

Planning Committee

13 May 2024

Agenda Item 4

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Report of Director of Planning and Regeneration

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

13 May 2024

CONTENTS

Case No.	Site Address	Parish/Town Council
22/00106/FULM	Land Off Horner Avenue Fradley Lichfield	Fradley
23/00821/FUL	Land North Of Dark Lane Alrewas Burton Upon Trent	Alrewas
23/00963/FUH	Keepers Cottage Church Lane Mavesyn Ridware Rugeley	Mavesyn Ridware
23/01289/FUH	23 Upper Way Upper Longdon Rugeley	Longdon
23/01439/FULM	Former Bridge Cross Garage Cannock Road Chase Terrace Burntwood	Burntwood

Planning committee report



Address:	Land Off Horner Avenue, Fradley, Lichfield, Staffordshire		
Application number:	22/00106/FULM	Case officer:	Kerry Challoner
Ward:	Alrewas And Fradley	Date received:	04.02.2022
Parish:	Fradley And Streethay		
Proposal:	Full planning application for a residential development (109 units) with associated works and public open space, and access from Horner Avenue and Ward Close		
Reason for being on agenda:	<p>The application was called in to be heard at Planning Committee by Councillor Mike Wilcox. The reasons for the Call-in were on highway grounds as the access to the site is unacceptable and through a busy road with a high level of on street parking and on policy grounds as the land is designated as employment land in the Lichfield Local Plan.</p> <p>Fradley Parish Council have also raised objections to the proposals. The objections raised are set out in the report and can be summarised as:</p> <ul style="list-style-type: none"> • The site lacks a suitable and safe access • The transport element of the scheme conflicts with evidence commissioned by the Parish Council • The Construction proposals are unacceptable- the 'Hold' area is on an area of public open space and is a safety hazard and the temporary car park is inadequate. • The Inspectors comments have been taken out of context. • Proposed Swales within the site are a danger to children. • The scheme impacts on the quality of life for existing residents, especially in Horner Avenue. 		
Recommendation:	<p>Recommendation: Subject to conditions and the completion of a S106 TCPA 1990 agreement to secure the following:</p> <ol style="list-style-type: none"> 1. Provision of affordable housing on site; 2. Management and maintenance company for the private internal roads and shared parking areas, public amenity areas, communal areas and drainage system; 3. Provision of 3 No. allotments on site; 4. Education Contribution of £1,533,776.60 to fund primary and secondary places 5. Healthcare Contribution of £70,849 to improve local healthcare services 6. Cannock Chase Contribution of £10,664.31 7. Residential Travel plan and monitoring fee of £6,000.00 8. A School Travel Plan Sum of £5,000.00 		
Applicant:	Vistry Homes Ltd / Greenlight Developments Ltd	Agent:	Mr Philip Rawle

1. Executive summary

1.1 Consent is sought for the erection of 109 dwellings, including the delivery of 31 policy compliant affordable dwellings. The application has been submitted following a scheme for 115 dwellings

which was refused, and dismissed at appeal. The comments made by the Planning Inspector have been given due consideration in the assessment of this application.

- 1.2 The application has attracted significant local objections, responses have raised multiple issues with the scheme.
- 1.3 The site is allocated for employment development through the local Plan Allocations Document, but given the limited access, the development of the site for residential purposes is not precluded. The number of dwellings and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District.
- 1.4 The quality of residential accommodation being proposed, along with the mix and provision of affordable housing is policy compliant. The impact on the residential amenity of both existing neighbouring residents and future occupiers is acceptable, and conditions are recommended to ensure that works adhere to an appropriate construction management plan.
- 1.5 There are no technical objections from consultees, and any additional information can be secured through appropriately worded conditions. This includes highway implications of the scheme, which have been rigorously assessed by both the County Highway Authority and National Highways. There are no flooding concerns and appropriate landscaping has been provided which will ensure that visual and environmental matters are addressed, whilst providing a necessary biodiversity enhancement on site of 20%.
- 1.6 The scheme includes a number of planning obligations which would be secured by a S106 legal agreement.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as outlined within this report.

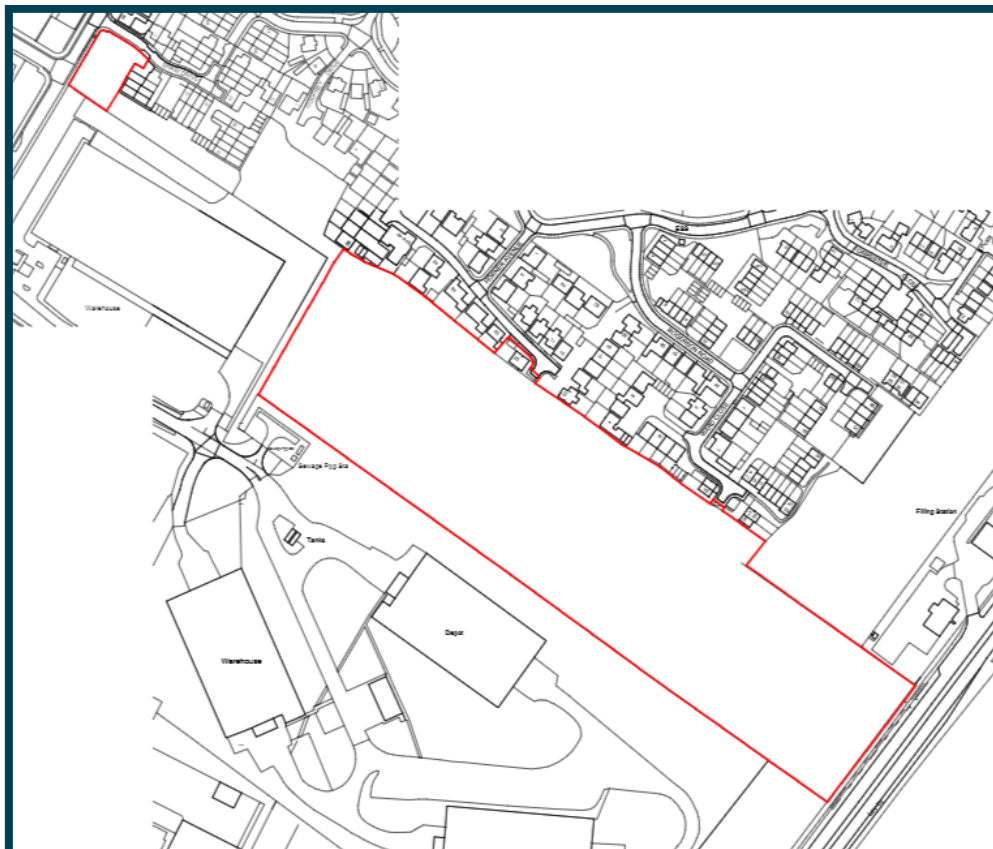
Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site is formed of two areas, the 'main site' and a separate 'construction holding area'. The main site is 4.5 hectares in size, broadly rectangular in shape with a relatively flat topography. The site is currently grassland and incorporates No.52 Horner Avenue. It is located on land to the South- West of an existing residential housing estate comprising Worthington Road with the rear of the residential properties located on Horner Avenue and Ward Close forming the north-eastern boundary. Between these properties and the site is a land bund, providing both visual and acoustic relief between the residential properties and Fradley Park Industrial Estate to the West.
- 2.2 The main site is currently accessed via a field access off the A38 trunk road. The main route from the A38 to the local highway network is via Hillard's Cross junction which lies to the south of the site, and along Wood End Lane followed by Common Lane. The Hillards Cross junction is also the main strategic junction providing connectivity to Fradley Business Park from the Strategic Road Network.
- 2.3 The south west, west and north west of the main site is bounded by Fradley Park Industrial Estate which comprises an number of large industrial units in a mix of employment B2/B8 uses. The south east of the site is bounded by the A38, with a mature hedgerow forming the boundary. Mature trees and hedging surround the perimeter of the site. It should be noted that trees along the North Eastern boundary with adjacent houses and trees along the South Western boundary with

Fradley Industrial Park Estate are subject to a Tree Preservation Order (ref 2020/00450/TPO). The Tree Preservation Order covers 31 trees and 4 small groups of trees.

- 2.4 The main site is located on the edge of an existing residential area. There are bus stops on Common Lane and Turnbull Road. A number of local conveniences including a convenience store, takeaways and gym, located on Common Lane are within walking and cycling distance of the site along with established play areas off Worthington Road. Fradley Village Hall and St Stephen's Primary School are located approximately 1.2km (approximately 15 minutes' walk time) to the north of the site in Fradley village.
- 2.5 Access to the main site would be provided through the existing highway network along Horner Avenue.
- 2.6 The 'construction holding area' is a separate parcel of land located to the North East of the main site. This part of the application site is located on an area of land at the junction between Common Lane and Shaw Drive, with access being provided off Shaw Drive. Residential properties lie to the North and East, and there is a woodland area immediately to the South. This area is currently used as an informal parking area. An extract from the submitted location plan indicating the two areas of the application site is shown below.



3. Planning history

15 September 2021- **20/01178/FULM**- Full planning application for a residential development with associated works and public open space, and access from Horner Avenue and Ward Close- Refused. Appeal Dismissed 26 May 2023 (Ref **22/00005/REF**)

24 September 2002- **01/01256/OUT**- Residential development- Approved subject to conditions.

18 November 2020- **20/01541/TPO**- Various works to trees adjacent drainage ditch- Approved.

4. Proposals

4.1 This application seeks permission for a residential development with associated works and public open space. Vehicular and pedestrian access would be provided off Horner Avenue. An emergency access would be provided off Ward Close, with bollards to control the use of this entry point to vehicles. The application site includes No.51 Horner Avenue, an existing 2 storey dwelling. Alterations, including the relocation of the existing parking and garage serving this dwelling form part of the proposal. Offsite highway works are proposed to Horner Avenue to include new kerbing and junction improvements, and a detailed enhancement scheme to be implemented at the A38 Wood End Lane Junction also form part of the proposals.

4.2 A total of 109 dwellings would be provided, which includes 97 two storey 2, 3 and 4 bedroom dwelling houses along with two three storey apartment blocks each containing 6 apartments (6 No 1 bed and 6 No.2 bed).

4.3 The following housing mix is proposed:

Dwelling size	Number
1 Bedroom	6
2 Bedroom	45
3 Bedroom	45
4 Bedroom	13
Total	109

4.4 The scheme proposes 31 affordable dwellings, which equates to 28% of the overall housing number. 21 (68%) of the affordable dwellings would be social rent, 10 (32%) would be offered as shared ownership properties. The affordable provision would include:

Housing Type	Number	Tenure
1 Bed Flat	6	Social Rent
2 Bed Flat	6	Social Rent
2 Bed House	9	6 Social Rent/ 3 Shared Ownership
3 Bed House	10	3 Social Rent/ 7 Shared Ownership

4.5 The dwellings are arranged around a 'T' shaped cul de sac, where dwellings either front onto the main road or are set in smaller private driveways accessed off the main road. Each dwelling would benefit from off road parking. 2 No. attenuation basins are provided within the site, surrounded by areas of public open space and a play area. An area of public open space is also provided to the South Eastern boundary of the site adjacent to the A38.

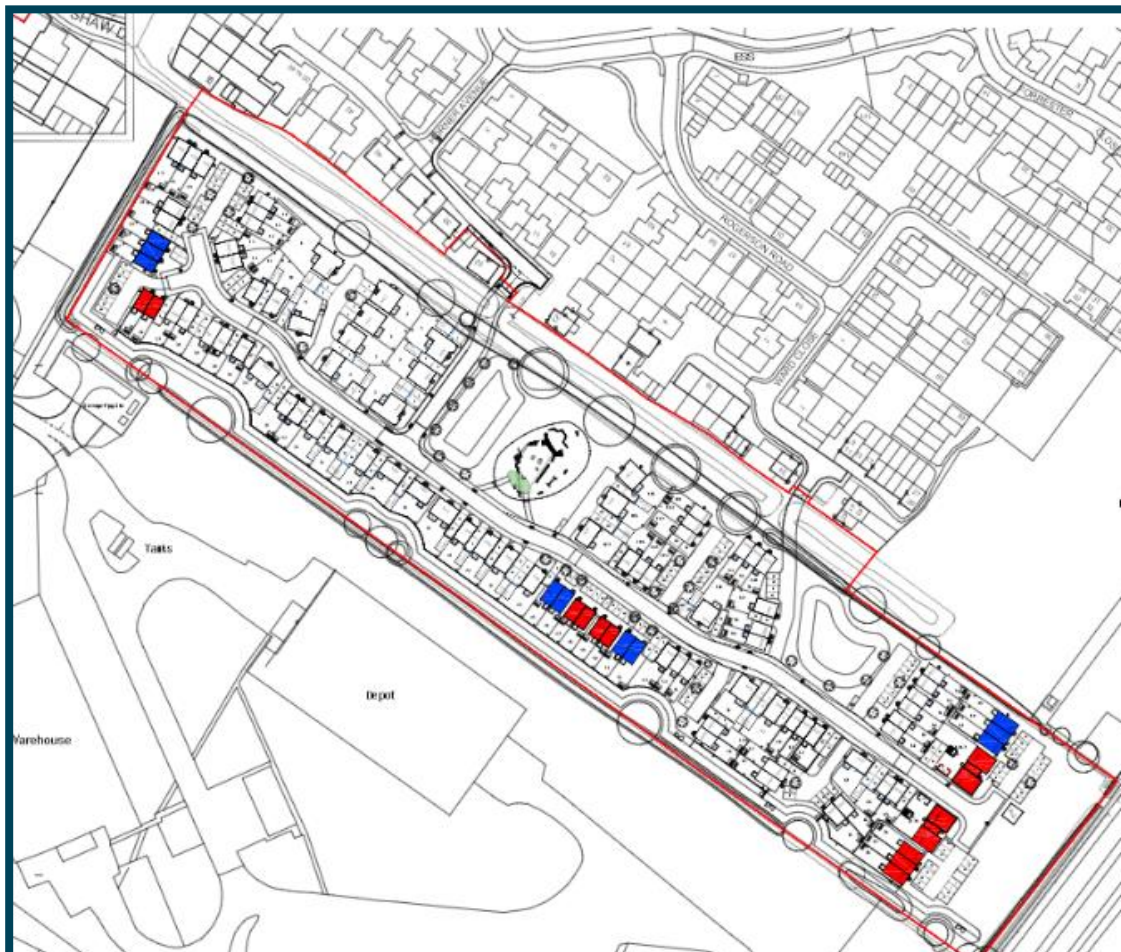
4.6 A mixture of dwelling design is proposed, with the use of gable features, porches and the use of rendering to add interest to the street scenes. The dwelling houses would be formed of detached, semi detached and small groupings of properties dispersed across the scheme. The proposed materials have been submitted as part of the application, and have been chosen to reflect the materials found on the adjacent residential development.

4.7 The South Western Boundary of the site would have a 5m high acoustic barrier along the length of the site adjacent to the adjacent industrial buildings. The barrier would comprise a land bund with fencing over. The North Western boundary of the site would include a 3m high acoustic fence.

4.8 The application is supported by a number of documents as referred to within this report. In particular, the proposed Construction Management Plan has been updated during the course of the

application to incorporate a 'hold down construction area' off Shaw Drive. Existing dropped kerbs would be widened to this area and stone would be laid as a base material. A Temporary Traffic Regulation Order would be applied to Horner Avenue during construction, which would restrict on street parking at certain times. Displaced parking would be directed to a designated residents parking area created within the entrance off Horner Avenue to the site.

- 4.9 An extract from the submitted housing layout is shown below, with the location of the affordable housing identified.



5. Background

- 5.1 This application was validated in February 2022, in order to address the reasons for refusal issued under planning application 20/01178/FULM, which was refused in September 2021. Application ref 20/01178/FULM sought consent for the erection of 115 dwellings and was refused for 5 reasons, which included the impact on the local highway network, the impact on the wider strategic network (the A38), construction management implications, quality of open space and lack of commitment to provide the necessary education contributions. The applicants appealed the decision in March 2023, as such processing of the second application (subject of this report) was held in abeyance pending the outcome of the appeal.
- 5.2 The appeal decision (PINs Ref APP/K3415/W/22/3294728) was issued on 26 May 2023. Notable points made by the Inspector include:
- The inspector was satisfied that on street parking in Horner Avenue is unlikely to unacceptably interfere with the movement of mainly car traffic arising from the development, in the event that it is approved and constructed (para 14).
 - Notwithstanding the above, the Inspector raised significant concerns relating to the existing driveway of No.52 and its relationship with the proposed priority T junction into the development (para 15)

- The emergency access arrangements for the development would be acceptable and also incorporate a suitable secondary pedestrian access (para 18)
- The internal layout of the site was considered to be acceptable (para's 19-22)
- There was limited details available regarding construction management and the implementation of a Temporary Traffic Regulation Order . Matters relating to construction in this case need to be resolved and not left to a planning condition. (paras 23-30).
- The revised mitigation scheme would adequately address the additional effect of this development on the A38/Wood End Lane junction (para's 31-40)
- The Inspector provided a critique on the proposed amenity areas, and confirmed that areas with attenuation basins and land bunds could not 'double up' as amenity or recreation space. The area of amenity space proposed next to the A38 would serve as an appropriate buffer and was considered to be acceptable. Allotments should be provided. Overall, the quality of the proposed POS is significantly compromised which would not fulfil the recreational, health and wellbeing needs of the future occupiers of the development or be particularly accessible to surrounding residential developments (paras 45-56)
- The Inspector concluded that the improvement of the existing play facilities in Fradley would not benefit the residents of the proposed development. Similarly, the existing amenity greenspaces within Fradley village are also beyond the above accessibility threshold. (para 67)
- Overall, the social, economic and environmental benefits arising from the proposal are important and I attach significant weight to these. (para 75).

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Core Policy 1 – The Spatial Strategy
Core Policy 2 – Presumption in Favour of Sustainable Development
Core Policy 3 – Delivering Sustainable Development
Core Policy 5 – Sustainable Transport
Core Policy 6 – Housing Delivery
Core Policy 8 – Our Centres
Core Policy 10 – Healthy & Safe Lifestyles
Core Policy 13 – Our Natural Resources
Policy SC1 – Sustainability Standards for Development
Policy SC2 – Renewable Energy
Policy ST1 – Sustainable Travel
Policy ST2 – Parking Standards
Policy H1 – A Balanced Housing Market
Policy H2 – Provision of Affordable Homes
Policy HSC1 – Open Space Standards
Policy HSC2 – Playing Pitch & Sport Facility Standards
Policy NR3 – Biodiversity, Protected Species & their Habitats
Policy NR4 – Trees, Woodland & Hedgerows
Policy NR5 – Natural & Historic Landscapes
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces
Policy NR7 – Cannock Chase Special Area of Conservation
Policy BE1 – High Quality Development
Policy Frad 1- Fradley Environment
Policy Frad 2 – Fradley Services & Facilities Policy
Policy Frad 3 – Fradley Economy
Policy Frad 4 – Fradley Housing

- 6.3 **Local Plan Allocations Document**
Policy ST5: Road and Junction Improvements – Fradley
Policy EMP1- Employment Areas and Allocations
Policy F1- Fradley Housing Land Allocations
- 6.4 **Supplementary Planning Document**
Sustainable Design SPD
Trees, Landscaping and Development SPD
Biodiversity and Development SPD
Developer Contributions SPD
- 6.5 **Fradley Neighbourhood Plan**
Policy FRANP1: Fradley Village Settlement Boundaries Policy
Policy FRANP5: Provision of Play and Youth Facilities Policy
Policy FRANP6: Character and Design
Policy FRANP8: Minimising the Land Impact of Development
Policy FRANP11: Cycling, Walking and Disability Access Routes
Policy FRANP12: Meeting the Housing and Care Needs of older People
- 6.6 **Other**
Fradley Area Character Assessment

7. Supporting documents

- 7.1 The following plans and supporting documents form part of this recommendation:

General Plans

FRAD-01-001 Rev A – Site Location Plan dated as received 25 September 2023
 FRAD-02-02AF Rev D Affordable Housing Layout dated as received 16 April 2024
 FRAD-02-OXX Rev O1 Site Sections dated as received 20 May 2022
 FRAD-02-004 Rev B Materials Layout dated as received 23 May 2022
 TR20-3396_EMB V1 Acoustic Bund Sections dated as received 20 May 2022
 FRAD-02-009 Rev C Street Scene Plans dated as received 31 January 2022
 Play Concept Plans dated as received 31 January 2022
 FR.01.02 Play Area dated as received 31 January 2022
 FR.02.02 Play Area dated as received 31 January 2022
 FR.03.01 Play Area dated as received 31 January 2022
 FR.04.02 Play Area dated as received 31 January 2022
 FR.05.01 Play Area dated as received 31 January 2022
 FR.06.01 Play Area dated as received 31 January 2022
 1122 Rev A Topographical Survey dated as received 31 January 2022
 20052/101 G External Levels 1/4 dated as received 20 May 2022
 20052/102 G External Levels 2/4 dated as received 20 May 2022
 20052/103 G External Levels 3/4 dated as received 20 May 2022
 20052/104 G External Levels 4/4 dated as received 20 May 2022

Housetype Plans

XN413 Rev A The Chestnut dated as received 31 January 2022
 XN415 The Alder dated as received 31 January 2022
 XN416 1/2 The Maple dated as received 31 January 2022
 XN416 2/2 The Maple dated as received 31 January 2022
 XN4141 Rev B The Aspen dated as received 20 May 2022
 XN308 Rev A The Cypress dated as received 20 May 2022
 XN307 Rev A The Spruce dated as received 20 May 2022
 XN305 Rev C The Hazel dated as received 20 May 2022

M205 2 Bed Dwelling dated as received 20 May 2022
S241 Rev C 2 Bed Dwelling dated as received 20 May 2022
S351 3 Bed House dated as received 31 January 2022
Bov Gar1 Rev A Single and shared garage bays dated as received 20 May 2022
Bov Gar2 Single and Double Garage dated as received 31 January 2022
Bov Gar3 Rev A Double Garage dated as received 20 May 2022
SF01 Rev A Flats Elevations dated as received 31 January 2022
SF01 Flats Layout dated as received 31 January 2022
SF02 Flats Layout dated as received 31 January 2022
SFO2 Rev A Flats Elevations dated as received 31 January 2022

Landscaping Plans

JSL3588-RPS-XX-EX-DR-L-9001 Rev P11 01/05 Soft Landscape Proposals dated as received 20 May 2022
JSL3588-RPS-XX-EX-DR-L-9002 Rev P12 02/05 Soft Landscape Proposals dated as received 18 April 2024
JSL3588-RPS-XX-EX-DR-L-9003 Rev P11 03/05 Soft Landscape Proposals dated as received 20 May 2022
JSL3588-RPS-XX-EX-DR-L-9004 Rev P11 04/05 Soft Landscape Proposals dated as received 20 May 2022
JSL3588-RPS-XX-EX-DR-L-9005 Rev P11 05/05 Soft Landscape Proposals dated as received 20 May 2022
JSL3588-RPS-XX-EX-DR-L-9006 Plant Schedule and Spec dated as received 20 May 2022
TIP 03 / FRAD-02-002L Tree Impacts Plan dated as received 28 June 2022

Transport/ Highways Plans

FRAD-VIS-S-EX-D2-A-FC-207 Cycle Shed Storage dated as received 20 May 2022
FRAD-VIS-S-EX-D2-A-FC-208 Cycle Shed Storage Apartments dated as received 18 April 2024
FRAD-02-0XX Rev 02 Site Sections dated as received 01 August 2022
J32-6254-PS-002 Rev A Internal visibility splays dated as received 01 August 2022
J32-6254-PS-003 Rev A Internal visibility splays dated as received 01 August 2022
J32-6254-PS-013 Swept Path Large Vehicles dated as received 01 August 2022
20052-301 Adoptable Highway Construction Details dated as received 20 May 2022
J32-6524-PS-012 Swept Path 10m rigid vehicle dated as received 20 May 2022
Traffic Flow Diagrams dated as received 20 May 2022
FRAD-02-033 – Bin Drag Drawing dated as received 25 September 2023
FRAD-02-034 – Driveway Parking Dimensions Layout dated as received 25 September 2023
FRAD-02-035 Rev A– Hold Down Construction Detail dated as received 25 September 2023
FRAD-02-010 Rev B – Construction Management Plan dated as received 25 September 2023
Construction Method Statement, Version 9 dated as received 25 September 2023
FRAD-02-003 Rev J – External Works Layout dated as received 22 April 2024
J32 6254 PS 023 REV A (Junction Modelling) dated as received 25 September 2023
J32-4198-PS-016 (Junction Modelling) dated as received 25 September 2023
J32-4198-PS-018 Rev B 52 Horner Avenue Vehicle tracking dated as received 25 September 2023
J32-4198-PS-023 Rev A 5 Horner Raised Table dated as received 25 September 2023
J32-4198-PS-015 Rev D Site Access Arrangements dated as received 25 September 2023

Supporting Documents

Arboricultural Implications Report Rev B dated as received 31 January 2022
Arboricultural Briefing Note dated as received 28 June 2022
Air Quality Assessment Version 2 dated as received 20 May 2022
Design and Access Statement dated as received 20 May 2022
Sustainable Drainage Statement Rev P08 dated as received 31 January 2022
Sustainability Statement dated as received 20 May 2022

Planning Statement dated as received 31 January 2022
Affordable Housing Statement dated as received 31 January 2022
Noise Assessment (PS771/R03a/PJK) dated as received 31 January 2022
Heritage Statement dated as received 31 January 2022
Flood Risk Assessment dated as received 31 January 2022
Ecological Assessment dated as received 31 January 2022
Foul Water and Utilities Assessment dated as received 31 January 2022
Biodiversity Metric (Updated) dated as received 03 August 2022
Response to SCC Comments dated as received 20 May 2022
Platform Offer Letter dated as received 28 June 2022
Overheating Risk Tool Sheet dated as received 20 May 2022
Traffic Data from Census dated as received 20 May 2022
Transport Assessment TA001 Rev C dated as received 25 September 2023
Travel Plan dated as received 31 January 2022

8. Consultation responses

8.1 **Fradley and Streethay Parish Council- Final-** In response to the amended information received, the Parish object to the proposals. Objections can be summarised as:

- The proposals still conflict with the evidence provided by a Transport Consultant commissioned by the Parish Council.
- The construction 'hold' area is on a piece of land and Public Open Space with a S106 agreement attached.
- The Inspectors comments have been taken out of context.
- Concerns regarding the acoustic information submitted and the proposed mitigation.
- The site lacks suitable access
- Proposed Swales within the site are a danger to children.
- The scheme impacts on the quality of life for existing residents, especially in Horner Avenue.
- The proposed makeshift car park is inadequate to address the parking restrictions placed on residents.
- Serious concerns raised regarding the use of Shaw Drive for a construction holding area, this would be a serious safety hazard.
- The Parish Council urge Planning Committee to refuse the application which is causing anxiety to residents and threatens the safety of other road users. (23 October 2023)

Updated- The Parish Council confirmed its unequivocal opposition to the proposals. The site is outside the settlement boundary, is not part of the current or emerging local plan and the site should be used for employment opportunities. The developers have not answered previous concerns and have served to amplify previous objections. (13 June 2022)

Initial- Detailed response provided including a review of the highways access proposals commissioned by the Parish Council. Objects to the proposal for the following reasons:

- The Location of the development
- Loss of Employment Land
- Open Space Provision
- No provision for allotments
- Tree Cover
- Biodiversity Net Gain
- Highways Implications

(04 March 2022)

8.2 **Environment Agency-** Confirmed they have no comment to make on this application. (07 February 2022).

- 8.3 **National Highways- Final**- No objection subject to conditions to ensure the physical mitigation scheme is implemented at the Wood End Lane/ A38 junction and a construction management plan is approved (to include the works at Wood End Lane/ A38 junction. (01 February 2024)
- Updated- A revised holding objection has been issued. (22 November 2022)
- Updated- Insufficient information has been provided to demonstrate that the impact on the strategic road network will be acceptable. Agreement confirmed to a reason for refusal. (17 November 2022)
- Updated- We have not received any further information in relation to the investigation of physical mitigation to ensure a nil detriment impact on the A38/ Wood End Lane junction, therefore our previous holding objection remains relevant and a holding objection for 3 months remains in place. (23 August 2022)
- Updated- In relation to the amended plans, National Highways have no comments to make. (30 June 2022)
- Updated- Comments raised in regard to the acoustic bund- the plans show it stretching along the South Western boundary of the site to abut the A38, it should be set back by 5m to comply with relevant legislation. Comments also provided in respect of landscaping as certain trees and shrubs should not be planted adjacent to the highway. The National Highways holding objection remains in place. (14 June 2022)
- Initial- Request further information regarding the transport assessments and mitigation proposals in relation to the Hilliards Cross junction. The modelling indicates that physical mitigation is required to ensure a nil detrimental impact upon the junction between the strategic road network and Wood End Lane, this needs to be investigated. The submissions refer to a draft S106 agreement which National Highways would like to review.(19 April 2022)
- 8.4 **Sport England- Updated**- No objections, application is outside of remit. (07 February 2022/ 27 May 2022/04 October 2023)
- Initial- Insufficient information received in order to provide a full response. (04 February 2022)
- 8.5 **Severn Trent Water**- No objections to the proposed drainage scheme as submitted. (16 June 2022)
- 8.6 **Campaign to Protect Rural England (CPRE)**- Concerns regarding the use of employment land for housing and previous basis for decision on the site. (10 March 2022)
- 8.7 **Natural England**- No objections raised. (13 June 2022)
- 8.8 **Integrated Care Board**- The proposal would impact on local healthcare provision. A sum to mitigate this of £70,849 is required to address pressures arising from the development on local services. (09 June 2023)
- 8.9 **Police Architectural Liaison Officer**- Anti- crime advice provided and concerns raised regarding the access off Ward Close which may increase perception of crime. (13 October 2023)
- 8.10 **SCC Archaeology**- No objections subject to a condition. (21 February 2022/ 08 June 2022/ 26 September 2023)
- 8.11 **SCC Highways- Final**- Detailed response provided. No objections were raised subject to a suite of conditions to secure necessary on and off site highway requirements. (22 April 2024)

Initial- Further to several meetings and the submission of additional information, the County Highways team object to the scheme and recommend refusal on the grounds that insufficient

information has been provided for the Highway Authority to make a determination. In particular the submissions fail to provide a safe and suitable access from Horner Avenue, means of access/ egress from 52 Horner Avenue, sufficient information regarding pedestrian and cycle routes, visibility splays off all drives within the development, adequate garage sizes, parking layout associated with plot 23 and an adequate construction management plan and method statement. (06 September 2022)

- 8.12 **SCC Education- Final-** Updated education contribution required to mitigate the impacts of the development. £1,533,776.60 is required to fund primary and secondary places. (12 October 2023)

Updated- The revised details do not impact upon the number of dwellings or breakdown. However, the cost of providing school places has recently been through annual review and costs have been uplifted. An education contribution of £1,491,604.60 is required towards primary and secondary education. (01 June 2022)

Initial- An education contribution of £1,329,779.68 is required towards primary and secondary education. (22 February 2022)

- 8.13 **SCC Flood Risk Officer- Final-** As the drainage network for the site has been modified, the hydraulic modelling calculations and network analyses will need to be updated in order to reflect this. Further information is therefore required (19 April 2024).

Updated- The applicant has still not yet fully addressed the LLFA's queries. It is recommended that planning permission is not granted. Insufficient evidence has been produced at this stage to support a compliant drainage scheme. (23 November 2022/ 09 October 2023/ 03 January 2024)

Initial- Further information required. (04 March 2022)

- 8.14 **SCC Waste and Minerals Planning-** No objections. (02 March 2022)

- 8.15 **LDC Spatial Policy Team-** No objections raised. The affordable housing and housing mix is supported and in line with adopted policies. (09 October 2023)

- 8.16 **LDC Economic Development Officer-** Objects to the proposal. The land is allocated as an employment area and the development of this site for residential will create additional pressure to accommodate any commercial development on alternative sites within the District. The scheme will affect commuting populations within the District, by increasing out commuting populations where people have to travel out of the District for work. (18 February 2022)

- 8.17 **LDC Urban Design Officer- Final-** Concerns raised to the proposals. General comments provided for the layout and individual plots. The house types are very similar and consideration of variation is important. Consideration of good examples of local housing is outlined by the National Design Guide which states that designs should be based around the understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design. (01 July 2022/ 13 October 2023)

Initial- No objections raised in principle, general comments raised regarding the layout, house types and proposed materials. (14 April 2022)

- 8.18 **LDC Tree Officer- Final-** The amended tree impact plan and supporting information addresses previous concerns. No objections raised to the scheme. (12 July 2022/ 13 October 2023)

Updated- issues raised regarding the overall layout and the conflict with existing trees which are to be retained. No comments relating to the details of landscaping are provided at this point until the fundamental issues have been addressed. (31 May 2022)

Initial- Clarification sought as two different layouts have been submitted. Objects as impacts on trees cannot be quantified. (07 March 2022)

- 8.19 **LDC Environmental Health- Final-** The overheating risk assessment demonstrates that changes are required to reduce the overheating risk. Details of the overheating mitigation are required. (07 June 2022/ 05 July 2022/ 02 November 2023)

Initial- No objections in principle. A scheme of ventilation is required and conditions to secure noise mitigation as outlined in the submitted noise report, a dust management plan and construction hours are recommended. (22 February 2022)

- 8.20 **LDC Housing Strategy- Final-** The changes made to reduce the affordable housing to deliver 31, along with the proposed tenure and dwelling sizes would be policy compliant. No objections. (23 April 2024)

Updated- The number of proposed affordable units has been reduced to 38 from 41. This is disappointing, but in line with current policy requirements of delivering 35% affordable housing on site. The split of affordable housing is not defined, however Policy H2 requires a tenure split of 65% social rented and 35% shared ownership. Clarification required regarding the previous offer from Platform Housing and whether a 4 bed affordable dwelling could also be provided. (27 October 2023).

Updated- The tentative interest provided by Platform Housing is noted. On the basis that Platform commit to the scheme, the application can be supported. (09 June 2022/ 07 July 2022)

Initial- Object to the proposals on the basis of the affordable housing proposed, the overall required percentage is not met and the mix fails to comply. Further details regarding the maintenance charges etc should also be provided. (18 March 2022)

- 8.21 **LDC Ecology- Final-** No objections. The biodiversity metric confirms that the necessary 20% net gain can be delivered on site. Confirmation provided that no further ecology information is required in relation to protected species. (22 April 2024).

Updated- Additional detail required relating to the submitted biodiversity metric required (relating to field boundaries) in order to confirm the enhancement is appropriate. (18 August 2022)

Updated- The Ecology team are satisfied with the information submitted with regards to Great Crested Newts and the surveys provided. Details relating to biodiversity enhancement are required. (13 June 2022/ 19 June 2022)

Initial- Updated Ecology surveys required. The site is also in the Great Crested Newt Red Zone, this needs to be addressed. (31 March 2022)

- 8.22 **LDC Parks and Leisure-** No objections were raised. Confirmation provided that the Council will not adopt any public open space. (11 February 2022/ 01 June 2022)

- 8.23 **LDC Joint Waste Officer-** No objections, advice regarding waste requirements, including bin lorry access provided. (04 February 2022/ 06 June 2022/ 27 September 2023).

9. Neighbour responses

- 9.1 Neighbouring properties were notified by individual letter and press and site notices were posted when the application was validated in February 2022. 122 responses were received from 90 neighbouring properties and local residents. All responses raised objections to the scheme, which can be summarised as follows:

Principle of Development

- The site is designated for employment use, not residential
- The area needs more jobs, not houses
- There is conflict with Local Plan Policies CP6, EMP1
- Neighbourhood Plan is being ignored

Visual and Design Impacts

- The development will result in the loss of valuable open space.
- The scheme represents an overdevelopment of the site
- Loss of protected trees
- Loss of bunds which disturb views of the warehouses
- Social Housing is clumped together, no integration

Ecological Impacts

- Loss of wildlife/ biodiversity

Highway Impacts

- Horner Avenue too narrow for construction traffic
- Scheme does not meet with Highway standards, construction traffic would cut across peoples driveways
- A38 junction cannot cope with extra traffic
- Safety hazard for pedestrians and children
- Roads already in poor condition
- Parking issues will be exacerbated
- Impossible for HGVs to get to the site through the residential area
- This is an accident waiting to happen
- Construction should be via other routes including common lane/ Halifax avenue roundabout
- Horner Avenue is not the only access point to this site
- Too many parked cars as it is
- Scheme would result in danger to other road users
- Unacceptable to remove parking from residents to let developers through
- Mud on the roads
- CMP is vague and lacks detail
- Shaw Drive facility is unacceptable- neighbouring amenity and highway safety
- Disruption during construction
- Damage to local roads
- Emergency access off Ward Close unacceptable
- Where will construction workers park?

Other Matters

- Public Open Space from previous development (Ward Close and Horner Avenue) being utilised by this development
- Noise, Pollution and dust issues during construction
- Changes do not overcome previous reasons for refusal
- A leisure centre or sports pitched should be on the site
- There is insufficient services such as GPs and Schools to support more housing
- Loss of property value

Councillor Response

The application was called in to be heard at Planning Committee if Officers were minded to approve the scheme by Councillor Mike Wilcox on 21 February 2022. The reasons for the Call-in

were on highway grounds as the access to the site is unacceptable and through a busy road with a high level of on street parking and on policy grounds as the land is designated as employment land in the Lichfield Local Plan.

Other Responses

A response was also received on behalf of Legal & General UK Property Fund who own and operate Fradley Park, the employment/ Industrial development adjacent to the site. No objections were raised to the principle of the development, but concerns were raised regarding the potential noise impact on future residents of the site from neighbouring uses, in particular the operational site currently occupied by United Pallet Network and owned by L&G. This site is currently operating within no planning restrictions and a review of the submitted noise report queries the assessments undertaken, and the 24 uses of the adjacent site and the implications for future residents.

9.2 Following receipt of amended plans, a full reconsultation was undertaken with neighbouring occupiers and site notices were posted. 69 responses were received from neighbouring occupiers and local residents, all raising objections to the scheme. Objections largely reiterated previous objections and can be summarised as:

- Original objections raised previously still stand, as very little has changed.
- The scheme would still access the site via Horner Avenue which cannot be done safely
- Traffic congestion and noise at Shaw Drive would be unacceptable, this is a residential area
- Risk of accidents would be high
- Roads not suitable for additional cars and lorries that this development will bring.
- Impact on the highway network, both within the village and on the A38.
- Further pressure on local roads and increased noise in addition to HS2 effects.
- Village amenities not sufficient for the additional homes proposed- e.g no funded childrens nursery places.
- Insufficient infrastructure, including bus services, shopping and leisure facilities, doctors, dentists.
- Concerns regarding the CMP- how will drives stick to times, will this be enforceable?
- 12 temporary bays for Horner Avenue residents would be insufficient
- The swept path analysis clearly shows larger vehicles having to stray over the opposite side of the road posing a highway danger
- The proposed parking restrictions along Horner are disruptive and unacceptable to residents
- Insufficient information provided re vehicle movements
- Proposed tandem parking will lead to people parking on roads
- Site is allocated for employment, not residential
- The proposed public open space is unsuitable and insufficient to serve the development.
- There is no mention of any future development on our deeds and the proposed access routes were shown to be open space.
- Residents will be subjected to 3+ years of ongoing noise, dust, pollution and other form of intrusion created by heavy goods vehicles passing just 2.5 metres from some front doors on Horner Avenue.
- Proposed hours of working unacceptable
- The mounds at Godfrey Drive and the bunds behind Horner Avenue give bio diversity and give habitats for wild life including bats – shouldn't be stripped of vegetation, should just be maintained.
- Independent highways surveys confirmed the scheme is unacceptable. In essence they will have to Demolish No's 5 and 52 Horner Avenue to widen & change the geometry of the street.
- Demolishing 52 Horner Avenue will detrimentally affect visual amenity.
- Proposals will create an estate for anti-social behaviour as referred to by the Police Liaison Officer.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Housing Mix and Affordable Housing
- Design and impact upon the character and appearance of the surrounding area
- Public Open Space
- Residential amenity
- Access and highway safety
- Impact on trees
- Ecology
- Drainage
- Cannock Chase Special Area of Conservation
- CIL/Planning obligations
- Human rights

11. Policy & principle of development

11.1 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 Fradley Neighbourhood Plan was also made in 2019 and as such, also carries full material weight.

11.2 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.

11.3 The latest Five Year Housing Land Supply figures for Lichfield shows that the District Council can currently demonstrate a 9.5 year supply of housing land against the Local Housing Need (LHN), as calculated within the adopted Local Plan Strategy, and as a result the adopted Local Plan Strategy policies can be considered as up to date.

11.4 Policy CP1 of the Lichfield District Local Plan Strategy sets out that the council will contribute to the achievement of sustainable development to deliver a minimum of 10,030 dwellings between 2009 and 2029 within the most sustainable settlements, making best use of and improving existing infrastructure. The policy goes on to state that development proposals will be expected to make efficient use of land and prioritise the use of previously developed land.

11.5 Policy CP6 of the Lichfield District Local Plan Strategy sets out that a sufficient supply of deliverable/developable land is available to deliver around 478 new homes each year. Housing development will be focused upon the following key urban and rural settlements:

- Lichfield City
- Burntwood
- Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
- Adjacent to the neighbouring towns of Rugeley and Tamworth

11.6 The site is located adjacent to the settlement boundary of Fradley as identified on inset 12 of the Local Plan Strategy Policies Maps. Policy FRANP1 of the Fradley Neighbourhood Plan confirms that development within the settlement boundaries will be supported, but does not preclude development outside of the defined boundary. The site is located within an existing employment

area through Policy EMP1 (the local Plan Allocations Document) which seeks to protect the use of the land for employment uses unless it can be demonstrated alternative uses can be justified.

- 11.7 The proposed development is within the Zone of Influence for the Cannock Chase Special Area of Conservation. Policy NR7: Cannock Chase Special Area of Conservation requires that, before development can be permitted it must be demonstrated that alone or in combination with other development it will not have an adverse effect upon the integrity of the SAC having regard to avoidance or mitigation measures. This is considered in more detail later in the report.

Assessment

- 11.8 In principle policy terms, the main consideration to be addressed in the assessment of the application is the allocation of the main site area under Policy EMP1 of the Local Plan Allocations Document. This allocation supports proposals for new, or the expansion of existing employment premises to contribute to the delivery of employment land within the District. The policy confirms that none traditional employment uses on employment sites will normally only be considered providing it is demonstrated that the continued use of the site or its development for employment uses is not viable through details of comprehensive marketing of the site and a financial appraisal. However, the policy goes onto confirm that:

'development proposals would also be supported if it can be demonstrated that the continued use of a site, or its development for employment for employment uses causes/or would lead to site-specific, environmental problems, such as noise, pollution of traffic generation, recognising the environmental benefits to be gained by redeveloping these sites for non-employment generating uses'

- 11.9 Having regard to the above and the interpretation of the final criteria of EMP1 and the weight to be accorded to the EMP1 policy, it is of paramount importance that the planning authority is rigorous is in ensuring the requirements of the criteria have been properly justified.
- 11.10 It is noted that the applicant considers in the planning supporting statement the use of the site for other employment uses (despite the uses of conditions) would cause unacceptable environmental problems to neighbouring residential properties, most particularly by trip generation or because the uses would require HGV traffic have been identified. The applicant has not sought to justify having regard to non viability arguments for such uses. Access to the site is constrained, there are land ownership issues to consider when accessing the site from the North or the West. The Southern boundary of the site adjoins the A38 where National Highways have confirmed they would not permit a direct access onto the dual carriageway.
- 11.11 As such, this scheme and the justification is based on the access points from the East- off Horner Avenue and Ward Close.
- 11.12 Taking into consideration the environmental concerns associated with the use of the current site and its access for employment uses as put forward by the applicant within the submissions, it is considered at this stage that the proposed residential use of the site, when considering the accesses proposed, and relationship with surrounding residential development despite being outside of the settlement boundary would conform with the requirements of the Development Plan and NPPF, in this regard. The key considerations associated with the allocation and material impacts of the scheme are addressed in further detail in the report below.

12. Housing Mix and Affordable Housing

- 12.1 Policy H1: A Balanced Housing Market, of the Local Plan Strategy seeks the delivery of a balanced housing market through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes with a mix of housing based

on current and future demographic trends, market trends and the needs of different groups in the community. Policy H1 states that there is currently an imbalance of dwelling types within the District. To address this Policy H1 mentions that the District Council will actively promote the delivery of smaller properties, particularly 2-3 bedroom houses and 2 bedroom apartments to increase local housing choice and contribute to the development of mixed and sustainable communities. Therefore, a scheme which includes a range of properties, particularly 2 and 3 bed dwellings would be sought and supported by the Local Plan.

- 12.2 Policy H2 of the Local Plan Strategy relates to the provision of Affordable Homes. The District Council is committed to improving housing affordability in Lichfield District. The overall delivery of affordable housing in the District during the plan period will be related to the ability to deliver in the market conditions that prevail at the time a planning application is made. The District Council will vary this percentage in line with a model of dynamic viability associated with market land values, house prices and the index of building costs. Currently, the percentage of affordable housing to be delivered is 28%. Affordable housing may be in the form of social rent, affordable rent, intermediate or a mix of tenures. At least 65% of the affordable housing on a site should be social rented managed by a registered provider.

Assessment

- 12.3 The dwelling mix identified in the explanatory text of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District’s housing stock is set out in the table below along with the proposed housing mix. The housing mix is considered to be in compliance with the requirements of Policy H1, and would provide a good choice of housing mix for the location.

Dwelling Size	Number	Policy Requirement	Percentage Proposed
1 bed	6	5%	6%
2 Bed	45	42%	41%
3 Bed	45	41%	41%
4 Bed	13	12%	12%

- 12.4 In terms of affordable housing, the applicant has provided details of the Registered Social Landlord who would take on and deliver the affordable dwellings on site. The scheme proposes 31 affordable dwellings, which equates to 28% of the overall housing number. 21 (68%) of the affordable dwellings would be social rent, 10 (32%) would be offered as shared ownership properties. The affordable dwellings are strategically located together in accordance with the requirements of the registered social landlord. The scheme is in compliance with policies relating to housing mix and the appropriate delivery of affordable housing.

13. Design and the Impact upon the Character of the Area

- 13.1 Local Plan Strategy Core Policy 14 states that “the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment”.
- 13.2 The NPPF advises that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. The document continues to state that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
- 13.3 The NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area’s defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
 - establish a strong sense of place;

- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

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

13.5 Policy FRANP6 of the Fradley Neighbourhood Plan advises that new development should contribute towards local distinctiveness, demonstrate high quality, sustainable and inclusive design and architecture as well as good urban design. Development should respect the residential amenity of neighbouring occupiers and have regard to the Fradley Character Area Assessment.

Assessment

13.6 The Urban Design Officer has expressed concerns as to the proposed design and layout of the scheme requesting additional information to confirm that the proposed parking layout is practical and workable for future residents. The submitted layout has been assessed by the County Highway Officer who has confirmed that the parking provision is acceptable and meets with the requirements of the Sustainable Design SPD. Concerns were raised regarding the bin collection points, however it has been agreed with the applicant that the final bin presentation points can be subject to a condition to ensure they are in a practical location.

13.7 In terms of the overall layout, dwellings are placed to provide natural surveillance over public areas, and there is a clear distinction between public and private areas. The layout is considered to be practical and workable for future residents. The design and appearance of the proposed individual dwellings would contribute towards achieving a pleasant street scene, with architectural features such as gables and porches providing visual interest. A condition requiring updated details of materials is recommended given the length of time since the original details were submitted, to ensure that a high quality development is achieved. In general it is considered that the scheme would result in a distinctive modern development which complements the surrounding existing residential development. Furthermore, the layout of the scheme avoids a cramped form of development, with adequate garden sizes and off-road parking areas provided alongside areas of planting which would soften visual amenity within the street scenes. Detailed landscaping plans have been provided to indicate grassed front gardens and hedging within the street scenes.

13.8 The South Western boundary of the site includes a 5m high acoustic barrier which will serve to provide acoustic and visual relief from the existing employment buildings within Fradley Park Industrial Estate. The barrier is formed of a bund which will incorporate planting, with a 2.4m high fence over. The barrier is placed a suitable distance away from the rear boundaries of adjacent dwellings. Electric Vehicle charging points will be provided to every plot along with PV solar panels to individual dwelling houses. This is a standard specification and in line with current building regulations.

13.9 It is therefore considered that the layout and design of this proposal accords with the principles and objectives of both Local and National Planning Policies.

14. Public Open Space

14.1 Core Policy 4: Delivering our Infrastructure sets out that new facilities must be located and designed so that they are integrated, accessible and compatible with the character and needs of the local community. The explanation text for Core Policy 10 (Healthy & Safe Lifestyles) of the Local Plan confirms that the availability of a variety of good quality and accessible community infrastructure such as open spaces, walkways and cycleways, sports and recreation facilities and cultural assets is vital to enabling peoples' continued and improved health and wellbeing and will

be safeguarded. Core Policy 10 seeks to ensure that community infrastructure, such as open spaces is generated by new development to meet the needs of the communities being created. Policy HSC1 (Open Spaces) sets out minimum standards for new development with respect to access to open spaces, and confirms the typologies expected in new developments. The Developer Contributions SPD confirms the amount of open space with respect to each typology required and associated costs.

- 14.2 Policy FRANP5 of the Fradley Neighbourhood Plan provides support for new and/or improved play and youth facilities within, or adjacent to village settlement boundaries that respect local character and residential amenity and do not result in harm to highway safety. In the Fradley Neighbourhood Plan (Appendix 1), it is noted that the lack of recreational facilities is confirmed as a challenge which faces the community. The Fradley Neighbourhood Plan (Appendix 1) at paragraph 5.22 confirms that there is a need to improve the two existing play areas in Fradley and, also a need to provide new facilities in line with Policy HSC1 of the Local Plan Strategy. The appeal site is outside of the 10 minute/ 480m accessibility threshold set by policy HSC1 to the existing play facilities in Fradley village.

Assessment

- 14.3 The table below sets out the policy requirements for each type of open space, and what the proposed scheme would deliver:

POS Type	Standard required in line with Councils Developer Contributions SPD	Amount being delivered on site
Play	753 sqm (3sqm per person)	770 sqm
Amenity Greenspace	3,188 sq m. (12.7sqm per person)	4,316 sqm
Natural/ Semi Natural Green Space	Site is within 10 minutes walk of woodland and canal walks.	N/A
Allotments	3 (1 plot per 32 households) dependant on demand	3

- 14.4 In terms of play space, the proposals include a centrally located play area. Details of equipment have been provided to include climbing frames, swings, balance beams and a rope traverse. It is noted that inclusive equipment has not been indicated, as such a condition to secure final details of the play equipment forms part of the recommendation. Subject to this condition to finalise the equipment details and the more appropriate size and location of play area, the proposals would meet the requirements of planning policies.
- 14.5 The proposals include amenity green space which would be delivered to the South Eastern end of the site adjacent to the A38, and in an area along the North Eastern boundaries of the site adjacent to the rear of properties in Horner Avenue and Ward Close. In total, 4,316 square metres would be provided, this would include the existing mounds adjacent to the North Eastern boundary of the site. The areas along the North Eastern boundary would be planted with a meadow mix to boost biodiversity, whilst the area adjacent to the A38 would be contain a variety of planting, including standard grass mix. Existing trees would be retained, and trees under a tree preservation order would be retained and protected during any works. Hedging would be planted around the fringe of the built form elements of the scheme. In terms of amenity greenspace, the proposals are now considered to be appropriate and would provide aesthetic, recreation and environmental benefits to residents. It is noted that some of this area should have been provided under a historic consent as public open space to serve the neighbouring residential development under planning ref 01/01256/OUT. Whilst it is unfortunate that this has not been provided previously, it is noted that this scheme does not comprise the public open space and the implementation of this scheme will ensure it is delivered in an appropriate way.

- 14.6 The site is within 10 minutes walk of Natural/ Semi Natural Green Space within Fradley Village, as such there is no requirement in accordance with the thresholds set within the developer contributions SPD. The plans have been revised to incorporate 3 allotment plots, which would be secured through the S106. If no demand arises within a set period of time, the plots would be converted back to public open space and managed through the management company. Given that the allotments should be made available for local residents, it is recommended that these should be provided by the developer and managed via the Parish Council.
- 14.7 Further to the above, the scheme is considered to be in compliance with the relevant policy requirements in relation to public open space.

15. Residential amenity

- 15.1 Policy BE1 of the Local Plan Strategy states that development should have a positive impact upon amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance. 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 nearest neighbouring properties reference should be made to Appendix A of the Sustainable Design Supplementary Planning Document (SPD). Contained within this are guidelines which assess the impact of development on the ability of neighbouring properties to receive daylight and sunlight.
- 15.2 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Sustainable Design Supplementary Planning Document (SPD) sets out the Council's standards in regard to residential amenity for future occupiers, including separation distances to ensure that new dwellings do not result in overlooking or overbearing impacts. The SPD guidelines require a minimum 21m between principal habitable windows which face each other and 6m between principal windows and residential amenity space. The SPD also sets requirements in terms of the size of private amenity space necessary to serve new dwelling houses. For 1 or 2 bedroom dwellings, a minimum garden size of 45 square metres should be provided, for 3 or 4 bed 65 square metres and for 5 bedroom dwellings 100 square metres. All gardens should have a minimum length of 10 metres.
- 15.3 Policy FRANP12 provides support to development proposals which seek to ensure that existing residents can continue to live in Fradley as they age and their housing needs change.

Assessment

- 15.4 It is noted that objections have been raised in relation to impact arising through the construction period, in particular in relation to noise, general disturbance and dust. This issue is discussed in detail in the highways section of this report.
- 15.5 In terms of the impact on existing neighbouring properties arising from the new built form, the scheme would be in compliance with the separation distances set out in the Sustainable Design SPD. There are no significant changes in ground levels between the site and neighboring properties. Raised areas of ground will be removed along the boundary of the site which is adjacent to the rear of properties in Horner Avenue and Ward Close, again this would not result in unacceptable overlooking impacts. A condition requested by the Environmental Health Officer in relation to dust management forms part of the recommendation. Whilst it is noted that the Environmental Health Officer requested a condition to control construction hours, these would be appropriately controlled through the necessary construction management plan.
- 15.6 In terms of future occupiers, the proposed layout of the development confirms that the minimum private garden areas are exceeded for all plots, and the depth of each garden is a minimum of 10m

in line with the requirements of the Sustainable Design SPD. The Council's Environmental Health Officer is satisfied with the submitted noise assessment and mitigation strategy, which includes the use of acoustic fencing to the outer boundaries of the site. Such mitigation is the subject of a recommended condition. Whilst it is noted that an overheating risk assessment has been requested, this detail would form part of a necessary building regulations application, it is therefore not considered reasonable to request this information for the purposes of the planning application.

- 15.7 out of the proposed 109 dwellings would be constructed to meet with the requirements of M4 (2). Whilst this is a building regulations standard, meeting with this requirement ensures that reasonable provision for most future occupiers is made. This includes wheelchair access, provision of toilets on the ground floor and future adaptability.
- 15.8 It is noted that concerns were raised regarding the potential noise impact on future residents of the site from neighbouring uses, in particular the operational site currently occupied by United Pallet Network and owned by L&G. This site is currently operating within no planning restrictions. The Environmental Health Officer has reviewed the proposals and is satisfied that the proposed mitigation, in the form of acoustic fencing and specific glazing levels would be sufficient to provide an acceptable level of amenity for future occupiers, whilst not compromising the current operations of neighbouring businesses.
- 15.9 Overall, the proposal would provide an acceptable level of residential amenity whilst causing no unacceptable harm to existing residential amenity, such as light and privacy enjoyed by neighbouring occupiers. Permitted development rights would be removed by means of condition to ensure that the scheme retains its level of residential amenity being provided as set out above. As such the development, subject to conditions, would be in accordance with the requirements of the Development Plan and NPPF, in this regard.

16. Access and Highway Safety

- 16.1 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.
- 16.2 Policy ST2 'Parking Provision' sets out a requirement for parking provision to serve new developments which is expanded upon with specific requirements in the Sustainable Design SPD. Policy ST2 also sets out a requirement for weatherproof cycle storage. The Sustainable Design SPD sets out the following the maximum parking standards for new dwellings which for 3 and 4 bed should have two spaces per dwelling, 2 bed homes require 1 space.
- 16.3 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 115 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.
- 16.4 Policy FRANP11: Cycling, Walking and Disability Access Routes of the Fradley Neighbourhood Plan supports schemes to improve cycling, walking and disability access.

Assessment

- 16.5 Significant objections have been received from local residents and the Parish Council in relation to this application. Furthermore, the Highways implications for developing this site were considered at length by the Planning Appeal Inspector in his deliberation over the previously refused scheme. In Access and Highway safety terms, the following issues will be discussed in turn:

- Impact on the wider strategic network
- Access to the site
- The proposed Internal Layout
- The proposed parking provision
- Construction Management

Impact on the wider strategic network

- 16.6 In the previous scheme, the impact upon the wider road network was cited as a reason for refusal. In particular, the effects of the proposal on the Wood End Lane/ A38 junction. The A38 carries considerable traffic and the Wood End Lane junction is the nearest junction to the A38 from the application site. National Highways originally raised objections to the scheme on the basis of the increased vehicular traffic which would utilise the junction. Queuing is often seen at the junction at peak times. The applicant put forward a mitigation scheme, which included alterations to the Wood End Lane junction. The Inspector considered this proposal, which sought to mitigate for 115 dwellings on the site and concluded that the revised mitigation scheme would adequately address the additional effect of the 115 dwelling development on the A38/Wood End Lane junction. The mitigation scheme can therefore be considered as an acceptable solution, and it is recommended that this is secured via a 'Grampian' condition to be implemented prior to the first occupation of any of the dwellings. National Highways and the County Highway Authority have raised no objections in this respect.

Access to the site

- 16.7 Primary access to the site would be taken off Horner Avenue, with an emergency access being provided off Ward Close. These roads form part of the 'local highway network' maintained by the County Council. Horner Avenue and Ward Close are currently 'no through roads' with no parking restrictions. Objections were raised to the previous scheme by the County Highway Authority, on the basis of highway safety implications on Horner Avenue. Local residents, along with the Parish Council have raised objections to the use of Horner Avenue as the primary and sole access to the site. The Parish Council commissioned a report from an independent transport and civil engineering consultant on the highway safety issues. The report highlighted concerns with the width of Horner Avenue, prevalence of on street parking and its ability to serve the quantum of development proposed. This issue was discussed at length during the appeal hearing for planning ref 20/01178/FULM. The Inspector concluded in his decision that whilst Horner Avenue shared certain characteristics, including road width, of a 'minor access way' which under SCC guidelines should only be used to serve low to medium density developments, this did not preclude them from serving larger developments. On balance, the proposed use of Horner Avenue as the primary access to the development is considered acceptable.
- 16.8 In addition to the appropriateness of Horner Avenue being used as a primary access, objections on safety grounds have also been raised, with respect to the existing driveway locations of No's 5 and 52 Horner Avenue, which include existing driveways which are accessed directly off junctions within Horner Avenue. Put simply, it has been raised that creating a through road with additional traffic would pose a safety risk to the free flow of traffic and pedestrians.
- 16.9 During the course of the application, the scheme has been revised to include No.52 Horner Avenue and proposes alterations to the existing driveway and garage to move the vehicular access away from the junction. This alteration would improve visibility for the occupants of No.52 when using their driveway, and in turn reduces the likelihood of highway danger to other road users and pedestrians. Appropriate road markings also form part of the scheme. The access and egress arrangements serving No.5 Horner Avenue have also been assessed and are considered appropriate, notably in the context of the originally approved layout and dropped kerbs of this property and the lack of objections raised by the Planning inspector.

- 16.10 Objections have also been raised on the grounds of the suitability of the proposed emergency access, which would be located off Ward Close. This access would be used to serve the marketing suite during the construction period. A bollard scheme is proposed to restrict vehicular access once the site is fully operational; however, this access would be maintained as an access for pedestrians and cycles. In this regard, the Inspector in his assessment of the suitability of these arrangements considered the scheme to be acceptable. The County Highway Authority have raised no objections to the suitability or acceptability of the proposed emergency access.

The proposed Internal Layout

- 16.11 The internal layout of the site comprises a spine road which transects the site and is relatively long and straight. Speed reducing measures in the form of raised tables form part of the proposals. The County Highway Authority have raised no objections to the general layout. It is noted that bin presentation points in two areas of the site need to be revised to ensure that the 10m drag distances limit set by the Council refuse collections. A revised bin strategy plan is therefore requested through a condition to ensure that the appropriate standards are met.

The proposed parking provision

- 16.12 The proposed parking to serve each dwelling is provided via a mix of solutions on site with driveways, garages and courtyard parking. All dwellings would have parking at the level required under the Sustainable Development SPD. Conditions are recommended to ensure that parking is provided prior to the occupation of each respective dwelling, and where necessary garages are retained with pd rights removed. Cycle parking is provided via a garden shed for each dwelling, with larger sheds provided to serve the apartments. The proposed parking provision is therefore considered to be acceptable.

Construction Management

- 16.13 Methods of construction have been subject to scrutiny both in the refusal of the previous application, the Inspectors assessment at Planning Appeal and during the course of this application. The Planning Inspector confirmed that the Construction Management Methods should be addressed prior to determination of the application.
- 16.14 The applicant has submitted an updated Construction Method Statement which includes a series of Construction Management Drawings. The document confirms that the main access/egress to site for construction traffic, site staff and visitors will be from Horner Avenue, whilst access for sales staff and the general public at a later point during construction will be provided via Rogerson Road and Ward Close. All contractors and suppliers to the site will be legally restricted (as part of their contract) to a maximum HGV size of 10m x 2.5m in order to allow the safe passage along Horner Avenue to and from the site. Each trade or contractor will be given a specific pre-booked time slot to access the development in order to stagger deliveries. Furthermore, a dedicated banksman will be on site to ensure compliance with the pre-arranged delivery schedules and will meet all delivery vehicles at the junction of Worthington Road and Horner Avenue. Swept Path Assessments have been provided to demonstrate that the access along Horner Avenue with a 10m Rigid Vehicle Route can be achieved.
- 16.15 In order to achieve the safe manoeuvrability of HGVs along Horner Avenue, the applicant will introduce a Temporary Traffic Regulation Order from its junction with Worthington Road to the site access adjacent to No.52. The order will not permit any parking on the carriageway along Horner Avenue during specific times and therefore the applicant has agreed to provide a dedicated safe and illuminated car parking facility for those residents who are displaced off Horner Avenue. 12no. parking spaces will be provided and residents who wish to use the facility will be provided with permits. A temporary road and footway will be provided by the developer from the existing network to the temporary resident's car park. The temporary car park will be available during site operational hours. Following the recent planning appeal, the applicant introduced utilising land adjacent to Shaw Drive as a holding area for delivery traffic who arrive outside of their allocated

delivery slots. The site is on land under the applicant's control. In order to make sure that HGV's can use this holding area without hinderance, a Temporary Traffic Regulation Order is also in proposed to allow free and uninterrupted access and prevent the likelihood of HGV's parking elsewhere on the highway network if they find they cannot access Shaw Drive.

- 16.16 The holding area will be surfaced with hard core and a dedicated 10m of tarmacked access will be provided from the rear of the footway on Shaw Drive into the site in order to prevent any loose stone being carried out onto the highway. The existing vehicular access from Shaw Drive will be reinforced when widened as it is currently not suitable to accommodate heavy construction vehicles, however, post construction it will be returned to a standard vehicular access crossing. The applicant will need to apply to Staffordshire County Council for a Highway Works Agreement in order to construct an improved access off Shaw Drive into the vehicle holding area. The submitted details state that an average of 40 deliveries over a two-week period is anticipated with an average of 4no. deliveries per day. The site compound will allow for up to 40 cars/ vans per day were during the construction phase. The Construction Management Plan confirms that wheel washing facilities will be provided to clean vehicles prior to leaving the development. Finally, in order to give local residents access to information throughout the build, the developer commits to producing a newsletter on a regular basis to engage with residents and it is anticipated that this will contain details of how members of the public or interested parties can make a valid complaint with regards to the construction works.
- 16.17 It is therefore noted that the County Highway Authority raise no objections to the proposal, subject to a range of conditions which have been incorporated into the recommendation. Whilst National Highways have requested an updated Construction Management Plan, this relates to the works on the Hilliards Cross A38 junction. It is reasonable to conclude, given that the Highway Authority are satisfied with the proposals in relation to the works on the Local highway network that this update can be subject to a condition.
- 16.18 Notwithstanding the significant objections raised by local residents and the Parish Council, in the absence of any objection from the County Highway Authority or National Highways on technical grounds, it is the view of Officers that a refusal of the scheme could not be sustained.

17. Impact on trees

- 17.1 The NPPF states that: 'Planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments'. This is backed up by other recent government and local guidance such as the National Model Design Code which says: 'All schemes will be expected to follow national policy where all new streets should include street trees.'
- 17.2 Policy NR4 of the Local Plan Strategy states that Lichfield District's trees, woodland and hedgerows are important visual and ecological assets in our towns, villages and countryside. 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

- 17.3 The application is supported by an arboricultural survey, tree protection plan and landscaping plans. The Councils Tree Officer has reviewed the submissions and is satisfied that the development can be implemented without detriment to protected trees. The recommendation includes a condition to ensure that the protection measures are installed prior to works taking place on site. In terms of landscaping, comprehensive landscaping plans have been submitted during the course of the application which include new tree and hedge planting throughout the

development. The planting details in areas of public open space have also been provided, including around the attenuation boundary. Trees would be planted in front gardens to add amenity to street scenes. Again, these have been reviewed and are considered to be appropriate.

18. Ecology

- 18.1 To comply with the guidance contained within the NPPF and the Council's biodiversity duty, as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 18.2 Core Policy 13 and 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. Policies within the Local Plan Strategy are supplemented by the Biodiversity and Development Supplementary Planning Document.
- 18.3 Policy FRANP8 of the Fradley Neighbourhood Plan confirms that development should not result in the net loss of biodiversity or green infrastructure and should provide net gains where possible.

Assessment

- 18.4 A Preliminary Ecological Appraisal has been submitted to support the application. The document sets out that the habitats on the site are of low ecological value, although they provide a high value for a number of bird species. The Councils Ecology team are satisfied with the methodology and the information provided in the ecological appraisal and consider that it is unlikely that the proposed works will impact on protected species.
- 18.5 The Local Planning Authority is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. The scheme includes hedgehog friendly fencing, and the ecology appraisal refers to mitigation including the inclusion of 10.No bird boxes and 10.No bat boxes. A condition requiring a scheme of ecological enhancement measures forms part of the recommendation to ensure that the location of such mitigation is appropriate. Furthermore a scheme of lighting is also required to ensure the objectives set out within the preliminary ecological appraisal are met.
- 18.6 Turning to the requirement to achieve a net gain in biodiversity across the site of 20%. The submitted biodiversity metric has assessed the site's biodiversity value. This document has been updated following queries raised by the Councils Ecology Team. It can now be considered that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and the necessary policy compliant 20% uplift can be achieved on site through appropriate planting. A condition is recommended to ensure the submission of a habitat management plan.
- 18.7 Subject to the aforementioned conditions and financial obligation, the proposals are acceptable in ecology terms and meet the requirements of relevant local and national policies.

19. Drainage

- 19.1 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

- 19.2 The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. In terms of the relevant specialist consultations the County Council as Lead Local Flood Authority and Severn Trent Water have raised no objections, but it is acknowledged that additional information is needed. As such a pre-commencement drainage condition forms part of the recommendation should planning permission be granted.
- 19.3 Overall, subject to details of drainage being secured by an appropriately worded condition, the development proposal is considered to be acceptable in this regard.

20. Cannock Chase Special Area of Conservation

- 20.1 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.
- 20.2 The application site lies within the 0-15km zone of influence of the Cannock Chase Special Area of Conservation. Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within 0-15km of the Cannock Chase Special Area of Conservation (SAC) will be deemed to have an adverse impact on the SAC, unless or until satisfactorily avoidance and/or mitigation measures have been secured.
- 20.3 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to the relative proximity, on the Cannock Chase SAC.

Assessment

- 20.4 It has been determined that all developments resulting in a net increase of 1 or more dwellings within a 15km radius of Cannock Chase SAC would have an adverse effect on its integrity. In this case, as the proposal involves a net increase of 109 dwellings being provided. An Appropriate Assessment has been undertaken and it can be concluded that the development in itself or in combination with other development it will have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC.
- 20.5 A bespoke form of mitigation is therefore required, or the applicant can choose to contribute towards the Cannock Chase Partnership Detailed Implementation Plan at the current rate of £344.01 per dwelling to mitigate the impacts of the development. The required CIL payment will cater for this contribution and therefore no separate contribution will be sought in respect of this, unless the property being provided is an affordable dwelling (which is CIL exempt). As there are 31 affordable dwellings, the financial mitigation for these 31 properties will be included in the S106.
- 20.6 On this basis, it is concluded that the Local Planning Authority have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

21. CIL/Planning obligations

21.1 Should Members be minded to grant permission, a Section 106 agreement would be required with regards to a range of required planning obligations to make the proposals acceptable.

21.2 Paragraph 57 and Regulation 122 of the Community Infrastructure Regulations 2011 (as amended) set tests in respect of planning obligations. Obligations should only be sought if they meet with the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

21.3 The applicant has agreed to the following provisions:

Obligation	Relevant Planning Policy	Amount/ Requirement
Provision of Affordable Housing	Policies CP4, CP6, H2 and IP1 of the Local Plan and the Developer Contributions SPD	31 On Site
Provision of Allotments	Policies CP4, CP10, HSC1 and IP1 of the Local Plan and the Developer Contributions SPD	3 On Site
Management of Public Open Spaces	Policies CP4, CP10, HSC1 and IP1 of the Local Plan and the Developer Contributions SPD	Management Company to be set up to deliver future management of public areas
Education Contribution to fund primary and secondary places	Policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD	£1,533,776.60 to be paid to Staffordshire County Council to fund primary and secondary places
Health Care Contribution	Policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD.	£70,849 to improve local healthcare services
Cannock Chase SAC Contribution	Local Plan Policy NR7 and the Developer Contributions SPD	£10,664.31
Residential Travel Plan	Policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD	£6,000.00 to be paid to Staffordshire County Council to monitor the residential element of the travel plan
School Travel Plan	Policies CP4 and IP1 of the Local Plan and the Developer Contributions SPD	£5,000.00 to be paid to Staffordshire County Council to monitor the school travel element of the travel plan

22. Human rights

22.1 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.

23. Conclusion

- 23.1 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.
- 23.2 The proposed erection of 109 dwellings is considered to present a sustainable and appropriate form of development within this location. Whilst the site is allocated for employment development, the allocation does not preclude other uses subject to clear criteria. In this case the access to the site could not support a range of employment uses. Land ownership issues prevent alternative access points coming forward. The principle of development is considered to be acceptable in that the application site lies in a sustainable location adjacent to the settlement boundary of Fradley and existing residential development.
- 23.3 The highway impacts of the proposal have been fully addressed and the County Highways Authority and National Highways no longer raise any technical objections to the scheme. The proposals include provisions for off-site highway works to support the development. The overall design of the scheme has been amended and is considered to be acceptable, and the development would provide an acceptable level of amenity for both existing neighbouring occupiers and future residents with appropriate access to local facilities and sustainable transport modes.
- 23.4 Relevant points arisen through the consultations carried out have been addressed through the submission of amended plans and updated supporting information and consequently this planning application is recommended for planning approval, subject to a S106 agreement and relevant planning conditions as set out above.

24. Recommendation: Approve, subject to the prior completion of a S106 and conditions.

Legal Agreement:

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

- i) Provision of affordable housing on site;**
- ii) Management and maintenance company for the private internal roads and shared parking areas, public amenity areas, communal areas and drainage system;**
- iii) Provision of 3 No. allotments on site;**
- iv) Education Contribution of £1,533,776.60 to fund primary and secondary places**
- v) Healthcare Contribution of £70,849 to improve local healthcare services**
- vi) Cannock Chase Contribution of £10,664.31**
- vii) Residential Travel plan and monitoring fee of £6,000.00**
- viii) A School Travel Plan Sum of £5,000.00**

(2) If the S106 legal agreement is not signed/completed by 13 August 2024 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.

CONDITIONS

Grampian Conditions

1. The development hereby permitted shall not commence until written confirmation has been secured from Staffordshire County Council (as the highway authority) and submitted in writing to the Local Planning Authority that the Temporary Traffic Regulation Order covering Horner Avenue from its junction with Worthington Road to the site access adjacent to No.52 has been approved. The

Temporary Traffic Regulation Order shall thereafter be implemented before any construction vehicles access the site.

Reason: In the interests of highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

2. The development hereby permitted shall not commence until written confirmation has been secured from Staffordshire County Council (as the highway authority) and submitted in writing to the Local Planning Authority that the Temporary Traffic Regulation Order covering Shaw Drive from its junction with Common Lane to the vehicle holding area access has been approved. The Temporary Traffic Regulation Order shall thereafter be implemented before any construction vehicles access the vehicle holding area.

Reason: In the interests of highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

3. No dwelling shall be occupied until the mitigation scheme at the Wood End Lane / A38 junction (Drawing J32-4198-PS-105 Rev A) has been approved and implemented broadly in accordance with this drawing and have been certified in writing as complete by or on behalf the local planning authority.

Reason: In the interests of highway safety and the safe and free flow of the local and strategic networks in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

CONDITIONS

4. 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.

5. 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, CP2, CP3, CP5, CP6, CP9, CP10, CP13, CP14, ST1, ST2, HSC1, H1, H2, BE1, NR3 and NR7 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, the Biodiversity and Development SPD, Policies FRANP1, FRANP5, FRANP6, FRANP8, FRANP11 and FRANP12 of the Fradley 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:

6. Notwithstanding the submitted information, no development shall take place until details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

7. No development shall take place until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

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.

8. Notwithstanding the submitted information, no development shall take place until an updated Construction Traffic Management Plan (CTMP) to include a section specifically detailing the implementation of the proposed mitigation scheme at the Wood End Lane/ A38 junction has been submitted to and agreed in writing by the Local Planning Authority in consultation with National Highways and the County Highway Authority. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure the efficient and reliable operation of the Strategic Road Network during the construction stage and general highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

9. A) Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication.
B) The archaeological site work shall thereafter be implemented in full in accordance with the written scheme of archaeological investigation approved under condition (A).
C) The development shall not be occupied until the site investigation and post-excavation assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition (A) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate prior investigation, in accordance with Policies CP14 of the Lichfield Local Plan Strategy, Policy BE2 of the Local Plan Allocations, Historic Environment SPD and the National Planning Policy Framework.

10. All existing trees and hedges shown as being retained on the plans hereby approved listed under condition 2 shall be protected in line with the Tree Protection Barrier recommendations contained within TIP 03 / FRAD-02-002L Tree Impacts Plan dated as received 28 June 2022 and figure 7.2 of the British Standard 5837 (2012) 'Trees in relation to construction'. Such fencing shall be erected before the development commences and shall be retained at all times whilst construction works are taking place.

Reason: To ensure that adequate measures are taken to preserve trees and hedges and their root systems whilst construction work is progressing in accordance with Lichfield Local Plan Strategy Policy NR4, the Trees, Landscaping & Development SPD, Policy FRANP6 and FRANP8 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

11. No development shall take place until a Habitat creation and Landscape Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall detail in full the future habitat creation works (and sustained good management thereof). The development shall be maintained and managed in accordance with the approved details.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

12. Notwithstanding any details shown on the approved plans, no development shall be take place until revised details indicating the following have been submitted to and approved in writing by the Local Planning Authority:
- The bin collection point adjacent to Plot 9 shall be moved close to the public highway in order to provide a maximum drag distance of 10m to aid refuse collection.
 - Details of a bin collection point to serve Plots 96 to 99. The collection point shall be a maximum of 10m away from the public highway to aid refuse collection.
- The bin collection points shall thereafter be provided in accordance with the approved details and be completed prior to first use and shall thereafter be retained as such for the lifetime of the development.

Reason: To ensure that adequate facilities are provided for future residents in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

13. Prior to the commencement of construction, the raised table improvements as illustrated on Drawing No. J32-6254-PS-023, Revision A shall be implemented and remain for the lifetime of the development.

Reason: In the interests of highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

14. Before the first occupation of any of the dwellings hereby approved, the vehicular access and revised parking arrangements to No.52 Horner Avenue, including revised footway provision and improved road markings broadly in accordance with Drawing No. J32-6254- PS-015, Revision D (Proposed Site Access Arrangements), shall be provided and shall thereafter remain for the lifetime of the development.

Reason: In the interests of highway safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

15. Before the first occupation of the development hereby approved, final details of the play equipment to be installed within the play area defined on drawing number FRAD-02-003 Rev J – External Works Layout dated as received 16 April 2024 shall be provided and agreed in writing with the Local Planning Authority. The play equipment shall be installed in accordance with the approved details prior to the occupation of the 30th dwelling and maintained as such for the lifetime of the development.

Reason: In order to provide high quality and inclusive public open space in accordance with the requirements of policies CP4, CP10 and HSC1 of the Lichfield Local Plan Strategy, the Developer Contributions SPD, Policy FRANP5 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

16. Before the first occupation of the development hereby approved a scheme of ecological enhancement measures to include the location of 10 No. Bird Boxes and 10 No. Bat Boxes in accordance with the mitigation measures outlined in the Ecological Assessment dated as received 31 January 2022 shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Lichfield Local Plan Strategy, the Biodiversity and Development SPD, Policy FRANP8 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

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

Reason: In the interests of highway safety and ensuring sufficient off road parking is maintained to serve the development in accordance with Policies CP5 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

18. No construction traffic is to utilise the field access onto the A38 Trunk Road.

Reason: To ensure the A38 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 and in the interests of road safety in accordance with policies CP5 and ST1 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

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

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, the Trees, Landscaping and Development SPD, Policy FRANP6 and FRANP8 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

20. Before the first occupation of any of the dwellings hereby approved, cycle parking provision shall be provided for those dwellings which do not have access to a garage as indicated on Drawing No. FRAD-02-02AF Rev X with the provision of garden sheds broadly accordance with Drawing No's FRAD-VIS-S-EX-D2-A-FC-207 Revision 00 titled 2 Cycle Timber Storage Shed Detail 8' x 6' and FRAD-VIS-S-EX-D2-A-FC-208 titled Cycle Storage – Apartments. This provision shall remain for the lifetime of the development.

Reason: In order to promote sustainable means of travel in accordance with Policies CP5 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Development SPD, Policy FRANP11 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

21. The garages indicated on submitted Drawing FRAD-02-003 External Works Layout Revision J shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason: In the interests of highway safety and ensuring sufficient off road parking is maintained to serve the development in accordance with Policies CP5 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.

22. The replacement residential garage associated with No. 52 Horner Avenue shall not be converted or used for living purposes unless agreed in writing by the Local Planning Authority

Reason: In the interests of highway safety and ensuring sufficient off road parking is maintained to serve the development in accordance with Policies CP5 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.

23. Before the development hereby approved is commenced, a scheme of dust mitigation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall mitigate to the level of dust risk classified in the submitted Air Quality Assessment Version 2 dated as received 20 May 2022 and shall be carried out in accordance with the agreed details.

Reason: To safeguard the amenity of occupiers of adjoining properties in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

24. The proposed acoustic fencing and bunds as indicated on the approved plans shall be implemented before any of the relevant dwellings are first occupied and retained as such in perpetuity.

Reason: In the interests of maintaining residential amenities in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

25. Before the first occupation of the development the proposed noise mitigation recommendations set out in the AEC Noise Statement (Reference: P3771/R03a/PJK), with respect to glazing and ventilation for the dwellings, be implemented. These measures shall be retained as such in perpetuity.

Reason: In the interests of maintaining residential amenities in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

26. Before installation on site, an external lighting strategy shall be submitted to and approved in writing by, the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details and shall be maintained thereafter in accordance with these details. The approved details shall be implemented as approved prior to the first occupation of the development.

Reason: In the interests of visual amenity and to safeguard the ecological interests of the site in accordance with policies CP3, CP13, BE1 and NR3 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Policy FRANP8 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

27. The boundary treatments indicated on the approved plans shall be installed to each plot before the first occupation of the dwelling, which is sited within the respective plot.

Reason: In the interests of maintaining residential amenities in accordance with Policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent unacceptable risks to health and pollution of the environment in accordance with the requirements of policy CP3 of the Lichfield Local Plan Strategy and the National Planning Policy Framework.

29. The Travel Plan (dated December 2021) hereby approved shall be implemented and monitored accordingly to the targets contained therein, for a minimum period of 5 years post full build-out of the development hereby permitted. The Residential Travel Plan Coordinator will be appointed/identified to the Local Planning Authority within one month of construction commencing.

Reason: In order to promote sustainable means of travel in accordance with Policies CP5 and ST2 of the Lichfield Local Plan Strategy, the Sustainable Development SPD and the National Planning Policy Framework.

30. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, the dwellings hereby permitted shall not be altered or extended, no new windows shall be inserted and no buildings or structures shall be erected within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the character and appearance of the building and its surroundings in accordance with Policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Sustainable Design SPD, Policy FRANP6 of the Fradley Neighbourhood Plan and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019) and the Fradley Neighbourhood Plan (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £145 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. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19 April 2016 and commenced charging from the 13 June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. To clarify the position of your proposal, please complete the CIL additional questions form, which is available for download from the council's website at CIL process for developers (lichfielddc.gov.uk)
5. The applicant is advised that the play equipment details required under condition 15 should include inclusive accessible equipment.
6. 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.
7. The proposed site access, emergency access, vehicle holding area access and off-site highway works including the proposed improvements to the footway on Horner Avenue and pedestrian crossing facility and improvements to the A38/Wood End Lane junction, 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>

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

9. The works required for the proposed internal road network which are to remain private will also require approval under Section 7 of the Staffordshire Act 1983. This formal reply does not constitute a detailed design check. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It will, therefore, be necessary for maintenance/ management arrangements for the private internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standards, the roadways within the site will still need to be constructed to be 'fit for purpose'. The developer would be required to secure a Temporary Traffic Regulation Order to control parking along Horner Avenue and Shaw Drive during construction works. The applicant is advised to contact Staffordshire County Council (trafficandnetwork@staffordshire.gov.uk) to discuss the options available for adoption and enforcement of Temporary Traffic Regulation Orders associated with parking and waiting restrictions.

Lichfield
district council

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Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

23/00821/FUL
Land North Of
Dark Lane
Alrewas

Scale: 1:2,500

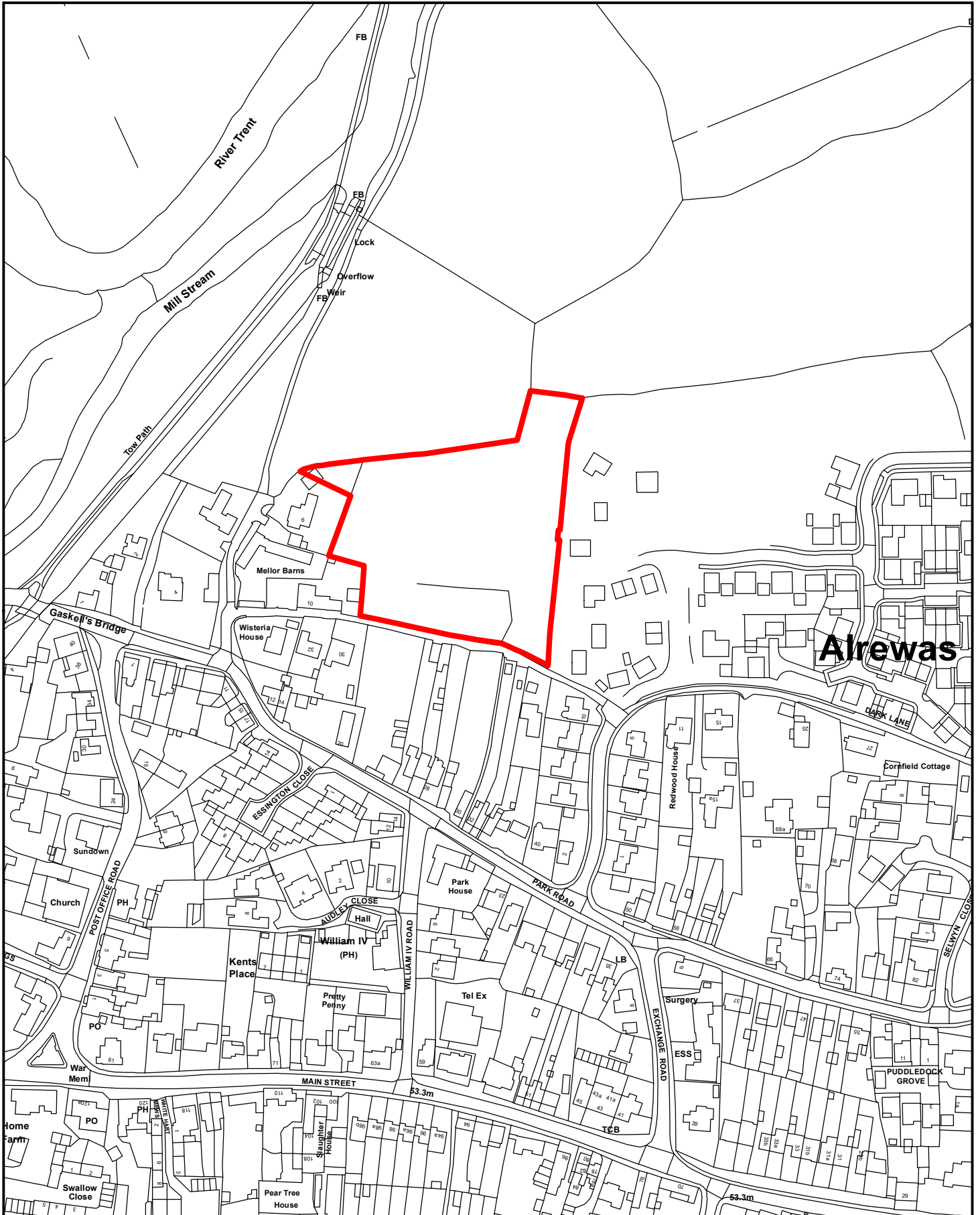
Dated: May 2024

Drawn By:

Drawing No:



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Planning committee report



Lichfield
District Council

Address:	Land North Of, Dark Lane, Alrewas, Burton Upon Trent		
Application number:	23/00821/FUL	Case officer:	Tom Ansell
Ward:	Alrewas And Fradley	Date received:	07/07/2023
Parish:	Alrewas		
Proposal:	Application under section 106a of The Town and Country Planning Act 1990 relating to the On-site Public Open Space set out in the Section 106 agreement of application 13/01175/FULM (APP/K3415/A/14/2225799) originally dated 18th August 2015, and as varied by way of supplemental section 106 agreement dated 30th June 2016 and deed of variation dated 21st December 2018		
Reason for being on agenda:	<p>Note: This planning application is being reported to the Planning Committee due to significant planning objections raised by Alrewas Parish Council.</p> <p>Alrewas Parish Council '<i>strongly opposes this application as it believes that open space in the village should be protected and so the original planning approval should be maintained.</i>'</p>		
Recommendation:	APPROVE		
Applicant:	Crest Nicholson Operations Ltd	Agent:	Mereaira Jones

1. Executive summary

Site history/context behind request

- 1.1 The application seeks to formally remove land from the red edged plan that is linked to the Section 106 agreement originally signed and dated 18th August 2015. The land lies to the west of a housing development being constructed to the north of Dark Lane by Crest Nicholson.
- 1.2 The application seeks to omit this land because, apart from an attenuation pond, there is no purpose for the land to be included. Public open space and a play area are being provided on land to the north of the housing site, and the land to the west is not within the ownership or control of Crest Nicholson (and has achieved permission for stables and a change to equestrian use).

Principle of development

- 1.3 The principle of development is broadly acceptable subject to an appropriate amount of public open space being achieved elsewhere.

Provision of open space serving the development

- 1.4 Land to the north of the housing site has been identified as being suitable for the tree planting and the play area. The tree planting and landscaping plans relocating the tree planting to the area to the north of the housing site were approved during the process to discharge Condition 9 (landscaping) of the original permission (13/01175/DISCH2).
- 1.5 The relocation of the play area was agreed during the process of discharging clause 1.3 of Schedule 3 of the S106 agreement.

The Council is therefore satisfied the development continues to benefit from adequate open space provision following the removal of land from the red line associated with the original S106 agreement. The land identified for removal from the plan is not critical to the acceptability of the development.

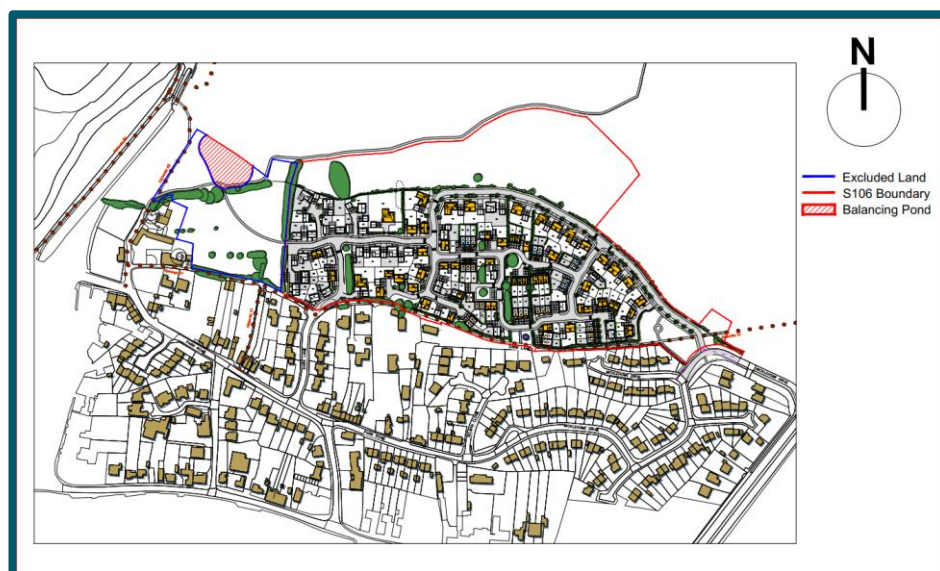
Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as outlined within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report. In particular, the 'Background' section of the report (Section 5) is intended to comprehensively and clearly provide the necessary history concerning the site that contextualises this application.

2. The site

- 2.1 The application site relates to a parcel of land to the north of Dark Lane, in the settlement of Alrewas. A housing development consisting of 121 houses was allowed at appeal, and following the site's purchase by Crest Nicholson, has been progressing with around two-thirds of the development now built out.
- 2.2 The site is not affected by many constraints. At any rate, constraints are not relevant to the application before the Council today.
- 2.3 The applicants are seeking to change the red line site plan associated with the S106 agreement that accompanied the approval granted by the Secretary of State. Here is the red line site plan for the housing development and open space to the north, with the land to the west edged in blue now marked for omission.



3. Planning history

Application history

28/07/2014- **13/01175/FULM**- Residential development of 121 dwellings, together with associated access, parking, public open space and landscaping (allowed on appeal 14/00023/REF)- Refuse (Appeal allowed Feb 2017)

25/06/2015- **15/00120/FULM**- Residential development of 121 dwellings, together with associated access, parking, public open space and landscaping- Refused.

26/11/2018- **17/01495/FULM**- Residential development of 19no dwellings with associated access, parking, public open space and landscaping works- Refused.

23/10/2018- **13/01175/AMD**- Non Material Amendment: Removal and repositioning of windows and doors- Approved.

21/12/2018- **18/01491/FULM**- Variation of condition 2 relating to approved plans and variation of condition 9 relating to landscaping of application 13/01175/FULM- Approved subject to conditions.

06/10/2021- **20/00359/FULM**- Variation of conditions 2 (Approved Plans), 6 (Drainage) and 13 (Landscaping) of permission 18/01491/FULM relating to plot substitution of 52 of the approved 121 dwellings, updated landscaping and drainage schemes- Refused.

18/03/2022- **20/01291/FUL**- Change of use of land from agriculture to keeping of horses and the erection of a stable block- Approved subject to conditions.

12/02/2021- **18/01491/AMD**- Non Material Amendment: Removal of tree between plots 36 and 37- Approved.

28/07/2022- **18/01491/AMD2**- Non Material Amendment : Substitution of house types to plots 88 and 110- Approved.

05/08/2022- **18/01491/AMD3**- Non-Material Amendment to allow removal of tree T22 to plot 87 and replacement oak tree to plots 21 and 22 of permission 18/01491/FULM- Approved

01/11/2022- **22/01221/FUL**- Removal of condition 9 (temporary parking) of application 18/01491/FULM- Approved

01/12/2023- **18/01491/AMD4**- Non-material amendment to permission 18/01491/FULM to allow for the substitution of a previously approved double garage with a triple garage- Approved.

There are various discharge of condition applications associated with the above applications.

Appeal history

13/02/2017- **14/00023/REF**- Residential development of 140 dwellings, together with associated access, parking, public open space and landscaping (The appeal has been granted on the basis of the provision of 121 dwellings only)- Appeal Allowed.

4. Proposals

- 4.1 This application seeks permission under section 106a of The Town and Country Planning Act 1990 to vary the S106 agreement relating to the On-site Public Open Space set out in the Section 106 agreement of application 13/01175/FULM (APP/K3415/A/14/2225799) originally dated 18th August 2015, and as varied by way of supplemental section 106 agreement dated 30th June 2016 and deed of variation dated 21st December 2018.
- 4.2 The S106 dated 18th August 2015 is accompanied by a red line site drawing which includes a parcel of land to the west of the western-most built form within the development. The S106a application seeks to replace this drawing with a new one, the 'Excluded Lane Plan Rev B', which omits most of the land to the west except for an area containing a balancing pond/drainage basin.

4.3 The only submitted drawing to accompany the application is the 'Excluded Land Plan Rev B' which has a reference number ARW/TP/01. This drawing was received on 29th Jan 2024.

5. Background

5.1 Planning application 13/01175/FULM sought permission for 121 dwellings together with associated access, parking, public open space, landscaping etc. It was refused by the Council on 28th July 2014, and appealed by the then applicants Lioncourt Homes LTD.

5.2 During the course of the appeal the 'developable' area within the red line site plan was reduced, although the red line remained the same. Dwellings were removed from a parcel of land to that lies to the west, and it was shown as being left empty, with a 'Permissive Path' leading through it.

5.3 Due to the scale of development being proposed, it was necessary for the developer to provide commitments to financial contributions and open space provision on site. When the Secretary of State allowed the appeal, it was on the basis of a Section 106 agreement, dated 18th August 2015, which contained a number of Schedules concerning general obligations, affordable housing, on-site public open space, indoor sports, and ownership details.

5.4 The S106 agreement contained a drawing wherein the red line extended around the proposed housing development and an area of undeveloped land both to the west and to the north of the built-up part of the site. This is the drawing copied into the report above. On this plan is a 'Permissive Footpath', and it is indicated that the equipped play area and a drainage infiltration basin will be provided within the open space to the west of the housing development.

5.5 Schedule 3 of the Section 106 agreement covered 'On Site Public Open Space Provisions' and included clauses to submit details of a Management Company to maintain the on-site public open space (Clause 1.2), along with an 'Open Space Scheme' (Clause 1.3) which, amongst other things, required details of the location, specification, and design for the laying out, planting and equipping of the play space area.

5.6 Officers have been informed that the information to discharge Clause 1.3 was submitted to an officer at the Council called Helena Horton in August 2019 for approval. Helena worked as both a planning officer and a policy officer while with Lichfield District Council.

5.7 Amongst the information submitted to discharge Clause 1.3 was a 'Presentation Layout' prepared by Pegasus. This plan shows that the only 'element' being placed in the western section of the site was the drainage infiltration basin, with the equipped play area and floodplain compensation works indicatively positioned in the northern open section of the site. To reinforce this, a plan entitled 'Alrewas – LAP/LEAP' showed the specification and layout of the play area, and it is clear from this drawing that the play area is in the northern open section of the site, rather than the western section.

5.8 Also submitted to discharge Clause 1.3 of the Section 106 agreement was a detailed planting plan. This focussed solely on the northern open section of the site, too. It is unclear why this was submitted, as Clause 1.3 does not require the submission of planting details. However, it is noted that the planting plan includes management details and references to a 'landscape contractor', which ties into Clause 1.2 of the Section 106 agreement.

5.9 Regrettably, there is no formal record on the Council's planning system of this application to discharge Clause 1.3 being acknowledged, recorded, or officially responded to by Helena Horton or any other officer at the Council. There is no record within any other systems within the Council that are monitored by other teams linked with monitoring and enforcing S106 obligations and clauses. Therefore, Officers cannot confirm with certainty what the *formal* outcome of this submission was. It is reasonable to suggest, however, that it was approved, based on other available evidence.

5.10 For example, a year before the application to discharge Clause 1.3 was submitted, the Council received an application to discharge Condition 9 of permission 13/01175/FULM. Condition 9, as

imposed by the Secretary of State, required the submission of a detailed landscape and planting scheme, including an area of woodland planting *'in the western section of the site'*, to the Council for approval.

- 5.11 The planting plan submitted to discharge Condition 9 is identical to the planting plan submitted to support the discharging of Clause 1.3 of the Section 106 agreement. As above, the planting plan clearly shows an area of woodland planting in the northern open section of the site, rather than the western section of the site as stipulated by the condition's wording. While the play area is not shown on the landscaping drawings (it wasn't required to be), none of the drawings actually include any of the western section of land at all.
- 5.12 The Council's planning system does not reveal any reports, decision notices or notes for the determination of Condition 9 of 13/01175/FULM. However, Officers can see from the Council's planning system that this application was approved by Helena Horton on 15th August 2018, despite not strictly complying with the requirements of the Secretary of State's Condition 9.
- 5.13 The alignment of the planting plans between the application to discharge Clause 1.3 and the application to discharge Condition 9, together with the play area details and 'Presentation Layout' that only accompanied the application to discharge Clause 1.3, suggest that the western section of the site was no longer being considered as part of the development by 2018-2019.
- 5.14 This is further reinforced within the supporting statement submitted to accompany application 18/01491/FULM. This application sought to vary Condition 9 (landscaping) imposed on application 13/01175/FULM by the Secretary of State. The application was received in October 2018 and was determined in December 2018 by Helena Horton.
- 5.15 The reason for varying the wording of Condition 9 ties directly into the information submitted and approved when it was discharged in August 2018 by Helena Horton: *'An application to discharge Condition 9 was submitted to Lichfield District Council and was subsequently approved on the 15th August 2018 under application reference 13/01175/DISCH2. As part of this application, it was agreed that the area of woodland planting could be provided within the northern section of the site rather than the western section. The approved plans reflect this agreed alteration.'* [emphasis added]
- 5.16 The Section 73 application therefore sought to formalise this by removing reference to the 'western' section of the site and inserting 'northern section of the site' in place.
- 5.17 Entirely separate to the above, in September 2020 an application was received by the Council seeking permission for a change of use of land from agriculture to *'keeping of horses'* along with the erection of a stable block. This concerned a portion of the 'western section' of land referred to in the Secretary of State's wording of Condition 9 of 13/01175/FULM, and land which is also included within the red line site plan associated with the Section 106.
- 5.18 The site concerned land immediately west of houses within the housing development allowed at appeal by the Secretary of State. Below is an extract of the drawing approved by the Council:



- 5.19 Within the application form for the change of use and stable blocks, Certificate B was completed, and notice served upon Crest Nicholson as owners of the land. Crest Nicholson are the applicants in this Section 106a application. It should be noted that 'owner' in this context is defined as a person with a freehold interest or leasehold interest with at least seven years left to run. The application was approved in March 2022.
- 5.20 Officers have since learned that Crest Nicholson were only ever *leased* the western section of the land adjacent to its housing development, and that lease was taken back around the time that permission was granted for the equestrian development.
- 5.21 Crest Nicholson leasing the land explains why planting and play areas were relocated from the western section of the site to the northern section; the land ultimately wasn't under its absolute control, and access to it as open space and a play area in perpetuity would not be guaranteed for those occupying the development.
- 5.22 To conclude, the Council is unfortunately missing some key pieces of communication, correspondence and reports which would provide absolute certainty over the course of events that has led to this application being submitted. However, the limited evidence found by Officers in preparing this report strongly suggests that the land to the west of the developable area north of Dark Lane, Alrewas was never in a position to be set specifically aside to be usable as public open space, a play area or provide a *guaranteed* footpath to any members of the public.
- 5.23 The above paragraphs should be read as providing a robust foundation for the brief appraisal provided in the subsequent report below.

6. Policy framework

- 6.1 **National Planning Policy**
National Planning Policy Framework
National Planning Practice Guidance
- 6.2 **Local Plan Strategy**
Core Policy 10 – Healthy & Safe Lifestyles
Policy BE1 - High Quality Development
Policy HSC1 – Open Space Standards
- 6.3 **Supplementary Planning Document**
Sustainable Design SPD
Developer Contributions SPD
- 6.4 **Alrewas Neighbourhood Plan**
No relevant policies.

7. Supporting documents

- 7.1 The following plans and supporting documents form part of this recommendation:
- Deed of Variation Cover Letter Addendum 29.01.2024
 - Excluded Land Plan Rev B ARW/TP/01

8. Consultation responses

8.1 **Alrewas Parish Council- Final-** 'Alrewas Parish Council considered this planning application variation at its meeting last night. It **strongly opposes** this application as it believes that open space in the village should be protected and so should the original planning approval should be maintained.'

Initial- 'Alrewas Parish Council does not oppose this application but has concerns that it significantly reduces the amount of publicly available land by the Dark Lane development, which was part of the original planning application for the development. The Parish Council also has concerns, expressed when the application was first presented some years ago, that it could lead to further building development at the site if the owner requests housing and ancillary building linked to animal care.' (31st July 2023)

8.2 **Spatial Policy And Delivery Team-** No comments received.

8.3 **LDC Tree Officer -** 'There is no objection on arboricultural grounds to the proposed deed of variation and associated revised plans.' (01ST August 2023)

9. Neighbour responses

9.1 1 No. letter of representation have been received in respect of this application. The comments made are summarised as follows:

- Queries whether public access will still be provided to the common land outside of the excluded area.
- The current plan provided to prospective residents indicates a footpath through to the common land and then the canal, accessed via The Pastures as part of the Green Acres estate.
- Failure to maintain the footpath will restrict public access to the common land.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Principle of development
- Provision of open space serving the development.

11. Principle of development

11.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy (2008-2029), adopted in February 2015 and the Local Plan Allocations Document (2008-2029), adopted in July 2019. The Local Plan Policies Maps form part of the Local Plan Allocations Document. In this location, the Alrewas Neighbourhood Plan was also made in October 2018 and as such, also carries full material weight.

11.2 The question before the Council today is whether omitting the identified land from the Section 106 agreement undermines the justification provided by the Secretary of State for allowing the appeal in the first instance. The land identified in the 'Excluded Land Plan Rev B' has historically been annotated to show it as being used for a drainage basin and play area. Paragraph 12.1 of the Inspector's report to the Secretary of State outlines the main planning issues in relation to the appeal which was allowed:

- i. The implications of the proposal for the safety and convenience of highway users
- ii. The effect of the proposal on heritage assets, with particular reference to the impact on the Alrewas Conservation Area

- iii. The effect on the living conditions of existing residents
- iv. Whether the proposal makes appropriate provision in relation to flood risk
- v. The contribution of the proposal to the supply of market and affordable housing
- vi. Whether the proposal represents a sustainable form of development having regard to local and national planning policy

11.3 Of these planning issues, the only one that has any sort of relevance to the matter being considered today is the proposal's provision in relation to flood risk. A drainage basin has always been shown in the western portion of the site, clearly linked to the site's wider drainage strategy. However, it should be noted that on the 'Excluded Land Plan Rev B' a hatched area within the western area is shown as remaining *within* a separate red line, due to it containing a balancing pond. Therefore, the proposed variation to the S106 agreement does not seek to exclude the provisions taken by the development in relation to flood risk.

11.4 None of the other issues directly and clearly overlap with the removal of land from the Section 106 agreement. It may be argued that reducing the amount of open space serving a development reduces the sustainability of the development in the round. This matter will be considered in the subsequent section of the report.

11.5 Fundamentally, however, it is considered that the principle of omitting land from the S106 agreement is acceptable and does not undermine the rationale behind the Secretary of State's decision to agree with the Inspector's conclusions and grant permission for the original development in Feb 2017.

12. The provision of public open space serving the development

12.1 Land ownership is rarely considered a planning matter. However, where a planning obligation, such as providing public open space and a play area, requires a developer to set aside land permanently for the use by the occupiers of its development and the public in general, and also carry out building operations on the land, it is considered relevant to discuss who is actually in ownership and control over that land in the long term. This is because if the developer is not in complete ownership or control of the land, then that land cannot, or should not, be set aside for something that is essential to make the proposed development acceptable.

12.2 It was established in the 'Background' section of this report above (Section 5) that the land to the west of the built-up part of the site was leased to Crest Nicholson and was never apparently in its direct ownership. Therefore, the land's ability to provide dedicated public open space to residents of the development was wholly reliant on the agreeance of the landowner. Similarly, Officers note the annotation 'Permissive Footpath' on the drawing, indicating a path on a north-westerly heading that dissects the western parcel of land enroute to the River Trent. A 'permissive path' is typically described as a route which the landowner permits the public to use, with the intention that it shouldn't become a public right of way.

12.3 It is therefore somewhat puzzling that this land was included in the first place, both within the red line applying to the planning permission and the drawing associated with the Section 106 agreement, and that Condition 9 of the permission specifically requested for woodland planting to be undertaken in this parcel of land not in the applicant's direct ownership. The applicants, not being in control of the land, would not have able to commit to obligations concerning land not in their ownership.

12.4 However, even if Officers take this out of consideration, it is not apparent that occupiers are being notably deprived of public open space. The open space to the north of the road serving the development (what has become 'Trent Avenue') appears to exceed 2.5ha in size (25,000m²).

12.5 Looking at the Council's Open Space Standards as defined by policy HSC1, the development is required to deliver at least 2ha of accessible natural green space within 480m / 10 minutes of walking time from home. The open space to the north of the site exceeds 2ha, and therefore complies with this requirement.

- 12.6 There is also a dedicated play space serving the development, now known as Green Acres Play Park. This is in the northern parcel of land and can be seen using Google Maps (<https://maps.app.goo.gl/AsMDYoNJM2UgHofy7>). Policy HSC1 requires all residents in the district's towns or villages to be within 10 minutes of walking time from an equipped play facility. There is an existing play area within Alrewas, on its recreation ground on the south-western side of the settlement. This is a fifteen-minute walk from the site, and from the northern side of Alrewas along Dark Lane. The delivery of a play area in this location, albeit a modest one, is considered to succeed in working towards the Council's aspirations as set out in HSC1.
- 12.7 Removing the land edged in blue from the Section 106 agreement will not inherently prevent occupiers of the development from using the 'Permissive Path', as long as the landowner is happy to let people continue using it. However, assuming the landowner does eventually implement the equestrian development and stables, and prohibits passage across their land, occupiers of the development will still be within an approximate 10 – 12-minute walk from the River Trent, which is accessible by public footpaths that run directly along Dark Lane.
- 12.8 Therefore, Officers conclude that the omission of the identified land from the Section 106 agreement does not deprive the development of important open green space that is necessary to make the development acceptable. The land to the north of the site, which contains woodland planting, footpaths and a play area, is sufficient in size and quality to serve the development. The scheme is therefore considered to be acceptable.

13. CIL/Planning obligations

- 13.1 The Section 106 agreement will be amended to retain all relevant obligations concerning other matters, but have the associated drawing amended so it omits land edged in blue that is no longer serving any purpose, and which any subsequent Management Company will not be in a position to maintain.

14. Human rights

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

15. Conclusion

- 15.1 The proposed amendment in this instance does not undermine the original reasons for the Secretary of State granting permission for the development and does not deprive the occupiers of the development of public open green space. The development remains compliant with policy HSC1. The application is therefore recommended for approval.

16. RECOMMENDATION: Approve, subject to the original Section 106 dated 18th August 2015 being amended to supersede the original drawing with the 'Excluded Land Plan Rev B' reference ARW/TP/01.

Lichfield
district council

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LOCATION PLAN

23/00963/FUH

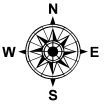
Keepers Cottage Church Lane
Mavesyn Ridware
Rugeley

Scale: 1:2,500

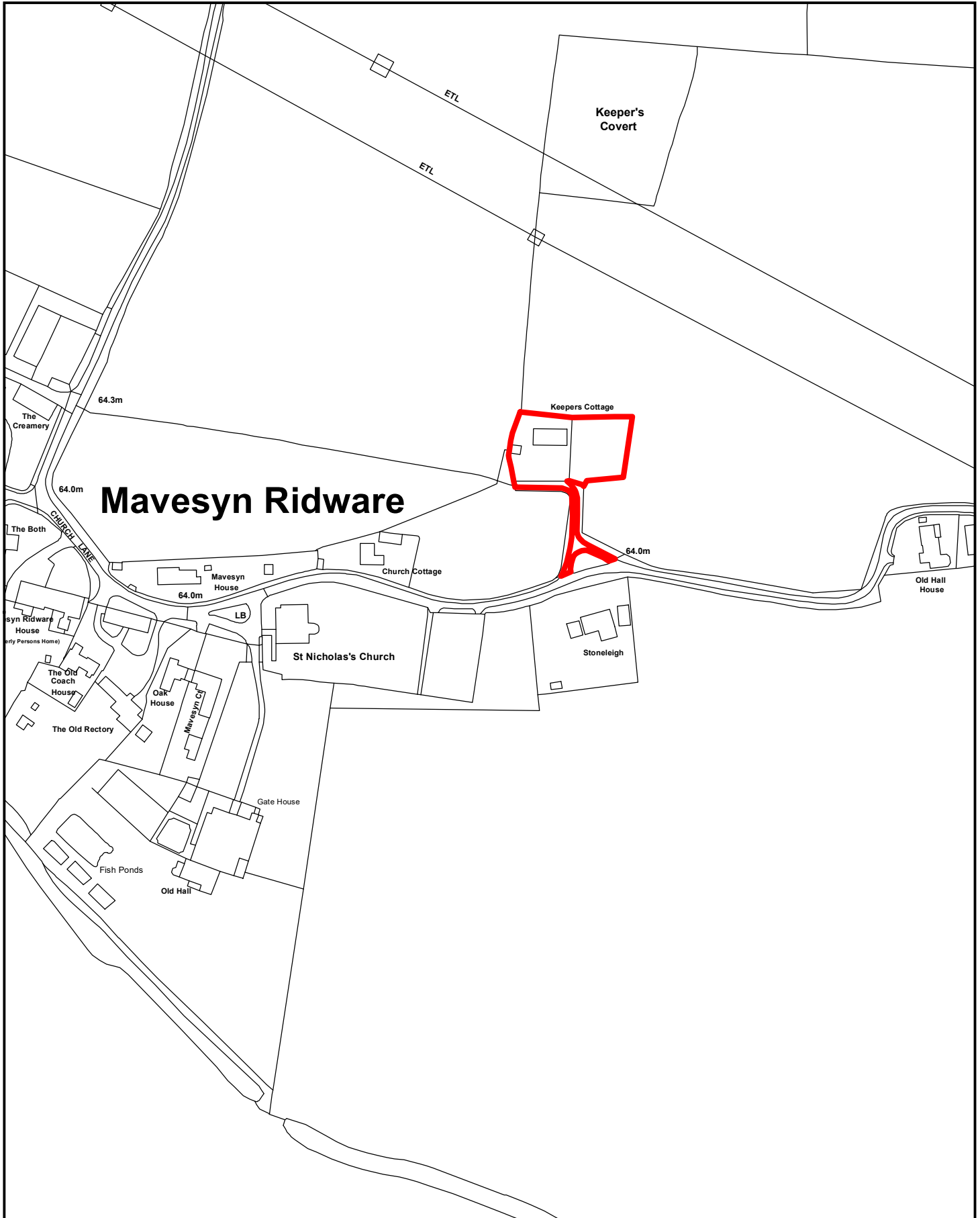
Dated: May 2024

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Planning committee report



Address:	Keepers Cottage, Church Lane, Mavesyn Ridware		
Application number:	23/00963/FUH	Case officer:	Katherine Harvey
Ward:	Colton and the Ridwares	Date received:	17/08/2024
Parish:	Mavesyn Ridware		
Proposal: Erection of two storey front extension including balcony, additional second storey to existing bungalow with replacement garage and outbuilding.			
Reason for being on agenda:	This planning application is being reported to the Planning Committee due to significant planning objections raised by Mavesyn Ridware Parish Council.		
Recommendation: Approve with Conditions			
Applicant: Mrs Jamie Grunda		Agent: Mr Dan Plank	

1. Executive summary

- 1.1 The application seeks consent for the erection of two storey front extension including balcony, additional second storey to existing bungalow with replacement garage and outbuilding.
- 1.2 The site lies within Mavesyn Ridware Conservation Area and affects the setting of several Listed Buildings. The property is bordered by a mature tree lined boundary, but views of the property would be possible from the surrounding Public Rights of Way. Overall, it is considered that the proposals would not cause unacceptable harm to the surrounding streetscene and the principle of the development is acceptable.
- 1.3 The key issue within this application is whether or not harm would be caused to the character of the Conservation Area and or the setting of the listed buildings. The below report outlines the key issues and why the development can be found acceptable.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations reasons as set out within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site relates to a detached dormer style property situated within the north of the Mavesyn Ridware Conservation Area. The property sits within a large, contained plot and is shielded from the view of the main conservation area by a mature tree boundary. There are no immediate adjacent neighbours. For this reason, the site feels slightly detached from the main Conservation Area.
- 2.2 The property itself comprises of a large dormer style property and a detached L shaped outbuilding. The property can be accessed via a small track off Church Lane and there is off road parking available for multiple vehicles.

- 2.3 The site lies within the setting of the Grade II Listed Church Cottage and the Grade I listed Church of St Nicholas. There is also a public footpath that runs to the west of the site that the property is visible from. In addition, because the site is within a Conservation Area, the mature trees that screen the property are protected. The site falls within an Amber zone for Great Crested Newts. A location plan of the property can be seen below.



3. Planning history

04.01.2007- **06/01106/FUL**- Loft conversion with dormer windows to front and rear to form bedrooms, study and bathroom. – Approved subject to conditions.

4. Proposals

- 4.1 This application seeks permission for the extensions, alterations and re modelling of the existing property along with a replacement garage and new outbuilding.
- 4.2 The application proposes to add an additional storey onto the existing dormer bungalow. This would make the total height to the eaves of the property 4.9m. In addition, it is also proposed to add a two storey front extension onto the right side of the dwelling. This extension would have a total width of 5m with a height to the eaves of 4.9m. The extension would project forward of the front elevation by 1m and be joined to the main roofline of the property by a gable end roof. There would also be large, glazed windows installed at both ground and first floor levels in the front elevation.
- 4.3 At the rear, a balcony would be installed at first floor level. New fenestration and windows are proposed around the entire property including a set of bi fold doors in the western elevation at ground floor and a full height window in the rear elevation. It is proposed to finish the property in a white render with the two storey extension to front to be clad in a timber cladding. The fenestration details would be made from powder coated aluminium.
- 4.4 In addition to the above, a replacement garage and additional outbuilding is also proposed within this application. The erection of the garage would require the demolition of an existing L shaped outbuilding. The proposed garage would have a total width of 7.8m and a length of 6m. The height to the eaves would be 2.6m with a total height to the top of the pitched roof of 5.5m. 1no garage door would be installed to the front elevation and the garage would be finished in a white render.

5. Background

5.1 No relevant background information.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

CP1- The Spatial Strategy
CP3 – Delivering Sustainable Development
CP14- Our Built & Historic Environment
BE1- High Quality Development
NR3- Protected Species
NR4- Trees, woodlands & hedgerows
NR7 – Cannock Chase SAC

6.3 Local Plan Allocations Document

BE2 – Heritage Assets.

6.4 Supplementary Planning Document

Sustainable Design SPD
Biodiversity and Development SPD
Historic Environment SPD
Trees Landscaping and Development SPD

6.5 Other

Mavesyn Ridware Conservation Area Management Plan

7. Supporting documents

7.1 The following plans and supporting documents form part of this recommendation:

- Block Plan - 210226_S01_R2 as received on 15/08/2023
- Block Plan - 210226_L01_R1 as received on 15/08/2023
- Proposed Plans/elevations - 210226_P01_R3 as received on 15/08/2023
- Proposed Plans/elevations - 210226_P02_R3 as received on 15/08/2023
- Proposed Plans/elevations - 210226_P03_R3 as received on 15/08/2023
- Proposed Plans/elevations - 210226_P04_R3 as received on 15/08/2023
- Proposed Plans/elevations - 210226_P05_R3 as received on 15/08/2023
- Proposed Plans/elevations - 210226_P06_R3 as received on 15/08/2023

Supporting Documents

- Ecology Report
- Heritage Statement as received on 15/08/2023
- Arboricultural Impact Assessment & Tree Constraints Plan, Tree impact Plan, Tree Protection Plan and Tree Work Plan

8. Consultation responses

8.1 **Mavesyn Ridware Parish Council** – Concerns over the material pallet to be used in this development. The materials proposed are not reflected within the Mavesyn Ridware Conservation Area. The application fails to consider any impact or harm to the Grade I listed St Nicholas Church and by virtue of its scale and design, there would be harm caused to the Conservation Area. (28.08.2023)

8.2 **Historic England** – No comment to make decision should be with the conservation team (07.03.2024)

8.3 **Conservation Officer LDC- Final** – No objections but need to consider loss of trees. No concerns raised regarding the mass or height of building but use of appropriate materials. Do not consider the present scheme addresses this. Condition recommended to secure materials prior to implementation of proposal. (20.3.2024)

Initial- As part of the Heritage Statement, a study should be submitted to understand the panoramic views of the property. 15.9.2023

8.4 **Ecology Manager LDC** – The ecology team is satisfied with the submitted Surveys. Satisfactory measures have been recommended (outline mitigation/compensation, method statement, and enhancements) to protect the species identified.

The LPA is therefore able to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2023), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species. It is also deemed that the LPA has sufficient understanding to discharge its “Biodiversity Duty” (as defined under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006).

No further ecological survey effort is required from the applicant at this time. Adherence by the applicant to all methods of working detailed within the assessment must be made a condition of any future planning approval, including all recommendations.

- Obtain a Bat Protected Species Licence from Natural England.
- Adhere to the method of working outlined in Section 4.4 Mitigation and Enhancement of the submitted Bat Survey Report. 24.10.2023

8.5 **Arboricultural Officer LDC** - The site lies wholly within the Local Conservation Area, where any tree that measures greater than 75mm dia at a height of 1.5 metres from ground level is automatically granted statutory protection. The site appears to contain a high number of mature trees, as such our Policies BE1, NR3 & 4 and the associated SPD are all germane here and guide our comments in this matter.

Upon assessment of the site, it would appear that the site is split into two definite halves. The half to the East appears to be agricultural in nature and we would suggest that the tree line dividing the site would in fact be classed as important/ancient hedgerow (over 30 years old) and its removal to facilitate the development would not be supported. It may also be the case that a Felling Licence might be required for tree works in this half of the site and would ask the applicant/agent confirm their legal responsibilities to you on these matters.

The Arb information is basic in its presentation (plans rather than a report) and it is requested, to enable support for the proposals and to understand any required Arb Mitigation/Impact, we would ask to have sight of a pre-development survey (to BS5837:2012 as per our SPD), an AIA to show any required mitigation, tree retention/removal schedule, Tree Protection plan in relation to any retained trees, a landscaping plan to show the location and type of newly planted trees and a tree maintenance schedule for the retained/planted trees.

The pre-development survey may highlight necessary works next to trees, if this is the case we would then require an Arb Method Statement to be deposited to prevent damage to retained trees. 01.03.2024

9. Neighbour responses

9.1 Site and Press notices were posted. No letters of representation were received in response to this application.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Design and impact upon the character of the Conservation Area and the surrounding Listed Buildings.
- Residential amenity
- Access and highway safety
- Impact on trees
- Ecology
- Other issues
- Human rights

11. Policy & principle of development

11.1 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. There is no 'made' neighbourhood plan in this location.

11.2 This application is for two large extensions to an existing domestic property and the erection of a replacement garage and 1no outbuilding all within the clearly defined boundary of the application site. There is no policy restricting such extensions in the area provided that they do not harm the character/significance of the surrounding heritage assets. Therefore, the principle of the development is acceptable, other issues will be discussed throughout this report.

12. Design and impact on the character of the Conservation Area and the surrounding Listed Buildings

12.1 The application site lies within a Conservation Area and affects the setting of several Listed Buildings. As such the development engages policies CP3 and CP14 and policy BE1 of the Lichfield Local Plan, Policy BE2 of the Local Plan Allocations Document, Section 16 of the NPPF and Sections 69 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

12.2 Whilst considering proposals which affect the character of Conservation Area regard is to be made of S72 of the Planning (Listed Building and Conservation Area Act) 1990, which requires the Local Planning Authority to pay "special attention 'to the desirability of preserving or enhancing the character or appearance'" of conservation areas.

12.3 Section 72(1) places a general duty as respects conservation areas in the exercise of planning functions stating that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

- 12.4 Further to the above, Core Policy 3 of the Local Plan states that the Council will require development to [amongst other things] conserve, enhance and expand natural, built and heritage assets and improve our understanding of them wherever possible'. This is expanded upon in Policy NR5 of the Local Plan which states: 'Development will be permitted where it does not negatively impact upon the geological, archaeological and historically important landscapes in the Lichfield District. The character and significance of the natural and historic landscape will be safeguarded through decisions which protect, conserve and enhance sites of international, national, regional and local importance.
- 12.5 Where development or land use changes may affect national or locally important landscape assets, a full understanding of the context, characteristics, and significance should be provided and informed by the Historic Environment Character Assessment work of the County and District Councils. It is important to note that this Policy must be read in conjunction with Policy BE1: High Quality Development.' Which advocates the need to assess the design and character of the location and ensure the development results in a high quality design.
- 12.6 Policy CP14 'Our Built and Historic Environment' states 'The District Council will protect and improve the built environment and have special regard to the conservation and enhancement of the historic environment through positive action and partnership working. The historic environment contributes to sustainable communities, including economic vitality, and new development must make a positive contribution to the historic environment's local distinctiveness.
- 12.7 The significance of designated heritage assets including nationally protected listed buildings and their settings, ancient monuments, archaeological sites and conservation areas and their settings, will be conserved and enhanced and given the highest level of protection. Other heritage assets including locally listed buildings, and locally important parks and gardens will also be conserved and enhanced. In conjunction with Policy NR5, landscapes that form the setting to the built and historic environment will also be conserved and enhanced.
- 12.8 Section 16 of the NPPF deals with the historic environment and sets out the general approach to be taken when assessing application which engage with the historic environment. paragraph 197 of the NPPF states that
- 'In determining applications, local planning authorities should take account of:
- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - (c) the desirability of new development making a positive contribution to local character and distinctiveness.'
- 12.9 In accordance with paragraph 194 of the NPPF and Policy BE2 the applicant has submitted a heritage statement which has been reviewed by the conservation officer.
- 12.10 The property sits within a self-contained plot with no adjacent neighbours. It is set back from Church Lane and is accessed by a small track. At present, the entire site is surrounded by a mature tree lined boundary which obscures the view of the property from within the main Conservation Area and Church Lane. The application would also raise the total height of the existing dwelling from 5.6m to 7.7m and would include the addition of a two storey front extension.
- 12.11 Public Rights of Way Mavesyn Ridware 21 (which runs across the adjacent field and in front of the property) and Mavesyn Ridware 23 (crosses the adjacent field to the west of the site) would give significant views of the property. Whilst the property may not be so visible from Church Lane, the Public Rights of Way would mean that any development would be visible from within the public realm. In addition, 3 trees would be removed from the boundary line of the property, giving oblique views into the site.

12.12 The design of which will increase the size and height of the dwelling and while this in itself is not harmful it is accepted that it can be more easily seen in the context of the surrounding area and conservation area. However, the original dwelling is a converted bungalow in brick with a tile roof. The context of this building is not particularly in keeping with the main village and its historic assets. The key issue with this application is whether the development would cause harm to the location by virtue of its design and to consider the impact on the character of the Conservation Area and its surrounding Listed Buildings. It is important to note that the Mavesyn Ridware Conservation Management Plan details the application building as having a neutral impact on the character of the conservation area. Meaning that it makes neither a positive nor negative contribution. In addition to this, the property itself is of no significance in terms of its value and does not contribute to the historic significance of the Conservation Area. The heritage report suggests that there is limited impact in terms of harm.

12.13 The Mavesyn Ridware Conservation Area can be described as having a mix of properties that contribute strongly to the historic significance of the area, one of the key significances to the conservation area is the views which are largely uninterrupted and the intervisibility of the site to the main part of the village is one of the key views. It is noted that the village has additions to the area that are of no historic merit. A dwelling known as Manor Croft which lies within the village has been significantly extended and finished in a white render. However, it is noted that this dwelling is not subject to the intervisibility between buildings as the application site.

This application would also include the construction of two outbuildings. There are multiple examples of outbuildings within the surrounding area/Conservation Area. Both outbuildings (garage and garden room) are fairly commonplace, and they are simply finished in brick and tile and wooden clad. In this case they are considered acceptable. Given their location whilst there will be glimpses the harm would be reduced.

12.14 Mavesyn Ridware Parish Council have objected against this application due to the type and colour of the materials proposed to be used within this application. This is due to the use of white render and large pane dark finish window which tend to draw attention to the extended house and do not appear in context to the surrounding location. The Conservation has noted this and whilst they have no issues with the size and bulk of the extensions the use of materials should be carefully considered and for this reason has suggested that materials are approved prior to their use to ensure the development continued to comply with policy and guidance.

12.15 In conclusion, due to the self-contained nature of the site and acknowledging the intervisibility of the site it is not considered that the construction of an additional storey, the two-storey front extension or the construction of the garage and outbuilding, would cause harm to the character of the conservation area and the harm would be limited. The removal of the trees on the boundary would open up the site but not completely allow a greater number of views within the site. There are examples of dwellings of a similar size and scale within the area, a dwelling of the application property after the build out of this permission would not look out of place.

12.16 In addition, the property is within the setting of Grade II Listed: The Cottage and the Grade I Listed Church of St Nicholas and Grade II* coach house. Long distance views of the application property may be possible and therefore this application would have a limited affect the setting of these buildings. However, is not considered that this application would cause harm to the significance of the setting of the Listed Buildings or conservation area in this instance and no objections on that basis have been received from either Historic England or the Conservation Officer.

12.17 Notwithstanding the above, the Council accepts the comments from the Parish Council regarding the material choices and acknowledges that this property would be readily visible from the wider area and the identified Public Rights of Way. For this reason, a condition to secure details on materials prior to the construction of any part of the scheme has been included within this report.

13. Residential amenity

- 13.1 Policy BE1 of the Local Plan states '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 on[among other things] amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance'. In addition, paragraph 130(f) of the NPPF requires that development proposals 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 13.2 As mentioned above, the property has no immediate adjacent neighbours, and the front elevation of the dwelling is approximately 90m away from the dwelling which sits opposite on the other side of Church Lane. This application also includes a balcony to the rear of the property. The balcony would not face any residential property or amenity and is situated well within the application site. It is not considered that any harm to neighbouring amenity or property would arise as a result of this development.

14 Access and highway safety

- 14.1 The proposal would not alter the current access arrangements to the main property.
- 14.2 It is proposed within this application to erect a garage for the use of vehicle parking. The standard garage size for accommodating one vehicle is 3m x 6m. As the proposed garage would measure 7.8m x 6m, there is more than enough space for the parking of 2 vehicles. This would be in addition to the already adequate off road parking space that the property would provide. There are no grounds of highway safety to find this application unacceptable. The proposal would continue to comply with policy ST2 of the Local Plan Strategy.

15 Impact on trees

- 15.1 The application would require the removal of 4no trees from the site as shown in the document titled Tree Work Plan. To accompany this application, the applicant submitted a significant number of detailed documents which are listed below. The trees within the site are protected by the Conservation Area designation.
- Arboricultural Impact Assessment as received on 15/08/2023
 - Tree Constraints new layout plan as received on 15/08/2023
 - Tree Constraints Plan as received 15/08/2023
 - Tree Impact Plan as received 15/08/2023
 - Tree Protection Plan as received 15/08/2023
 - Tree Shadow Plan as received 15/08/2023
 - Tree Work Plan as received 15/08/2023
- 15.2 Whilst the comments of the Tree Officer are noted, there was already an Arboricultural Impact Assessment submitted by the applicant. From reading the AIA, the public amenity value of the trees has been rated as low and that none of those that would need to be removed would contain bat roosts. It is considered that the applicant has submitted sufficient information to determine that this application would not have a harmful impact on the protected trees. A tree protection plan was also within the submitted documents and adherence to this has been secured via condition.
- 15.3 Notwithstanding the above, the applicant should be aware that permission is required to remove the 4 trees marked in the tree works plan and in this case the works are acceptable given the retention of the other on site in accordance with policy NR4 of the Local Plan Strategy.

16 Ecology

- 16.1 The application site is surrounded by mature trees and also falls within an Amber Zone for Great Crested Newts. This means there is suitable habitat within the area for Great Crested Newts and they may be present. The applicant submitted an ecology/bat Survey to support the application.
- 16.2 The Council's Ecology Manager agreed with the findings of the Survey and the mitigating measures that were suggested. No further survey work is required by the applicant for the protection of bats or Great Crested Newts. The applicant's attention is drawn to an informative advising of their duties in respect of protected species.
- 16.3 In addition to the above, due to the size and scale of the proposal it is felt proportionate to include a bat and bird box condition in line with the aims of Policy NR3 of the Local Plan Strategy.

17 Other issues

Cannock Chase SAC.

- 17.1 The application site falls within the Zone of influence for the Cannock Chase SAC. New homes built within this area are required to make a monetary contribution to the SAC. As this application is for domestic extension and outbuildings to an existing dwelling, no mitigation or contribution is required.

18 Human rights

- 18.1 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.

19 Conclusion

- 19.1 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.
- 19.2 The principle of the extensions to the dwelling and the erection of a replacement garage and outbuilding is acceptable. The property itself is of no historic value and does not contribute to the historic significance of the conservation area. Therefore, the application is not considered to cause harm to the character of the Conservation Area nor the settings of the nearby listed buildings. Whilst it is acknowledged the building would be visible from the surrounding PROW, the dwelling would not be considered to make a harmful contribution to the street scene given the imposition of conditions for the construction materials. For the above reasons, the application is recommended for approval subject to the conditions justified in the above report.

20 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 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, CP14, BE1, NR3, NR4 and NR7 of the Lichfield District Local Plan Strategy, Policy BE2 of the Local Plan Allocations document, the Historic Environment SPD, the Sustainable Development SPD and the National Planning Policy Framework.

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

3. Notwithstanding the approved plans before the development hereby approved is commenced, full details of all of the external materials/finishes/colours to be used, including window details/finishes and fenestration/render colour/details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the dwelling in line with Policies CP3, CP14 and BE1 of the Lichfield District Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document and the National Planning Policy Framework.

4. No development shall take place (excluding demolition) until details of the number, design, location and post-development monitoring arrangements of (bird nesting boxes/bat boxes/bricks/tubes) to be provided as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be installed in accordance with the approved details and thereafter maintained.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.

All other CONDITIONS to be complied with:

5. The development shall be carried out in accordance with the tree protection measures shown in the document titled Tree Protection Plan AEL-18760-TPP, received on the 15/08/2023.

Reason: To ensure that the development would not harm any of the protected trees which surround the application site, in accordance with Policy NR4 and BE1 of the Lichfield District Local Plan Strategy, Trees Landscaping and Development SPD and the National Planning Policy Framework.

6. Both the replacement garage building and the outbuilding as shown in plan numbers 210226_P07_R0 and 210226_P06_R3 shall remain as 'incidental' to the use/enjoyment of the dwelling known as 'Keepers Cottage and shall not be sold or let as a separate planning unit without the prior written permission of the Local Planning Authority.

Reason: In the interests of clarity as to what has been consented by this permission in accordance with policies CP3 and BE1 of the Lichfield Local Plan Strategy, the Historic Environment SPD, the Sustainable Development SPD and the National Planning Policy Framework.

7. The developer shall strictly adhere to the method of *working, mitigation and enhancement measures detailed in section 4.4*, which includes a 'watching brief for roof removal' as detailed in the '*Turnstone*' Bat Report for the duration of the construction of this planning permission.

Reason: to ensure that the development adheres to the aims of Policy NR3 of the Lichfield District Local Plan Strategy and in accordance with Biodiversity and Development SPD and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for applications, deemed applications, requests and site visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £145 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. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19 April 2016 and commenced charging from the 13 June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. To clarify the position of your proposal, please complete the CIL additional questions form, which is available for download from the council's website at [CIL process for developers \(lichfielddc.gov.uk\)](http://lichfielddc.gov.uk)
5. The applicant is advised regarding undertaking works with the potential for protected species on site and the obligations and that it is an offence under the Wildlife and Countryside Act to destroy any bird nesting site under the Act.

Lichfield
district council

www.lichfielddc.gov.uk

District Council House
Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

23/01289/FUH
23 Upper Way
Upper Longdon
Rugeley

Scale: 1:1,250

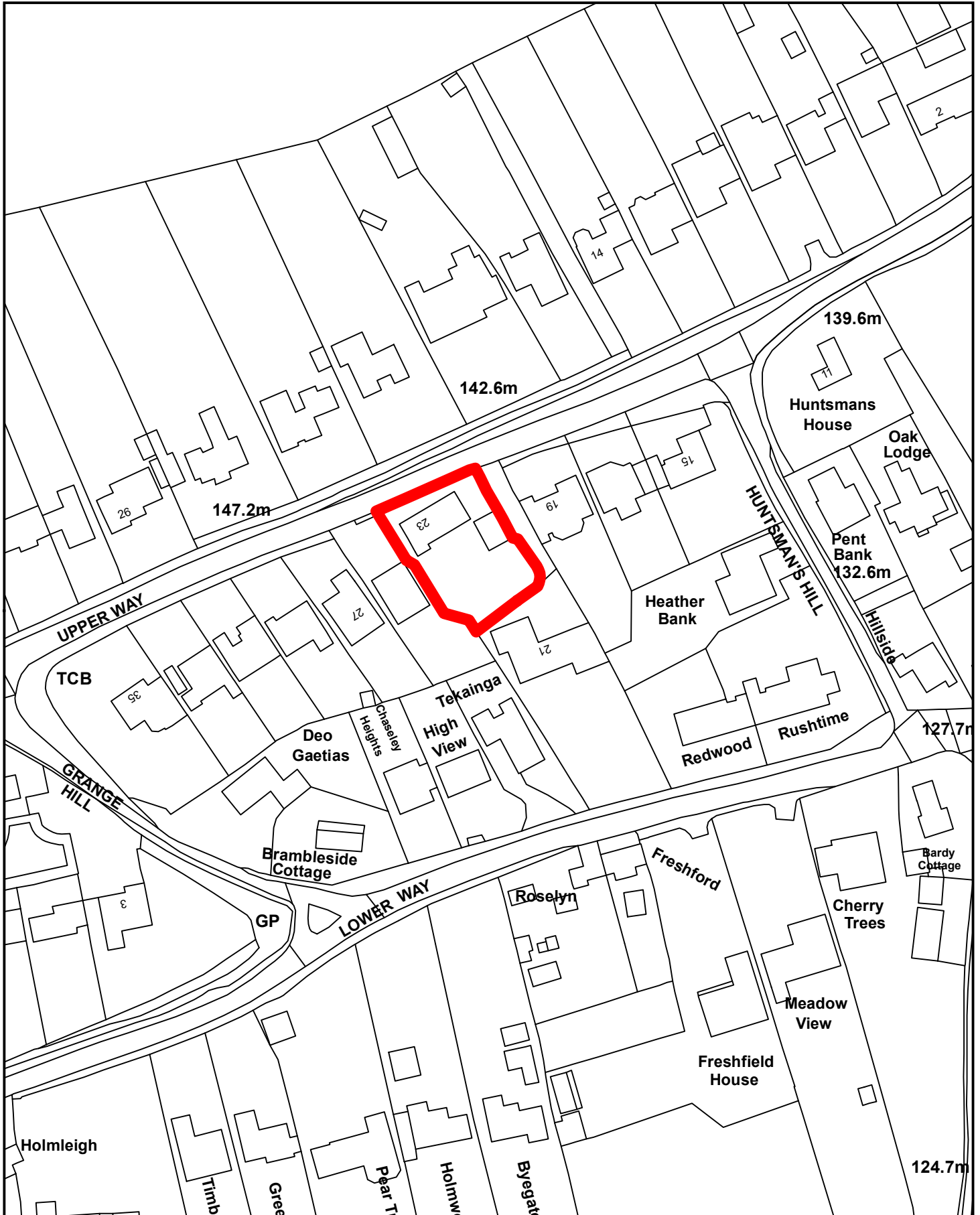
Dated: May 2024

Drawn By:

Drawing No:



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Planning committee report



Lichfield
District Council

Address:	23, Upper Way, Upper Longdon, Rugeley, Staffordshire, WS15 1QB		
Application number:	23/01289/FUH	Case officer:	Katherine Harvey
Ward:	Longdon	Date received:	15.11.2023
Parish:	Longdon		
Proposal: Erection of a first floor rear extension and alterations to existing garage to facilitate use as annexe.			
Reason for being on agenda:	This planning application is being reported to the Planning Committee due to significant planning objections raised by Longdon Parish Council. Longdon Parish Council objections include: <ul style="list-style-type: none">• Overdevelopment of the site		
Recommendation: APPROVE, subject to Conditions.			
Applicant: Mr Darren Harrison		Agent: JMI Planning	

1. Executive summary

- 1.1 The application seeks consent for a first floor rear extension and the conversion of an existing garage to an annexe.
- 1.2 The proposed extension would be to the rear of the property and would be partially visible from within the streetscene.
- 1.3 No objections have been received from neighbouring properties, except by Longdon Parish Council.

Summary

Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations with the reasons as set out within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site relates to a detached property, 23 Upper Way, Upper Longdon. The property benefits from a large rear garden and parking for at least 4 vehicles. There is also a detached double garage to the side of the property. The property already has a dormer extension to the rear. The surrounding streetscene is made up of dwellings with a mixed built vernacular with some more modern dwellings within the streetscene as well as those that are of an older style.
- 2.2 The site slopes away at the rear of the property and the property itself is set lower than its immediate neighbour at 21 Upper Way.
- 2.3 The property is not within a conservation area, is not listed, nor are there any protected trees within the application site. The site does fall within an Amber Zone for Great Crested Newts and is within the Cannock Chase Area of Outstanding Natural Beauty.

2.4 An extract from the location plan can be seen below. The site is outlined in red.



3. Planning history

22.09.2005- **05/00473/FUL**- Erection of chalet bungalow and vehicular access- Approve subject to conditions.

02.04.2001-**01/00060/FUL**- Single storey residential dwelling- Approve subject to conditions.

22.06.2000- **00/00427/FUL**- Dormer window to rear elevation- Approve subject to conditions.

4. Proposals

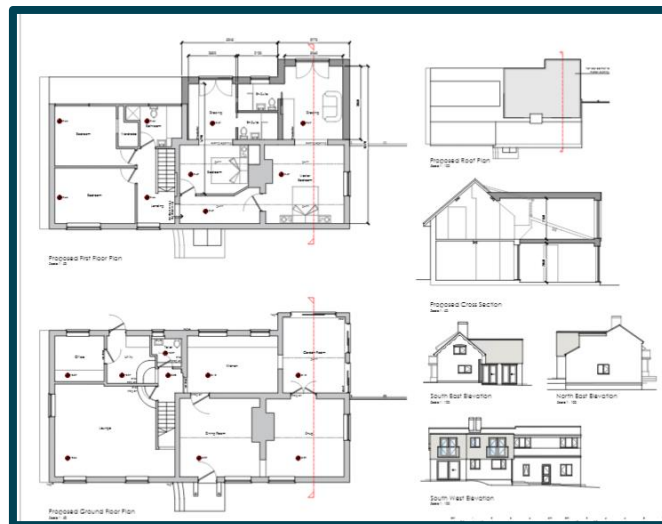
4.1 This application seeks permission for the erection of a first floor rear extension and alterations to existing garage to facilitate use as annexe.

4.2 The extension at first floor level would project 4.1m out from the existing rear elevation of the dwelling and would have a maximum width of 8.7m. The total height to the eaves of the extension would be 5m. The extension would be flat roofed and set down from the ridgeline of the main property. No windows would be installed in the side elevation, there would be two Juliet balconies to the rear along with an additional window.

4.3 The extension would be finished in a white render to match.

4.4 The existing garage would be converted to form an annex. There would be no change to the footprint or external dimensions of the garage. 1no window and door would be installed to the front elevation with a set of bi fold doors and a further window to be installed at the rear. Internally, a bedroom, bathroom and living area would be provided.

4.5 Extracts from the submitted layout and elevation plans are provided below.



5. Background

5.1 There is no relevant background information.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 Local Plan Strategy

Policy CP1 - The Spatial Strategy
Policy CP3 - Delivering Sustainable Development
Policy CP13- Our Natural Resources
Policy BE1 - High Quality Development
Policy ST2- Parking Standards
Policy NR3- Protected Species
Policy NR7 – Cannock Chase Special Area of Conservation

6.3 Local Plan Allocations Document

None applicable

6.4 **Supplementary Planning Document**
Sustainable Design SPD

6.5 **Longdon Neighbourhood Plan**
Policy 4
Policy 11

7. Supporting documents

7.1 The following plans and supporting documents form part of this recommendation:

- Location / Block / Site Plan - R0321 - 011 – P1 Existing as received 15 November 2023
- Location / Block / Site Plan – R0321- 011 - P2 Proposed as received 15 November 2023
- Location / Block / Site Plan - R0321 - 010 - P1 – Proposed as received 15 November 2023
- Proposed Plans/ Elevations - R0321 - 012 - P0 – Proposed as received 15 November 2023

8. Consultation responses

8.1 **Longdon Parish Council** – Objections, over development of the site. (10.01.2024)

8.2 **Cannock Chase AONB Officer**- The principle of the proposed development is acceptable; however, the details and material choices require amendment. Also, the provision for four parking spaces in front of the proposed annex is questionable.

The property is close to the road frontage and prominent in the public street scene with very little vegetation for screening. The existing use of gravel along the roadside is visually prominent and reflective and not in-keeping with existing roadside treatments. The existing use of close boarded fencing adjacent to the roadside is also highly visible and not in line with Cannock Chase AONB Design Guide.

The use of white render is not acceptable. Therefore, it is considered that an off-white, matt render be used. This existing render can be painted to match. (09.01.2024)

8.3 **LDC Ecology Manager**- No further ecological survey work is required. The applicant should be aware of nesting bird season. (12.02.2024)

8.4 **LDC Environmental Health Officer**- No Comment. (09.12.2023)

9. Neighbour responses

9.1 No letters of representation have been received in response to this application.

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Design and impact upon the character and appearance of the surrounding area
- Residential amenity
- Access, highway safety and parking
- Ecology
- Other issues
- Human rights

11. Policy & principle of development

- 11.1 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 Longdon Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.
- 11.2 This application is for the extension of a dwellinghouse within the settlement of Longdon and for the conversion of an existing garage to an annex. There is no policy that would restrict such residential development as a matter of principle. However, proposals that are acceptable in principle are still required to meet all other policy tests. This report will go on to look at the proposal in the light of all other relevant policy tests.

12. Design and impact on the character and appearance of the surrounding area

- 12.1 Policy BE1 of the Lichfield District Local Plan Strategy states that “New development will have a positive impact on the public realm and ensure high quality, inclusive design” adding ‘development will be approved where the proposal can demonstrate that the “New development, including extensions and alterations to existing buildings, should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”’.
- 12.2 Policy 4 of the Longdon Neighbourhood Plan requires a high standard of design to be achieved in new development.
- 12.3 Furthermore, paragraph 135 of the NPPF states planning decisions should ensure that developments ‘are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’; ‘are sympathetic to local character and history, including the surrounding built environment and landscape setting’ and ‘establish or maintain a strong sense of place’
- 12.4 The application property is located within a residential area. The surrounding properties are all larger detached dwellings, all differing in appearance and style. There is also variation in the materials used within the streetscene. The proposed extension to the rear of the property would be partially visible from within the streetscene of Upper Way. The alterations to the appearance of the annex upon its conversion, would also be visible from within the streetscene.
- 12.5 In terms of the extension to the rear of the property, it is noted that this would be a flat roofed addition and not in keeping with the current pitched roof nature of the existing property. However, the property already has a dormer attached to the rear of the property which is also partially visible from the streetscene. The extension proposed in this application would have a similar impact on the streetscene and has been set down from the ridgeline of the existing property. The surrounding streetscene does contain flat roof dormers to the front of properties and there are flat roofed garages that contribute to the surrounding streetscene. Taking into account the above, and that flat roofed development is a common way of extending domestic dwellings, on balance the addition of a first-floor extension to the rear is considered acceptable.
- 12.6 This application also proposes to convert an existing garage to an annex. The garage door to the front elevation would be removed and replaced with a front door and 1 No. window.
- 12.7 The existing garage is set well within the existing site boundary and would only be visible from within the streetscene if a person were to stand directly in front of it. The changes to the appearance of the

garage are minor, are not considered to have a detrimental impact to the surrounding streetscene and are therefore acceptable.

13. Residential amenity

- 13.1 Policy BE1 of the Local Plan states ‘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 on [among other things] amenity, by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance’. In addition, paragraph 135(f) of the NPPF requires that development proposals ‘create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 13.2 The Sustainable Design SPD sets out guidance for residential development that seeks to prevent the loss of amenity to occupiers of neighbouring dwellings. The SPD sets out recommended distances between properties to protect privacy, outlook, together with an approach to assess the potential impact on neighbouring properties light and other matters including:
- At least 21m between dwellings where primary principal habitable rooms face each other. If there is an intervening screen the distance between ground floor facing windows can be reduced to 15m. (A primary window is the main or only window which illuminates the identified).
 - No windows serving principal habitable rooms shall be provided on side elevations at ground floor level unless there is an intervening screen (i.e., a wall or fence) blocking interaction.
 - In addition, any new development should pass the 45/45/25-degree standard with regards to loss of light.
 - Where one dwelling faces the two-storey side of a neighbouring property, and which is a blank elevation (i.e., no facing windows), the minimum distance separation between the 2 storey parts of each dwelling should be 13 metres or 10 metres in the case of single storey development.
- 13.3 The proposal would comply with the 45/25 degree rule with regards to impacts on neighbouring occupiers light amenity in respect to the proposed extension to the rear of the property. The key issue with this extension is whether any overlooking would cause harm to the neighbouring amenity of 25 Upper Way.
- 13.4 The extension to the rear would project beyond the front elevation of No. 25 Upper Way. No proposed windows would be looking towards the front elevation of No.25 and there would be no side windows within the extension. Further to this, there is a change in levels between the two properties with the application site being set lower than no 25. As a result of this the windows in the rear of the extension are not considered to cause a detrimental impact to the amenity of occupiers of neighbouring properties.
- 13.5 The conversion of the garage to an annex would meet all the above-mentioned amenity principles within the Council’s SPD.

14. Access and highway safety and parking

- 14.1 Paragraph 115 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 14.2 Policy 11 of the Longdon Neighbourhood plan requires appropriate parking to be provided to serve new developments.
- 14.3 This application includes the proposed conversion of a garage to an annexe. The extension at first floor level would provide 2no. en-suite bathrooms and a dressing area. Therefore, the number of bedrooms that the main property provides, would not change as a result of this application. Within

the submitted documents, the applicant has provided a parking plan which shows the provision of 4 parking spaces to the side of the dwelling.

- 14.3 The spaces shown on the plans meet the required parking space size of 2.4 x 4.8m. Allowance has also been given for occupants of the vehicle to open their car doors and step out onto the driveway. Notwithstanding this, the property can accommodate a total of 3 further vehicles to the front and the opposite side of the property.
- 14.4 The property can provide more than adequate parking space for the size of the dwelling and meets the requirements set out in the Councils' SPD. There would be no change to the current access arrangement of the property, so it is not considered there would be any impact on highways safety as a result of this development and it would continue to comply with Policy ST2 of the Local Plan Strategy.

15. Ecology

- 15.1 The application site falls within a Great Crested Newt Amber Zone and the Council's Ecology Manager was consulted.
- 15.2 It is not considered that the development would harm any protected species and no further survey work was requested. However, the applicant's attention is drawn to the notes to applicant section of the report where there is information on nesting bird season.
- 15.3 Given the scale of this development it is considered appropriate that the application include a form of biodiversity benefit in accordance with Policy NR3 of the Local Plan Strategy . A Bat and Bird Box condition has been included as part of this report.

16. Other issues

- 16.1 Parish Council comments: Longdon Parish Council objected to this application on the basis that it would constitute overdevelopment of the existing site.
- 16.2 Both the proposed first floor extension and the conversion of the garage to an annex comply with the Lichfield District Local Plan Strategy and the numerical standards contained within the Council's Sustainable Design SPD. Therefore it is not considered that the application would result in overdevelopment, nor would it be suitable to refuse the application on that basis.
- 16.3 AONB Officer comments: The AONB Officer made comment on the application requesting conditions to be attached to any permission given.
- 16.4 Whilst the comments made regarding parking are acknowledged, as set out above the proposed plans do meet the required standards and are therefore acceptable.
- 16.5 The materials choices of the white render, the gravel and the close boarded boundary treatment, are already existing material choices that have already been used on and around the property. The use of white render has been selected to match the existing white paint on the dwelling.
- 16.6 White render has been used throughout the streetscene on multiple occasions, it would not be considered proportionate to ask the applicant to repaint the entire property on these grounds.
- 16.7 With regards to the issues of the boundary treatment and use of gravel, neither form part of this planning application and therefore cannot be taken into consideration when assessing this application.

17. Human rights

- 17.1 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.

18. Conclusion

- 18.1 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.
- 18.2 This report has addressed the objection made by the Parish Council. The proposals have been assessed and the requirements of relevant planning policy are met. Consequently, the application is recommended for approval subject to the conditions as set out below.

19. Recommendation: Approve subject to 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, CP13, BE1, ST2, NR3 and NR7 of the Lichfield District Local Plan Strategy, the Sustainable Design SPD, Policy 4 and Policy 11 of the Longdon Neighbourhood Plan and the National Planning Policy Framework.
3. Notwithstanding the details submitted with the application documents, the extension shall be finished in a white render.

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, Sustainable Design SPD, Policy 4 of the Longdon Neighbourhood Plan and the National Planning Policy Framework.
4. Within one month of completion, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.

Reason: In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework
5. The annex hereby approved by this planning permission shall not be sold or let as a separate planning unit without the prior written permission of the Local Planning Authority.

Reason: In the interest of providing appropriate residential amenity for future occupiers and protecting the surrounding neighbouring amenity in accordance with policies CP3 and BE1 of the Lichfield District Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Local Plan comprises the Lichfield District Local Plan Strategy (2015), the Lichfield District Local Plan Allocations (2019) and the Longdon Neighbourhood Plan (2018)
2. The applicant's attention is drawn to The Town and Country Planning (Fees for applications, deemed applications, requests and site visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £43 for a householder application or £143 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 Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19 April 2016 and commenced charging from the 13 June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. To clarify the position of your proposal, please complete the CIL additional questions form, which is available for download from the council's website at [CIL process for developers \(lichfielddc.gov.uk\)](http://lichfielddc.gov.uk)
5. Awareness is needed of nesting bird season. Awareness is needed of bird nesting season, (March-August inclusive). Any clearance, demolition, or building work scheduled for this development should occur outside of bird nesting season. This is in specific reference to onsite trees, vegetation, and hedgerow which works would cause disturbance to, should birds choose to inhabit and nest within. If this cannot be achieved, then the site must be checked to be free of nesting birds by a suitably experienced ecologist immediately prior to commencement of any site clearance works. If any evidence of nesting birds is found, all work that may cause impact or disturbance must cease until the young have naturally fledged.

Lichfield
district council

www.lichfielddc.gov.uk

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Frog Lane
Lichfield
Staffs
WS13 6YY

Telephone: 01543 308000
enquiries@lichfielddc.gov.uk

LOCATION PLAN

23/01439/FULM

Former Site Of Bridge Cross Garage
Cannock Road Chase Terrace
Burntwood

Scale: 1:1,250

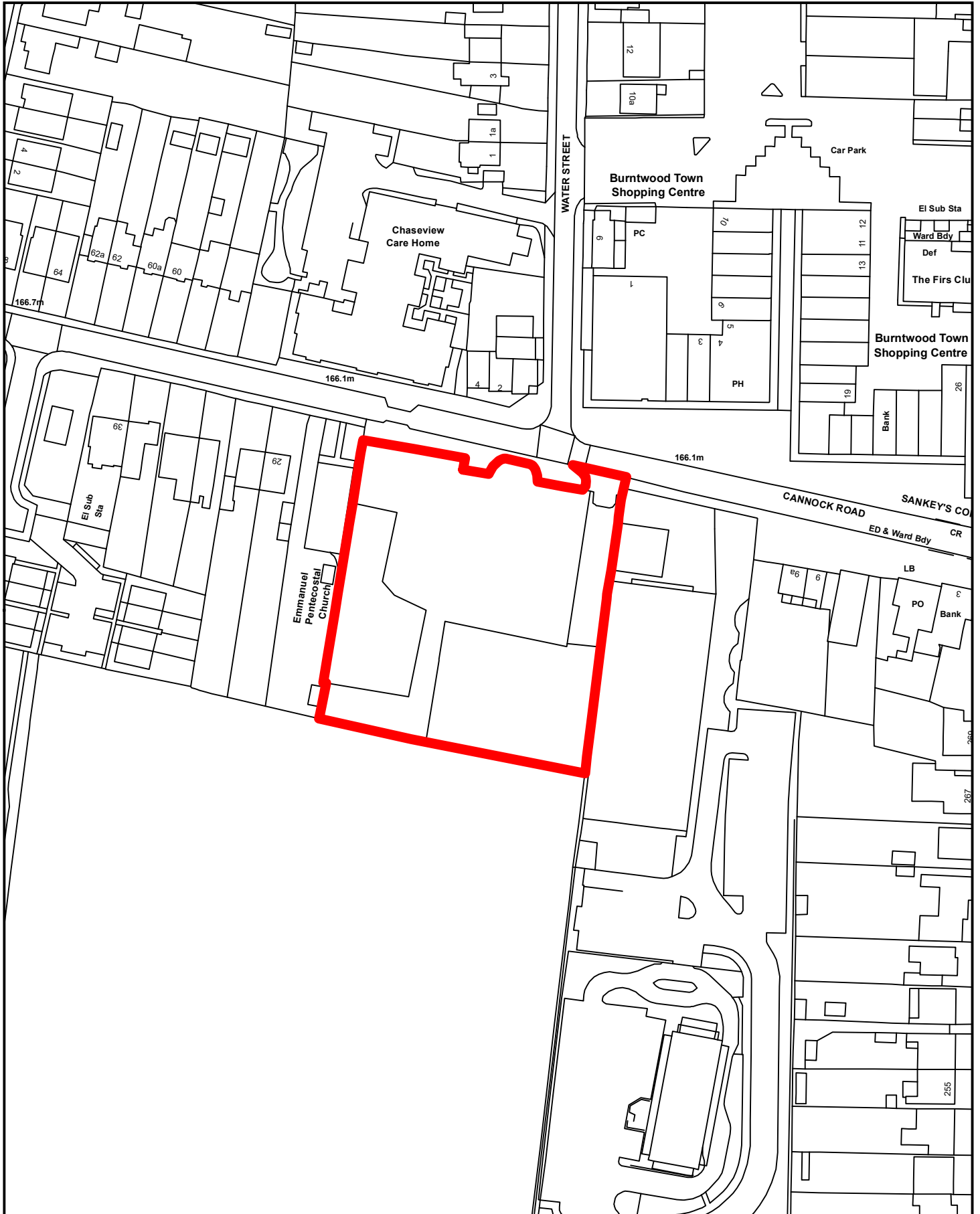
Dated: May 2024

Drawn By:

Drawing No:



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Planning committee report



Lichfield
District Council

Address:	Former site of Bridge Cross Garage, Cannock Road, Chase Terrace, Burntwood		
Application number:	23/01439/FULM	Case officer:	Tom Ansell
Ward:	Chasetown	Date received:	22/12/2023
Parish:	Burntwood		
Proposal:	Erection of 3 storey, 72-bed dementia care home with community hub room and associated car parking / access arrangements (Resubmission of application 21/00016/FULM)		
Reason for being on agenda	<p>Note: This is a planning application for a Major development which is being reported to the Planning Committee due to significant planning objections raised by Burntwood Town Council.</p> <p>Parish Council objections:</p> <ul style="list-style-type: none"> The proposed development is contrary to the Burntwood Neighbourhood Plan adopted June 2021. 		
Recommendation:	<p>Approve, subject to the planning conditions set out below and any subsequent minor additions, amendments or omissions to these conditions that may be required, and subject to either an updated acceptable (to the Highways Officer) Travel Plan being provided pre-determination, or the S106 TCPA 1990 agreement containing an obligation requiring the submission of an updated acceptable Travel Plan, and:</p> <ol style="list-style-type: none"> Subject to the owners/applicants first entering into a S106 to secure the following: <ol style="list-style-type: none"> A financial contribution towards the purchase of biodiversity credits at a cost of £35,000 per unit, equating to 2.07 units (total cost £72,450), to be used towards achieving a biodiversity net gain through the creation of off-site Open Mosaic Habitat at Muckley Corner, Lichfield or evidence that biodiversity credits equating to 2.07 units have been purchased from another source (i.e. the Environment Bank) to deliver off-site biodiversity net gain. A Travel Plan Monitoring fee of £10,000; The securing and continued community/public use of the community café/room; The securing and permanent retention of an in-house 'Visiting Clinical Surgery' room, built to relevant national standards for NHS healthcare rooms to off-set the impact of the development on the Primary Care Network. If the S106 legal agreement is not signed/completed by 13th August 2024 (three months from committee) and if a further extension of time has not been agreed by the applicant, then powers shall be delegated to officers to refuse planning permission, based on the unacceptable impact of the development in the absence of the required contributions and undertakings, as outlined in the report. 		
Applicant:	UV Care Burntwood Ltd	Agent:	Mr Chris Hartley

1. Executive summary

Policy & principle of development

- 1.1 The principle of development has been explored at length by the Inspector who considered appeal reference APP/K3415/W/22/3308505 in 2023. It has been determined that the location, within an allocated site in Burntwood Town Centre, is not inappropriate for a care home use with a community element. The Inspector's conclusions, coupled with positive weight afforded to the demonstrable need for care homes in the district, allow support to be offered to the principle of development.

Design, character & appearance

- 1.2 Following the Inspector's dismissal of the appeal on design and visual impact grounds, an alternative, improved design has been formed and put forwards which is considered to address the Inspector's concerns. Specifically, additional detailing around windows and further projecting gables have been added to break up the massing of the principal façade and provide interest.
- 1.3 Subject to conditions securing a high-quality design and finish, the design and character of the proposal is considered to assimilate well into the street scene in this location.

Access & highway safety

- 1.4 The Council is satisfied that the development will not impact highway infrastructure or the safety of highway users. A slight tweak to the access layout has been proposed to make accessing the remainder of the allocated site easier.
- 1.5 An initial Travel Plan was submitted, which has some minor outstanding issues. The Council intends to request a revised Travel Plan be submitted to the Council through the Section 106 obligation process if an updated one is not received prior to the determination of the application.

CIL/Planning obligations

- 1.6 After much discussion with the Integrated Care Board, Officers have agreed that the applicant can provide in-house clinical surgery space to offset the increased demand that the application will place upon the Burntwood Primary Care Network (PCN). This will be secured and retained using a S106 agreement.

Summary

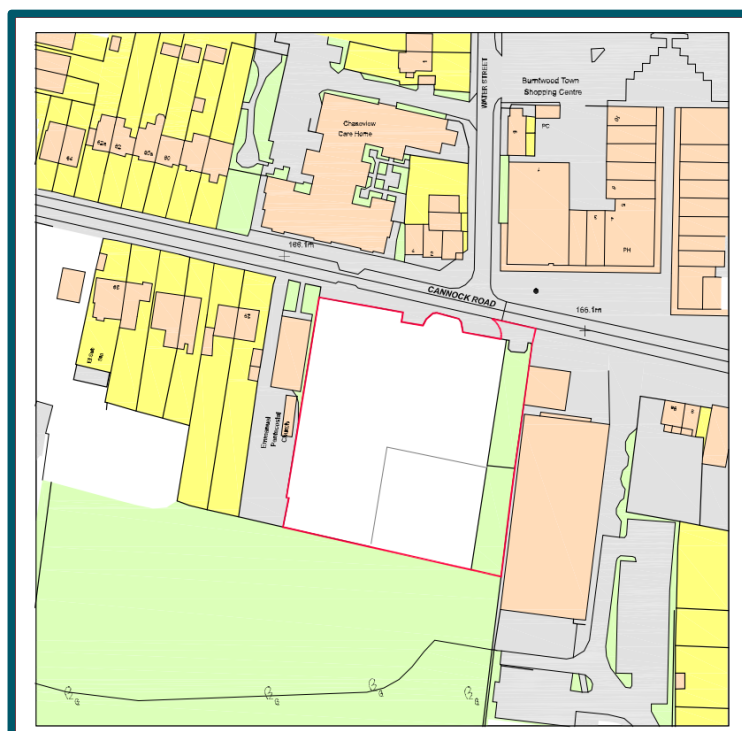
Overall, the scheme is considered appropriate and acceptable and is recommended for approval subject to the recommendations as outlined within this report.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below and overleaf, which provides full details of all consultation responses, planning policies and the officer's assessment. Members are advised that this summary should be read in conjunction with the detailed report.

2. The site

- 2.1 The application site 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. This site has historically contained significantly overgrown grass and scrub, although on recent site visits this had evidently been cleared back. 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 is a vacant site forming part of the same allocation within the Burntwood Neighbourhood Plan.

- 2.2 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.
- 2.3 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.
- 2.4 Map of the site:



3. Planning history

Application History

21/00016/FULM - Erection of 3 storey, 78 bed care home with community hub room and associated car parking/ access arrangements – Refused by committee (overturned Officer’s recommendation) on 4th July 2022, appeal dismissed by Planning Inspector on 7th June 2023 due to design/visual impact and uncertainty over whether the contribution intended to mitigate impact on the Primary Care Network would succeed in doing this due to questions over the deliverability/timescales of the identified project.

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.

Appeal history

22/00017/REF- Appeal against to refusal of permission 21/00016/FULM to allow erection of 3 storey, 78 bed care home with community hub room and associated car parking/ access arrangements- Dismissed- 07.06.2023

4. Proposals

- 4.1 Consent is now sought for the erection of a 3 storey, 72-bed care home with associated car parking and revised access arrangements off Cannock Road. At ground level, there'll be a community hub/café. On the second floor of the building will be a dedicated 'Visiting Clinical Surgery' to allow for those residing at the care home to approach and see a doctor without having to travel to any other facilities.
- 4.2 The development constitutes an L-shaped building with a pitched roof over. It will feature a variety of materials, including brick, timber boarding laid horizontally across projecting gables and off-white render on the community hub. Within the principal façade, more gable features and areas of cladding are used to break up this elevation, 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 wire fencing.
- 4.3 A new vehicular / pedestrian 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 parking spaces are proposed and located to the rear of the building. This would include two accessible spaces and a designated parking space for an ambulance and a delivery van. 13 no cycle stands are proposed, six for visitors located close to the care home entrance and seven for staff located in a more secured part of the site, accessed via a gate.
- 4.4 The proposed development would facilitate 40 full-time staff and 20 part-time staff working within set shift patterns.
- 4.5 An area to the front of the building is to become a community hub/café, and relates to an 69m² room which is served by toilets on the ground floor frontage of the building, fronting Cannock Road. 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, and thus provide a community benefit/mixed use.

- 4.6 During the course of the application, in response to the Integrated Care Board's comments, a 'Visiting Clinical Surgery' room has been proposed. This delivers 10.6m² of floorspace which is exclusively available for residents of the home to attend appointments with visiting doctors and nurses.

5. Background

- 5.1 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 have now lapsed: 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) and 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.

Appeal decision

- 5.2 In 2021 an application (21/00016/FULM) was submitted seeking permission for a 3-storey, 78 bed care home with community hub room and associated car parking/ access arrangements. It went before the Planning Committee in July 2022 with a recommendation of approval; however, this recommendation was overturned, and the application was refused by the Planning Committee for four reasons:
1. The proposed development which comprises of a 3 No. storey building due to its scale, form and design would fail to respect the character and appearance of the surrounding area. The proposals are therefore contrary to Lichfield District Local Plan (2015) Policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built & Historic Environment) and BE1 (High Quality Development), the Sustainable Design Supplementary Planning Document (2015), Policies B1 (Burntwood Town Centre), B5 (Enhancing the Identity and Distinctiveness of Local Neighbourhoods) and B6 (Promoting Good Quality Design in New Housing Development) of the Burntwood Neighbourhood Plan (2021) and the National Planning Policy Framework.
 2. The proposed development of a care home with limited mixed use would be contrary to Core Policy (Our Centres), Policy Burntwood 1 (Burntwood Environment) of the Lichfield District Local Plan Strategy (2015), Policy Burntwood 3 (Burntwood Economy) of the Lichfield District Local Plan Allocations (2019) and Policies B1 (Burntwood Town Centre) and B2 (Improving the Environment of Burntwood Centre) within the Burntwood Neighbourhood Plan (2021) and the National Planning Policy Framework.
 3. The proposed use of the development which comprises of a care home, housing vulnerable and elderly residents would conflict with surrounding uses within the town centre of Burntwood. The proposals are therefore contrary to Lichfield District Local Plan (2015) Policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), and BE1 (High Quality Development), Policy Burntwood 3 (Burntwood Economy) of the Lichfield District Local Plan Allocations (2019), the Sustainable Design SPD, Policies B5 (Enhancing the Identity and Distinctiveness of Local Neighbourhoods) and B6 (Promoting Good Quality Design in New Housing Development) of the Burntwood Neighbourhood Plan (2021) and the National Planning Policy Framework.
 4. The proposal would lead to traffic congestion, resulting in an unacceptable highways impact, in conflict with Core Policies 1 (The Spatial Strategy), 3 (Delivering Sustainable Development), and 5 (Sustainable Transport), and Policy ST1 (Sustainable Travel) of the Lichfield District Local Plan Strategy (2015); and the National Planning Policy Framework.
- 5.3 This refusal of permission was contested by the applicants, and an appeal was lodged (APP/K3415/W/22/3308505). Prior to the commencement of the appeal the council conceded that it was unable to defend reasons 3 and 4 due to a lack of technical support to defend those matters.

However, the Inspector decided to make another matter a main issue; specifically, whether the financial contribution requested by the Integrated Care Board would meet the relevant tests for planning obligations.

5.4 The Inspector therefore considered three 'Main Issues':

- the effect of the proposed development on the character and appearance of Cannock Road;
- whether the proposed layout and mix of uses would be suitable for its location within Burntwood town centre, with particular regard to its effect on the future development of land in the town centre; and
- whether or not it has been demonstrated that the proposal would have an acceptable effect on healthcare infrastructure, with particular regard to the primary care network

5.5 Following consideration of these matters, the Inspector dismissed the appeal for the following reasons:

- The development, by virtue of its scale, design and massing of the building would have an adverse effect on the character and appearance of Cannock Road.
- The financial contribution requested by the ICB would not pass the tests set out by the NPPF and therefore would not adequately mitigate the impact caused by the development on the primary care network within Burntwood.

5.6 However, the Inspector did indicate that the development would be suitable for its location within Burntwood town centre and would not have an adverse impact on future development of land within the town centre.

6. Policy framework

6.1 National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

6.2 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

6.3 Local Plan Allocations Document

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

6.4 Local Plan Policies Maps

Inset 3 Burntwood

6.5 Supplementary Planning Document

Biodiversity and Development SPD

Developer Contributions SPD

Sustainable Design SPD

Trees, Landscaping and Development SPD

6.6 Burntwood Neighbourhood Plan ('Made' 8th 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

7. Supporting documents

7.1 The following plans and supporting documents form part of this recommendation:

Plans:

- AP20023-L03 Rev J [Proposed Elevations] – received by the Council on 29th April 2024
- AP20023-L05 Rev F [External Works] – received by the Council on 29th April 2024
- AP20023-L0 Rev A [Site Location Plan] – received by the Council on 22nd December 2023
- AP20027-L02 Rev O [Proposed Floor Plans] – received by the Council on 24th April 2024
- AP20027-L01 Rev N [Site Layout Plan] – received by the Council on 25th March 2024
- S219 1148 [Topographical Survey] – received by the Council on 22nd December 2023
- 2103APA-BNT-A1-C [Landscaping & Maintenance Scheme] – received by the Council on 22nd December 2023
- 6478-KSA-XX-XX-DR-C-0001-P2 [Drainage Layout Plan] – received by the Council on 25th March 2024

Supporting documents:

- Planning Needs Assessment prepared by Knight Frank – received by the Council on 22nd December 2023
- Travel Plan – received by the Council on 22nd December 2023
- Transport Assessment V1.2 – received by the Council on 29th April 2024
- Planning Statement – received by the Council on 22nd December 2023
- Updated Preliminary Ecological Appraisal – received by the Council on 22nd December 2023
- Design and Access Statement Rev 2 0 received by the Council on 22nd December 2023
- Drainage strategies, run off rates, foul flow calculations etc – received by the Council on 22nd December 2023
- BNG Metric 4.0 – received by the Council on 5th April 2024
- BNG Design Stage Report – received by the Council on 5th April 2024

8. Consultation responses

- 8.1 **Burntwood Town Council** - Object in principle, as the proposal is contrary to the Burntwood Neighbourhood Plan. (24th Jan 2024)
- 8.2 **Severn Trent Water** – No comments received at time of writing.
- 8.3 **Western Power Distribution** – No comments received at time of writing.
- 8.4 **National Grid** – No objections either from Cadent Gas (subject to informative directing applicants to Cadent assets in vicinity of site), or from National Grid Electricity Transmission (also no affected assets in this area). (5th Jan 2024 & 12th Jan 2024 respectively)
- 8.5 **National Gas Transmission** – ‘There are no National Gas Transmission assets affected in this area.’ (5th Jan 2024)
- 8.6 **Architectural Liaison Officer (Crime Prevention)** – ‘Whilst I have no objections to this application, as a condition of this application, I recommend that these proposals include CCTV. I recommend that this system is monitored, but as a minimum, recording equipment should be housed in a secure location. Whilst the layout shows a Community Café and Hub area, it should not be possible to go beyond this area without the use of electronic access control. This is of greater importance, where the hub is to be staffed by volunteers or not permanently staffed.’ (24th Jan 2024)
- 8.7 **Coal Authority** – ‘We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority’s defined Development Low Risk Area. On this basis we have no specific comments to make.’ The Coal Authority draws attention to its Standing Advice note. (5th Jan 2024)
- 8.8 **Integrated Care Board** – Final- (6th Mar 2024) in response to the applicant’s revised floor plans providing 10.6sqm of Visiting Clinical Surgery space on the second floor of the care home:
- The offer of in-house floorspace is commendable but it would not provide a long-term sustainable solution for Burntwood and the PCN.
 - It is an inefficient solution with regards to the travelling of GPs, which is unproductive.
 - A base containing access to equipment, facilities and health records is preferred for teams of health visitors.
 - NHS healthcare rooms actually need to meet a minimum of 16m² due to finishes, equipment etc.
 - The commuted sum as set out on 12th Feb is the ICB’s preferred option.

Initial (12th Feb 2024) :

- No objection subject to a developer contribution secured through a S106 obligation intended to address requirements of primary care network.
 - A strategic health and community project will deliver a single site containing a range of services and facilities for residents of Burntwood.
 - There are letters of support from key stakeholders and a project programme indicating delivery and occupation of a new facility by April 2026.
 - The sum listed in the comments (£53,794) would support the delivery of the strategic health centre. Suggested clauses are provided.
- 8.9 **SCC Highways** – Final- a reconsultation was issued on 26th March to a revised layout drawing which tweaked the layout/route the access into the care home took from Cannock Road without altering its width nor any of the access details with Cannock Road. The Council has not received a direct response to this at time of writing. Clarity was also sought, separately, to the outstanding matters relating to the Travel Plan. The Council has been advised (outside of the consultation process) that the Travel Plan has the following issues/outstanding matters:

- Travel Plan lacking in details of how many members of staff shall be employed/on site at one time. How many car parking spaces shall be provided, are there Car Share Priority Spaces?
- Details of the Cycle Storage to be provided, amount and if secure.
- Are facilities such as lockers, changing rooms and showers available to staff?
- Could all new residents/their families be provided with info on sustainable travel in induction pack/website?
- 7.2.2 details of the TPC should be sent to smarter.travel@staffordshire.gov.uk.

At the time of writing, the agent was aware of this matter but hadn't provided a response or an updated Travel Plan.

Initial (31st Jan 2024):

- Visibility splays are achievable.
- The existing access would be stopped up and a kerb/footway reinstated.
- The access works would require removal of a block paved section and the relocation of a street lighting column, with a pedestrian crossing introduced with dropped kerbs and tactile paving.
- 22 car parking spaces are provided although it appears only 20 are required.
- There's only a single space for emergency vehicles – at least two dimensioned 5.5m x 8m should be provided.
- Large vehicles are shown to be able to navigate into the site and leave in a forward gear.
- There are issues with the Travel Plan which require resolving prior to the occupation of the building.
- A number of conditions were recommended that can be seen in the full comments on the Public Access website.

- 8.10 **SCC Flood Risk Team – Final**– The revised drainage strategy outlines an acceptable drainage strategy in principle, subject to the final detailed design. No objection to the application subject to the imposition of a pre-commencement condition being attached to any planning permission to ensure the full drainage design (including management and maintenance) is submitted for review. (10th April 2024)

Initial– 'Since the original submission, the Surface Water Maps for the area have been updated and show that the risk of surface water mapping is worse than in the original submission. We would therefore request that the drainage strategy is updated to include the latest mapping and demonstrate that the site (and 3rd party land) will be safe from flooding.' (23rd Jan 2024)

- 8.11 **SCC Mineral and Waste Planning** – 'As the application site does not fall within a Mineral Safeguarding Area the MWPA has no comments to make regarding this application. The site is situated in an MSA for Coal and Fireclay and therefore, our standing advice applies.' (9th Jan 2024)

- 8.12 **LDC Spatial Policy and Delivery Officer**– 'In summary 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 development is identified as an acceptable town centre use in principle within the NPPF and would provide specialist accommodation as supported by Core Policy 6 and Policy H2.

However, in this instance further consideration needs to also be given to the stated aims of Policy B2 (Burntwood Mixed-use Allocations) and Policy B1 of the Neighbourhood Plan for mixed use development in Burntwood town centre. 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.' (15th Jan 2024)

- 8.13 **LDC Housing Strategy Officer** – 'The application meets policy H1 in relation to delivering much needed housing with care. There is no affordable housing requirement on this development however

we would appreciate being kept informed of the care offer there and details of the care packages available.’ (26th Jan 2024)

8.14 **LDC Ecology Manager – Final**– the comments establish that all matters raised in the initial comments from 23rd Feb 2024 have been addressed, but the following observation is made at the end of the comments:

‘The revision of the Biodiversity Net Gain Metric does highlight a wider issue with the proposed development, however. Because the development will result in a net loss of biodiversity of – 81.61%, it is contrary to Local Plan Policy NR3 and cannot be permitted unless a net gain in biodiversity can be realised. We require evidence that a net a gain in biodiversity can be achieved by the development (either through offsite solutions, or the purchase of statutory credits) before this application can be determined.’

At the time of writing, the agents had been made aware of this matter and they had advised that they were approaching the Council’s company to enquiry about purchasing biodiversity credits. Officers are satisfied that this procedural matter can be captured in either condition or Section 106 negotiations post committee. (18th April 2024)

Initial comments:

- Biodiversity Net Gain

‘The PEA refers to a Biodiversity Metric calculation being completed and updated, though this does not seem to be submitted amongst the applications documents. The LPA will require the submission of the full metric (excel spreadsheet).’

- Open Mosaic Habitat on Previously Developed Land (OMHPDL)

‘The submitted PEA has determined that the development site is Open Mosaic Habitat on Previously Developed Land. OMHPDL is a UK BAP (Biodiversity Action Plan) Priority Habitat and has a high ecological value. There appears to be recent degradation of the site’s ecology. A statement is needed confirming whether the value of the onsite habitat is lower on the date of application because of the carrying on of activities (degradation), as the value will be taken from before degradation.’

The completed biodiversity metric should represent the sites value according to the findings and habitat classification in the PEA report, before any degradation, and be updated to account for the full loss of habitat that has now occurred if not already represented. The degradation will impact the metrics results in a substantial loss of biodiversity. It would have been advised that as much of this priority habitat be retained for the purpose of wildlife and to enable the development to achieve what is required.’

- Proposed Habitat Map

‘The biodiversity metric calculation needs to be accompanied by a plan that visually shows the detail of the future habitat types, areas, and conditions that has been inputted into the metric. The submitted landscape document provides some of this detail, though serves a related but separate purpose, and does not correlate with the metrics as it uses different terminology.’

- Submitted Preliminary Ecological Appraisal

‘No further species-specific ecological survey effort is required from the applicant at this time. Adherence by the applicant to all methods of working and recommendations detailed within the assessment must be made a condition of any future planning approval. A Precautionary Method of Working statement (PMoW) must be submitted and put in place with contractors to ensure that any potential harm to protected/priority species is minimised.’ [Condition recommended] (23rd Feb 2024)

8.15 **LDC Arboricultural Officer**– ‘Further to a desktop assessment of the deposited documents we note that the suite of documents is without either a Pre-Development Tree Survey or AIA (as per our SPD). However, it can be agreed that the majority of the existing tree stocks upon the land/site and of low amenity value and it would not of any benefit if they were retained. The suggested tree replanting scheme will ensure that there is no net canopy loss. The limited Arb detail is acceptable and can be supported. If you are minded to grant permission for the proposals then we would ask that the Arb detail be secured via a suitably worded pre-commencement condition.’ (18th Jan 2024)

8.16 **LDC Economic Development Officer** – Indicated that the comments submitted to support the original application 21/00016/FULM can be carried forwards. Officers therefore replicate the comments submitted in response to the previous application below, verbatim (25th Jan 2024):

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. (28th Sept 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 retails units for the local population. Further evidence is required from the applicants regarding the lack of retail opportunities being offered on the site. (18th Feb 2021)

8.17 **LDC Joint Waste Officer**– ‘It is a legal requirement that commercial waste is securely contained in suitable and sufficient containers, cannot be vandalised, kicked over or interfered with and transferred to a suitable licenced person for transport and disposal. Provision must also be made to remove a stream of recycling material from their waste. The road design should be sufficient to take a 32-tonne vehicle and there should be sufficient room to allow safe access and egress for an RCB. The trade refusal/recycling collectors should have a pull distance of no greater than 10m.’ (5th Jan 2024).

8.18 **LDC Environmental Health Officer**– ‘An air quality assessment should be submitted for my consideration prior to the application being determined’. (Officer’s comment; an air quality assessment is not required to be submitted to support this application. It is not a validation requirement, and nor is it required in accordance with the Council’s SPD on Developer Contributions. It was not a requirement of application 21/00016/FULM, and it was not mentioned or made an issue by the Planning Inspector that determined appeal APP/K3415/W/22/3308505. Therefore, Officers have not requested an Air Quality Assessment as part of this application).

The EHO also recommended a number of conditions:

- Noise Protection Scheme (for future residents of the home).
- Standard pre-commencement contamination investigation/remediation etc conditions.
- Unexpected contamination conditions.
- A scheme for controlling odour from the kitchen extraction system shall be submitted.
- An assessment of dust impacts from construction activities and proposed mitigation shall be provided and agreed in writing. (Officer's comment; this has been worked into the Construction Management Plan condition requested by the Highways Officer).
- Limitation on construction hours. Officer's comment; this has been worked into the Construction Management Plan condition requested by the Highways Officer). (27th Jan 2024)

9. Neighbour responses

9.1 2 letters of representation have been received in respect of this application. The comments made are summarised as follows:

- Already have a nursing home opposite the site
- Limited facilities in Burntwood in terms of retail and leisure – the facility is not needed in Burntwood Town Centre
- There are enough nursing homes already in the local area

10. Assessment

10.1 It is considered that the determining issues relevant to the assessment of this proposal are:

- Policy & principle of development
- Design, character & appearance
- Residential amenity
- Access & highway safety
- Arboricultural impacts
- Ecology
- Drainage
- Cannock Chase SAC
- CIL/Planning obligations
- Human rights

11. Policy & principle of development

Policy position

11.1 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.

11.2 The Local Plan that was an emerging document at the point of the previous application being determined (referred to within the previous committee report as the 'emerging Local Plan (2040)' was withdrawn from examination in October 2023, and a new plan is in the early stages of preparation. A call for sites took place between 29th January and 25th March 2024. There are no policies within any emerging document to now afford weight to.

- 11.3 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.
- 11.4 The latest five-year housing land supply position for Lichfield District is contained within the Five-Year Housing Land Supply Paper dated July 2023, which states that a supply of 9.5 years can be demonstrated within the District.
- 11.5 Given that the Council can demonstrate a five-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.
- 11.6 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 90(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.
- 11.7 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 adaptation.
- 11.8 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.
- 11.9 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.
- 11.10 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 nighttime economy will be encouraged in both Lichfield City and Burntwood town centres.
- 11.11 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 district's population.
- 11.12 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.
- 11.13 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.

- 11.14 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.
- 11.15 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'; this identifies the town centre area as having to provide for the needs of Burntwood's 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'.
- 11.16 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, although importantly, the site should not be exclusively limited to such uses.

Material consideration – appeal decision APP/K3415/W/22/3308505 - 21/00016/FULM

- 11.17 This application is being presented to committee following the outcome of the appeal that followed the previous application's refusal by committee for the four reasons set out within the 'Background' section at the top of this report.
- 11.18 Two of the four reasons given by committee for the refusal of application **21/00016/FULM** were withdrawn by the Council; these related to land-use conflicts/impacts on residents of the care home of surrounding uses, and traffic impacts/highway safety respectively. The Inspector added a third 'reason' by dismissing the appeal on the grounds that the Integrated Care Board contribution would not pass the relevant tests and therefore impact on the primary care network would not be adequately mitigated. This will be considered later in this report.
- 11.19 The two remaining reasons for refusal offered by committee related to the visual impact of the development and whether the proposed use was appropriate/acceptable in this locality.
- 11.20 Of these two reasons, the Inspector upheld the visual impact of the development reason for refusal by dismissing the appeal on the grounds of the harm they felt the development caused to the appearance and character of Cannock Road in this location.
- 11.21 Pertinently, the Inspector did not agree with the reason for refusal relating to the proposed care home use of the building and its location within Burntwood Town Centre.
- 11.22 In the process of arriving at this conclusion, the Inspector noted that the proposed vehicular access would be suitable for vehicles to access the remainder of the allocated Site A, and so did not 'sterilise' the rest of the site from development in accordance with the Burntwood Neighbourhood Plan. The accessibility of Site A has since been improved (in the view of Officers) by the modifications made to the access road from Cannock Road, which now proposes a straight, wide road with a 2m footpath from north to south on the eastern side of the site. A bell-mouth junction provides access into the care home's car park, making it a separate destination from the new access road which runs through and into the rest of Site A. Previously, the new access road to the rest of Site A spurred off what appeared to be a dedicated access road that solely served the care home's

car park, which Officers did not consider to be ideal even if this had been favourably considered by the Inspector.

- 11.23 More important than this were the Inspector's conclusions on the mixed-use elements of the proposal, and their appraisal of the wording within the adopted policy documents. Firstly, with regards to the proposed community hub, the Inspector afforded 'moderate weight' to its provision:

'The Council considers that the benefit afforded by the Community Hub would be limited given its modest size, lack of a kitchen and limited toilet facilities. Although modest in scale, the proposal would provide purpose built community space within the town centre. As set out in Preliminary Matters above, the space has been shown to include a kitchen area which would broaden the range of activities that it could accommodate. In the event that the appeal were to be allowed, the layout incorporating a kitchen area could form an approved plan. Therefore I afford moderate weight to the benefit of this element of the proposal.' (Paragraph 24)

- 11.24 Then, moving onto the proposal's relationship with the aims of the adopted development plans:

'...the proposed layout and mix of uses would be suitable for its location within Burntwood town centre, with particular regard to its effect on the future development of land in the town centre. Therefore with respect to this main issue it would accord with Policy B1 of the NDP and Policy Burntwood 3 of the Allocations Plan in contributing to the diversity and vibrancy of the town centre.' (Paragraph 25)

'...the proposal would not conflict with the aims of Policy Burntwood 1 of the LP Strategy in enhancing the role of Burntwood as a freestanding community and town. The Council also reference Core Policy 8 of the LP Strategy in relation to this matter. Whilst that policy seeks to focus retail within defined centres such as Burntwood, it does not limit town centre developments only to the uses described. Moreover the Community Hub element of the proposal would provide space for leisure or cultural uses which this policy supports within the town centre.' (Paragraph 27)

- 11.25 These conclusions, arrived at in June 2023, and with no notable changes at all to the policy landscape, must be afforded **significant weight** in the decision-making process, when considering the principle of development in the following segment of the report.

Material consideration – planning needs assessment

- 11.26 A 'Planning Needs Assessment' has been submitted to bolster the application's justification in its own right (i.e. regardless of any potential conflict with adopted plans and allocations). This assessment has been prepared by Knight Frank and is dated November 2023. The assessment, which has not received any concerning comments, criticisms or raised any queries with relevant consultees, draws the following conclusions:

- It is provided that service users will typically come from areas 'between 10-20 minutes / 3-8 miles of a care home'. In this context, a 'catchment area' is defined by an average of off-peak and peak driving times (in minutes). The catchment area considered here therefore covers all of Burntwood, the majority of Cannock to the west, the eastern edges of Lichfield, and a substantial amount of Lichfield's district in between.
- The analysis shows a 'significant shortage' of modern purpose-built facilities in the selected catchment area to service an elderly population which is estimated to reach just under 34,000 by 2027 and increase by a further 9% between then and 2032.
- There is a notable shortage of supply of care homes with modern bedrooms with en-suite wet rooms, causing there to be an 'insufficient number of future-proof care homes' that can meet the aforementioned growing ageing population.
- En-suite wet rooms are considered important following the COVID-19 pandemic, wherein it became evident that residents who used shared assisted living bathrooms were at greater risk of infection.

- Within the catchment area exist 11 personal care homes and 14 nursing homes, with only 26% of these having en-suite wet room provision. 84% of these properties are converted or older purpose-built, and six of them have 30 beds or fewer. Evidence collated by Knight Frank suggest that there is an appetite for larger care homes to achieve operational efficiencies.
- Despite there being two other notable care homes within the 'planning pipeline', within the catchment area, there is forecast to be a demand for nearly 1,100 beds by 2027, increasing to just over 1,200 by 2032.
- Noting the current stock/provision, this will lead to an under-supply of just over 600 beds when considering en-suite wet room provision, increasing to an under-supply of over 750 by 2032.

- 11.27 Officers have no cause or reason to doubt the findings of Knight Frank's conclusions. The Council's Housing Officer referred to the care-related housing being 'much needed' in their comments. No parties approached for comment have presented any evidence to the contrary of Knight Frank's assessment.
- 11.28 Knight Frank's assessment shows that there is a real risk of a significant under-supply of care home bed spaces (with en-suite wet rooms) developing, if the Council does not identify and afford positive weight to opportunities to deliver bespoke, new facilities in sustainable locations within its district.
- 11.29 Consequently, the identification by Knight Frank of a likely significant under-supply arising within a relatively short timeframe (i.e. not that much longer than the delivery time of a care home of the sort of size being proposed) is afforded **significant weight** in decision making.

Assessment

- 11.30 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.
- 11.31 Officers note that application 21/00016/FULM was supported by a Retail Assessment, while this submission is not. Noting that Officers recommended approval for the previous application, the contents of the Retail Assessment as appraised by Officers during the consideration of the previous application are felt to remain relevant, and can be afforded limited to moderate weight (this variance in weight is due to the site's marketing history remaining exactly the same now as before, but there being no up-to-date picture of the retail provision available in close proximity to the site).
- 11.32 The Retail Assessment established the history of the site, and the unsuccessful marketing since the 1990s 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. It was noted that, as of 2021, there were a number of vacant units within Burntwood Town Centre, both within the shopping precinct and along the Cannock Road. In summary, the report concluded that there is a lack of retail or leisure demand, evidenced by the existing vacant retail units in the vicinity of the site, meaning there were viability issues associated with new build proposals. It was also noted that the site suffered from significant competition in retail terms, from sites such as the Cannock Chase Outlet.
- 11.33 It should also be noted that the Council's Economic Development Officer highlighted to Officers at the time of considering 21/00016/FULM that unsuccessful historic marketing of the site had relied upon traditional retail, such as retail parks but not alternative facilities that could support the local community.

11.34 In response to Officer's concerns relating to the location of the proposal, during the appraisal of application 21/00016/FULM the applicant revised the plans to include a community/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 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.

This community hub remains proposed as part of this application, albeit at a slightly reduced size (69sqm). As before 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 remains commensurate to the size and viability of the overall building.

11.35 The requirements of the site within local and Neighbourhood Plan policy, as part of a larger town centre site are recognised. As noted by the Inspector, the policies do not strictly preclude residential accommodation, although there is distinct support, and perhaps robust encouragement, for mixed use town centre uses to be brought forwards rather than large buildings offering single uses.

11.36 As per the Inspector's conclusions, moderate positive weight can be afforded to the provision of a community facility/hub, noting that this 'mixed-use' element is, in reality, rather 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 sterilise further mixed uses coming forward in the town centre. The site and proposals do not form a barrier to the wider site allocation, and continues to ensure a suitable access off the Cannock Road is provided to the rest of Site A.

11.37 In summary, it is considered that the proposals do not significantly 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.

11.38 Officers determining application 21/00016/FULM concluded that the proposal was acceptable 'on balance' in terms of the policies set out in the Local Plan. However, in light of both the findings of the Knight Frank planning needs assessment, and more pertinently noting the Inspector's conclusions in the appeal APP/K3415/W/22/3308505, Officers no longer believe this is an on-balance decision. It is clear that there is a planning need for care homes within the district, or else a substantial under-supply is at risk of developing in as little as three years. The site is delivering a mixed-use insofar as there will be access by members of the public to a community hub/café. It is in a highly sustainable location, on a brownfield site. It will also create sixty jobs in total.

11.39 Therefore, Officers consider the development to broadly comply with the intentions and aspirations of the Local Plan Strategy and Burntwood Neighbourhood Plan. Where there are minor conflicts due to the scheme being *predominantly* a single residential-based use, these are comfortably outweighed by the *significant weight* that must be afforded the two material considerations, which are the appeal decision and conclusions of the Inspector, and the findings of the Knight Frank planning needs assessment.

11.40 As such, the principle of development is considered to be acceptable.

12. Design and impact on the character and appearance of the surrounding area

Policy position

12.1 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.

- 12.2 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.
- 12.3 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.
- 12.4 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

- 12.5 During determination of application 21/00016/FULM, Officers concluded that revisions to the design had added more interest to the elevations, and that the building's wide frontage with Cannock Road was broken up by a projecting gable and other elements. While it was noted that the building was a storey higher than other buildings around it, its hipped roof design and spacing around the building caused it to , according to Officers, *'integrate well into its surroundings'*. Officers also concluded that details of proposed external materials could be secured by an appropriately worded planning condition, to ensure high-quality materials were used on the façades of the building.
- 12.6 Officers concluded that the development would not result in unacceptable harm to the street scene or surrounding of the site, and was acceptable in design terms. However, the Inspector determining appeal APP/K3415/W/22/3308505 did not agree.
- 12.7 With regards to the massing and principal, prominent façade of the building that addresses Cannock Road, the Inspector provided the following analysis:

'The proposed Community Hub would have the potential to add a degree of active frontage at ground floor level at one end of the site's frontage. The front projecting first floor terrace, and smaller second floor balcony would also add a limited degree of interest on the building's frontage. Nevertheless, aside from one front projecting gable, there would be no articulation of the roof line on Cannock Road, which would extend along most of the plot's width. Although hipped, the roof would consequently appear bland and bulky from Cannock Road.' (Paragraph 10)

- 12.8 The Inspector noted that the majority of the front elevation would appear flat, and that there would be a row of nine identical windows without any variation, relief or distinguishing features. She

concluded that this, along with the height of the building, would cause it to appear '*as a solid mass of some considerable height and width*' (Paragraph 11). The Inspector concluded that, fundamentally, it was the front elevation that unacceptably harmed the character and appearance of Cannock Road (Paragraph 11).

- 12.9 A different Officer is determining this resubmitted application, and it must be noted that design matters are subjective. There is general agreement with the findings of the Inspector; insofar that while the design originally submitted was not particularly controversial and did not feature any notably unattractive elements in a design sense, the very *absence* of design flourishes, articulation and other areas of interest, when combined with its width and height, resulted in it having a harmful appearance.
- 12.10 The conclusions of the Inspector are afforded **significant weight** in decision making, meaning that any revised scheme needs to demonstrably address the concerns raised, specifically with the principal (northern) elevation of the building.
- 12.11 The revised scheme does propose some notable changes to the building's principal façade. There are now three projecting gable features along the front elevation; two which are two-openings wide, and one which is a single opening wide. The openings on these projecting gables are of a different size and design to those on the main elevation of the building. The gables are also irregularly spaced to deliberately create asymmetry, which in this context works well to add interest to the elevation. The additional gables ensure that only four identical windows line up in a row, and those windows now benefit from (indicative) cill and header detailing (i.e. brick soldier courses).
- 12.12 The materiality of the façade has also been improved, almost to the point of it now being slightly too varied. The building will predominantly be finished in brick, but horizontal timber cladding ('Cedral boarding' in 'Sage Green') will feature on the first and second floor of the projecting gables. The community hub building will be rendered off-white, and along the façade of the building there will be two vertical contrasting brick bands that run from ground level up to eaves. A brick band also defines the ground floor from the first floor, and runs along the main elevations of the building but avoids the projecting gables.
- 12.13 Altogether there are now four different materials (if the contrasting brickwork is considered 'different') which are used on the building's street-facing elevation, not including the concrete grey tiles for the roof. This will certainly succeed in adding interest, and Officers consider that there is a low risk that it could exceed this and appear slightly cluttered, or 'feature heavy'. To mitigate this, Officers can use a planning condition requiring further detailing of all indicative architectural detailing, specifying the window surrounds and any horizontal/vertical brickwork banding. In addition to the condition requiring the submission of samples, this will ensure there is a subtle difference, rather than a striking contrast, between the brickwork.
- 12.14 It remains inescapable that the building has a broad façade. This is made evident by the single, unbroken ridgeline which, by itself, emphasises the building's height, width and bulk. A step down in the ridge around 60-70% of the way along the ridgeline (i.e. of 500mm – 1m) would visually break the massing of the building up at its highest point. However, Officers are aware that this could significantly impact build costs, could impact the internal layout of the building, and might also detract from the overall appearance of the building by adding further complexity and 'fussiness'.
- 12.15 Officers conclude that the Inspector's comments have very clearly been taken into consideration, and demonstrable steps have been taken to address the concerns raised. While these may fall slightly short of completely mitigating the building's unavoidable width and massing, Officers refer back to the findings of the Knight Frank planning needs report, which emphasises the potential shortfall in beds that could exist within a three year timescale if the Council does not grasp opportunities to provide new bespoke care home facilities, with en-suited bedrooms, in sustainable locations.
- 12.16 As the location is inarguably sustainable, and as the amount of harm being caused by the visual impact of the building has now been notably reduced, the urgency of the *need* for the facility is

considered to weigh in favour of permitting the development as presented, subject to conditions that will secure a high-quality finish both in terms of materials and architectural detailing. As such it is considered that proposals would accord with the development plan and NPPF in this regard.

13. Residential amenity

- 13.1 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.
- 13.2 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.
- 13.3 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

- 13.4 It is considered that the proposed layout 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, orientation and context of the proposed plot and the layout of the scheme, relative to existing development, 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.
- 13.5 The proposal is considered to avoid causing 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.

14. Access and highway safety

- 14.1 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.
- 14.2 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.

- 14.3 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 115 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

- 14.4 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 planning officer, to ensure that the road layout remains flexible for uses which may come forward to the rear of the site.
- 14.5 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 by a Highways Officer and are acceptable. The parking layout incorporates spaces for delivery vans and ambulances along with cycle storage areas. The parking provision has been appraised and it appears that it overdelivers by two spaces (providing 22, instead of the required 20). This exceeds the parking standards set out in the Sustainable Design SPD; however, due to the site's location in a highly sustainable location, providing extra parking is not considered to be desirable. Therefore, the highways officer has recommended a condition to secure an amended parking layout to ensure there is not an overprovision.
- 14.6 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 subject to minor amendments that have been requested by the highways officer, who suggests such amendments can be provided by condition through the submission of an amended travel plan. If the applicants do not submit an acceptable amended travel plan prior to determination, a planning obligation will be worked into the Section 106 agreement requiring the submission of an acceptable amended Travel Plan.
- 14.7 On the advice of the County Highway Officer, compliance with the travel plan requires a monitoring period of 5 years. The cost of monitoring the travel plan (£10,000) has been requested and agreed with the applicant. This would be secured by a S106 agreement, which will be finalised following the determination of the application by committee. 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 will be added to seek to assist in addressing the Council's Climate change mitigation requirements, even though it hasn't been recommended by this highway's officer.
- 14.8 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.

15. Arboricultural impacts

- 15.1 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

- 15.2 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. A landscaping scheme has been provided, which is accompanied by a management plan. While this information looks acceptable – eighteen trees of varying species are being provided - the landscaping drawing hasn't been updated to reflect the changes made to the site's access road. Therefore, a 'notwithstanding' condition will be used to secure an updated landscaping drawing which reflects the access layout and also 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.
- 15.3 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.

16. Ecology

- 16.1 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.
- 16.2 While Policy NR3 of the Lichfield District Local Plan Strategy does not place a figure on the required biodiversity net gain that must be achieved by new development, the Council's Biodiversity and Development SPD advises that the '*minimum increased amount or 'replacement percentage' [is] to be set at 20% above the biodiversity unit value of the habitats lost*'. 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

- 16.3 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.
- 16.4 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 an uplift.
- 16.5 The applicant has noted that, notwithstanding the SPD, which was adopted in 2016, the Government's position on biodiversity net gain and the timing of the application's submission to the Council prevent there being a statutory requirement for a 10% gain to be realised on site. This has been agreed by the Council's Ecology Officer. Therefore, while it is somewhat regrettable a more

robust net gain cannot be realised, or sought, it is conceded that the net gain can be 2.07 units (with neutral being 2.06 – an increase of 0.01).

- 16.6 The agents, on behalf of the applicant, have approached Officers at the Council with a view to establishing what units the Council may be able to sell to the developer to offset the biodiversity impacts of the development. The Council has identified an Open Mosaic Habitat site within its district that can be used to offset the loss of habitat on this site. The cost per unit is £35,000, and the applicant requires 2.07 units, meaning a total contribution of £72,450 is required towards the purchasing of the required credits.
- 16.7 Even if the applicant opts not to use the Council's service, regardless of the source of the credits, it is critical that evidence of credits being purchased equivalent to 2.07 units is provided to the Council to demonstrate that a biodiversity net gain, even a very modest one, has been achieved (albeit off site). Either securing the financial contribution set out above, or providing evidence to the Council that suitable credits have been purchased, can form part of a legal agreement which can be negotiated following the determination of the application by committee.
- 16.8 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.

17. Drainage

- 17.1 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).
- 17.2 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

- 17.3 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 subject to the imposition of a planning condition.
- 17.4 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.

18. Cannock Chase SAC

- 18.1 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.
- 18.2 The agreed strategy for the Cannock Chase SAC is set out in Policy NR7 of the Local Plan Strategy, which requires that before development is permitted, it must be demonstrated that in itself or in combination with other development it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC having regard to avoidance or mitigation measures.

Assessment

- 18.3 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.
- 18.4 A Habitat Regulations 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. As such, 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.

19. CIL/Planning obligations

- 19.1 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 (£77.61 per square metre for the year 2024 – 2025). An informative to remind the applicant of this responsibility would be attached to the decision notice, if permission is granted.
- 19.2 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 (£77.61 per square metre for the year 2024 – 2025). An informative to remind the applicant of this responsibility would be attached to the decision notice, if permission is granted.

Obligations

- 19.3 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.
- 19.4 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.

Integrated Care Board & the Primary Care Network

The situation

- 19.5 Application 21/00016/FULM attracted comments from the Integrated Care Board (ICB), in relation to the development's impact on the Primary Care Network (PCN) within Burntwood. After some discussion it was agreed that a financial contribution of £37,375 was necessary as a commuted sum, to be put towards the cost of providing primary health care within the district of the Council. To justify this, the ICB submitted evidence that there was a significant (>600sqm) shortfall of clinical treatment rooms across the five existing buildings within the PCN.
- 19.6 In its comments submitted to application 21/00016/FULM in December 2022, the ICB advised that a business case was being formulated for a new health and community facility in Burntwood to address existing and future healthcare needs of the PCN. The money provided by this development, it was argued, would go towards increasing the future clinical treatment room floorspace within the proposed new facility.
- 19.7 Application 21/00016/FULM was refused, and the Inspector identified this contribution as a main issue that required attention, and appraisal. The Inspector did not dispute that the development would result in an impact on the PCN, and acknowledged a degree of uncertainty over whether calculating the floor area based on the total number of beds/patients that could occupy the care home was reasonable. The Inspector concluded that it was *'appropriate'* to base the contribution on the total number of future occupants in this instance.
- 19.8 However, when looking at the identified project that the contribution would be put towards, the Inspector had reservations. She concluded that the timing of the delivery of the facility relative to completion and occupation of the appeal scheme is unknown. She found that there is *'considerable uncertainty'* over whether the facility would be available to meet the needs of future occupants of the appeal scheme. The Inspector had before them no substantive evidence on the nature and timing of such a facility, and as such concluded that they couldn't be *'sufficiently certain that the requested contribution would deliver the necessary increase in healthcare infrastructure'*. (all Paragraph 32).
- 19.9 The Inspector found no reasons why other sites couldn't be identified, and was not persuaded that funding for healthcare could be secured through the Community Infrastructure Levy. Paragraph 35 provided a conclusion to this section:
- 'However, for the above reasons, I conclude that it has not been demonstrated that the requested contribution would make adequate provision for healthcare infrastructure, with particular regard to the PCN. As such, the proposal would be contrary to Core Policy 4 of the LP Strategy which seeks to ensure developments contribute appropriately to strategic projects that support sustainable development and the community.'*
- 19.10 In response to this, the ICB has responded to this current application requesting (again) a financial contribution, which has increased since December 2022. The ICB have calculated that a total of 8.34m² of consultation/clinical floorspace will be generated by the development, resulting in a required contribution of £53,794 (at £6,454 per square metre).
- 19.11 Once again, the ICB has identified the delivery of a modern primary healthcare centre within the PCN in Burntwood as the project that the contribution would assist in delivering (with increased floorspace accordingly). Appended to the comments submitted in Feb 2024 were letters of support from key stakeholders and a project programme, which advises that a new healthcare centre could be delivered and in use by April 2026 (two years from the time of writing). The ICB advise that this information has been provided to directly respond to the nature of the queries tabled by the Inspector within the appeal decision.

- 19.12 In response to this, the planning agents subsequently submitted a rebuttal to the ICB's comments, noting the uncertainty over the deliverability of the development, querying the cost per square metre and the assumption that all users of the care home would be from outside of the PCN. The agent also submitted a revised floorplan which shows, on the second floor of the building, a 10.6sqm 'Visiting Clinical Surgery' space. Notwithstanding the arguments put forwards concerning the cost of development or where the care home's occupiers may originate, the agent submitted that the on-site provision of 10.6m2 of consultation/clinical floorspace would exceed the demand placed upon the PCN by the development as calculated by the ICB itself.
- 19.13 In early March 2024, the ICB responded to the agent's rebuttal and submitted floor plan. In this response, the ICB advised that *'it would be useful to understand the project timeline for delivery and operation of the proposed development to understand where any lack of synchronicity and service pressure would arise and the need for any further temporary solutions, which would then ultimately be delivered within a fit-for-purpose estate solution'*.
- 19.14 The ICB points out that neither the developer *nor* the ICB can be certain on the matter of who may occupy the care home, whether they all, or the majority occupy the existing PCN or will come from outside the PCN. The ICB points out the Inspector's agreement that it was reasonable to assume that all occupiers of the care home would be from outside the PCN. The ICB also advised that its rate per sqm for the floorspace was based on a recently delivered project from July 2022, including a baseline construction cost, land costs, surveys and professional/statutory fees etc.
- 19.15 Finally, in response to the provision of 10.6sqm of 'in house' consultation floorspace, the ICB concludes that the offer is *'commendable'* but that it would not on its own *'provide the long-term sustainable solution sought for Burntwood to serve both this development and the PCN'*. The ICB also point out that multi-disciplinary teams of health visitors should have a base to return to where they have access to medical equipment and health records. The ICB also advises that NHS healthcare rooms need to meet national standards, and should technically be designed to a minimum of 16m2.

Appraisal

- 19.16 Officers have carefully considered the position of both parties (the ICB and the applicant), in the context of the Inspector's conclusions on this matter when appraising appeal APP/K3415/W/22/3308505. The conclusions reached by the Inspector are afforded **significant weight** in decision making.
- 19.17 Officers see no reason to conclude differently to the Inspector with regards to whether the proposed development will place pressure on the PCN or not, and also agrees that, due to the uncertainty over where end users of the care home will come from, it is reasonable to assume that *all users* could originate from outside the existing PCN.
- 19.18 Fundamentally, Officers agree that provision needs to be made for mitigating the development's impact on local healthcare infrastructure. However, Officers do not necessarily agree with the ICB's position that the only way to achieve this is through a financial contribution to a large strategic project such as the one identified.
- 19.19 Turning first to this project, and the programme of works that is being maintained to keep track of where the project has reached in terms of progress, it is clear that it hasn't reached the planning application stage yet. Using the dates on the programme of works, it would seem that the project is currently in its 'Design Development' phase ahead of a public consultation commencing in mid-June. It seems that the planning application is earmarked for submission in early July, nearly two months away from the date that this application will be heard at committee.
- 19.20 As the healthcare centre hasn't even achieved permission, Officers are exceptionally cautious about affording any weight to the indicated completion/occupation time of April 2026. It is noted that the programme factors in a seven-week buffer onto the 13-week determination period that has been

assigned to the planning application, meaning the application could take from July until December 2024 to be determined. However, given the number of external consultees and other factors that may become relevant or impact the progress of the application, including the need for a legal agreement to be completed, a total 20-week turnaround from submission to permission in place and issued could be regarded as ambitious for a strategic project in a complex, urban area. This is before there is any indication or idea on what planning conditions may require imposing and discharging prior to any substantive works commencing.

- 19.21 Officers therefore arrive at the same conclusions as that reached by the Inspector; as the project hasn't even achieved planning permission (and as the application hasn't even been submitted), there is significant uncertainty over whether the delivery of the healthcare facility will be able to successfully align with the delivery of the care home. If the healthcare facility is not up and running at the point of the care home being completed and occupied, then the pressure placed on the PCN could be significant. The financial contribution towards the healthcare centre, and the additional floorspace required as calculated based on the care home's occupancy, will have been unsuccessful in mitigating its impact.
- 19.22 The ICB has acknowledged this in its response to concerns dated March 2024. It has offered to work with the care home's forecasted project timeline for delivery and operation to identify any lack of synchronicity and potential *'temporary solutions'* that would be delivered within a *'fit-for-purpose'* estate solution. However, both projects are wholly separate, and there is no mechanism within the planning process, either through conditions or planning obligations, that can *'tie'* the delivery of one to the other. Either project could, for any number of unforeseeable reasons, become *'parked'* and remain dormant for a period of time. Therefore, attempting to do this could easily be regarded as an unreasonable barrier to the implementation of sustainable development.
- 19.23 The *'temporary solutions'* referred to by the ICB are not specified. Officers find the idea of any temporary solution questionable. For example, a temporary solution might be to use the money to deliver temporary consultation rooms at one of the existing medical centres. However, the location and scope of this would need identifying and specifying as part of any subsequent legal agreement. Again, there's uncertainty over whether the provision of consultation space within a mobile classroom or other *'temporary'* building would actually be acceptable, and the costs would (it is envisioned) be different to that of the construction of a permanent building.
- 19.24 Officers find the solution offered by the applicants in the form of 10.6m² of *'Visiting Clinical Surgery'* space to be compelling. Officers note that this solution is described as *'commendable'* by the ICB. However, the ICB also dismiss it as a solution on the basis that does not provide the *'long-term sustainable solution sought for Burntwood to serve both this development and the PCN'*.
- 19.25 In the event the new strategic healthcare facility already existed, then it would be reasonable to expect a contribution to be necessary to secure the facility's expansion, either physically or in terms of the number of available consultation spaces for customers within the PCN. However, as the healthcare centre isn't yet even at planning stage, Officers must advise the ICB that the development being proposed by this application is not under any obligation to assist in securing a long-term solution to serve the wider PCN. As per Paragraph 57 of the NPPF, obligations must be necessary directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, the development must mitigate its own impact on the PCN; it is unreasonable to demand anything significantly exceeding this, and refusing permission on this point alone would not be considered sustainable at appeal.
- 19.26 The care home results in additional pressure on the PCN, quantified in terms of required consultation floorspace (8.3m²). The care home proposes to provide around 12.6m² of consultation floorspace in house, on the second floor. While this amounts to over-delivery, Officers are mindful of the ICB's point that the NHS has minimum standards for room sizes and equipment, requiring rooms to be at least 16m². On 24th April Officers received an amended floor plan (AP20027 – L02 Rev O) increasing the size of the room to 16m².

- 19.27 Having in-house facilities will allow travelling doctors and nurses to attend the site and allow all users of the care home to have access to healthcare facilities without having to be transported between the site and any new or existing healthcare facility. Officers note the ICB's concerns regarding inefficiency and the ability for health visitors to access equipment, training facilities, health records and secure I.T links.
- 19.28 While the point about inefficiency is noted, Officers do not consider that alone to represent a reason for refusal in any capacity. Furthermore, there appears to be no other way to successfully (and with certainty) mitigate the impact of the development. The ICB do not suggest or provide any evidence that shows that it would be impossible for the care home's Visiting Clinical Surgery room to be adequately equipped and provided with suitably secure I.T links to records etc. The care operator has confirmed that it could make provision for associated finishes and provide access to secure Wi-Fi.
- 19.29 Consequently, while the ICB's *preferences* for mitigation are noted, Officers do not think the ICB's requested financial contribution towards the delivery of a medical centre that is still in early 'full' design stages and for which no planning application has been lodged would be effective in securing mitigation for the development's impact on the PCN. Therefore, to allow this as a solution now would represent a significant undermining of the Inspector's recent conclusions on the matter.
- 19.30 However, the delivery of in-house clinical consultation/surgery space built to the required national standards for NHS healthcare rooms, the provision and retention of which can be secured using the legal agreement, is considered to represent a way in which this matter can be overcome that passes the tests set out in Paragraph 57 of the NPPF.

Conclusion

- 19.31 As such, subject to an obligation within the subsequent Section 106 agreement, the development's impact on the PCN within Burntwood is considered to have been overcome in light of the Inspector's comments during the determination of appeal APP/K3415/W/22/3308505.

Ecology

- 19.32 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 the applicant must purchase 2.07 credits of biodiversity units. The obligation is not necessarily required to secure the applicant's payment for the units, although it could be used to do this if it were purchasing from the Council, as it could be worded as a financial obligation/contribution. In any event, evidence that payment has been made for the equivalent of 2.07 credits will be required, and this, in turn, would reassure the Council that habitat creation or enhancement can take place elsewhere within the District.

Travel plan monitoring

- 19.33 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. This travel plan needs to be updated in accordance with comments received by the highways officer; if these updates are not provided prior to determination then a planning obligation in a Section 106 will be used instead.
- 19.34 Notwithstanding this, in accordance with the request made by the County Highway Officer, the monitoring of this plan over a five-year period would cost £10,000. This obligation would be undertaken by the County Council.

Community facility

- 19.35 The proposed scheme includes a small community facility. In order to ensure that this facility is made available it is proposed that permanent retention and management of this element by the care home would need to be secured by a S106 planning obligation.

20. Human rights

- 20.1 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.

21. Conclusion

- 21.1 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.
- 21.2 Following the recent conclusions reached by the Inspector in determining appeal APP/K3415/W/22/3308505, the principle of redeveloping the site to deliver a care home with a modest ancillary community facility is considered to be acceptable. While there remains some minor tension with the robust encouragement of the Burntwood Neighbourhood Plan to deliver mixed retail/office uses on this allocated site, the harm arising from this is easily outweighed by both the Inspector's conclusions on the suitability of a care home use in this location, and the demonstrable need as set out in Knight Frank's planning needs assessment.
- 21.3 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.
- 21.4 Following responses to the previous application and in light of the Inspector's comments, it is considered that the applicants have now submitted a suitable scheme which meets with the requirements of the relevant development plan policies and subject to conditions/obligations within a Section 106 agreement. The development would not have an adverse impact upon the character or appearance of the surrounding area; it's improved design would assist its assimilation into the locality. It would not prevent further development coming forward within the wider allocation, would not adversely impact the Burntwood Primary Care Network through increased pressure, nor have a detrimental impact on the amenity of neighbouring residents or prejudice highway safety. As such, refusal is not justified in any capacity.
- 21.5 Consequently, it is recommended that this application be approved, subject to conditions and a legal agreement, as set out below.

- 22. Recommendation : Approve, subject to the planning conditions set out below and any subsequent minor additions, amendments or omissions to these conditions that may be required, and subject to either an updated acceptable (to the Highways Officer) Travel Plan being provided pre-determination, or the Section 106**

agreement containing an obligation requiring the submission of an updated acceptable Travel Plan, and:

Subject to the owners/applicants first entering into a S106 to secure the following:

- a. A financial contribution towards the purchase of biodiversity credits at a cost of £35,000 per unit, equating to 2.07 units (total cost £72,450), to be used towards achieving a biodiversity net gain through the creation of off-site Open Mosaic Habitat at Muckley Corner, Lichfield or evidence that biodiversity credits equating to 2.07 units have been purchased from another source (i.e. the Environment Bank) to deliver off-site biodiversity net gain.
- b. A Travel Plan Monitoring fee of £10,000;
- c. The securing and continued community/public use of the community café/room;
- d. The securing and permanent retention of an in-house 'Visiting Clinical Surgery' room, built to relevant national standards for NHS healthcare rooms to off-set the impact of the development on the Primary Care Network.

If the S106 legal agreement is not signed/completed by 13th August 2024 (three months from committee) and if a further extension of time has not been agreed by the applicant, then powers shall be delegated to officers to refuse planning permission, based on the unacceptable impact of the development in the absence of the required contributions and undertakings, as outlined in the report.

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 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 any or certain elements of the development hereby approved:

3. No development hereby approved shall begin until the final detailed surface water drainage design has been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The final design must conform to the design detail summarised in the approved

preliminary drainage layout drawing 6478-KSA-XX-XX-DR-C-0001 Revision P2, dated 21/03/2024 and received by the Council on 25th March 2024. The design must further demonstrate:

- a) BRE-365 Infiltration testing (or further ground investigation reports) to demonstrate whether a full or partial discharge to ground is achievable via infiltration. If a connection to sewer is sought, off site discharges shall be restricted to a maximum rate of 5 l/s and evidence of permission to connect from the asset owner at the point and rate shown in the design shall be demonstrated (i.e., pre-development enquiry etc).
- b) Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.
- c) Performance calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and critical storm durations (15 mins up to 48 hours), to include as a minimum the 1:2 year, 1:30 year and the 1:100-year plus climate change return periods.
- d) The hydraulic modelling design shall use FEH Rainfall Data and shall apply a factor of 40% upon rainfall to model the impact of climate change as per the approved drainage strategy.
- e) A plan showing the total impermeable/ permeable areas of the development layout shall be submitted alongside the drainage design to confirm the contributing areas within the hydraulic model.
- f) The use of SuDS features to provide reuse and recycling of roof runoff (water butts and bio-retention areas) and to provide source control (permeable paving). All SuDS measures are to be demonstrated on the drainage plan. All shared SuDS features shall be located in areas of the site allowing for adequate access to provide management and maintenance.
- g) Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels are to be set 150mm higher than ground levels to mitigate the risk from exceedance flows (i.e., blocked gullies etc). In all cases, the surrounding ground level shall slope away from the finished floor level of properties and any entrances to mitigate against the risk of surface water inundation.
- h) Provision of an acceptable management and maintenance plan to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the body(-ies) responsible.
- i) Provision of an acceptable Surface Water Management Plan (SWMP) to ensure that temporary measures are installed to intercept, store and discharge of surface water runoff generated by the site during the construction phase.

The development shall thereafter proceed in accordance with the approved details, with the surface water drainage design implemented prior to first occupation of the development hereby approved.

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 Local Plan Strategy and the National Planning Policy Framework.

4. Prior to the commencement of any development hereby approved, a Precautionary Method of Working (PMoW) statement shall be submitted to and approved in writing by the Local Planning Authority. The PMoW shall cover the following points:

- Reasonable Avoidance Measures (RAMs) for mammals during construction, to secure site works overnight.

- Careful clearance of any vegetation showing awareness to; nesting bird season, small mammals such as hedgehogs, reptiles and amphibians.
- A designated contractor compound for storage of materials and vehicles on hard-standing.
- Biodiversity/landscape enhancements proposed on site to replace any lost ecology (to tie into the **Condition 8 [Landscaping]** below)

Reason: To safeguard and minimise harm to protected and priority species during the construction phases of the development, in accordance with Policies CP3, BE1 and NR3 of the Local Plan Strategy, the Sustainable Design 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 contractor's compounds, welfare cabins, toilet facilities 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.
- Measures to prevent dust from construction affecting the air quality in the vicinity of the site (i.e. 'dampening' of equipment/surfaces etc).

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 the amenity of neighbouring residential properties, 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 Local Plan Strategy and the National Planning Policy Framework.

6. Unless with the prior written consent of the Local Planning Authority, before any part of the development hereby approved is commenced the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Due to the site's historic use there is a reasonable likelihood of contamination being present. As such, it is necessary to safeguard the health and safety of those who will be both working on the site during intrusive construction phases of development as well as those who will be occupying the building in a residential capacity in the long term, in accordance with CP3 and BE1 of the Local Plan Strategy 2015.

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 approved 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 Local Plan Strategy, the Sustainable Design SPD, the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

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

8. Before the development hereby approved proceeds beyond slab level, and notwithstanding any details shown on any of the approved plans, an alternative detailed soft 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 the first planting season, in the case of all soft landscaping and planting, unless an alternative timetable for implementation is submitted to and agreed in writing by the Local Planning Authority beforehand.

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

9. Before the development hereby approved proceeds beyond slab level, details of all external facing materials, including colour, size and texture of timber cladding, brickwork (including all window surrounds and vertical/horizontal banding), roof tiles, render swatches and glazed canopies/balustrades for balconies 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 Local Plan Strategy, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

10. Boundary treatments, including boundary walls (with and without railings), close board fences and wire fences shall comply with those shown in photos/drawings on approved drawing AP20023-L05 Rev F unless, prior to the development proceeding beyond slab level, alternative 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 prior to the first occupation of the development, 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 Local Plan Strategy, Policies B5 and B6 of the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

11. Before the development hereby approved proceeds above slab level, 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 to safeguard the amenities of those occupying the care home from commercial noise sources surrounding the development. The development shall only be implemented in accordance with the approved mitigation measures, with those measures implemented and in place prior to the building's occupation, 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 Local Plan Strategy and the National Planning Policy Framework.

12. Cycle storage/parking facilities shall comply with the details shown on approved drawing AP20023-L05 Rev F unless, prior to the development proceeding above slab level, alternative details of safe, secure and weatherproof cycle parking facilities for staff and visitors are submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance

with the approved alternative 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 Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.

13. If any of the kitchens within the proposed development hereby approved are to be fitted with an extraction fan or any other means of exhausting air into a location outside of the building, a scheme for the control of odours shall be submitted to and agreed in writing with the Local Planning Authority prior to the development processing above slab level. All measures for controlling odours should be implemented prior to the first occupation and use of the building, and shall be retained as such thereafter.

Reason: To safeguard the amenity (air quality) of neighbouring residential properties and non-residential properties in accordance with policies CP3 and BE1 of the Local Plan Strategy 2015.

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

14. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason: Due to the site's historic use there is a reasonable likelihood of contamination being present. As such, it is necessary to safeguard the health and safety of those who will be both working on the site during intrusive construction phases of development as well as those who will be occupying the building in a residential capacity in the long term, in accordance with CP3 and BE1 of the Local Plan Strategy 2015.

15. Before the development hereby approved is first brought into use as an operative care home, 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. J32-7759-PS-003 dated 03/11/2023 and prepared by 'mode transport planning' for the Transport Statement received by the Council on 22nd December 2023. The visibility splays 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 Local Plan Strategy and the National Planning Policy Framework.

16. Before the development hereby approved is first brought into use, the existing site access that is being 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 Local Plan Strategy and the National Planning Policy Framework.

17. Before the development hereby approved is first brought into use electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to serve two parking spaces

within the staff and visitor's car park shall be installed and operational and retained/ maintained as such thereafter.

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

All other CONDITIONS to be complied with:

18. The development hereby approved shall be carried out in strict accordance with Section 7 'Further Surveys, Mitigation, Compensation and Enhancement' as detailed in the approved Preliminary Ecological Appraisal (Updated Ecological Appraisal Ref 2023/5591/A dated 15th December 2023 and received by the Council on 22nd December 2023). The ecological precautionary and enhancement measures relating to badgers, hedgehogs, nesting birds, bats and invertebrates 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 Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

19. Any tree, hedge or shrub planted as part of any 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 Local Plan Strategy, Trees, Landscaping and Development SPD and the National Planning Policy Framework.

20. 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 (use class C2) with community hub as shown on the approved plans, and for no other purposes whatsoever.

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 Local Plan Strategy, the Sustainable Design SPD, the Burntwood Neighbourhood Plan and the National Planning Policy Framework.

21. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no additional gates, fences, walls or other means of enclosure (other than any approved as part of a planning condition) shall be erected, constructed or placed in any location within the curtilage of the care home (including anywhere along the access road to the east of the building), without the prior express planning permission of the Local Planning Authority.

Reason: The subdivision of the site with hard boundary treatments such as close-boarded fences would be incompatible with the character and appearance of the site and street scene. The condition is necessary to safeguard the visual amenities of the area in accordance with Policy BE1 of the Local Plan Strategy and Section 12 of the NPPF.

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 £43 for a householder application or £145 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 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.
6. 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>
7. 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.
8. The applicant's attention is drawn to the comments submitted by the Architectural Liaison Officer with regards to ensuring the site in its construction and operations as a care home minimises opportunities for crime.