maintained as such for the life of the development.

Reason: To protect the amenities of neighbouring properties, the future amenities of the occupiers of the building and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

9. Prior to the development being first brought into use, the proposed new site access from Cannock Road (road number C0146) shall be completed within the limits of the public highway broadly in accordance with approved plan Drawing No. P1491/11C Site Layout, Access, Parking, Manoeuvring & Visibility. The visibility splay shall be kept free of all obstructions to visibility with nothing placed or allowed to remain forward of the visibility splays over a height of 0.6m above the adjacent carriageway level. The access and visibility splays are then to be retained for the life of the development.

Reason: In the interests of highway safety in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

10. Prior to the development being brought into use, the existing site access made redundant as a consequence of the development hereby permitted, shall be permanently closed with the access crossing reinstated as footway with full height kerbs in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with the requirements of Policies CP3, CP5, ST1 and ST2 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

11. Prior to the development being brought into use, notwithstanding the submitted details, full details of safe, secure and weatherproof cycle parking facilities for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to the first use of the development and retained/ maintained as such thereafter.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

12. Prior to the development being brought into use, full details of 2 No. electric vehicle charging points for staff and visitor parking shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to the first use of the development and retained/ maintained as such thereafter.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

13. Upon commencement of the development the Travel Plan (version 1 dated 28 July 2021) shall be implemented and monitored accordingly to the targets contained therein for a period of 5 years.

Reason: In the interests of providing sustainable travel options and to conform to policy ST1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

14. The development hereby approved shall be carried out in strict accordance with the recommendations and methods of working detailed in the hereby approved ecological survey (Ecological Appraisal Ref 20-08 231.2R dated as received 05 January 2021). The ecological enhancement measures, including the provision of bird and bat boxes and bug houses, shall be implemented prior to first occupation of any of the development hereby approved and shall be thereafter retained for the life of the development.

Reason: In order to safeguard the ecological interests of the site, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

15. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site and which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

Reason: To protect the amenities of local residents and the locality in general in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order, this permission shall relate to the primary use of the premises as a care home with community hub as described in your application and for no other purpose.

Reason: To ensure that the development does not adversely affect the residential amenities of adjoining properties and the visual amenities of the area in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and Burntwood Neighbourhood Plan (2021).
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. The applicant's attention is drawn to the comments of the Lichfield District Arboriculture Officer dated 04 February 2022.
6. The applicant's attention is drawn to the comments of the Lichfield District Arboriculture Officer dated 04 February 2022.
7. The applicant is advised that there may be Western Power Distribution assets within the vicinity of the site. For safety the applicant must consult with Western Power Distribution prior to any works taking place. This is in order to avoid any inadvertent contact with any live apparatus including underground cable and overhead lines during any stage before or after development.
8. The proposed site access and off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to road.adoptions@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place to meet any potential timescales. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>
9. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of protected species is found all works should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

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 4: Delivering our Infrastructure

Core Policy 5: Sustainable Transport

Core Policy 6: Housing Delivery

Core Policy 7: Employment and Economic Development

Core Policy 8: Our Centres

Core Policy 10: Healthy and Safe Lifestyles

Core Policy 13: Our Natural Resources

Core Policy 14: Our Built & Historic Environment

Policy SC1: Sustainability Standards for Development

Policy SC2: Renewable Energy

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 3: Burntwood Economy

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

Biodiversity and Development SPD

Developer Contributions SPD

Sustainable Design SPD

Trees, Landscaping and Development SPD

Burntwood Neighbourhood Plan ('Made' 8 June 2021)

Policy B1 - Burntwood Town Centre

Policy B2 - Improving the Environment of Burntwood Centre

Policy B4 - Local Shops

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

The emerging Lichfield District Local Plan 2040 has completed its Regulation 19 public consultation stage (August 2021) and is awaiting final updating and submission to the Secretary of State for the Department for Communities and Local Government for appointment of an independent Planning Inspector to undertake a public examination of the draft Local Plan. At this stage limited weight is given to the draft Emerging Local Plan Policies.

RELEVANT PLANNING HISTORY

17/00581/OUTM- Erection of three storey mixed use development complex comprising of A1, A3, A5 and D1 Use Classes and 14no. two bedroom apartments (outline: access, layout and scale)- Approved- 02.02.2018.

Note: This consent has now lapsed.

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.

Note: Conditions 6 and 17 have been approved and a non-material amendment to amend the wording of condition 10 (details of extraction and ventilation) and condition 12 (odour) to require the information to be submitted "before the units are first brought into use". It is noted that there were a number of additional pre commencement conditions which have not been discharged. This consent has now lapsed.

Adjacent Site (Land off Milestone Way):

21/00914/FULM- Residential development comprising 87 dwellings (100% affordable dwellings), including formation of a vehicle access, associated landscaping and remediation- Refused- 08.11.2021.

CONSULTATIONS

Burntwood Town Council- Object in principle, as the proposal is contrary to the Burntwood Neighbourhood Plan. (26.02.2021 & 24.09.2021)

Severn Trent Water- No objections, subject to details of drainage being secured by condition. (16.02.2021 & 04.01.2022)

Western Power Distribution- No objections, however it is noted that the application site may be in the vicinity of WPD assets. An Informative to the applicant should be attached to ask the applicant to consult with WPD prior to any works commencing on site. (05.02.2021)

SCC Highways- Final- No objections. In response to the additional information provided in the form of an updated Transport Statement and amended plans relating to the access, no objections subject to conditions requiring a Construction Management Plan, off site highway works to amend the highway to the frontage of the site, access improvements, the provision of parking and servicing areas prior to first use of the development, provision of cycle storage and the implementation of the travel plan. Informatives also recommended and a monitoring fee of £7000 will need to be secured by a S106 agreement. (07.06.2022)

Initial- Additional information is requested in order to make an informed judgement. (29.09.2021)

SCC Flood Risk Team- Final- Further to additional information submitted, no further objections to the scheme. (18.10.2021 & 19.12.2021)

Initial- Further information is required in relation to the drainage strategy. (29.09.2021)

LDC Spatial Policy and Delivery Officer- In summary, it is recognised that the proposal would provide for a 78 bedroom care home on a brownfield site within the town centre of Burntwood which is recognised as a sustainable location for such a use. Residential is identified as an acceptable Town Centre use in principle by the Policy Burntwood 3 (Burntwood Economy) and would also address an identified need for specialist housing as outlined in Core Policy 6. However, in this instance further consideration needs to also be given to the stated aim in Policy B2 (Burntwood Mixed-use Allocations) for mixed use development in parts of Burntwood town centre including in this location as identified by the Adopted Allocations Plan and which is also reflected in Policy B1 of the Neighbourhood plan. Accordingly, an on balanced decision will need to be made on the specific merits of the proposed use in this case as outlined above against the potential loss of a site identified as a mixed use opportunity in the adopted allocations plan. (05.03.2021)

LDC Housing Strategy Officer- The site does not impact on affordable housing delivery and we support the application for a C2 rated care home. There is an ageing population in the area and a care home will be vital in offering residential care to local residents in Burntwood. (07.12.2021)

LDC Ecology Manager- Final- Satisfied with the methodology and the information provided within the submitted Ecological Appraisal. Concurs with the conclusions of the Appraisal in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impacting upon a European Protected Species (EPS). All recommendations and methods of working detailed within the Ecological Appraisal must be made a condition of any future planning approval. A biodiversity off setting scheme and construction environment management plan will be required, this could be secured by condition/ legal agreement. (10.02.2022).

Initial- Not enough information submitted in respect of the impacts to biodiversity to be able to provide adequate response to enable the LPA to make a planning decision. A biodiversity metric has not been provided for the site to demonstrate measurable net gains to biodiversity or to ensure that the development will not cause a net loss to biodiversity. This information should be submitted prior to any planning decision being made. Additionally, the ecology team disagrees with the ecologists conclusions that the site is of only low value habitats. The site when viewed collectively should to be considered high value Open Mosaic habitat on previously developed land. (26.02.2021 & 30.09.2021)

LDC Arboricultural Officer- Final- The landscaping scheme submitted is indicative, a fully detailed landscaping scheme and maintenance proposals will be required in line with the requirements set out in the Trees, Landscaping and Development SPD. (13.06.2022)

Updated- Notwithstanding the additional information submitted, further information regarding landscaping is required. (17.09.2021)

Initial- The site is not within any designated conservation area and currently there are no TPO's on site that are affected. The majority of the site is covered in regenerated scrub and the only major areas of vegetation are to the perimeters. As such there are no arboricultural grounds for any objection to this proposal in its current form and our attention is focused largely on the landscaping for this site. Further details of landscaping, including the necessary canopy cover increase is required. (08.02.2021)

LDC Economic Development Officer- Final- The further evidence provided provides a reason for the user needs for the proposed use, however whilst no specific floorspace requirement is outlined it is preferred a mixed used proposal comes forward as suggested within the Local Plan Strategy and Allocations document outlined in the evidence. This is further supported by the Burntwood Neighbourhood Plan by stating 'mixed use development proposals within Burntwood Town Centre will be supported'. Although the site is small which causes constraints upon retail uses, the mixed use suggested may not have to be traditional retail but could be a community hub or facility. The

marketing that has occurred previously focuses on traditional retail such as retail parks but not alternative facilities that could support the local community. (10.12.2021)

Updated- Object- Further to the evidence provided in terms of evaluating local and national retail demand, supply and the existing market, whilst the existing retail market remains unsettled, a focus needs to be made on the long term plans for the urban centre. As residential development and local population grows, greater need will be required for local services to support this growth. These services may not just focus upon retail but also other sectors which are essential, such as leisure, healthcare, service etc. not just for an older demographic but the greater population. By building upon this site it limits opportunities and space available for the local centre to grow, as there is a lack of commercial land available in close proximity to the built up area, creating a detriment on future growth for sectors to become established to support the local population. (28.09.2021)

Initial- Whilst the proposed use of the site as a care home shall provide local employment (60 full time jobs) and greater footfall for Sankey's Corner through the occupiers visiting primary shop retail units. The site could be utilised to provide necessary retail units for the local population. Further evidence is required from the applicants regarding the lack of retail opportunities being offered on the site. (18.02.2021)

LDC Conservation and Urban Design Team- The site is not located within the setting of any designated or non-designated heritage assets. The proposed building is a substantial modern care home typical of the types of designs for these buildings. It would be beneficial to get a better understanding of how this new building will sit within the street scene in terms of scale and massing. Some street scene elevations and sections to show the location of the building in relation to the public highway, and in terms of massing and scale to the neighbouring buildings, which are all far more domestic in scale will be needed. A more detailed analysis of the impact of the new building will be able to be carried out when this information has been submitted. (04.02.2022)

LETTERS OF REPRESENTATION

Two letters of neighbourhood representation have been received in respect of this application.

These have been received from an address on Water Street, Burntwood and an address on Grange Road, Burntwood.

The comments made are summarised as follows:

- already have a huge nursing home at the bottom of Water Street
- limited facilities in Burntwood to serve such
- detrimental impact on local doctors
- enough nursing homes already in the local area
- land should be reserved primarily for retail/ commercial use, as per neighbourhood plan

OTHER BACKGROUND DOCUMENTS

N/A

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

AP20023-L0 1:1250 Location Plan dated as received 13 January 2021

AP20023-L01 Rev H Proposed Site Plan with Street Scene dated as received 22 February 2022

AP20023-L02 Rev F Proposed Floor Plans dated as received 06 January 2022

AP20023-L03 Rev E Proposed Elevations and Roof Plan dated as received 23 May 2022

P/1491/11C Site Layout, Access, Parking, Manoeuvring and Visibility dated as received 18 May 2022

P/1491/12 Access and Tracking with an ambulance dated as received 06 May 2022

P/1491/13 Access and Tracking with a box van dated as received 06 May 2022

OTHER SUPPORTING DOCUMENTS

Planning Statement dated as received 11 November 2021
Transport Statement dated as received 05 January 2021
Retail Statement dated as received 15 June 2021
Biodiversity Report dated as received 23 June 2021

OBSERVATIONS

Site and Location

This application relates to a broadly rectangular shaped site located on the Southern side of Cannock Road in Burntwood Town Centre. The site has been vacant for some time and includes an access off Cannock Road and areas of hardstanding associated with its former use. The majority of the site contains overgrown grass and scrub. To the Western Boundary is the Emmanuel New Life Church, and to the Eastern Boundary is a coffee shop fronting onto Cannock Road, with a larger building containing a gym, charity shop and restaurant to the rear. To the rear of the site is a field, which again is a vacant site.

The site is within the town centre boundary as identified on Inset 3 of the Local Plan Policies Maps. The site is also allocated for mixed use development as site B13 in the Local Plan Allocations Document, to provide residential and retail uses. The site is also referred to on Policies Map 3 of the Burntwood Neighbourhood Plan as being part of site A where the development of large format retail and leisure uses will be supported, although mixed use development at these sites is not limited to such uses.

The site falls within the Zone of Influence for Cannock Chase SAC and does not fall within a Conservation Area. No Listed buildings are in the immediate vicinity of the site.

Background

The site is located within the town centre boundary for Burntwood and forms part of land allocated for mixed use development in both the Local Plan Allocations Document and the Burntwood Neighbourhood Plan. Two previous planning consents 17/00581/OUTM and 16/01379/FULM (see planning history) have now lapsed.

Proposals

Consent is sought for the erection of a 3 storey, 78 bed care home with associated car parking and revised access arrangements off Cannock Road.

The building proposed is an L shaped building with brick elevations and a pitched roof over. Gable features and areas of cladding are used to break up the elevations, and to the frontage a single storey forward section with balcony over is also proposed. A 0.9m high boundary wall and railings is proposed along the frontage with Cannock Road, which would allow a secure garden area for residents. This garden area would extend down the side and to the rear of the building. Direct access would be provided to this area from lounge/ dining rooms and individual bedrooms within the building. An additional secure garden area is also proposed to the rear of the building adjacent to the car park- this area would be enclosed by 1.8m high fencing.

A new access off the Cannock Road is proposed adjacent to the Eastern boundary of the site. The existing access to the site would be made redundant and footpaths reinstated as part of the proposals. The access has been designed to allow for future vehicular access to be provided to the

land to the rear of the site. 22 No. car parking spaces are proposed and located to the rear of the building. This would include 2 No. accessible spaces and a designated parking space for an ambulance and a delivery van. 13 cycle stands are proposed, six for visitors located close to the care home entrance and seven for staff located in a separate secure cycle store.

The proposed development would facilitate 40 full-time staff and 20 part-time staff working within set shift patterns.

During the course of the application the scheme has been revised to incorporate a community facility. This is identified as a community hub/café on the application plans, and relates to an 82 square metre room which is served by toilets on the ground floor frontage of the building. This room can be accessed both internally from the care home and also externally with doors opening onto Cannock Road. The room would be available to use by both residents and members of the public.

The application is supported by a planning statement, design and access statement, ecological appraisal, biodiversity metric report, drainage details, retail statement, transport statement, travel plan and an indicative landscaping plan.

Determining Issues

1. Policy & Principle of Development
2. Design, Character & Appearance
3. Residential Amenity
4. Access and Highway Safety
5. Arboricultural Impacts
6. Ecology
7. Drainage
8. Cannock Chase SAC
9. CIL/ Planning Obligations
10. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), 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 Town Neighbourhood Plan was also made on 08 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 30 August 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 latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper dated August 2021, which states that a supply of 13.4 years can be demonstrated within the District.

- 1.5 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 Burntwood Neighbourhood Plan.
- 1.6 The National Planning Policy Framework (NPPF) is supportive of such a proposal and the effective use of brownfield sites is one of the Core Planning Principles. The NPPF places considerable weight on the need for the planning system to support economic growth, particularly placing emphasis on the role of town centres. The NPPF identifies at paragraph 85(f) that planning policies and decisions should recognise that residential development often plays an important role in ensuring the vitality of centres and that residential development should be encouraged on appropriate sites.
- 1.7 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.
- 1.8 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 Burntwood in order to increase the attractiveness and market share of the centre.
- 1.9 Core Policy 6 'Housing Delivery' of the Local Plan Strategy states that housing development should be focused upon the key urban and rural settlements; Burntwood is considered to be a key urban settlement. Core Policy 7 'Employment & Economic Development' seeks to maintain and enhance a diverse local economy and encourage opportunities for inward investment.
- 1.10 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 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.
- 1.11 Local Plan Strategy Policy H1: A Balanced Housing Market sets out that the Council will promote the delivery of supported housing and care homes to reflect the needs of the changing demographic profile of the Districts population.
- 1.12 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.
- 1.13 Local Plan Strategy Policy Burntwood 3 'Burntwood Economy' supports the regeneration of Burntwood town centre with the town being promoted as an area of increased and more diverse economy to include new retail, employment, leisure, residential, recreational, health, educational resources and improvements to its environmental quality and public realm. 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. The policy also confirms support will be given for an enlarged town centre to meet local needs.

- 1.14 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.
- 1.15 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.
- 1.16 Of relevance to this application is Policy B1 Burntwood Town Centre, which states that in the identified town centre mixed use developments will be supported. The proposed development falls within Site A of the town centre boundary, shown in Policy Map 3, which identifies that large format retail and leisure uses would be supported on the site whilst not limited to such uses.

Assessment

- 1.17 The application site clearly falls within the designated Town Centre for Burntwood and forms part of a wider area designated in both the Local Plan and the Burntwood Neighbourhood Plan for a mixed use development. In particular, Burntwood Neighbourhood Plan provides support for large format retail and leisure uses, however the policy does not limit the site to these uses. The application site comprises a small portion of the overall allocation, albeit it does occupy the main frontage of the site along Cannock Road. The proposals provide for vehicular and pedestrian access to be provided to the area to the rear of the site, and the remaining area allocated under site 'A' within the Neighbourhood Plan.
- 1.18 The application is supported by a Retail Assessment which sets out the history of the site, unsuccessful marketing since the 1990's and the lack of viability of approved schemes. The report highlights changing trends in retail and an overall shift towards internet shopping, which at the time of the report (June 2021) accounted for a round a third of all sales. There are a number of vacant units within Burntwood Town Centre, both within the shopping precinct and along the Cannock Road. In summary, the report concludes that there is a lack of retail or leisure demand, there is existing retail vacant units in the vicinity of the site, there are viability issues associated with new build proposals and the site suffers from significant competition in retail terms, from sites such as the Cannock Chase Outlet.
- 1.19 The Councils Economic Development Officer highlights that unsuccessful historic marketing of the site has relied upon traditional retail, such as retail parks but not alternative facilities that could support the local community.
- 1.20 It is noted that a recent refusal has been issued in respect of a housing development proposed on a nearby site within the Town Centre (see planning history). This proposal sought consent for 87 dwellings and covered a significant area of the land designated in the Local and Neighbourhood Plan for mixed use development. The application was refused for a number of reasons, including that the site was not allocated for housing in the Local or Neighbourhood Plan. In this case, the original scheme proposed a care home in isolation. It is recognised by the Councils Housing team in their support for the scheme, that there is a need for this type of accommodation in Burntwood where there is an ageing population. In

response to Officers concerns relating to the location of the proposal, the applicant has revised the plans to include an 82 sqm function room on the ground floor frontage of the building which can be used as a community hub. The room has access both from the street frontage and from within the Care Home itself and the proposals set out that the facility could be used by both residents and community groups. The applicant has confirmed that this format has worked in other locations, where the community room has been taken up by groups such as 'parent and toddler' or fitness groups. The use of the room would need to be secured by legal agreement, to ensure that it remains a community benefit. The room, which is served directly by toilet facilities is commensurate to the size and viability of the overall building.

- 1.21 The requirements of the site within local and Neighbourhood Plan policy, as part of a larger town centre site are recognised. The policies do not strictly preclude residential accommodation, although there is distinct support for mixed use town centre uses. On balance, it is considered that weight can be afforded to the provision of a community facility/ hub, albeit this would be minor in relation to the scale of the wider proposals. Notwithstanding this, the majority of the wider town centre site allocation would remain in place, and it is not considered that this scheme would unduly steralise further mixed uses coming forward in the town centre. The site and proposals do not form a barrier to the wider site allocation, and would include a new suitable access off the Cannock Road.
- 1.22 In summary, it is considered that the proposals doe not strictly conflict with the requirements of planning policy, and would not prevent the redevelopment of the wider site. Upgraded access would be provided to the wider site through the proposals and the viability of the scheme has been evaluated by the applicant in bringing these development proposals forward. In principle, the proposal is therefore considered to be, on balance, acceptable in terms of the policies set out in the Local Plan, by providing development in a sustainable location on a vacant brownfield site, whilst leaving a significant area of land available for future mixed uses which could include appropriate leisure and retail uses.

2. Design, Character & Appearance

- 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.

Assessment

- 2.5 The proposed frontage of the building, and the side elevation along the access road has been subject of amendments following concerns raised by Officers. The overall design has been revised to add more interest to the elevations and, a street scene plan has been submitted to show how the building would sit within the street scene and the adjacent buildings of Cannock Road.
- 2.6 In terms of scale, the proposed building is three storey, but does include gable and projecting elements to break up the wide frontage onto Cannock Road. The building is one storey higher than the highest buildings which surround it, however, taking into consideration the hipped roof design and the spacing around the building the scheme would integrate well into its surroundings. The building is set back from Cannock Road in line with the existing main building line, and as such does not project into or dominate the street scene. Details of proposed external materials would be secured by an appropriately worded condition to ensure high quality materials are used in the development.
- 2.7 Overall, the proposal would not result in unacceptable harm to the street scene or surroundings of the site and is considered to be acceptable in design terms.

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 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.

Assessment

- 3.4 It is considered that the proposed layout, as amended, is acceptable and as such it is considered would not cause undue harm to residential amenity of either the future

occupants, or occupants of any neighbouring residential properties by way of loss of privacy. This is due to the design and orientation of the proposed plot and the layout of the scheme, the context of that proposed within the existing setting, and the relationship with the nearest neighbouring residential properties. In particular there are residential properties with rear gardens located immediately to the West of the Church. Taking into consideration the separation distances of 38 metres from windows in the upper floors of the Western elevation building to the boundary of the gardens of the neighbouring properties it is not considered that the scheme would result in any unacceptable overlooking issues.

- 3.5 The proposal is considered to not result in unacceptable harm through loss of daylight, loss of sunlight, an overbearing impact, or overlooking of neighbouring residential properties. Therefore, based on the above it is considered that the proposals impact on neighbouring amenity has been adequately addressed. As such, it is considered that the development would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

4. Access and Highway Safety

- 4.1 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.
- 4.2 Local Plan Strategy Policy ST2 'Parking Provision' states that appropriate off-street parking should be provided by all developments. The Council's off street car parking standards are defined within Appendix D of the Sustainable Design SPD.
- 4.3 Policy BE1 of the Lichfield District Local Plan Strategy 2008-2029 seeks to protect existing amenity of residents by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. The National Planning Policy Framework sets out in paragraph 111 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.

Assessment

- 4.4 one of the main issues in relation to the assessment of this development are the access implications, as a new bell mouth access is proposed off Cannock Road, and the suitability of the parking provision. It is noted that the internal road layout would remain private, and as such would not be maintained by the County Highway Authority. Notwithstanding this, requirements in terms of road/pavement widths, turning areas etc remain relevant. The plans have been amended during the course of the application in response to queries raised by the County Highway Officer, and to ensure that the road layout remains flexible for uses which may come forward to the rear of the site.
- 4.5 Following the submission of amended plans and additional information, the proposed access is considered to be acceptable. Off-site highway works on the Cannock Road would be required to install the new junction, which have been assessed and are acceptable. The parking provision has also been reviewed, as initially there was an over provision of car parking which is considered unacceptable in a town centre location where other methods of sustainable transport should be encouraged. The parking layout has since been amended and now incorporates spaces for delivery vans and ambulances along with cycle storage areas. The amended parking provision is considered to be appropriate and in line with the parking standards set out in the Sustainable Design SPD.

- 4.6 Due to the size of the development, a travel plan has been requested and submitted to demonstrate how the site would be made more sustainable and single occupancy vehicle trips reduced. The contents of the travel plan are considered to be acceptable and, on the advice of the County Highway Officer, would require monitoring for a period of 5 years. The cost of monitoring the travel plan (£7,000) has been requested and agreed with the applicant. This would be secured by a S106 agreement. The Highways Officer has set out a number of conditions which include the provision of a Construction Management Plan, cycle storage details and access arrangements which are considered reasonable and are recommended. In addition a condition requiring details of electric vehicle charging points has also been recommended.
- 4.7 In respect of the above, subject to conditions, the development proposals are 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.

5. Arboricultural Impacts

- 5.1 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. 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. Policy NR4 is supported by the Councils Tree's, Landscaping and Development SPD.

Assessment

- 5.2 The Arboriculture team have advised that the site does not contain any protected trees and is not within a designated Conservation Area. Currently, the site comprises of regenerated scrub and as such the focus is to ensure that an appropriate landscaping scheme is secured along with appropriate canopy cover. An indicative landscaping scheme has been provided, however further detail including a maintenance schedule is necessary. This information is recommended by condition, to ensure that additional trees of appropriate species are planted as part of the scheme to ensure the objectives of the Trees, Landscaping and Development SPD which requires 20% canopy cover on development sites is achieved.
- 5.3 In light of the above, it is considered that subject to conditions, the impact upon retained trees can be controlled and a landscaping scheme will ensure that additional trees will be planted, in accordance with the aforementioned Local Plan Policies, the Trees, Landscaping and Development SPD and the NPPF.

6. Ecology

- 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 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. This requirement 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”.

Assessment

- 6.3 The application is supported by an Ecological Impact Assessment and a Biodiversity metric calculator. The Ecology Team is satisfied with the methodology and the information provided within the submitted Ecological Impact Assessment. The Ecology Team concurs with the conclusions of the Assessment in that (given the data provided) it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species. The recommendations and methods of working detailed within the Ecological Impact Assessment are to be secured by a suitably worded condition, as recommended.
- 6.4 In terms of biodiversity enhancement, it is noted that the proposals would result in a total net loss of Biodiversity Units. Following discussions with the applicant, it has become apparent that delivering the 20% net gain within the site is unrealistic. Although specific planting and enhancements such as swift bricks and bird boxes could be delivered on site, this would not be sufficient to achieve the 2.028 BU required (which includes the 20% uplift).
- 6.5 The applicant has agreed to a financial contribution towards an off-site biodiversity off setting scheme. This would entail the Council delivering habitat creation or enhancement elsewhere within the District in line with the Lichfield District Biodiversity Offsetting Strategy, and the cost includes the management of such for a period of 25 years. The Ecology Team have confirmed that the cost of the delivery of the necessary 2.028 Biodiversity Units would be £42,588 (2.028 X £21,000 per BU). This financial contribution would be secured through a S106 agreement.
- 6.6 In respect of the above, subject to conditions and a legal agreement, the development proposals are considered to be acceptable on ecological grounds and compliant with Policy NR3 of the Local Plan Strategy as well as relevant guidance contained within the NPPF.

7. Drainage

- 7.1 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. Core Policy 3 of the Local Plan Strategy expects all new development to incorporate Sustainable Drainage Systems (SUDS).

Assessment

- 7.2 The site is not located within an identified flood risk area being in Flood Zone 1, nor is it an identified local flooding hotspot. Severn Trent Water Ltd have been 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. The Lead Local Flood Authority have confirmed they have no objections to the scheme.
- 7.3 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. Cannock Chase SAC

- 8.1 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.

Assessment

- 8.2 The present proposals for a Care Home would fall under the C2 Use Class. The proposed Community Centre Use would be ancillary to the main use of the building as a care home. In line with advice issued by the Cannock Chase SAC Partnership Project, it is generally acknowledged as C2 use classes provide for residents with appreciably less ability than the average to make use of recreation opportunities at a site like the Cannock Chase SAC and such developments will generally tend to provide on-site, tailored outdoor space for their residents as an integral part of the development scheme. As a result where Use Class C2 is demonstrated no developer contribution is required. A HRA Screening Assessment has been undertaken, to determine whether an Appropriate Assessment (AA) for recreational impact, to gauge negative impacts to the reason for designation of the SACs is required. In this case, no mitigation is required as there would be no significant effects on the Cannock Chase SAC from the development. Subsequently, Officers have completed a Habitat Regulations Assessment, as required, and the duties of the Local Planning Authority as a Competent Authority under the Conservation of Habitats and Species Regulations 2010 (Habitat Regs.) to ensure that planning application decisions comply with the Habitat Regulations has been complied with.

9. CIL/ Planning Obligations

- 9.1 Lichfield District Council began charging the Community Infrastructure Levy (CIL) on 13th June 2016. The proposed development falls within a high market value area and therefore residential development is charged at £55 per square metre. An informative to remind the applicant of this responsibility would be attached to the decision notice, if permission is granted.
- 9.2 Paragraph 57 of the National Planning Policy Framework confirms 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.
- 9.3 Local Plan Strategy Policy IP1 of the Local Plan Strategy and SPD Developer Contributions sets a requirement for all eligible development to provide the appropriate infrastructure on and off site in line with adopted planning policies and the Infrastructure Delivery Plan. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.

Ecology

- 9.4 As set out in the above, there is a policy requirement to enhance biodiversity on the site. Due to site constraints, it is clear that such enhancements cannot be delivered on the site. In accordance with the biodiversity calculator, in order to deliver a net gain of 2.028 Biodiversity Units a financial contribution of £42,588 (2.028 X £21,000 per BU) is required. This obligation would secure the Council delivering habitat creation or enhancement elsewhere within the District.

Travel plan monitoring

- 9.5 The applicants have submitted a travel plan in support of the proposals which includes a package of measures to ensure that sustainable transport options are undertaken and single passenger car usage is reduced. In accordance with the request made by the County Highway Officer, the monitoring of this plan over a five year period would cost £7,000. This obligation would be undertaken by the County Council.

Community Facility

- 9.6 The proposed scheme includes a small community facility. In order to ensure that this facility is made available it is proposed that management of this element would need to be secured by a S106 planning obligation.

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.

On balance, the principle of the development on the site is considered to be acceptable. This is a sustainable location within the town centre where new residential development is not precluded in principle by local and national planning policy. The site has been vacant for a long period of time with evidence supplied to reflect the historic and current issues relating to attracting retail provision on the site. The Housing Manager has confirmed that there is a need for care home accommodation in the locality. Following the submission of revised plans, which include the provision of a community facility to be maintained by the applicants and financial sums to secure off site biodiversity enhancement and travel plan monitoring, it is considered that the applicants have submitted a suitable scheme which meets with the requirements of the relevant development plan policies and subject to conditions, the development would not have an adverse impact upon the character or appearance of the surrounding area, would not prevent further development coming forward within the wider allocation nor have a detrimental impact on the amenity of neighbouring residents or prejudice highway safety, so as to justify refusal.

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