

## Planning Committee

13 January 2020

### Agenda Item 4

Contact Officer: Claire Billings

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## Report of the Head of Economic Growth and Development

### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

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

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

### FORMAT OF REPORT

Please note that in the reports which follow

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

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

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

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

## **AGENDA ITEM NO. 4**

### **ITEM A**

#### **APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT**

**13 January 2020**

#### **CONTENTS**

Case No.	Site Address	Parish/Town Council
19/00753/OUTMEI	Rugeley Power Station Armitage Road	Armitage with Handsacre
18/01693/FUL	Land fronting Turnbull Road Fradley	Fradley and Streethay

**Lichfield**  
district council

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# LOCATION PLAN

19/00753/OUTMEI  
Rugeley Power Station  
Armitage Road  
Armitage

Scale: 1:20,000

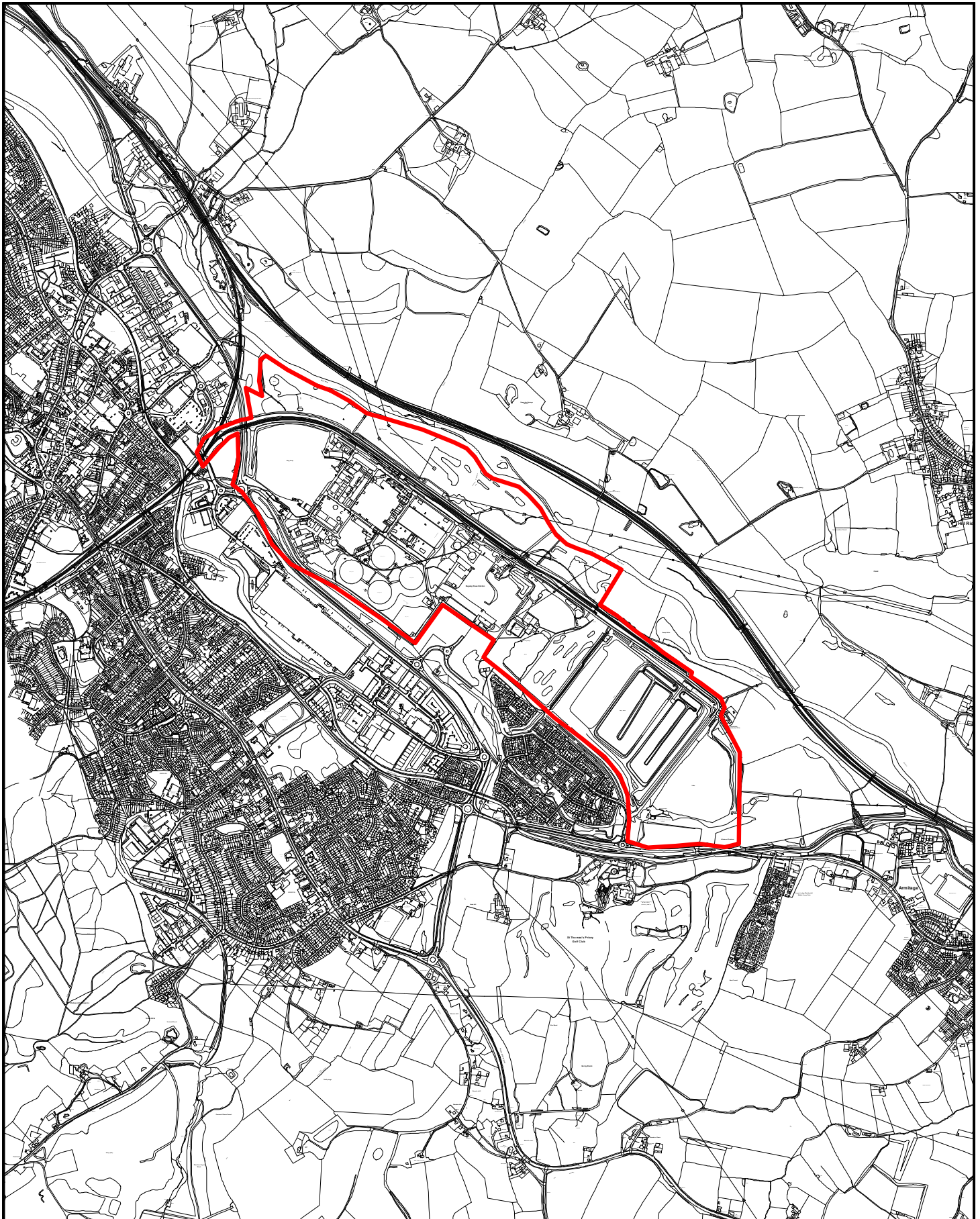
Dated: January 2020

Drawn By:

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## 19/00753/OUTMEI

OUTLINE PLANNING APPLICATION FOR THE CREATION OF DEVELOPMENT PLATFORM AND THE DEMOLITION OF EXISTING OFFICE BUILDING AND ENVIRONMENTAL CENTRE, SITE CLEARANCE, REMEDIATION AND MIXED-USE DEVELOPMENT COMPRISING: UP TO 2,300 NEW DWELLINGS AND RESIDENTIAL UNITS (USE CLASSES C3 AND C2); UP TO 1.2 HA OF MIXED-USE (USE CLASSES A1, A2, A3, A4, A5, C1, C2, C3, D1 AND D2); UP TO 5 HA OF EMPLOYMENT (USE CLASSES B1A, B, C AND B2); 1NO. 2 FORM ENTRY PRIMARY SCHOOL (USE CLASS D1); FORMAL AND INFORMAL PUBLICLY ACCESSIBLE OPEN SPACE; KEY INFRASTRUCTURE INCLUDING NEW ADOPTABLE ROADS WITHIN THE SITE AND THE PROVISION OF A NEW PRIMARY ACCESS JUNCTION ON TO THE A513; GROUND MOUNTED SOLAR PANELS AND 2 NO. EXISTING ELECTRICITY SUBSTATIONS (132 KV AND 400 KV) RETAINED (ALL MATTERS RESERVED EXCEPT ACCESS)  
RUGELEY POWER STATION, ARMITAGE ROAD, ARMITAGE, RUGELEY  
FOR RUGELEY POWER LIMITED

Registered 07/06/2019

Parish: Armitage with Handsacre

**Note:** This application is being reported to the Planning Committee, due to the significant scale of the development; that an Issues Paper on the application has been previously considered by members of the Planning Committee on 1<sup>st</sup> July 2019 and; due to there being more than 3 obligations contained within the proposed S106 agreement.

### RECOMMENDATION:

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

1. On-site affordable housing provision;
2. On-site sports provision (including changing facilities and management);
3. On-site Public Open Space provision (including delivery of the waterside park and public art);
4. Education provision, including on-site delivery of 2 form of entry primary school and secondary school contribution;
5. Highways and transport contributions (comprising off-site highway works (junction improvements), canal towpath improvements, public transport service enhancement sum and travel plan monitoring sum);
6. Cannock Chase SAC air quality mitigation scheme; and
7. The Community Building and Healthcare.

Note a separate Unilateral Undertaking relating to the payment of £178.60 per dwelling for recreational mitigation for the Cannock Chase SAC is also required.

(2) If the S106 legal agreement and Unilateral Undertaking are not signed/completed by the 13<sup>th</sup> April 2020 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.

Then APPROVE, subject to the following conditions:

### CONDITIONS

1. The development hereby approved shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of

approval of the last of the reserved matters to be approved, whichever is the later. Application(s) for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of twenty years from the date of this permission.

2. The first reserved matters application shall be made within 3 years of the date of this planning permission.
3. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
4. This is an outline planning permission and no phase of development shall be commenced (excluding works identified as “exempt development” in the Schedule of Definitions) until details of layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; boundary treatments; housing mix; surfacing treatments; the means of pedestrian and cycle access and parking layout; and the landscape and planting of the site (except the approved access to the A513, through Lichfield District Council application number 17/00453/FULM) have been submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

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

5. Before the submission of the first Reserved Matters application (with the exception of the Western Gateway and the Riverside Park), pursuant to Condition 4, a scheme for the phasing of the development of the entire site (to be broadly in accordance with the Illustrative Phasing Plan reference 01585\_PP\_06 Revision P4), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in broad accordance with the approved phasing plan.

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

6. a) The first application for Reserved Matters (with the exception of the Western Gateway or the Riverside Park), pursuant to Condition 4, shall be accompanied by a Site Wide Design Code, to include a Regulating Plan, for the development of the site for approval in writing by the Local Planning Authority. The Site Wide Design Code will be broadly in accordance with the Design and Access Statement and Landscape Design Statement submitted with the application and shall include the following, where relevant:

**Built form**

- (i) Character areas;
- (ii) Principles of building forms and housing mix;
- (iii) Development parcel access locations; and
- (iv) Detail of key nodes / building groupings.

**Public realm**

- (i) A movement framework including street types, road hierarchy, street layout and character, and measures to restrain the speeds of vehicles to 20mph and to give consideration to the need to accommodate access for oversize / wide-load vehicles;
- (ii) Landscape design principles;
- (iii) Detail of key green infrastructure elements (location, size, function and character);
- (iv) Footpath and cycle networks;
- (v) Connections to the surrounding area for all transport modes; and
- (vi) Connections through the site for all transport modes.

b) The submission of any Reserved Matters for a phase of development (with the exception of the Western Gateway or the Riverside Park), pursuant to Condition 4, shall be accompanied by a Design Code, to include a Masterplan, for the development of that phase, or phases, for approval in writing by the Local Planning Authority. The Design Code will be broadly in accordance with the Site Wide Design Code and shall include the following, where relevant:

#### **Built Form**

- (i) Principles of corner treatment;
- (ii) Principles of elevational design;
- (iii) Principles for placement of entrances;
- (iv) Building materials palette;
- (v) Principles of energy efficiency;
- (vi) Principles of service arrangements;
- (vii) Continuation in use of existing substations (including access for vehicles where necessary);
- (viii) Consideration of housing mix, with reference to the Parameter Plans pursuant to Condition 3 and the latest evidence on need; and
- (ix) Principles of dwelling garden sizes, parking standards and separation distances / daylight standards.

#### **Public Realm**

- (i) Boundary treatments;
- (ii) Surface materials palette;
- (iii) Planting palette;
- (iv) Ecological design principles;
- (v) Parking strategy including the provision of secure cycle parking facilities for all uses on site;
- (vi) The locations, layout and specifications of public open space and SUDs; and
- (vii) The location, proposed uses and layout of the Neighbourhood Square in the Northern Mixed Use Area.

c) The submission of any Reserved Matters for a phase of development relating to the Western Gateway (comprising approximately 300m of spine road from the A51 access) or the Riverside Park, pursuant to Condition 4, shall be accompanied by a Design Brief, to include a Masterplan, for the development of that phase, or phases, for approval in writing by the Local Planning Authority. The Design Brief will be broadly in accordance with the Design and Access Statement and Landscape Design Statement submitted with the application and shall include the following:

- (i) A movement framework, including the approach for connecting the site to enable sustainable movement through the site for all transport modes;
- (ii) Detailed landscape design; and
- (iii) Detail of key green infrastructure elements (location, size, function and character).

7. Each application for the approval of Reserved Matters, pursuant to Condition 4, shall be accompanied by a statement that demonstrates that such details of reserved matters accord as applicable with the design principles of the approved Site Wide Design Code and relevant Detailed Design Code pursuant to Condition 6 a/b or the relevant Design Brief pursuant to Condition 6c. The statement shall include matters of the following as relevant:

- (i) Building mass;
- (ii) Public realm and amenity space;
- (iii) Accessibility for all;
- (iv) Footpaths and cycle ways;
- (v) Car and cycle parking, including visitor car parking and secure cycle parking;
- (vi) Vehicular accesses and circulation;
- (vii) Service arrangements;

- (viii) Details of hard and soft landscaping;
- (ix) Ecological design principles;
- (x) Existing and proposed levels;
- (xi) Security and safety;
- (xii) Principles of energy efficiency;
- (xiii) Materials; and
- (xiv) Layout.

The development of that Reserved Matters phase shall not be commenced until the statement has been approved in writing by the Local Planning Authority. Development of that phase shall thereafter be carried out in accordance with the approved details.

8. Each application for the approval of Reserved Matters pursuant to Condition 4, shall be accompanied by a Landscape Management Plan for that phase, to include an implementation timetable; long term design objectives; management responsibilities; and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens, for approval in writing by the Local Planning Authority. The Landscape Management Plan shall thereafter be implemented in accordance with the approved details and timescales.
9. Each application for Reserved Matters, pursuant to condition 4, shall be accompanied by a Construction Environment Management Plan (CEMP) and Habitat Management Plan (HMP) for that phase expanding upon the information provided within the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8 Biodiversity Net Gain, Letter Appendix A – Ecology Correspondence, Figure 9.10 Biodiversity Calculations and Proposed Development Habitats and Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, detailing in full, measures to protect existing habitat during construction works and the formation of new habitat to secure an overall site wide net gain value of no less than 27.89 Biodiversity Units, for approval in writing by the Local Planning Authority. Within the CEMP/HMP document the following information shall be provided:
  - i) Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulfur);
  - ii) Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
  - iii) Details of both species composition and abundance (% within seed mix etc.) where planting is to occur;
  - iv) Proposed management prescriptions for all habitats for a period of no less than 25 years;
  - v) Assurances of achievability;
  - vi) Timetable of delivery for all habitats; and
  - vii) A timetable of future ecological monitoring to insure that all habitats achieve their proposed management condition as well as description of a feed-back mechanism by which the management prescriptions can be amended should the monitoring deem it necessary.

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

10. Each application for Reserved Matters, pursuant to condition 4, shall be accompanied by an Ecological Mitigation Strategy for that phase, expanding upon the information provided within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement and Chapter 9 Ecology, the Environmental Statement Addendum and Letter Appendix A – Ecology Correspondence, detailing in full, ecological mitigation measures, for approval in writing by the Local Planning Authority. The development of the

phase shall thereafter be undertaken in accordance with the approved Ecological Mitigation Strategy.

11. Each application for Reserved Matters for each phase of development, pursuant to Condition 4, shall be accompanied by a detailed Surface Water Drainage Strategy for that phase for approval in writing by the Local Planning Authority. The Surface Water Drainage Strategy shall be in accordance with the principles set out in the approved Flood Risk Assessment (Report no. WORK\34060387\v.2 Rev 3 dated 14th May 2019 compiled by AECOM) and Drainage Strategy Report (WORK\34060242\v.2 Rev 4 dated 15th May 2019 complied by AECOM) and shall include details of the following measures:
- i) Percolation assessments carried out in accordance with BRE digest 365 to determine infiltration potential;
  - ii) The assessment of existing outfalls and remediation where required to accommodate flows from the development;
  - iii) The incorporation of SuDS features including source control, permeable paving, swales and open water features within the drainage design to provide adequate water quality treatment in accordance with CIRIA C753;
  - iv) Surface water discharge from each Area to be limited to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report;
  - v) The provision of adequate on-site attenuation features across the site to limit the maximum surface water discharge to the combined restricted rates for the equivalent return period storms as specified in Appendix A of the Drainage Strategy Report;
  - vi) Where attenuation features are allocated to serve multiple phases, they will be constructed and operational to serve the relevant phase;
  - vii) Finished floor levels are set no lower than 150mm above local surrounding ground levels;
  - viii) The management of overland flows in the event of exceedance or blockage of the drainage network to ensure no flooding to property;
  - ix) The details of an achievable and site-specific maintenance plan for each phase of the development including the provision of access;
  - x) All built development located in Flood Zone 1; and
  - xi) No ground raising in the flood plain.

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

12. Before the development hereby approved is commenced, within each phase of the development (as approved by condition 5), a Construction Environmental Management Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall:
- i) Specify details of the site compound, cabins, material storage areas and vehicular access point;
  - ii) Specify the delivery and working times;
  - iii) Specify the types of vehicles;
  - iv) Specify noise, air quality and dust control;
  - v) The management and routing of construction traffic;
  - vi) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
  - vii) Provide for the loading and unloading of plant and materials;
  - viii) Provide for temporary trespass proof fencing adjacent to the railway;
  - ix) Provide for the storage of plant and materials used in constructing the development; and
  - x) Provide details for the restoration of the site.

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



13. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a timetable for the provision/improvement of on-site linkages to footpaths, footways and cycleways adjacent to that phase, shall be submitted to and approved in writing by the Local Planning Authority. The development of the phase there of shall be carried out in accordance with the approved timetable.
14. Before the development hereby approved is commenced within any relevant phase of development (as approved by Condition 5) that includes the 'community square' or spine road, details of the following shall be submitted to and approved in writing by the Local Planning Authority and the approved details implemented prior to completion of that phase:
  - i) Bus layover facilities at "community square" to include passive electric charging infrastructure, shelter, flag, timetable case and Real Time Passenger Information display; and
  - ii) Bus stopping facilities along the rest of the spine road shall be road provided with shelter, flag, timetable case and bus markings.
15. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), the trees and hedgerows that are to be retained as part of the approved landscape and planting scheme for that phase of the development shall be protected in accordance with BS 5837:2012, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The agreed tree/hedge protection measures shall be put in place prior to the commencement of any construction works within a particular phase and, shall be retained for the duration of construction works within that phase (including any demolition and / or site clearance works), unless otherwise agreed in writing by the Local Planning Authority. No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development within that phase have been completed, and all equipment; machinery and surplus materials have been removed for that phase of development.
16. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), details of all proposed boundary treatments within the respective phase, including full details of any treatment within Public Open Spaces, and a trespass proof fence to be erected adjacent to the railway boundary, shall be submitted to and approved in writing by the Local Planning Authority. The approved trespass proof fence shall be implemented prior to the first occupation of any dwelling within the phase and thereafter be retained for the life of the development. The Public Open Space boundary treatment shall be provided before first use of that Public Open Space. The residential boundary treatments shall be implemented in accordance with the approved details, prior to the occupation of the dwelling(s) to which the respective boundary treatment(s) is to serve.
17. Before the development hereby approved is commenced, within any relevant phase of development that includes buildings (as approved by condition 5), full details of the proposed foul water drainage system for the specific phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first occupation of any of the buildings in that phase.
18. a) Recognising that separate remediation works, which are not part of this development, are being undertaken on the site to surrender environmental permits under the exclusive jurisdiction and control of the Environment Agency and that this condition is not intended to conflict with such works, before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a site redevelopment remediation strategy to ensure the particular phase in question is suitable for its intended use,

that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:

- (i) A preliminary risk assessment which has identified:
  - i. All previous uses;
  - ii. Potential contaminants associated with those uses;
  - iii. A conceptual model of the site indicating sources, pathways and receptors; and
  - iv. Potentially unacceptable risks arising from contamination at the site in the context of this development.
- (ii) A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
- (iii) The results of the site investigation and detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the site development remediation strategy are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

b) A validation report shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the approved development remediation being completed, to ensure that all contaminated land issues on the specific phase of development have been adequately addressed prior to the first occupation of any part of that phase of the development. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site development remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

19. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a Water Framework Directive Enhancement Opportunities Plan for that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include the following elements:

- i) Details of enhancement proposals for all affected water bodies;
- ii) Details of design and management of buffers around on site water bodies; and
- iii) Details on how SUDs will be maintained in the long-term to ensure no deterioration in outfall water quality.

The Water Framework Directive Enhancement Opportunities Plan for that phase shall be carried out as approved.

20. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed cricket pitch, a ball strike assessment shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with Sport England. Where the submitted assessment demonstrates the need to provide ball stop mitigation, full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full before the cricket pitch is operational and thereafter be managed and maintained in accordance with the approved details.

21. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed bowling green, details of floodlighting (including location, specification, maintenance and hours of operation) shall be submitted to and approved in writing by the Local Planning Authority. The floodlighting for the

bowling green shall be installed in accordance with the agreed details, before the bowling green is operational, and the floodlighting shall thereafter be managed and maintained in accordance with the approved details.

22. Before the development hereby approved is commenced within the phase of development (as approved by condition 5), which incorporates the proposed Community Sports Pitches (as defined in the Section 106 Agreement), the following documents shall be submitted to and approved in writing by the Local Planning Authority:

- i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field, which identifies constraints which could adversely affect playing field quality; and
- ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints.

The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the approved scheme.

23. Before the development hereby approved is commenced, an overarching written scheme of investigation (WSI), which sets out a proportionate programme of archaeological work for all relevant phases of the development, shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall provide details of a programme of archaeological works, including details of a programme of archaeological earthwork survey to be carried out across surviving areas of ridge and furrow within the site. The WSI shall include post-excavation reporting and appropriate publication. The WSI shall thereafter be implemented in full in accordance with the approved details and timescales.
24. Before the development hereby approved is commenced within any relevant phase of development (as approved by condition 5), a scheme of any proposed external lighting for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme for that phase shall thereafter be implemented in accordance with the approved details.
25. Before the development hereby approved is commenced, within any relevant phase of development (as approved by condition 5), a Site Waste Management Plan for that phase (which shall accord with the mitigation measures identified within the 'Outline Solid Waste Management Strategy' produced by Savills dated May 2019) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be undertaken in accordance with the approved Site Waste Management Plan.

**All other CONDITIONS to be complied with:**

26. The off-site highway improvements shall be broadly in accordance with the works shown on drawings:
- i) J32 – 3955 – PS - 100 D (Proposed Infrastructure Improvements – Overview Plan),
  - ii) J32 – 3955 – PS – 101 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Rugeley Trent Valley Approach).
  - iii) J32 – 3955 – PS – 102 D (Proposed Pedestrian and Cycle Infrastructure Improvements – Northern Site Access).

- iv) J32 – 3955 – PS – 103 C (Proposed Pedestrian and Cycle Infrastructure Improvements – Armitage Road and Rugeley Town Station).
- v) J32 – 3955 – PS – 104 D (Proposed Pedestrian and Cycle Infrastructure Improvements – A513/A51 and Canal Proposals).
- vi) J32 – 3955 – PS – 105 C (Proposed Pedestrian and Cycle Infrastructure Improvements – Brereton Hill Roundabout).
- vii) J32 – 3955 – PS – 106 A (Proposed Off-Site Junction Improvements A51/RWE Roundabout).
- viii) J32 – 3955 – PS – 107 A (Proposed Off-Site Junction Improvements A51/Wheelhouse Road Roundabout).
- ix) J32 – 3955 – PS – 108 B (Proposed Off-Site Junction Improvements A51/A513 Armitage Road Roundabout).
- x) J32 – 3955 – PS - 109 A (Proposed Off-Site Junction Improvements A51/Wheelhouse Road Roundabout).
- xi) J32 – 3955 – PS – 111 A (Proposed Pedestrian and Cycle Infrastructure Improvements – Power Station Link Road).
- xii) J32-3955-PS-113 B (Proposed Pedestrian and Cycle Infrastructure Improvements – Canal Proposals (Bridge 62-Bridge 62A)).

The development shall be carried out in accordance with a phased approach as set out in the Section 106 Agreement.

- 27. The cycle parking for any apartments, commercial premises (including showers and lockers for B Class Uses), primary school, health facility or community hall shall be implemented in accordance with the approved details pursuant to Condition 6, prior to the first occupation of those buildings and shall thereafter be retained for their designated purpose for the life of the development.
- 28. Before the formation of building foundations in a particular phase (as approved by condition 5), a detailed noise and vibration assessment for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. This shall include an assessment of all sources of noise and vibration, including that associated with the railway network, electricity infrastructure, the sports uses and any classes within Use Class A, B and D (as defined under the Town & Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, as amended) forming part of the development, and details of any mitigation required. The approved mitigation for the phase shall be carried out in full prior to first occupation of any approved sports pitches or A, B and D Use Class within the development.
- 29. The distributor road between the A51 and A513 shall be broadly in accordance with the Access and Movement Parameter Plan as approved under Condition 3. The distributor road as shown on the Access and Movement Parameter Plan shall be completed to a level to allow for Passenger Carrying Vehicles to deliver a service, in accordance with the approved details, on or before the first occupation of the 301st dwelling served from either the A51 or A513 access in the development.
- 30. The development hereby approved shall be carried out in strict accordance with the Reasonable Avoidance Measures (RAMS), which are detailed in Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement and Chapter 9 Ecology, the Environmental Statement Addendum. The measures shall be implemented in accordance with the approved timetables and shall thereafter be retained throughout construction works.
- 31. Before undertaking any vibro-impact works or piling on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.

32. Before the first occupation of any dwellings and apartments, within each phase of development (as approved by condition 5), details of active Electric Vehicle Charging Points to serve 5% of the publicly available visitor parking spaces, which will serve these uses, along with appropriate passive infrastructure to serve up to a further 15% of the publicly available visitor parking spaces (that is a total provision of up to 20% of spaces), shall be submitted to and approved in writing by the Local Planning Authority. Details of passive Electric Vehicle Charging infrastructure to serve each individual dwelling shall be submitted to and approved in writing by the Local Planning Authority.

The active Electric Vehicle Charging Point (in the case of 5% of visitor spaces) and passive Electric Vehicle Charging infrastructure shall be installed prior to first occupation / use of the dwelling / visitor spaces to which they relate and thereafter be retained for the life of the development.

33. Before the first use of the commercial and community buildings, details of active Electric Vehicle Charging Points to serve 5% of the parking spaces, which will serve these uses, along with appropriate passive infrastructure to serve up to a further 15% of these spaces (that is a total provision of up to 20% of spaces), shall be submitted to and approved in writing by the Local Planning Authority. The active Electric Vehicle Charging Points and passive infrastructure shall be installed prior to first use of the respective unit of the phase to which it relates and thereafter be retained for the life of the development.
34. Before erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase on the specified buildings.
35. Before the first occupation of any dwellings hereby approved, the parking and turning areas associated with each respective property shall be provided and thereafter retained for their designated purposes for the life of the development.
36. Before the first use of the non-residential building to which it relates, the car parking, servicing and circulation areas, for each respective building, shall be provided. The car parking space, servicing and circulation areas shall be sustainably drained, hard surfaced in a bound material, lit and marked out and thereafter, shall be retained in accordance with the approved plans, for the life of the development.
37. Before the first occupation of any dwelling in phases 2a, 2b and 2c (as shown on Illustrative Phasing Plan reference 01585\_PP\_06 Revision P4), the proposed roundabout access onto the A513, shown illustratively on drawing J32-2608-PS-111 rev A, shall be completed.
38. All site clearance works associated with the development hereby approved, shall take place and be completed outside of the bird nesting season (March to August inclusive) or if works are required within the nesting season, an ecologist will be present to check for evidence of breeding birds immediately prior to the commencement of works. Works could then only commence if no evidence is recorded by the ecologist. If evidence of breeding is recorded, a suitable buffer zone would be set up to avoid disturbance until the young have fledged.
39. The Reserved Matters within each phase of development to be submitted pursuant to Condition 4 of this permission shall include details of noise attenuation measures designed to protect future occupants of that particular phase from noise nuisance arising from external noise sources, including road and rail traffic and existing and future residents from potential noise sources from uses and activities within the site, including the sports pitches. Any required approved noise mitigation measures shall thereafter be implemented, in accordance with the approved details, prior to the occupation of any dwelling.

40. All phases of development (as approved by condition 5) shall include a minimum of 15% affordable housing, with an overall minimum provision site wide of 17.6%.
41. There shall be no more than 2,300 dwellings provided on the site.
42. Before the first occupation of any dwellings and apartments within each phase of development (as approved by condition 8), high speed broadband infrastructure shall be installed.
43. Should the southern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3, provide more A1 floor space than the threshold in the adopted Local Plan (currently 100 sq m), the relevant reserved matters to be submitted pursuant to condition 4 of this permission, shall be accompanied by a retail impact assessment, in order to justify the level of retail proposed. The development shall thereafter be carried out in accordance with the approved details.
44. Within the northern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3), a maximum of 2,499sqm gross external floorspace of main town centre uses (as defined in Annex 2 of the NPPF 2019) excluding Class B1a offices shall be provided, with no more than 500sqm gross external floorspace of Main Town Centre Uses provided in any one unit.

Within the southern mixed use area (as identified on the approved Land Use Parameter Plan pursuant to Condition 3), a maximum of 1,000sqm gross floorspace of main town centre uses (as defined in Annex 2 of the NPPF 2019) excluding Class B1a offices shall be provided, with no more than 99sqm gross floorspace of Class A1 retail floorspace to be provided.

The total amount of A1 Use Class Retail floorspace should not exceed 2,499sqm across the whole site.

45. Any B1 or B2 unit, erected within the employment area (located within Lichfield District), which has a floor area greater than 1,000 square metres, shall within 6 weeks of the completion of the shell and core works, have a certificate of compliance, from an accredited assessor confirming that the unit has achieved a minimum BREEAM rating of Very Good, submitted to and approved in writing by the Local Planning Authority.
46. Before the first use of any buildings approved by a reserved matters application, as a Restaurant or Café (Class A3), a Drinking Establishment (Class A4) or a Hot Food Takeaway (Class A5), details of a scheme for the control of odour and other emissions shall be submitted to and approved in writing by the Local Planning Authority. The approved odour mitigation shall be installed before the development is first brought into use and shall thereafter be retained for the life of the buildings use as a Restaurant or Café.
47. Before the first use of any external plant or water storage tanks, associated with the approved employment uses, details of these machines and structures and any associated enclosures shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
48. Before the occupation of the first dwelling, details of a pedestrian and cycle link between the A51 and Power Station Road shall be submitted to and approved by the Local Planning Authority. These details shall include a timeframe for the delivery of the link and measures for its long-term maintenance. The link shall be carried out in accordance with the agreed details and shall thereafter be retained for public access in perpetuity.

## REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
3. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements Core Policies 3 and 6 and Policies H2, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief Supplementary Planning Document, Policy AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
4. The application has been made for outline permission only with these matters reserved for subsequent approval. Therefore, such details are required to be submitted and agreed in order to ensure a satisfactory form of development, safeguard the character of the area and amenity of future residents, in accordance with the requirements of Core Policies 3 and 6 and Policies H2, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief Supplementary Planning Document, Policy AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
5. To ensure the appropriate timing of delivery of housing, green infrastructure, highway and transport improvements and social infrastructure, to promote a sustainable development, to safeguard residential amenity and the appearance of the development, in accordance with the requirements of Core Policies 3 and 4, and Policies BE1, IP1, HSC1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
6. To ensure the high quality form and appearance of the development, ensure continuity in use of the site within the electricity network and to enhance natural habitat, in accordance with the requirements of Core Policies 3 and 13, and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
7. To ensure a high quality and cohesive form and appearance of development, and in the interests of highway safety; to comply with Staffordshire County Council requirements for access; and to safeguard the amenity of future occupiers, in accordance with the requirements of Core Policies 3, 4 and 10, and Policies BE1, IP1, HSC2, NR3 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
8. In order to safeguard the arboriculture and ecological interests of the site, secure biodiversity enhancements and to ensure the long term management of the site in preparation of significant public use, in accordance with the requirements of Core Policies 3, 11 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development and Trees,

Landscaping and Development Supplementary Planning Documents and the National Planning Policy Framework.

9. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
10. In order to safeguard the ecological interests of the site and encourage enhancements in biodiversity and habitat in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
11. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution and protect controlled waters, protect the on-going operation of the railway network and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
12. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
13. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
14. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
15. To ensure the high quality form and appearance of the development and to enhance the natural habitat, in accordance with the requirements of Core Policies 3, 13, and 14 and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Trees, Landscaping and Development, Biodiversity and Development and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
16. To ensure the high quality form and appearance of the development and to safeguard the on-going operation of the railway network, in accordance with the requirements of Core Policies 3, 13, and 14 and Policy BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
17. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with



provisions of Core Policy 3, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.

18. To ensure protection Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard and to safeguard future residential amenity, in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy, the requirements of the National Planning Policy Framework and Water Framework Directive.
19. In order to safeguard the ecological interests of the site, secure biodiversity enhancements and to secure opportunities for improving the Water Framework Directive status of the River Trent Catchment use in accordance with the requirements of Core Policies 3, 11 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
20. To provide protection for future occupants and users of the development and their property from potential ball strike from the adjacent playing field or sports facility, to reduce conflict between neighbours and therefore safeguard sporting use of the sports facilities, in accordance with the requirements of Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
21. To protect the amenity of future resident, provide suitable replacement sports provision and limit any impact upon protected species, in accordance with the requirements of Core Policies 3, 10 and 11 and Policies HSC2, NR3 and BE1 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
22. To ensure the provision of suitable replacement sports pitches, in accordance with the requirements of Core Policies 3, 10 and 11 and Policies HSC2 and BE1 of the Local Plan Strategy and the National Planning Policy Framework.
23. To ensure full evaluation of and protection of any archaeological remains within the site, in accordance with Core Policies 3 and 14, and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
24. To ensure the high quality form and appearance of the development and to protect natural habitat, in accordance with the requirements of Core Policies 3, 13, and 14 and Policies NR3, NR4, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Biodiversity and Development and Sustainable Design Supplementary Planning Documents, Policies AH2 and AH5 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
25. To protect the water environment, reduce the transportation of waste off-site and to safeguard residential amenity, in accordance with the requirements of Policy 1.2 of the Staffordshire and Stoke on Trent Joint Waste Local Plan, Core Policies 3 and 14, and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
26. To ensure the appropriate timing and delivery of the off-site highway works and in the interests of highway safety, in accordance with the requirements of Policies BE1 and ST2 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
27. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.

28. To protect the amenity of the future residents and safeguard the on-going operation of the railway network and electricity infrastructure, in accordance with the requirements of Core Policies 3 and 14, and Policies BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
29. To ensure an acceptable form of development and in the interests of highway safety, in accordance with the requirements of Core Policies 5 and 14, and Policies BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
30. In order to safeguard the ecological interests of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
31. To prevent any piling works and associated vibration from destabilising or impacting upon the railway network and to ensure the protection of Controlled Waters, in accordance with the requirements of the National Planning Policy Framework.
32. To promote the use of sustainable modes of transportation and to help mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policies BE1, NR7 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Biodiversity and Development and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
33. To promote the use of sustainable modes of transportation and to help mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policies BE1, NR7 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Biodiversity and Development and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
34. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
35. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
36. In the interests of highway safety, to protect the amenity of existing and future residents and to promote the use of sustainable means of drainage, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
37. In the interests of highway safety, in accordance with the requirements of Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.

38. In order to safeguard the ecological interests of the site, in accordance with the requirements of Core Policies 3 and 13, and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
39. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policies 3 and 14 and Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
40. To ensure an appropriate mix and tenure of dwellings, in accordance with Policy H2 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
41. In accordance with the applicants stated intentions in order to meet the requirements Core Policies 3 and 6 and Policies H2, BE1 and East of Rugeley of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief, Policy AH2 of the Armitage with Handsacre Neighbourhood Plan and the National Planning Policy Framework.
42. To promote home-working and thereby help to mitigate the development's impact upon the Cannock Chase Special Area of Conservation, in accordance with Policy NR7 of the Local Plan Strategy, the Rugeley Power Station Development Brief, Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
43. In order for the development to reflect the basis on which this application has been assessed, to minimise the impact on existing, committed and planned commercial investment in Lichfield District, and to protect the vitality and viability of Armitage with Handsacre, in accordance with Core Policy 6, Strategic Policy 9 and Policy E1 of the Local Plan Strategy and the National Planning Policy Framework.
44. In order for the development to reflect the basis on which this application has been assessed, to minimise the impact on existing, committed and planned commercial investment in Lichfield District, and to protect the vitality and viability of Armitage with Handsacre, in accordance with Core Policy 6, Strategic Policy 9 and Policy E1 of the Local Plan Strategy and the National Planning Policy Framework.
45. To ensure that the development is constructed in a sustainable manner, in accordance with Core Policy 3 and Policy SC1 of the Local Plan Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
46. To safeguard the amenity of existing and future residents in accordance with the requirements of Core Policy 3 and Policy BE1 of the Local Plan Strategy and guidance contained within the National Planning Policy Framework.
47. To safeguard the appearance of the development and to protect the amenity of neighbouring residents in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
48. To promote the use of sustainable modes of transportation in accordance with Policies BE1 and ST1 of the Local Plan Strategy, Policy R1 of the Local Plan Allocations Document, the Rugeley Power Station Development Brief and Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.

## NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015), Lichfield District Local Plan Allocations (2019) and the Armitage with Handsacre Neighbourhood Plan (2018).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at [www.lichfielddc.gov.uk/cilprocess](http://www.lichfielddc.gov.uk/cilprocess).
4. The applicant's attention is drawn to the comments of Central Networks as detailed within their e-mail dated 24<sup>th</sup> October 2019.
5. The applicant is advised to note and act upon as necessary the comments and requirements of Network Rail dated 13<sup>th</sup> June 2019. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
6. The applicant is advised to note and act upon as necessary the comments from the Council's Operational Services Customer Relations and Performance Manager specific to waste services dated 28<sup>th</sup> October 2019.
7. The applicant is advised to note and act upon as necessary the comments from the Police Architectural Liaison Officer dated 19<sup>th</sup> November 2019. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
8. The applicant is advised to note and act upon as necessary the comments from the Environment Agency dated 4<sup>th</sup> July 2019.
9. The applicant is advised to note and act upon as necessary the comments from the Staffordshire Fire and Rescue Service dated 13<sup>th</sup> November 2019.
10. The applicant is advised to note and act upon as necessary the comments from the National Grid contained within the letter provided by RPS group dated 12<sup>th</sup> July 2019. In particular, regard should be had to the location of internal access road and when considering landscaping details, to guidance contained within the National Grid Document 'A Sense of Place: Design Guidelines for Development Near Pylons and High Voltage Overhead Power Lines'.
11. The applicant is advised to note and act upon as necessary the comments from Western Power contained within the letter provided by Pegasus Group dated 12<sup>th</sup> July 2019. In particular, regard should be had, when considering sport pitch design, to guidance contained within HSE Guidance Note GS6.
12. The applicant is advised to note and act upon as necessary the comments from the Coal Authority dated 24<sup>th</sup> October 2019.

13. The accesses and off-site highway works will require a Major Works Agreement with Staffordshire County Council and the applicants are therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, Stafford, Staffordshire ST16 2DH (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk))  
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>.
14. This consent will require approval under Section 7 of the Staffordshire Act 1983 and also require a Section 38 approval of the Highways Act 1980. The applicant is advised therefore to contact Staffordshire County Council to ensure the necessary approvals and agreements are secured.
15. The applicant is advised that when seeking to discharge condition 12, it is likely that during the period of construction of any phase of the development, no works including deliveries will be permitted outside of the following times: 0730 ' 1900 hours Monday to Friday and 0800 and 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than in relation to emergency works).
16. The applicant is advised to refer to the 'Code of Practice for Works affecting the Canal & River Trust' to ensure that any necessary consents are obtained.
17. The applicant is advised that any new access points to the canal corridor / towpath or other encroachment will require the agreement of the Canal & River Trust and is advised to contact Canal & River Trust's Estate Surveyor to discuss any commercial agreements / licenses that may be required.
18. The applicant is advised that any surface water discharge into the canal will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right and where they are granted they are subject to completion of a commercial agreement. Contact the Utilities Surveyor at the Trust to discuss further.
19. The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats, badgers or other protected species are found during clearance works / demolition / construction, all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed under the habitats legislation.
20. With reference to the provision of cycle storage at residential dwellings, if it is proposed to include this in a garage then the minimum internal dimensions of the garage will need to be 6.0m x 3.0m in order for it to be considered suitable for the storage of a bicycle and a motor car.
21. The applicant is advised that if there remains a requirement to continue to extract and remove waste Pulverised Fuel Ash from the site, beyond the first implementation of the planning permission and the site is no longer operational, then a separate planning permission for such, from Staffordshire County Council will be required.
22. The applicant is advised that, as approved by condition 3, the height and density of the proposed buildings within the development shall not exceed those identified on plans 'Building Heights' reference 01585\_PP\_03 Rev P6 and 'Illustrative Density' reference 01585\_PP\_05 Rev P5.

23. The applicant is advised that any archaeological works or ancillary archaeological works, survey of existing structures, demolition, site clearance, site preparation, site reclamation, site remediation works, preliminary landscaping, service diversions or decommissioning, laying of services (including in relation to street furniture for the temporary trialling of automated vehicles within the site), the erection of fences or hoardings and scaffolding, site or soil investigations, ground modelling and other works of site establishment preparatory to the commencement of construction and works associated with the construction of the spine road and operations permitted by the Town and Country Planning (General Permitted Development) Order 2015 are considered as exempt development and such would not comprise the commencement of development in the terms of this decision..
24. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

**SUMMARY OF REASONS FOR GRANTING Outline Permission including DEVELOPMENT PLAN POLICIES that were relevant in the determination of this application:**

The decision to approve outline permission has been taken because the Council is satisfied that on balance, the development will integrate successfully into the character of the area, successfully mitigate or improve its highway, arboricultural or ecological impact, including its impact upon the Cannock Chase Special Area of Conservation and would not adversely affect the special character and setting of any nearby Listed Buildings, or the amenity of nearby residents. The concerns raised by consultees and others have furthermore been given due consideration and on balance, it is considered that subject to conditions and legal agreements, the proposals are acceptable and broadly conform to the provisions of the Development Plan and the National Planning Policy Framework.

The decision to approve outline permission has also been taken having regard to all the relevant material planning considerations and to the following relevant policies and proposals of the Development Plan: 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 11 (Participation in Sport and Physical Activity), Core Policy 12 (Provision for Arts and Culture), Core Policy 13 (Our Natural Resources), Core Policy 14 (Our Built and Historic Environment), Policy SC1 (Sustainability Standards for Development), Policy SC2 (Renewable Energy), Policy IP1 (Supporting & Providing our Infrastructure), Policy ST1 (Sustainable Travel), Policy ST2 (Parking Provision), Policy H1 (A Balanced Housing Market), Policy H2 (Provision of Affordable Homes), Policy HSC1 (Open Space Standards), Policy NR3 (Biodiversity, Protected Species and their Habitats), Policy NR4 (Trees, Woodlands and Hedgerows), Policy NR5 (Natural and Historic Landscapes), Policy NR6 (Linked Habitat Corridors & Multi-functional Greenspaces), Policy NR7 (Cannock Chase Special Area of Conservation), Policy BE1 (High Quality Development), Policy: East of Rugeley, Local Plan Allocations Document Policy NR10 (Cannock Chase Area of Outstanding Natural Beauty), Policy BE2 (Heritage Assets) and Policy R1 (East of Rugeley Housing Land Allocations), the Sustainable Design, Trees, Landscaping and Development, Developer Contributions, Biodiversity and Development, Historic Environment, Rugeley Power Station Development Brief and Rural Development Supplementary Planning Documents and Policy AH1 (Conserving and Enhancing Non-Designated Heritage Assets), Policy AH2 (Conserving and Enhancing the Local Natural Environment), Policy AH4 (Protected Open Spaces), Policy AH5 (Better Design), Policy AH6 (Maintaining the Rural Nature of the Villages) and Policy AH7 (Retaining and Enhancing Existing Community Facilities) of the Armitage with Handsacre Neighbourhood Plan.

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## **PLANNING POLICY**

### **National Planning Policy**

National Planning Policy Framework  
National Planning Practice Guidance  
National Design Guide  
National Policy for Waste  
Manual for Streets

### **Local Plan Strategy**

Core Policy 1 – The Spatial Strategy  
Core Policy 2 – Presumption in Favour of Sustainable Development  
Core Policy 3 – Delivering Sustainable Development  
Core Policy 4 – Delivering our Infrastructure  
Core Policy 5 – Sustainable Transport  
Core Policy 6 – Housing Delivery  
Core Policy 7 – Employment and Economic Development  
Core Policy 8 – Our Centres  
Core Policy 10 – Healthy & Safe Lifestyles  
Core Policy 11 – Participation in Sport and Physical Activity  
Core Policy 13 – Our Natural Resources  
Core Policy 14 – Our Built and Historic Environment  
Policy SC1 – Sustainability Standards for Development  
Policy SC2 – Renewable Energy  
Policy IP1 – Supporting & Providing our Infrastructure  
Policy ST1 – Sustainable Travel  
Policy ST2 – Parking Standards  
Policy H1 – A Balanced Housing Market  
Policy H2 – Provision of Affordable Homes  
Policy HSC1 – Open Space Standards  
Policy HSC2 – Playing Pitch & Sport Facility Standards  
Policy NR1 – Countryside Management  
Policy NR3 – Biodiversity, Protected Species & their Habitats  
Policy NR4 – Trees, Woodland & Hedgerows  
Policy NR5 – Natural & Historic Landscapes  
Policy NR6 – Linked Habitat Corridors & Multi-functional Green spaces  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1 – High Quality Development

### **Local Plan Allocations Document**

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

### **Supplementary Planning Documents**

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

### **Armitage with Handsacre Neighbourhood Plan**

Policy AH1 – Conserving and Enhancing Non-Designated Heritage Assets  
Policy AH2 – Conserving and Enhancing the Local Natural Environment

Policy AH4 – Protected Open Spaces  
Policy AH5 – Better Design  
Policy AH6 – Maintaining the Rural Nature of the Villages  
Policy AH7 – Retaining and Enhancing Existing Community Facilities

#### **Other**

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018  
Draft Environment (Principles and Governance) Bill 2018  
Natural Environment and Rural Communities Act (2006)  
The Conservation (Natural Habitats, &c.) Regulations (1994)  
The Conservation of Habitats and Species Regulations (2017)  
The Countryside and Rights of Way (CROW) Act 2000  
The Protection of Badgers Act 1992  
Defra Net Gain Consultation Proposals (2018)  
Lichfield Employment Land Review (2012)  
Staffordshire and Stoke on Trent Joint Waste Local Plan  
Staffordshire Residential Design Guide (2000)  
Housing and Planning Act (2016)  
Annual Monitoring Review (2018/2019)  
Lichfield District Council Strategic Housing Land Availability Assessment (2016)  
Lichfield District Council Housing and Economic Needs Assessment (2019)  
Lichfield District Council Independent Living Study (Draft) (2019)  
Strategic Housing Marketing Assessment (2012)  
Providing for Journeys on Foot (2000)  
Urban Capacity Assessment  
Five Year Housing Land Supply Paper (June 2019)  
Water Framework Directive  
A Sense of Place: Design Guidelines for Development near Pylons and High Voltage Overhead Power Lines  
Health and Safety Executive Guidance Note GS6  
Lichfield District Economic Development Strategy  
Lichfield District Nature Recovery Network (2019)  
Cannock Chase District Nature Recovery Network (Emerging)  
South Staffordshire District Nature Recovery Network (Emerging)  
Stafford Borough Nature Recovery Network (Emerging)  
Birmingham City Council Nature Recovery Network (Emerging)  
Staffordshire Historic Environment Record  
Statement of Community Involvement (2019)  
AONB Management Plan 2014-2019  
Active Design – Planning for Health and Wellbeing through Sport and Activity  
Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)  
Recreation to Cannock Chase SAC Report (2012)  
Cannock Chase SAC – Planning Evidence Base Review (2017)  
European Site Conservation Objectives for Cannock Chase SAC (2014)  
Planning for Landscape Change – Staffordshire County Council (2000)  
'A Hard Rain' – Staffordshire County Council's Corporate Climate Change Strategy (2005)  
Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)  
UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013)  
UK Solar PV Strategy Part 2 (2014)  
Climate Change Act (2008)  
Lichfield District Council Air Quality Annual Status Report (2017)  
Professional Practice Guidance on Planning and Noise: New Residential Development (2017)  
Air Quality Management Guidance (2014)  
Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (England) (2018)



## **Cannock Chase Development Plan**

Local Plan (2014)

Issues and Options (Draft)

Rugeley Town Centre Area Action Plan

Design Guide Supplementary Planning Document

Parking Standards, Travel Plan & Developer Contributions for Sustainable Transport Supplementary Planning Document

Developer Contributions & Housing Choices Supplementary Planning Document

Trent & Mersey Canal Conservation Area Appraisal.

### **RELEVANT PLANNING HISTORY**

18/01098/FULM	Demolition of Rugeley B Power Station, including decommissioning, removal of hazardous materials and dismantling of all associated buildings and structures	Approved	22/10/2018
18/00390/DEMCON	Removal, demolition and site clearance of various structures, buildings, plant and equipment, contained within Rugeley Power Station	Prior Approval Required	05/04/2018
17/00453/FULM	Creation of second access into the power station site from Rugeley Road (A513) including new roundabout junction	Approved	15/09/2017
15/00880/FUL	Creation of landscape bund and associated works Proposed development of 219 residential dwellings and associated works, roads, public open space and drainage (Phases 4 & 5)	Approved	02/10/2015
10/01201/REMM		Approved	02/05/2013
10/01200/REMM	Proposed development of 117 residential dwellings and associated works, roads, public open space and drainage (Phase 3)	Approved	11/11/2011
10/00916/FUL	Application for 2 additional dwellings Plots 78 & 79 following approval of 10/00616/FULM (Variation of Condition 3 to previous Reserved Matters Approval 08/00387/REMM)	Approved	06/09/2010
10/00793/FUL	Creation of secondary access (Extension of time for application 07/00577/FUL)	Approved	04/08/2010
10/00420/REMM	Proposed erection of 72 dwellings, garages, associated car parking and landscaping works	Approved	13/07/2010
10/00616/FULM	Variation of Condition 3 of planning permission 08/00387/REMM to allow partial amendment to the layout and amendments to house types	Approved	01/07/2010
09/01380/FULM	Removal of condition 8 from planning permission 03/00627/OUT (in order to allow for construction of roundabout at junction with A513)	Approved	23/02/2011
09/00991/REMM	Residential development (81 dwellings): Re plan of previous layout and substitution of house types	Approved	10/12/2009
08/00388/REMM	Proposed development of 74 residential dwellings with associated works, roads, public open space and drainage (Phase 1)	Approved	15/07/2008
07/00577/FUL	Creation of Secondary Access	Approved	18/12/2007
03/00627/OUT	Outline Application for Residential and Industrial (B2 and B8 use) Development, with associated highway works	Approved	14/09/2005
03/00628/FUL	Remediation treatment of Former Rugeley 'A' Power Station	Approved	04/11/2004
97/00309/FUL	Store Shed for Miniature Railway and Sports and Social Area	Approved	20/05/1997

L960637	B1, B2 and B8 Development	Approved	04/11/1996
L890665	Sports pavilion and changing rooms	Approved	15/08/1989
L870779	Extension to Recreational Facilities	Approved	01/02/1988
L8600	Extensions to Sports and Social Club	Approved	21/12/1981
L2585	Extensions and Alterations to the Sports and Social Club	Approved	27/09/1976

## **CONSULTATIONS**

**Armitage with Handsacre Parish Council** –Overall approve of the development. However, raise concerns over the Borrow Pit area and the demolition of the environmental hut. The planned properties on the banks of the Borrow Pit are not in keeping with this, being a recreational area protected by the Neighbourhood Plan. The borrow pit is a barrier from Armitage and it is crucial that dwellings are not erected within this area.

The Parish Council were advised that the Environmental Centre was to be retained, as it is a hub for all recreational groups in the area and would continue to be used, if handed over for the benefit of the community (22/11/2019).

**Colton Parish Council** - Additional housing is welcomed (especially with the need for it to include affordable housing). The development must however include appropriate additional infrastructure - most specifically, provision for a GP surgery and a secondary school, as current services in the area are insufficient (12/07/2019).

**Mavesyn Ridware Parish Council** – No objections (28/11/2019).

**Previous Comments:** Object.

- 2,300 Dwellings are only served by one small two classroom primary school.
- There does not seem to be any inclusion for medical care – Doctor, Dentist, Hospital.
- The housing area seems quite dense with a minimum of outside common space. However, recognise that there are large areas of open space bordering the river and at the eastern edge of the development.
- There does not seem to be any consideration for leisure facilities, such as Restaurant's or Pubs and to promote Rugeley as the northern gateway to Cannock Chase and should better develop the riverside area to provide facilities for tourism. Regard should however be had throughout for adequate provision for wildlife conservation.
- Surveys and recommendations have been made to try to accommodate current populations of wildlife, such as bird populations (some rare) and other animals and insect populations (again some rare) have also been given consideration, which is a positive.
- Another positive is the provision of a large area of solar panels.
- Consideration should be given to upgrading of Rugeley Trent Valley railway station to better accommodate the increase in commuters from the new development and to provide more frequent services. The station does not have a ticket office/waiting room with toilets and there does not appear to be provision for better pedestrian access from the new estate. This argument is the same for Rugeley Town station (26/06/2019).

**Brereton and Ravenhill Parish Council** – Object. The proposal is considered to be unsustainable, due to inadequacies in of its employment provision, which, given the site's previous status as the area's major employer, is considered unacceptable. The essential nature of this development is housing for commuting, most of which will be made via private motor vehicles.

The parameters in the outline application are defective in both providing too little employment land, and in using a wording that would allow the developer to do less than apparently proposed. At least 10 Hectares of employment land should be provided. Making their 5Ha a maximum with the dangerous phrase 'upto' means that it could be far less than the 5Ha proposed. The result is a proposal that is contrary to Lichfield Core Policies 1 and 3.

In terms of National Policy, the development conflicts with each of the three objectives in NPPF, (2019) through failing to limit the need to travel by car, contrary to Paragraphs 103 and 122(c). The proposals hinder the move to a low carbon future contrary to Paragraph 148.

Raises concern regarding the consultation process. The applicant has pursued its original intentions, ignoring views contrary to those intentions in report-backs and claiming incorrectly that people at events supported those original intentions, when it did not seek the views of most people (24/07/2019).

**National Planning Casework Unit – No Comments (22/08/2019).**

**Ecology Team – LDC – No objection.** There is sufficient information contained within the shadow Habitat Regulations Assessment (HRA) to determine that there will not be any significant impacts to Cannock Chase Special Area of Conservation (SAC) in respect of NOX, subject to the outlined avoidance and mitigation measures being delivered.

The mitigation measures outlined in the shadow HRA are proportional to the scale of impact on Cannock Chase SAC and are deliverable, with LDC facilitating the delivery of 191 Biodiversity Units of connecting heathland/associated habitat within the Nature Recovery Network (heathland zone) to buffer Cannock Chase SAC and increase habitat connectivity. The suggested mitigation complements the measures outlined in the Natural England's, Cannock Chase SAC Supplementary Nature Conservation Objectives (in order for the site to achieve favourable condition) for connecting the heathland network.

As such the LPA's as the competent authorities should be able to complete the HRA's with respect of Nitrogen Impacts on Cannock Chase SAC and send to Natural England as the appropriate authority for further consideration and sanction (12/12/2019).

**Previous Comments:** No objection. Satisfied with the methodologies and the information provided within the submitted Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, Technical Appendix 9.8, Biodiversity Net Gain and Letter Appendix A – Ecology Correspondence. Concurs with the conclusions of these documents in that it can now be considered unlikely that the proposed works would negatively impact upon a European Protected Species (EPS), subject to the appropriate suggested measures of avoidance and mitigation as outlined in 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum. Further conditions of any future planning approval should require, prior to the submission of any reserved matters, the submission of a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS), a Construction Environmental Management Plan (CEMP) and the adoption of Reasonable Avoidance Measures (RAMS) and further surveys as required throughout the phasing of the development.

The quantitative data submitted is an accurate depiction of value/s of habitat within the application site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU).

The Biodiversity Impact Calculator is considered accurate in describing the likely achievable biodiversity value of the site post development, as 426.20 Biodiversity Units (BU).

Achievement of both No-Net-Loss to Biodiversity and a sufficient Quantitative net-gain as described by the Technical Appendix 9.8, Biodiversity Net Gain dated May 2019 and as depicted in the Green Infrastructure Plan and Ecology Environmental Statement, is unlikely to result in a net-loss to biodiversity value and as such, is deemed to conform to the guidance of paragraphs 9, 109 and the requirements of paragraph 175 of the NPPF 2019.

Welcomes the applicant's intention to deliver net gains of 27.89 BU as part of the proposed development scheme. Approves of the new proposed habitats, which are considered compliant

with the Lichfield District Biodiversity Opportunity Map and the recently adopted Nature Recovery Network Mapping. As such, the development is viewed as likely to achieve a 20% net-gain to Biodiversity Value and so complies with both Policy NR3 of the Local Plan and the requirements of the Biodiversity and Development SPD.

However, the applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof) demonstrating a net gain to a value of no less than 27.89 BU. This should be supported by an updated biodiversity metric for the site (27/11/2019).

Until mitigation measures in respect of Nitrogen Oxide deposition have been satisfactorily resolved, this application would currently fail at Appropriate Assessment, hence further information in respect of this should be submitted by the applicant, prior to the LPA completing Stage 2 (Appropriate Assessment) of the HRA.

In respect of the Riverside Country Park area being promoted as a Suitable Alternative Natural Green Space (SANGS), consider that this is unlikely to fully mitigate for the development's likely visitor impacts (walkers, mountain bikers, dog walkers, horse riders) and consider this approach to be unsound. A full bespoke mitigation package covering all of the above user groups would need to be presented to the Local Authority. It is advised that the applicant deliver mitigation for recreational impacts on Cannock Chase SAC, by means of the Strategic Access Management & Monitoring (SAMM) measures.

In addition, if this area were to be used as a SANGS for the above user groups, the Ecology Team considers that this would notably depreciate its predicted future biodiversity value, due to increased recreational usage, including nutrient enrichment from dog fouling, disruption to wildlife and increased visitation. Should this option be put forward, detailed plans and a revision to the biodiversity metric and Figures 9-10a to c will be required.

The Environmental Statement and Biodiversity Net Gain Technical Appendix, notes the inclusion of the following areas for the purposes of ecological habitat compensation and biodiversity net gain: Riverside Country Park; ornamental pond and surrounding habitats; aquatic and woodland habitats around the borrow pit lake; Rugeley social area; Langleley Common and green corridors between development blocks or employment land.

It is noted that it is the applicant's intention to use these areas to create, restore, enhance and manage on site habitats to achieve 20% net gain.

Further details with regard to the proposed enhancements, within these areas, are required prior to any planning decision being made. Figures 9-10a, 9-10b and 9-10c do not reflect the information contained within the Environmental Statement and show in fact that the majority the Riverside Country Park will be retained as semi improved grassland, with no works being completed on them. This is in conflict with the Environmental Statement, which is promoting this area as the Riverside Country Park for the purposes of informal recreation. It is presumed such recreational requirements will necessitate that area will contain infrastructure to support site users. It is imperative that further information be provided in respect of these areas i.e. car parking and footpath provision, recreational facilities, dog walking facilities, biodiversity enhancements, habitat management etc. as all of the above is likely to have a negative impact on the existing biodiversity value and could contribute to a net loss of biodiversity.

A key principle of securing 'no net loss' and biodiversity net gain will obviously be dependent on what enhancements are suggested in the Riverside Country Park area.

The quantitative data submitted is an accurate depiction of value/s of the habitat current on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU).

However, the Ecology Team disputes that the Biodiversity Net Gain Technical Appendix 9.8 is accurate in describing the likely achievable biodiversity value of the site post development.

Any future habitat management, creation and restoration work occurring in the wider Riverside Country Park that forms part of the planning application (in the red line) will need to be factored into the biodiversity metric going forward, as it is currently in conflict with the works proposed within the Environmental Statement. As noted earlier, figures 9-10a to 9-10c and the Biodiversity Metric, note no changes to the semi improved grassland habitat within the Riverside Country Park, yet the Environmental Statement is promoting the area for the purposes of informal recreation, SANGS and as an area to create, restore, enhance and manage on site habitats.

Require details of likely changes to the habitat within the wider country park (every habitat within the red line) to ensure that: there is; no down trading of the existing semi-improved grassland; and the proposed habitat creation works comply within that of the SBAP and the Biodiversity Opportunity Map. The detailed information should also be complete with a more accurate biodiversity metric and updated figures 9-10a to 9-10c.

Prior to any planning decision being made further otter and water vole surveys are required, in addition to new updated species surveys (breeding birds, bat activity surveys, habitat surveys, bat roost surveys and invertebrate surveys).

The information presented regarding measures of avoidance, mitigation and compensation of protected/priority species and habitats in the Environmental Statement is vague and does not currently provide enough detail to determine that they have been adequately considered and protected within the scheme going forward. It is not therefore currently possible to determine this application, due to insufficient information in this regard.

In respect of protected/priority species for the site, the submitted information does not follow best practice guidance within the Biodiversity and Development Supplementary Planning Document, Policy NR3 or NPPF. Avoidance, mitigation and compensation measures need to be clearly understood before any planning decision is made. Further details in respect of habitats, protected and priority species measures of avoidance, mitigation, and compensation and enhancement measures are required, prior to any planning decision being made.

The ecological mitigation strategy should not be conditioned at this stage, due to a lack of information. Without this information the LPA will be unable to display they are having due regard to biodiversity as required under Section 40 of the NERC Act 2006 and demonstrate that the development is unlikely to negatively impact upon protected or priority species or habitats (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2016), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). The LPA needs to have a robust understanding of the measures in place for avoidance, mitigation and compensation of impact on species.

The ES highlights a number of species where the above measures would apply, these include: otters, badgers, sandmartin, kingfisher, barn owl, little ringed plover, hobby, bats, sand martin, lapwing, water vole, reptiles etc.

Uncertain whether protected/priority species are likely to be impacted upon directly or indirectly, due to the informal recreational proposals for the Riverside Country Park areas. The Environmental Statement contradicts itself in several places in respect of protected species, as it states that areas (such as the golf course) will be retained and so therefore protected species will not be affected. However, it is proposed that the area contains opportunities for the purposes of informal recreation, SANGS and to create, restore, enhance and manage on site habitats. Obviously these measures all provide the potential to disturb or harm protected and priority species. Further detail of the scope of works need to be provided in the context of protected/priority species and habitats with adherence to the mitigation hierarchy in full detail (24/07/2019).

Prior to providing detailed comments for this application, it is requested that the applicant submits a Phase 1 Habitat Survey Map, detailing all habitats currently present on the site. This would normally be presented within the Preliminary Ecological Appraisal, but appears to be absent.

Welcomes the applicant's commitment to providing updated species surveys (breeding birds, bat activity surveys, habitat surveys, bat roost surveys and invertebrate surveys) and their inclusion in an addendum prior to any planning decision being made (10/07/2019).

**Cannock Chase SAC Group** – Agree with the information submitted by the applicant (Shadow HRA, Nov 2019) that the development is unlikely to result in significant impacts (alone or in combination) on: Pasturefields Saltmarsh Special Area of Conservation (SAC); Cannock Extension Canal SAC; and the West Midlands Mosses SAC. There is sufficient evidence that these 3 designated sites should be screened-out at stage 1 of the Habitats Regulation Assessment.

Agrees with the information submitted by the applicant that the development (alone and in combination) is likely to result in a significant impact upon Cannock Chase SAC, due to both increased visitor pressure and increased level of atmospheric deposition of Nitrogen Oxide (NO<sub>x</sub>). Appropriate Assessment (AA) must be undertaken to consider these two impacts upon the Cannock Chase SAC; including the likely scale of the harm; and determine if the mitigation measures recommended by the applicant are logical, achievable and proportional to the scale of impact.

It is considered that the information provided within the Shadow HRA (Nov 2019) is sufficient to allow the LPA's to complete HRA and that the mitigation schemes suggested by the applicant to address both of their negative impacts to Cannock Chase SAC are robust and proportional to the determined scale of impact.

As such, advise that the LPA's are able undertake and complete HRA for Cannock Chase SAC, discharging their statutory responsibility as per Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017 (02/12/2019).

**Previous Comments:** No objection subject to securing mitigation.

Agrees with the applicant that only the Cannock Chase SAC is likely to be negatively impacted upon by this development. There is sufficient evidence that all other European sites considered can be screened out at stage 1 of HRA at this time.

Cannock Chase SAC will be negatively impacted upon by both increased visitor usage and increased NO<sub>x</sub> deposition.

Increased visitor usage should be mitigated for via appropriate developer contributions to the Cannock Chase SAC Partnership Strategic Access Management and Monitoring Measures (SAMMM).

Further work still needs to be undertaken and submitted to the Local Planning Authorities, prior to undertaking a Habitat Regulations Assessment, to fully demonstrate the likely scale of impact to and appropriate mitigation for the Cannock Chase SAC, due to increased NO<sub>x</sub> deposition.

Investigation into the potential for creation and/or management of buffering habitat for NO<sub>x</sub> deposition adjacent or near to Cannock Chase SAC, should be undertaken and submitted to the LPAs, prior to the HRA for this site, as this appears to be the most robust, achievable and pragmatic way to mitigate for impact.

The LPA's are unable to undertake and complete HRA for Cannock Chase SAC at this time (i.e. discharge their statutory responsibility as per Regulation 63 (1) of the Conservation of Habitats and Species Regulations 2017) due to further information relating to the impact of NO<sub>x</sub> and the securing of proportional mitigation (10/07/2019).

**Conservation and Urban Design Manager – LDC** – Four additional plans have been submitted. These are intended to demonstrate that the high densities proposed on this site can be achieved while still meeting the LPA's standards for parking, amenity space, separation distances etc.

The drawings raise a number of concerns and questions including that there are plots where the parking is not adjacent to the property and probably also not visible from it, which gives rise to concerns over usability and security. The over reliance on tandem spaces is a concern, as are the use of tandem spaces in front of a garage. Where a property requires 3 spaces, if these consist of a garage with a tandem space in front, the likelihood of all three of these spaces being used for parking is very slim, which will result in parking on the street. Some units do not appear to have any parking spaces, these are mainly opposite the swale. Parking spaces also look undersized.

Some of the gardens look very small, amenity space for the apartment blocks seems small and there are no incidental Public Open Spaces within this parcel that could balance this lack of private amenity spaces.

On street bin storage would not be discreet unless there was a bespoke structure in which to store the bins. LDC currently provides 3 bins per household. If bins are to be dragged across parking spaces there should be enough space down the side of the parking space to do this, otherwise residents will have to move their vehicles.

The artist's impression gives rise to a number of concerns, in particular, the narrow road along which two cars could not pass each other and privacy/overlooking issues arising from the use of first floor balconies. The demarcation between public and private spaces is blurred with bollards shown, presumably preventing vehicles driving or parking on their front gardens. While discouraging vehicle use and encouraging pedestrian and cycle use is positive, the multi-use spaces need to be wide enough to accommodate all users safely.

On the architectural design sheet there is concern about the size of proposed gardens with what are classed as 'larger private rear gardens' still not meeting LPA amenity standards. The use of first floor balconies/terraces as amenity space gives rise to overlooking concerns (10/12/2019).

**Previous Comments:** Notes that there are now 6 rather than the original 4 Parameter Plans. The parameter plans are intended to form part of the suite of approved plans and future Reserved Matters and discharge of condition applications will have to show that they accord with these documents. Therefore, it is important to ensure that these comply with relevant policies. The indicative Masterplan will not form part of the approved documents and so will remain indicative.

Earlier comments relating to the Design & Access Statement are not repeated here but remain outstanding as an amended D&AS has not been submitted, whilst it is also noted that some previous comments have not been addressed in the amended parameter plans.

#### Access and Movement

Reiterates preference for a third vehicular access point.

Access to the school has been clarified with additional information submitted to demonstrate that various routes could be taken and their safety. Provision has been made for some parking, as while walking and cycling are encouraged, it is inevitable that some parents/guardians will drive.

The former railway, which is intended to act as a key pedestrian/cycle route, will not serve as such for the full length of the site. On the masterplan, around a third of this route is shown as a road and potentially a bus route, which is not compatible with a safe pedestrian/cycle route. If, as per the SPD, no built form was proposed to the north of the former railway, then this would allow this safe pedestrian/cycle route to be extended for the full length of the former railway and so would solve the lack of connectivity to the south-eastern corner of the site.

## Land use Parameter Plan

The principle of built form in two areas marked on the land use parameter plan, which are numbered 5 (adjacent to the Borrow Pit) and 8 (adjacent to the new riverside park) on the Illustrative Masterplan, are still of concern. Both of these areas are shown as being strategic landscaping in the SPD. Therefore it remains the position that built form in this area should be resisted.

## Building Heights Parameter and Density Parameter Plans

The clarification offered by the parameter plan that in the areas marked as being up-to 5 storey, a maximum of 10% will be 5 storey and in the areas marked as being up-to 4 storey, a maximum of 20% of the buildings will be 4 storey, with the rest being lower, is welcomed.

Notwithstanding the fact that the SPD shows no built form in the area north-east of the former railway, there remains concerns that whilst the maximum building height has been reduced to 3 storey, no clarification has been provided as to the proportion of 3 storey and generally this is still considered too high. If any development were to be permitted in this area, it should show a clear reduction in height and density towards the edges of the site and not an increase, as is currently shown on this parameter plan.

Notwithstanding the fact that the SPD shows no built form in the area adjacent to the Borrow Pit, in terms of the proposed development, there remains concerns that the proposed development in this area is shown as having a maximum height of 4 storeys. Again, if any development were to be permitted in this area, this should be considerably lower in height and density given its sensitive location between the Borrow Pit and open countryside.

The proposed heights and densities along the site's boundary with the open countryside will create a strong hard edge. If the proposed development were designed to transition comfortably from a built up area to open countryside, it would be expected for the development to be no more than 2 storeys in height and a much lower density. Similar schemes have densities of around 20dph at the rural edges.

The maximum height at the northern entrance to the site has been reduced to 4 storey (with the same caveat of only 20% being 4 storey) and this is welcomed.

There remain concerns regarding the proposed 5 storey development adjacent to the railway sidings at the north of the site. An amended cross section B-B on drawing 01585\_SK\_056 C shows the Riverside Promenade providing considerable screening. As there will only be 10% of the development at 5 storey, it would be preferable to see the lower heights being used directly adjacent to the walkway.

The proposed densities are considerably higher than those previously approved on other allocated sites. This is not to say that these densities cannot be accommodated, but simply that both the LPA's need to be satisfied that this will not be to the detriment of the finished scheme and should not compromise the attractiveness of the development and its desirability as a place to live.

## Green Infrastructure Parameter Plan

There remain few informal, incidental green open spaces, within the residential parcels. These spaces would improve the quality of the residential areas, in particular, the high density areas and those areas, which are further away from the formal play areas. There is a single LEAP within the large residential area, adjacent to the Borrow Pit, marked on the Parameter Plan, but there are 4 potential locations for surface attenuation ponds and basins. While ponds are design to be permanently in water, basins are designed to be dry for the majority of the time and so could these double up as informal 'kick-about' spaces?



In the areas of highest residential density there is a concern that these will be overly dominated by hard landscaping, the application needs to show that the green infrastructure will carry on through these heavily developed areas.

The SPD includes a key principle of the development of the site, being the creation of useable, well connected green infrastructure. The Green Infrastructure Parameter Plan shows many elements of the green infrastructure isolated amongst areas of built development. The masterplan shows the primary road as being tree lined, but this is not shown as green infrastructure on this parameter plan. A primary road with green verges and suitable, structural tree planting could contribute towards the desire to create a useable and well connected green infrastructure.

All structural planting, such as that along a tree lined primary road, or other planting that is needed to achieve the desired quality of development, should be in public spaces that are maintained by the Management Company. Additional non-structural planting can be in private gardens and spaces.

Parking - The parking strategy should include provision for the sports pitches, allotments and Borrow Pit Lake. Some of these facilities are likely to require some built form, such as storage for the allotments or changing facilities for the formal sports pitches, so these should be accommodated.

Rear parking courts, where used, need to be clearly overlooked by neighbouring properties to provide natural surveillance and to deter crime. Ideally the resident should be able to see their parked car from their house.

The SPD states in paragraph 4.33 that the parking should be integrated into the development in order to limit the impact on visual amenity. To enhance visual interest and break up the streetscene, generous planting will be required where there is surface level parking. The application needs to demonstrate that this can be achieved (20/11/2019).

**Previous Comments:** The development will cause less than substantial harm to the setting of a number of designated heritage assets. The greatest level of harm arising as a consequence of the development (albeit still 'less than substantial') would be to the Trent & Mersey Canal Conservation Area, due to an increase in noise and movement caused by the development. Also being affected, although to a lesser degree is the Mavesyn Ridware Conservation Area. The significance of a number of listed buildings will also be harmed by the proposed development.

Although there are no identified heritage related public benefits identified as part of the planning application, there are some mitigation works and benefits that could be identified, along with significant non-designated heritage asset related public benefits.

Further consideration required from the applicant regarding the full impact of the development, as it would bring built form much closer to a number of heritage assets, whilst also increasing activity around these properties (07/10/2019).

Notes some concerns. Whilst the proposals are in outline, with all matters except access being reserved, it is the intention of the applicant for the 4 submitted parameter plans (Land Use, Access and Movement, Building Heights and Green Infrastructure) to form part of the suite of approved plans, in order to establish, at this stage, the broad principles for the overall development of this site. Therefore these plans have been commented upon in detail as well as the indicative masterplan.

#### Access and Movement

Reiterates preference for a third vehicular access point.

Pedestrian and cycle permeability should be improved to prevent an over-reliance on cars. Quick and easy pedestrian and cycle access in and out and within the site should be provided. At present,

in addition to the two vehicular access points, there are two pedestrian access point to the north-west of the site, two to the south of the site and then another two in-between. This leaves distances of between 500 and 700m between pedestrian/cycle accesses which is not ideal. While it is appreciated that the bypass and land ownership issues make the provision of further access points problematic, the lack of integration of the site into the wider area, is noticeable. Links to the shared footway along the A51 and the towpath to the Trent and Mersey Canal would be beneficial, as these routes provide links to Rugeley Trent Valley Station and Rugeley Town Centre.

The former railway sidings, which is intended to act as a key pedestrian/cycle route, will not serve as such for the full length of the site, as shown on the masterplan, as a substantial part of it becomes a road and even a bus route. It is considered that no built form should be sited to the northern side of the former railway track, this is supported by the Rugeley Power Station SPD and would solve this aspect of lack of connectivity to the south-eastern corner of the site.

The pedestrian and cycle routes through the development need to offer adequate natural surveillance for users to feel comfortable and safe using them. This is particularly relevant for the former railway line.

The school is located on one side of the community square and does not directly face a highway. There are two tertiary roads, which end in what appear to be cul-de-sacs, on either side of the school site. While walking/cycling/public transport will be encouraged, it is inevitable that some parents will drive, so school drop-off and pick-up traffic should be accommodated, so that any potential problems are designed out at this stage.

The Design & Access Statement shows tertiary streets coming directly off the primary route. Streets should follow the hierarchy, so secondary routes should come off the primary route with tertiary streets coming off these.

#### Land use Parameter Plan

The necessity of the location of the school and the main community hub, in the north of the site, has been explained. This has mainly been informed by implementation considerations rather than urban design. In this instance, provision should be made to facilitate residents who could live over 1.5km away from the school/hub, accessing it by public transport, as it is unlikely that residents would walk this distance regularly. A walking bus is an option, but this is unlikely to be used by very young children, who would struggle to walk those distances. A clear cycle route should also be provided that would be suitable for children and parents to use as well as other residents.

Housing in two areas marked on the land use parameter plan, which are numbered 5 (adjacent to the Borrow Pit) and 8 (adjacent to the new riverside park) on the Illustrative Masterplan are of concern. Area 5 is outside of the area shown for residential development in the design parameter plan in the SPD. The SPD also shows this area as being strategic landscaping. In the SPD it states that lower densities should be located to the southern and eastern edges so that the built edge can be assimilated into the countryside.

In terms of area 8, while there may be scope for low level, well landscaped dwellings, such as self-build or eco homes, the type of development shown, is entirely unsuitable and will create a very strong hard edge, where both densities and heights should be reduced to aid the transition from built form to open countryside.

#### Density Parameter Plan and Building Heights Parameter Plan

The areas shown as having the highest density and some of the highest buildings at up to 4 storeys, are the areas adjacent to the open countryside and these should have the lowest density and lowest heights to aid the transition of built form to open countryside. The proposed development would create a strong 'wall' of built form that would prevent views over the open countryside beyond and is contrary to good design and the principles laid out in the Rugeley Power Station SPD.

Furthermore, much of this proposed development is adjacent to the red line, meaning that the land adjacent is not within the application site, so there isn't the option to mitigate with planting.

In Chapter 7 of the Design & Access Statement the highest two density areas are described as having 2, 2.5 and 3 storey townhouses with apartment block of up to 5 storey. It is unclear how these different heights will work alongside each other.

The Design & Access Statement should demonstrate how the higher densities can be achieved, while still achieving the Council's standards for parking, amenity space etc. and incorporating sufficient landscaping and high quality public realm to achieve a desirable place to live.

In terms of building heights, the tallest retained building is the 400kv substation, which is 20m high. The tallest proposed buildings are 22m high. While it is appreciated that the much taller structures of the chimney and cooling towers are being removed and so the overall maximum height is being reduced considerably, the overall quantum of development is being increased, so the use of buildings that are taller than the 400kV substation should be located sensitively and used sparsely.

In the last paragraph on page 103 of the Design & Access Statement the proposed density figures should be amended to reflect those shown on the parameter plan.

#### Green Infrastructure Parameter Plan

There remain few informal, incidental green open spaces, within the residential parcels. These spaces would improve the quality of the residential areas, in particular, the high density areas and those areas, which are further away from the formal play areas. There is a single LEAP within the large residential area, adjacent to the Borrow Pit, marked on the Parameter Plan, but there are 4 potential locations for surface attenuation ponds and basins. While ponds are design to be permanently in water, basins are designed to be dry for the majority of the time and so could these double up as informal 'kick-about' spaces?

In the areas of highest residential density there is a concern that these will be overly dominated by hard landscaping, the application needs to show that the green infrastructure will carry on through these heavily developed areas.

The SPD includes a key principle of the development of the site being the creation of useable, well connected green infrastructure. The Green Infrastructure Parameter Plan shows many elements of the green infrastructure isolated amongst areas of built development. The masterplan shows the primary road as being tree lined, but this is not shown as green infrastructure on this parameter plan. A primary road with green verges and suitable, structural tree planting could contribute towards the desire to create a useable and well connected green infrastructure.

All structural planting, such as that along a tree lined primary road, or other planting that is needed to achieve the desired quality of development should be in public spaces that are maintained by the Management Company. Additional non-structural planting can be in private gardens and spaces.

#### Parking

The parking strategy should include provision for the sports pitches, allotments and Borrow Pit Lake. Some of these facilities are likely to require some built form, such as storage for the allotments or changing facilities for the formal sports pitches, so these should be accommodated.

Rear parking courts, where used, need to be clearly overlooked by neighbouring properties to provide natural surveillance and to deter crime. Ideally the resident should be able to see their parked car from their house.

The SPD states in paragraph 4.33 that the parking should be integrated into the development in order to limit the impact on visual amenity. To enhance visual interest and break up the

streetscene, generous planting will be required, where there is surface level parking. The application needs to demonstrate that this can be achieved.

#### Character Areas / Place-making

These are welcomed but the size and quantum of development proposed suggests that these 6 areas should be further broken down. Details of this can be included within the Design Code that will be required by condition on any approval. Consideration should be given to how these character areas will relate to each other and the surrounding areas. While each should have a unique identity the transition from one to another should not be incongruous.

The areas shown on page 90 and page 116 of the D&SA should match up, in particular the size of The Promenade varies in these two drawings.

The Yards – Unsure to what extent the 4-5 storey apartment blocks will provide surveillance over the promenade walk.

#### The Railway/The Promenade

This former railway provides a route from one end of the site to the other and is wide enough to generously accommodate both pedestrians and cyclists. Provision should be made for this route to be safe for all users to encourage its use and thus assure it becomes an integral part of the site. As it has little natural surveillance, which is what is usually required of such routes through developments, alternative means of ensuring the safety of users' needs consideration. A link from the Railway to a designated entrance to the school and community hub should be provided (05/08/2019).

Reiterates that the provision of a third vehicular access would significantly improve the accessibility, sustainability and permeability of the site and its integration into the wider area. The Rugeley Power Station Development Brief SPD is clear that 2 access points are the minimum that are required. The two current accesses are around 2.2km apart, meaning that there will be significant vehicular journeys through the site. Even if this connection cannot be provided at present, due to land ownership or other issues, this aspect of the development should be future proofed, so as to not preclude the possibility of a third vehicular access point at a future date.

At present, in addition to the two vehicular access points, there are two pedestrian access point to the north-west of the site, two to the south of the site and then another two in-between. This leaves distances of between around 500 and 700m between pedestrian/cycle accesses, which is not ideal. Whilst it is appreciated that the bypass and land ownership issues make the provision of further access points problematic, the lack of integration of the site into the wider area is noticeable.

The school is not located on one side of the community square and does not directly face a highway. There are two tertiary roads ' marked as shared surfaces/private drives on page 133 of the D&AS which end in what appear to be cul-de-sacs on either side of the school site. While walking/cycling/public transport will be encouraged it is inevitable that some parents will drive, so school drop-off and pick-up traffic should be accommodated, to ensure that any potential problems are designed out at this stage.

The street hierarchy on page 133 of the Design & Access Statement shows tertiary streets coming directly off the primary route. Streets should follow the hierarchy so secondary routes should come off the primary route with tertiary streets coming off these.

#### Land use Parameter Plan

The necessity of the location of the school and the main community hub, in the north of the site, has been explained. These have mainly been informed by implementation considerations rather than urban design. In this instance, provision should be made to facilitate residents who could live over

1.5km away from the school/hub, accessing it by public transport, as it is unlikely that residents would walk this distance regularly. A walking bus is an option but this is unlikely to be used by very young children who would struggle to walk those distances. A clear cycle route should also be provided that would be suitable for children and parents to use as well as other residents.

Housing in two areas marked on the land use parameter plan, which are numbered 5 (adjacent to the Borrow Pit) and 8 (adjacent to the new riverside park) on the Illustrative Masterplan are of concern. Area 5 is outside of the area shown for residential development in the design parameter plan in the Supplementary Planning Document (SPD). The SPD also shows this area as being strategic landscaping. In terms of area 8, while there may be some scope for low level, well landscaped dwellings, such as self-build or eco homes in this area, the type of development shown here is entirely unsuitable and will create a very strong hard edge where both densities and heights should be reduced here to aid the transition from built form to open countryside.

#### Density Parameter Plan and Building Heights Parameter Plan

The areas shown as having the highest density and some of the highest buildings at up to 4 storeys, are the areas adjacent to the open countryside and these should have the lowest density and lowest heights to aid the transition of built form to open countryside.

In Chapter 7 of the Design & Access Statement, the highest two density areas are described as having 2, 2.5 and 3 storey townhouses, with apartment blocks of up to 5 storeys. It is unclear how these different heights will work alongside each other.

The Design & Access Statement should demonstrate how the higher densities can be achieved while still achieving the Council's standards for parking, amenity space etc. and incorporating sufficient landscaping and high quality public realm to achieve a desirable place to live.

In terms of building heights, the tallest retained building is the 400kv substation which is 20m high. The tallest proposed buildings are 22m high. While it is appreciated that the much taller structures of the chimney and cooling towers are to be removed and therefore the overall maximum height is being reduced, the overall quantum of development is being increased, so the use of buildings that are taller than the 400kV substation should be located sensitively and used sparsely.

In the last paragraph on page 103 of the Design & Access Statement, the proposed density figures should be amended to reflect those shown on the parameter plan.

#### Green Infrastructure Parameter Plan

There are few, if any, informal, incidental green open spaces within the residential parcels. Such open space would improve the quality of the residential areas, in particular the high density areas and those areas which are further away from the formal play areas. There is a single LEAP within the large residential area, adjacent to the Borrow Pit, marked on the Parameter Plan, but there are 4 potential locations for surface attenuation ponds and basins. While ponds are designed to be permanently in water, basins are designed to be dry for the majority of the time and so could these double up as informal 'kick-about' spaces?

#### Parking

The parking strategy should include provision for parking for the facilities that are to be provided. This could include the sports pitches, allotments and Borrow Pit Lake. Some of these facilities may also require some built form, such as storage for the allotments or changing facilities for the formal sports pitches, so these should be accommodated.

Rear parking courts, where used, need to be clearly overlooked by neighbouring properties to provide natural surveillance and to deter crime. Ideally the resident should be able to see their parked car from their house.

The pedestrian and cycle routes through the development need to be safe with adequate natural surveillance for users to feel comfortable and safe using them.

#### Character Areas / Place-making

These are welcomed but the size and quantum of development proposed suggests that these 6 areas should be further broken down. Details of this can be included within the Design Code that will be required by condition on any approval. Consideration should also be given to how these character areas will relate to each other and the surrounding areas. Whilst each area should have a unique identity, the transition from one to another should not be incongruous.

The areas shown on page 90 and page 116 of the Design & Access Statement should match up, in particular the size of The Promenade varies in these two drawings.

#### The Railway/ The Promenade

This former railway provides a unique route from one end of the site to the other and is wide enough to generously accommodate both pedestrians and cyclists. Provision should be made for this route to be safe for all users to encourage its use and thus assure it becomes an integral part of the site. As it has little natural surveillance, which is what is usually required of such routes through developments, alternative means of ensuring the safety of users' needs consideration. A link from the Railway to a designated entrance to the school and community hub should be provided (04/07/2019).

**Cannock Chase Council – Principal Landscape & Countryside Officer** – Notes that the parameter plans set out key aspects in respect of the interaction between heights and densities, which gives comfort. However, the submitted plans show a high percentage of green 'areas' within the sketches, which gives a somewhat false impression of what the actual outcome will be, bearing in mind the proposed density of development. Ensuring that all the required parameters of distance, space about dwellings etc. can be met and still retaining sufficient functional and sustainable green areas, will be a key issue and one that will only become apparent at the detailed design stage.

As noted previously, one major aspect of the use of large blocks of building, is the impact of wind flow though and around such structures. Without appropriate consideration the use of the spaces becomes impractical.

The production of a detailed design manual will be essential to ensure a consistent quality of development is achieved throughout. The production of this should be conditioned.

The Landscape Visual Impact Appraisal confirms that long distance views from publically accessible locations will have minimal visual intrusion. Short distance views are generally screened by existing structures/features. The likely most prominent view would be from the western end of the site and existing entrance off Power station Road/A51. Additional information has indicated that with appropriate retention/landscaping development within this area will not have a detrimental effect on the surrounding existing streetscene.

The Landscape Character Assessment states that *"Adjacent built up areas considerably change the character of the landscape.... by visually dominating the landscape feature"*, the urban edge and modern housing being classed as incongruous features. Protecting the river floodplain from inappropriate urban development and transport links is also noted as well as that *"New development... should support retention of relatively tranquil character of adjoining rural landscape by continued buffering and management of the urban edge by using appropriate species"*. With this in mind, the development of housing on and along the eastern end of the railway sidings, would have a significant and adverse impact on the adjacent landscape character, especially considering the suggested 5 storey developments. Such development would prevent the implementation of any potential buffer/screening compared to the northern part of the site, where buildings are set back

from the railway. Even if screening/tree planting was achievable, its long term retention would be questionable, given residents expectations/requirements for views over the adjacent landscape.

The key issue in the development of this site is access and linkage. Vehicular access is proposed via two points, but to ensure sustainable transportation, the key will be quick and easy pedestrian/cycle access into and out of the site. This is especially important across the A51, but also via the Pippins site. The application suggests these are potential future links, but their delivery is key to achieving the aims of the whole scheme and need to be one of the first aspects built, when tied to the relevant phase of development.

Potential internal linkage for pedestrians and cyclists remains good with a strong emphasis on the former railway sidings, although there are missing links and room for improvements. However, this suggested route does not link to the eastern end of the site and having a strong clear segregated access route that serves the whole site is essential to allow full and easy connectivity and which would avoid the use of car dominated streets.

The access and movement plan indicates a linkage to the middle of the Pippins site, which would be fully appropriate, however there also needs to be a linkage to the northern end of the Pippins site from adjacent the northern side of the ornamental lake. This would then link with the key open space and play area of the Pippins site.

The potential location of certain features needs further thought, in order to function appropriately and avoid future issues. In particular, the location of the MUGA within the narrow open space corridor between the school and employment area. This area also is proposed to contain other play/sports facilities as well as landscaped open space. The MUGA should be associated with the main open space & play facilities indicated to the west of the school. Putting it and the other open/accessible facilities within a narrow corridor, will result in future issues and not just in terms of maintenance and management.

In landscape and design terms, the creation of character areas is good, but these need to relate and connect well to each other. Whilst there is a relatively large amount of detail relating to the design of key routes and open space areas, there is very little on the detail to the residential areas. This will be essential to ensure that whole scale hard landscape and car dominated areas are not created. Hopefully this would be picked up in a detailed design manual (26/11/2019).

**Previous Comments:** Development of housing on and along the eastern end of the railway sidings and northern edge of the borrow pit would have a significant and adverse impact on the adjacent landscape character, especially considering the suggested 5 storey developments. This 'wall' of development would enclose this area of the site, thus preventing views out over the landscape and as such integration between the two. Such development would also prevent the implementation of any potential buffer/screening due to the proposed siting of the building, whilst should planting be possible, the long term retention of such would be very questionable given residents expectations / requirements for views over the landscape.

In terms of views of the potential development, the nature of the site means that in general most, but not all will be screened from publicly accessible points. Most long distance views will see a change from a tall feature in the landscape to a generally low line of structures, often veiled by intervening vegetation either new or existing. There will however be some distant views from the North East of a solid edge created by the 5 storey buildings, along the railway sidings and north of the borrow pit.

Notes that there is no reference features within the surrounding built form, other than the existing cooling towers and station buildings themselves (which are to be demolished); which is of similar height to the proposed 5 storey apartments. In terms of massing and area covered, the apartments will be greater than the structures to be demolished.

To ensure suitable pedestrian/cycle linkage and make the whole design work/function on a sustainable basis, the key will be quick and easy access into and out of the site, especially across the A51, but also via the Pippins site. It is suggested that such links are potential future links, but these will be key to achieving the aims of the whole scheme and need to be one of the first aspects built. If this is not achieved, then the development will become car reliant and isolated from the surrounding community. Internal linkages are considered appropriate, with a strong emphasis on the use of the former railway siding, as a segregated access route.

Further detail of the design of the residential areas will be important to ensure that whole scale hard landscape and car dominated areas are not created. In addition, given the density of development, consideration, in due course will have to be given to wind flow through and around the built form. Provision of green spaces within the developed areas is important, as is the integration of usable SUD features within these spaces. Finally, notes a need for increased allotment provision (05/07/2019).

**Economic Development – LDC** - The proposed redevelopment of the land within the northern part of Lichfield District is essential, being located in close proximity to a key settlement, Rugeley, and to a major north / south transport route.

The mixed use aspect of the site increases the growth of Rugeley, supported by Strategic Priority 1 of the Local Plan Strategy, to contribute towards sustainable communities and develop key settlements. By bringing a derelict brownfield employment space back into life, through establishing a new neighbourhood centre, inclusive of community use, it enhances the settlement.

With regard to the transport aspect of the site, a combination of pedestrian and vehicular elements have been included within this application, through a mix of walking, cycling and road infrastructure, supporting strategic priority 5 of the Local Plan Strategy. A concern is the primary road link through the site, whilst connecting the employment and residential space, pedestrian's safety when vehicular access occurs through the residential setting needs to be considered when identifying occupants of the employment site. A suggestion would be to include separate vehicular access from the employment sites to the A51, if the occupants regularly use HGV and heavy loaded vehicles.

The site is within an attractive location for employment use, close to rail and road links through Rugeley Trent Valley train station on the West Coast Main Line and the A51. The development supports core policy 7 and the Lichfield District Economic Development Strategy's topic of Sustainable Employment Land by providing up to 5 ha of employment space (Use B1, B2, B8). The use has to meet the needs of the local community's workforce to relieve pressures on the transport links accessing and surrounding the sites, supporting the local economy. There is currently a high out commuting population, adding pressure onto the road network and not supporting internal growth, with the new development delivering 200,000 sq ft of employment floorspace, this shall provide a sizeable commercial stock to generate increased wealth in the local economy (01/11/2019 & 31/07/2019).

**Environmental Health Team - LDC** – Reiterates initial comments. Requests confirmation of the proposed electric vehicle charging infrastructure (27/11/2019).

**Previous Comments:** No objection. However requests further comments from the applicant's noise consultants as to whether any consideration has been given to low frequency noise from the existing substation infrastructure that will remain on the site.

Recommends conditions requiring the submission and approval, prior to the commencement of development of a noise assessment, to include appropriate mitigation measures and a Construction Environmental Management Plan. During the period of construction, it is recommended that no works take place outside of: 0730 ' 1900 hours Monday to Friday and 0800 ' 1300 hours on Saturdays and not at any time on Sundays, Bank and Public holidays (other than emergency works).



With reference to land contamination, liaison with Cannock Chase's Environmental Health Department has occurred, to ensure a consistent response. One of the outcomes has been an outline Remediation and Reclamation Strategy (RRS), provided in volume 2 of the report. Measures to mitigate against the impact of land contamination are provided in this document and are considered to be acceptable. These measures need to be supplemented by a CEMP to accommodate the construction phase of the development.

The Environment Agency has had a major role in overseeing the surrender of Environmental Permits and ensuring that controlled waters are not unduly affected. Such measures will assist in making the site fit for the proposed use (08/07/2019).

**Parks and Leisure Services – LDC** – The Council will not be adopting any of the public open space, therefore arrangements need to be made to ensure the future maintenance of these areas by a suitable management company (12/11/2019 & 04/11/2019).

**Housing Manager – LDC** – NO objection. Notes the agreement to apply vacant building credit and the resulting number of affordable homes across the site as a whole. A 'blended' approach which provides 17.6% of the 2,300 homes as affordable housing, equating to 405 affordable units, is therefore acceptable. Of these, 223 units will fall within Lichfield district and 182 will be allocated within Cannock Chase.

Have considered the residual issue of the proposed housing mix, which includes 125 one and two bedroomed flats to be available as a combination of general needs and restricted to persons over 65 years of age. To facilitate flexibility the applicant has agreed to determine future elderly provision at Reserved Matters stage. Taking this and the blended approach described above into account, the proposed mix appears to be acceptable (19/12/2019).

**Housing Manager – CCDC** – The issue of vacant building credit and the calculation of affordable homes will be considered across the site as a whole, achieving a 'blended' approach of 17.6%. Based on 2,300 dwellings this equates to 405 affordable dwellings. This approach is welcomed and provides 182 affordable homes within Cannock Chase. The even spread of affordable homes across the whole site will create a vibrant and sustainable community.

A number of flats are proposed including 2 bedroom, which may be for either general needs or over 65's, which are required for density/viability reasons. Given the fact that there will be a blended approach across the site and the applicant is prepared to test and define future elderly provision at Reserved Matters, the broad mix that is proposed at this stage appears acceptable (17/12/2019).

**Health and Wellbeing Development Manager - LDC** – Agrees with the comments made by Sport England (27/08/2019).

**Spatial Policy & Delivery Team - LDC** – Requests clarification to ensure that the pavilion within the sports fields will offer the range of facilities identified for such a building within the Rugeley Power Station SPD, namely to act as a community hub.

The moderate office provision proposed within the Centre B within the site, will not have an impact on Lichfield Coty Centre. Similarly the retail and leisure uses proposed will also not impact upon Lichfield or Armitage with Handsacre, subject to the floor areas for such uses being limited, via the use of a condition, to that appropriate for a neighbourhood centre.

Raises concern regarding the location and scale of the approximately 1,000sqm healthcare facility. To ensure the delivery of this health infrastructure there will be a need to secure commitment from the Clinical Commissioning Group. In particular confirmation that the proposed floorspace is adequate and that the provision sits within their Strategic Transformation Programme. Without clear commitment, there is very real risk that despite the allocation of land, a health facility will not be brought forward, leading to pressure to use the floorspace for alternatives uses (27/11/2019).

**Previous Comments:** Appendix E of the Local Plan Allocations Document states that the site should provide neighbourhood facilities, including a community hub, to incorporate a community / sports building and small scale convenience retail provision. However, in accordance with Local Plan Strategy Policy E, a retail assessment will be required for any proposed retail use, with a floor area over 100m<sup>2</sup> (25/07/2019).

No objection. The site is located to the east of Rugeley Town Centre and traverses the boundary between Cannock Chase District and Lichfield District Council. The site is located adjacent to the East of Rugeley Strategic Development Area, which is allocated within the Local Plan Allocations Document for a minimum of 800 dwellings, as identified on Inset 18 of the Local Plan Policies Maps. Within Lichfield District, the site is situated within the Armitage and Handsacre Neighbourhood Plan Area.

Paragraph 177 states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined. In this case, the site falls within a 15km radius of the boundary of the Cannock Chase Special Area of Conservation (SAC), which is identified under the Birds & Habitats Directive. Therefore the guidance of the NPPF is that the presumption in favour of sustainable development would not apply in this case and thus, it is necessary for the development to demonstrate it has satisfied the Habitats and Species Regulations, in that the integrity of the Cannock Chase SAC will not be adversely affected, having regard to avoidance or mitigation measures.

Local Plan Allocations Document Policy R1: East of Rugeley Housing Land Allocations outlines key considerations for the development of the site. Appendix E of the Local Plan Allocations then goes on to provide a detailed concept statement for the former Rugeley Power Station, ensuring the delivery of a minimum of 800 dwellings, the protection and enhancement of ecological interests, including management and future maintenance of landscape and important recreation features, providing strong walking and cycling links through the development and ensuring a good degree of physical and social integration with the existing settlement. The application is for up to 2,300 of which the planning statement sets out that approximately 1,295 dwellings will be within Lichfield District. Whilst this is an increase in units above the 800, which has been allocated, the allocation is a minimum and therefore, there is no objection, to an increase in units.

With regards to affordable housing, Policy H2 of the Local Plan Strategy uses a dynamic model to calculate the viable level of affordable housing in the prevailing economic conditions, which currently stands at 35% (AMR 2018). The applicant is proposing 35% affordable housing on site, with a tenure split of 65% social rent and 35% intermediate in accordance with Policy H2. Whilst this level of provision and tenure split is supported, the application has outlined that this is subject to Vacant Building Credit and viability assessments.

The Local Plan Strategy outlines the need to create a balanced housing market (Policy H1) this recognises the need for 2 and 3 bedroom properties within the District. This is supported by the evidence in the Southern Staffordshire Housing Needs Study & SHMA Update (2012). Therefore a scheme, which includes a range of properties, particularly 2 and 3 bed dwellings, should be sought, as the detailed design of the scheme progresses. Whilst it is noted that this is an outline application, Table 8.2 in the Local Plan Strategy sets out an indicative housing mix for schemes, which includes 5% one beds, 42% two beds, 41% three beds and 12% four plus beds. Therefore, a scheme which reflects the mix outlined above will be supported.

Core Policy 8: Our Centres sets out that new neighbourhood centres providing local services and facilities will be required to meet day to day needs arising from new communities. The indicative masterplan includes 1.2 hectares of mixed 'use development. This includes three mixed use centres across the development site (Use Classes A1-5, C1-3, D1-D2). The information submitted, sets out that two centres could provide healthcare facilities, small convenience / retail uses and community facilities and the third centre could provide more leisure focused facilities.

Policy HSC1: Open Space Standards sets out the open space provision required for all developments. It states design of new green and open spaces will take account of current guidance, minimising opportunities from crime and antisocial behaviour and maximising accessibility for all sections of the community. The indicative masterplan indicates significant areas of accessible open space including a riverside park, amenity greenspace, children's equipped play, formal public open space, informal public open space, open space and green corridors, meadow areas and the retention of the existing allotments. The masterplan and support documentation sets out that green corridors will link the central spaces to the wider green network and beyond the site boundary, which is supported.

Policy HSC2 states that loss or displacement of playing fields and sports facilities will be resisted, where there is identified existing and future needs. Loss will only be acceptable where it can be clearly demonstrated that alternative compensatory facilities are of at least an equal or higher standard and are provided, in accordance with national governing body technical guidance and Sport England design guidance notes. The proposals provide replacement facilities for the sports and recreational facilities, previously located on site, with the exception of golf provision. Notes that the Sports Development Officer and Sport England will comment in relation to this aspect of the scheme.

The opportunity for public art within the scheme as part of a condition or S106 is welcomed.

Further, development of this site would also need to comply with other general policies on sustainable communities, infrastructure, sustainable transport, healthy and safe communities, natural resources and the built and historic environment.

In addition, development would need to have regard to the Rugeley Power Station Supplementary Planning Document which was adopted in February 2019. The SPD provides guidance on key development principles, including connectivity, heritage and conservation, access and movement, open space and green infrastructure, ecology and biodiversity, air quality and noise. The SPD includes Figure 4.4, which sets out design parameters. The high level plan seeks to focus residential development within Lichfield District, and seeks to retain the Borrow Pit and allotments. These aspects are welcomed on the illustrative masterplan submitted as part of the application pack.

The Armitage with Handsacre Neighbourhood Plan was made in October 2018 and therefore forms part of the Development Plan for the District. Of relevance to this allocation is Policy AH2: Conserving and Enhancing the Local Natural Environment, which states that development proposals should seek to protect areas for their local natural environmental resource value, including the Trent and Mersey Canal and the Borrow Pit, including allotments and Environment Centre. The proposed application seeks to retain the Borrow Pit and allotments, which is welcomed, however the planning statement states that the Environment Centre will be removed, once the demolition works are complete. Whilst this aspect of the proposals are contrary to the neighbourhood plan policy, this is for the Case Officer to consider, on balance, as part of the wider redevelopment scheme.

Policy AH4: Protected Open Spaces, which lists open spaces that will be protected, includes the Borrow Pit and a parcel of land adjacent the borrow pit, as indicated on Map 8b. Policy AH5: Better Design requires new residential development to be of good quality design and where appropriate development should take account of the character of the historic village centre, their proximity and accessibility to the Trent and Mersey Canal Conservation Area and their location in relation to open spaces and plan and recreational facilities.

Notes that the application falls within two CIL charging zones in Lichfield. The Borrow Pit area falls within the strategic development areas, which is currently set at £14 per square metre for market houses and the remaining site falls within the lower charging zone, which is set at £25 per square metre for market houses. The CIL Charging Schedule notes that there is a £0 charge per square metre for apartments. The CIL charge for neighbourhood convenience retail is currently set £20 per square metre (10/07/2019).

**Waste Management – LDC** – Provides detail of the requirements for the storage and disposal of residential and commercial waste. Notes that there are a number of private drives within the

development and unless indemnity is given the Council will not take vehicles onto unadopted roads (27/11/2019 / 28/10/2019 & 13/06/2019).

**Tree Officer - LDC** – The Landscape Character Assessment for the area states that *“adjacent built up areas considerably change the character of the landscape.... by visually dominating the landscape feature”*, the urban edge and modern housing being classed as incongruous features. Protecting the river floodplain from inappropriate urban development and transport links is noted as well as that *“New development... should support retention of relatively tranquil character of adjoining rural landscape by continued buffering and management of the urban edge by using appropriate species”*.

Therefore, the development of housing on and along the eastern end of the railway sidings, would have a significant and adverse impact on the adjacent landscape character, especially considering the suggested 5 storey development. Such development would prevent the implementation of any potential buffer/screening compared to the northern part of the site where buildings are set back from the railway. Even if screening/tree planting was achievable, its long-term retention would be questionable, given residents expectations/requirements for views over the adjacent landscape.

Any landscaping measure on site, which proves abortive will likely result in the net production of carbon, rather than net reduction from ongoing capture (this in addition to the dis-benefits outlined by CCDC). This makes it imperative that all landscaping is properly considered. Refers back to the Trees, Landscaping and Development Supplementary Planning Document in terms of the requirement to design out conflict between built form and landscaping.

As noted previously, one major aspect of the use of large blocks of buildings, even of varying heights, where the key functionality/use of the area resolves around the ground level squares, is the impact of wind flow through and around such structures. Without appropriate consideration, the use of the spaces becomes impractical, which then has a negative impact on not just those areas, but adjacent ones, creating hostile environments, for the establishment and sustainable growth of trees.

The indicative cross sections, parameter plans and masterplans include some indication of the quantum of green space, tree planting and other landscaping measures throughout the development matrix. Whilst offering some reassurance, in order for the scheme to have well integrated, functional and sustainable green spaces and landscaping, substantial work remains to be done at detailed design stage. This may impact on the actual layout of parts of the scheme, as highlighted in previous comments.

The principle of built form in the area adjacent to the Borrow Pit and the new riverside park, as shown on the Illustrative Masterplan, are of concern, as both areas are shown as containing strategic landscaping in the Rugeley Power Station SPD. Therefore it remains the position that built form in this area should be resisted, due to the previously highlighted issue of screening and other tree planting being affected/removed, due to proximity, shading, aspirations to views etc. brought about by the introduction of dwellings. In addition, the introduction of development adjacent to the Borrow Pit, would prevent the re-planting of woodland removed under the auspices of dealing with a contamination issue.

There are still few, if any, informal, incidental green open spaces within the residential parcels. Such would improve the quality of the residential areas, in particular the high density areas and those areas, which are further away from the formal play areas. There is a single Local Equipped Area of Play (LEAP) within the large residential area, adjacent to the Borrow Pit, marked on the Parameter Plan, but there are 4 potential locations for surface attenuation ponds and basins. While ponds are designed to be permanently in water, basins are designed to be dry for the majority of the time and so could these double up as informal kick-about spaces?

In the areas of highest residential density, there is a concern that these will be overly dominated by hard landscaping. To address this, the applicant needs to show that the green infrastructure will carry on through these heavily developed areas.

The SPD includes a key principle of the development of the site being the creation of useable, well connected green infrastructure. The Green Infrastructure Parameter Plan shows many elements of the green infrastructure isolated amongst areas of built development. The masterplan shows the primary road as being tree lined, but this is not shown as green infrastructure on this parameter plan. A primary road with green verges and suitable, structural tree planting could contribute towards the desire to create a useable and well connected green infrastructure.

All structural planting, such as that along a tree lined primary road, or other planting that is needed to achieve the desired quality of development, should be in public spaces that are maintained by the Management Company. Additional non-structural planting can be in private gardens and spaces.

To the north of the site between the existing coal stockyard and the railway, concern is raised regarding a 6m high bank topped with a stand of Pines. It is not clear what the effect of the current proposal will be on the bank/trees although it appears at least some of it is proposed to be removed. Re-assurance of the retention of these features would be gratefully received (29/11/2019).

**Previous Comments:** No objection in principle to the re-development of the site.

Existing trees within the site have been considered by a full tree survey and Arboriculture Impact Assessment. These documents set out the likely impacts to existing trees in terms of demolition, the construction of the secondary access, permitted development and development phases. The impacts on existing trees have been properly assessed and quantified. It is expected that once detailed landscaping designs are drawn up that the losses incurred to the existing tree stock will be remediated and that there will be a net gain in tree cover. Further, it is expected that the planting will achieve 20% tree canopy cover by mid-century as detailed within the Trees, Landscaping and Development Supplementary Planning Document. In working up designs for reserved matter submission, the guidance provided within the SPD should be taken into account.

In terms of proposed new tree planting: there is substantial planting indicated on the illustrative layout. Whilst some of the planting will be relatively straightforward to accomplish (within the bounds of the former golf course for instance) the majority of the site is ex-industrial and poses significant challenges to tree planting and long term survival. Contamination, compaction, waterlogging, drought, altered hydrology due to underground structures, PH issues, low fertility and lack of soil flora and fauna are all issues regularly encountered on similar sites. These matters, along with the usual challenges of incorporating successful tree planting with a development matrix, require a more than usually thorough assessment of constraints, prior to considering how the desired level of planting will be achieved. It is expected that all relevant issues and challenges to the longevity of tree planting and wider green infrastructure will have been considered and suitable remediation plans put in place, prior to submission of reserved matters.

The green infrastructure parameter plan identifies very few incidental/small open spaces within residential areas. These when furnished with suitable tree planting could make a substantial contribution to place-making within the residential areas.

The site will also face challenges, due to climate change and emerging pest and disease issues, in terms of its green infrastructure provision. It is expected that as far as possible, any further detail presented will have considered the challenges and ensure that the proposed scheme will be resilient to such issues. One issue has already emerged with the tree planting on the bund adjacent to the A51. This is dominated by Pines and a significant number are now in decline or dead. This may be undesirable in terms of opening up previously screened views into the site and should be taken into account during further design work. Similarly the bund adjacent to the A51 North to the railway bridge is proposed to be removed. The effects of this removal and the difficulty of establishing new landscaping on this challenging site need to be considered.

The site already has substantial water bodies within it. However it will be necessary to integrate Sustainable Urban Drainage features into the scheme and the rest of the green infrastructure. Trees

can be successfully integrated within SUD systems, thus providing dual benefits and making effective use of space within the development.

Integration of tree planting within incidental open space/GI/play areas within all residential sections will help to avoid the dominance of hard surfaces and car focused environments.

Tree planting within hard surfacing requires more detailed design than equivalent planting within soft landscaped areas. However, where hard surfacing is unavoidable, the inclusion of tree planting will assist in making the difference between a stark unwelcoming environment and one which is pleasant to be in and travel through. This is particularly important where large areas of parking are proposed i.e. rear parking courts.

The railway sidings running S/E-N/W should form a natural limit/edge to the development. There would be both direct and indirect effects on trees/landscaping of developing in this location. Beyond the tracks should remain undeveloped and form part of the public open space/GI/buffer. The hard edge created by dwellings here and at the N/E end of the Borrow Pit Lake would be characterised within the Trent Valley Washlands Regional Character Assessment as 'Incongruous landscape features: urban edge, busy main roads, sand and gravel extraction'. Development of any kind is likely to be contentious from an arboricultural perspective, as experience shows that where dwellings are created in similar locations, incoming residents have an expectation of views that may not be met in the short term or may be compromised in the medium to long term by maturing landscape/GI. Successful design should seek to design out conflicts. The proposed apartment site to the N/E of the Borrow Pit Lake was previously woodland and was removed in order to facilitate the removal of previously unknown contamination. This site should not be considered as developable area, rather should be returned to its previous use as woodland, once the contamination has been removed. This is supported by the Rugeley Power Station SPD, which identifies this area as strategic landscaping.

There is potential for substantial conflict between street trees, roadways, services and footpaths, due to the current stance taken by the Highways Authority. Detailed guidance on what the Highways Authority would accept in terms of proximities is desperately needed in order to determine appropriate layouts. Retrofitting their requirements has caused substantial issues and loss of trees in other developments.

Waiting for service layouts in order to determine landscaping areas is fraught with issues. Landscaped areas need to be defined at the outset and from then on remain sacrosanct. No services within those areas (includes individual tree pits).

All structural landscaping/tree planting to be within POS/GI. It is not acceptable to have structural landscaping within privately owned gardens. Incidental trees and planting are acceptable in gardens (23/07/2019).

**Staffordshire Historic Environment Officer (Archaeology)** – The provision of the additional viewpoint from Castle Ring (Scheduled Monument) contained within the Landscape and Visual Impact Assessment is welcomed and the assessment concluding that the change in setting will not affect the significance of the monument is supported (20/11/2019).

Previous Comments: No objection in principle, although notes that archaeological mitigation is likely to be recommended as a condition of any future reserved matters permission. In addition, recommends that further work be undertaken, to minimise the impact of the proposal, on Castle Ring (08/07/2019).

**Staffordshire County Council (School Organisation)** – Notes that there is no uplift in housing numbers and therefore refers to previous response. However advises that the latest cost for the Authority to deliver a 2FE primary school has risen to £7,902,200 (07/11/2019).

**Previous Comments:** The site falls within the catchments of Chancel Primary School, Hob Hill CE / Methodist (VC) Primary School, Redbrook Hayes Community Primary School, The Croft Primary School and The Hart School.

It is likely that 2,300 dwellings would require 104 early years places, 483 primary school places, 345 secondary places and 69 post-16 places. These are based on a pupil product ratio (PPR) of 0.03 pupils per dwelling, per school year group, using 1.5 year groups for early years, 7 year groups for primary, 5 for secondary and 1 for post-16 places.

There are projected to be an insufficient number of school places in the local area to accommodate the children generated by this development at both primary and secondary phases of education. This development needs to provide sufficient land and to fully fund the costs of delivering a new 2FE primary school (420 places + nursery places). A contribution of £7,062,040 (plus a suitable site of 2ha to deliver a 2FE primary school) is therefore required. A further 2FE of secondary and Post-16 is also required, which has a current estimated cost of £8,000,000 (18/07/2019).

**Staffordshire County Council (Highways)** – No objection. Notes the submission of further information specific to the movement strategy and masterplan, upon which concerns are raised, due to inadequacies in the width of the spine road and design of the community square. However, notes that these details are solely indicative and can therefore be addressed at a later date. Reiterates the need for the conditions as detailed within the response dated 4<sup>th</sup> October 2019.

The S106 agreement is to secure a public transport service contribution of £3,345,068 for bus services and a Travel Plan Framework Monitoring Sum of £50,000 (13/11/2019).

Previous Comments: No objections, subject to conditions requiring the submission and approval, prior to the submission of any reserved matters application, of a detailed phasing program of delivery and implementation for all off-site highway improvements, a public transport strategy for between the site, town centre and local services and, notwithstanding the submitted details, a detailed Masterplan. Prior to the commencement of development, details shall be approved of a Construction Environment Management Plan, a distributor road between the A51 and the A513 and a Pedestrian and Cyclist Connectivity Scheme. Any reserved matters application is to include details of a bus terminus at the community square, to include electric charging facility, shelter, flag, timetable case and Real Time Passenger information display and bus stopping facilities, along both sides of the distributor road, which is to include a shelter, flag, timetable case and bus markings. Before the construction of any buildings, within any phase of development, details of secure cycle facilities are to be agreed. Prior to the first occupation or use of any building, the driveway, parking, servicing and circulation areas to serve such, shall be provided in a bound material and sustainably drained. No occupation of any of the dwellings within phase 2a, 2b or 2c, as shown on the illustrative phasing plan, shall occur until the roundabout access off the A513 has been completed.

The S106 agreement is to secure a public transport service contribution of £3,145,500 for bus services and a Travel Plan Framework Monitoring Sum of £50,000.

Two notes to applicant identified advising the applicant of the need to secure a Highways Works Agreement and Section 7 approval for the proposed highway works (04/10/2019).

**Staffordshire County Council (Flood Risk Officer)** – No objection, subject to a condition requiring that prior to the commencement of development, a surface water drainage scheme shall be submitted to and approved in writing by the Local planning Authority (19/11/2019 & 25/07/2019).

**Police Architectural Liaison Officer** – No objection. Provides advice to Design our Crime and advise that particular attention must be paid to ensuring that Pedestrian/Cycle Links and Public Open Space are be designed as features of the site and are well overlooked. Those plots with side and rear boundaries to footpaths and open land must be secure (19/11/2019 & 02/07/2019).

**Cannock Chase AONB Unit** - No objection (07/11/2019 & 03/07/2019).

**British Pipeline Agency** – No BPA Pipeline apparatus in the area (19/06/2019).

**Canal & River Trust** – Supportive of the proposed amendments. However, note that the proposed towpath works, which would be a natural continuation of the improvement works currently being undertaken by SCC Highways, do not connect up, with an unimproved area of approximately 230 metres. Request the scheme be extended to include this area and the need for the delivery of the works be detailed within the draft S106 Heads of Terms (21/11/2019).

**Previous Comments:** The proposed Heads of Terms currently fail to include provision for completion of the off-site towpath enhancement works identified as part of the application. Advise that they are happy for the County Council to undertake these works, thereby negating the need for the Trust to be a signatory of the S106 (07/11/2019).

The towpath in the area adjacent to the application site is not in a condition that can support the additional footfall arising as a consequence of the development. Recommend that the applicant therefore provide a s106 contribution, to upgrade the condition of the towpath and canal public realm, in the vicinity of the development.

Notes that the applicant is proposing to formalise a pedestrian access point to the towpath to the southern edge of the site. Any new access or works to the Trust's land will require an agreement with the Estates Team. The applicant is also suggested to contact the Trust's Sales Team, in order to consider the canal as a water source for heat pumps proposed to be used within the development and also for use for surface water drainage (18/07/2019).

**Environment Agency** - No objection, subject to conditions requiring the submission and approval, prior to the commencement of development of a contaminated land report and a Verification Report to demonstrate completion of the remediation works required by the contaminated land report. Further conditions relating to the need to ensure no infiltration of surface water drainage, the restriction of the use of piling in foundation creation and the development to be carried out in accordance with the submitted Flood Risk Assessment, also requested. Finally, conditions relating Biodiversity and the need to submit a Landscape and Ecological Management Plan and a Water Framework Directive Enhancement Opportunities Plan are also required (13/11/2019 & 04/07/2019).

**Historic England** – No objection. Notes the provision of an additional view point from Castle Ring provided within the amended LVIA, along with clarification regarding the parameter plan and building heights (12/11/2019).

**Previous Comments:** No objection. Notes that the setting of the Castle Ring Scheduled Monument includes key views looking north across the surrounding landscape, which includes the existing cooling towers and built form within the application site. The removal of the Power Station structures will enhance the setting of the Monument, although the replacement development will nullify this somewhat, given the likely wider spread of development across the site. It is difficult to calculate such harm currently due to a limited assessment. In determining the application the Council must be satisfied that the visual impact of the development accords with Paragraph 189 of the NPPF (19/08/2019).

No objection. The removal of the existing power station would have a beneficial impact upon the setting of multiple designated heritage assets. Would recommend however that a more detailed assessment of Castle Ring Scheduled Monument is undertaken as part of any subsequent reserved matters application (24/06/2019).

**Natural England** – No objection. Concurs with the Competent Authorities Appropriate Assessment on recreation impact upon the Cannock Chase SAC and advises of the need to secure a financial contribution to the Strategic Access Management and Monitoring Measures by appropriate means.



Concurs with the Competent Authorities Appropriate Assessment on NOx impact upon the Cannock Chase SAC and advises of the need to secure suitable avoidance measures through the use of conditions and mitigation measures, through the delivery of 191 Biodiversity Units of buffering habitat within an appropriate schedule of the s106 agreement (17/12/2019).

**Previous Comments:** Notes receipt of the Shadow HRA document, which is yet to be assessed, due to time constraints. Await receipt of the Competent Authorities Appropriate Assessment (22/11/2019).

No objection, subject to appropriate mitigation being secured. The necessary measures are, payment of a Strategic Access Management & Monitoring sum for each dwelling, an air quality mitigation scheme, which must be agreed and finalised within the Appropriate Assessment and the protected species mitigation measures, identified within the Environmental Statement (05/07/2019).

**Sport England** – No objection, subject to conditions and an appropriately worded S106 agreement securing the replacement playing field and ancillary provision alongside management arrangements for the site.

Notes that the submitted draft heads of terms highlight that a S106 agreement will be utilised to secure the on-site provision of Community Sports Pitches (indicatively including football, all weather pitches, cricket pitch, tennis and bowls), changing facilities and Multi Use Game Area).

Have held discussions with the applicant regarding the content of the draft S106 agreement and consider that the agreement should include the following:

- an appropriate timeframe for the delivery of the sports and ancillary provision;
- the quantum of playing field provision at the Rugeley Social site and the minimum area/court provision (at least two tennis courts) for the MUGA and all weather pitch;
- the minimum size of the 4 team change pavilion /clubhouse facility (inclusive of female, male and disabled conveniences/ officials rooms/ bar/club area/kitchen/storage area n.b. list not exhaustive) designed in accordance with Sport England's clubhouse design guidance note (or any successor documents) or the relevant pavilions/clubhouse guidance from the national governing bodies whom will be the primary user of the site (i.e. ECB or Football Association/Football Foundation guidance);
- a timeframe for the submission of the sport provision layout plan for example "*No occupation of the [ ]th Dwelling prior to such a time that the layout of the playing pitches, pavilion/clubhouse changing facility, floodlit bowling green, storage area for bowls, MUGA, 3G pitch and car parking spaces to serve the sport site has been submitted and approved by the local planning authority (following consultation with Sport England)*";
- the playing pitches should be constructed in accordance with Sport England's Natural Turf for Sport guidance; and
- Ensure that a schedule of playing field maintenance including a programme of implementation, informed by specialist turf consultant and having regard to Sport England's technical design guidance note titled 'Natural Turf for Sport (2011) and relevant National Governing Bodies performance quality standards, is submitted and approved by the Local Planning Authority. Following commencement of use of the development the approved schedule should be complied with in full.

The proposed quantum of playing field provision will exceed the current amount of playing field at the site. However, to ensure that the same sports are capable of being played to at least the equivalent standard and quality, the following condition is considered necessary:

Details of floodlighting on the proposed bowling green, a ball strike assessment for the cricket pitch and details of the Community Sports Pitches (as defined in the Section 106 Agreement).

It is also recommended that a condition relating to school playing field construction be used to ensure that it is fit for purpose (29/11/2019 & 13/11/2019).

Whilst it is noted that the Masterplan is purely indicative, the location of the sports fields is to be set by the parameters plan. Thus, the location of the cricket pitch is to be defined by this permission. To ensure that that location is acceptable, without the need to erect large and potentially unsightly netting mitigation a ball strike assessment is required (31/07/2019).

**Previous Comments:** Holding Objection. Notes that the site previously contained the Rugeley Power Station Sports and Social Club, vacated in 2017. This site comprises a golf course, bowling green, tennis courts, cricket and football pitches. Whilst the proposal; indicates the provision of sporting facilities, further information is required regarding the location and nature of the proposed and existing sports facilities, clarity regarding the suitability of the siting and design of the proposed pitches (including need for any floodlighting), a supporting statement and details of replacement social and changing facilities. Finally, the cricket pitch as shown on the submitted plan, would be located within close proximity to the primary road route corridor, which is therefore potentially at risk of ball strike. A ball strike risk assessment is therefore requested (14/07/2019).

**Western Power Distribution** – No objection. Note that above ground infrastructure operated and maintained by Western Power, within this site, includes a 132 kv substation and 3 132 kv overhead cables and associated pylons. Support the principles of placing non-residential uses adjacent to the substations and ensuring that operational access to the substations is maintained through all stages of development. Note that the layout of the sports pitches, in the vicinity of the overhead lines, will require careful consideration, to ensure safe usage and compliance with the requirements of the HSE Guidance Note GS6.

The submitted Masterplan indicates development in areas above underground cabling. This conflicts with the stated aim of the illustrative Masterplan to utilise corridors of existing underground constraints for the location of roads, parking surfaces and hardstanding. Whilst noting that the Masterplan is illustrative, the Parameters Plan has been submitted for approval by the Local Planning Authorities. Therefore, recommend that this plan be updated to clarify that development should not be located on land immediately above or within 3 metres of any underground cabling. In relation to allotments, whilst such could be safely located underneath overhead lines, they should not be positioned above underground cables. Consideration should also be had when producing the Landscape Masterplan for the development, to the need for trees to be off-set from the underground cables.

Consideration on-going of the development's potential impact upon easements and wayleaves across the site and further comments will provided if needed (12/07/2019).

**Highways England** - No objection (25/06/2019).

**HS2 Safeguarding Consultation** – No objection. Grid power supply was included within the High Speed Rail (West Midlands - Crewe) Supplementary Environmental Statement and Additional Provision Environmental Statement Volume 2: Community Area report CA1: Fradley to Colton. However, since that report, the House of Commons Select Committee on High Speed Rail (West Midlands - Crewe) Bill Promoter's response to the Select Committee's Third Special Report of Session (2017 – 2019), determined that a new preferred site at Parkgate, would be a more suitable location for the grid power supply and the requirement at Rugeley Power Station would no longer be required (29/10/2019).

**Previous Comments:** No objection. The Additional Provisions Guidance provides HS2 Ltd with sufficient confidence to confirm, that whilst the development will affect land currently within the limits of the safeguarding directions for Phase 2a of the railway, the Bill's continued progress through Parliament, will confirm that the land is no longer required for the purposes of constructing or operating the railway (08/08/2019).

**Central Networks** – Notes that there may be WPD assets in the vicinity of the development and therefore suggests that the developer contacts WPD prior to commencing works. Advises that any dwellings should be located a minimum of 5 metres from the boundary of a substation (24/10/2019 & 13/06/2019).

**Network Rail** – Notes that developer funding via S106 agreement or CIL for enhancements to Rugeley Town or Rugeley Trent Valley Railway Station should be included within the proposal.

Recommends that the applicant engage with Network Rail Asset Protection and submit a Risk Assessment and Method Statement for any works proposed to be undertaken within 10 metres of Network Rail land. The applicant is also to provide secure boundary treatments to the railway to prevent trespass. Further details and conditions requested regarding the need to ensure no physical encroachment, the use of vibro-compaction machinery, demolition method statement, surface water drainage, provision of a minimum 3m separation distance between buildings and the rail line, the need for suitable noise mitigation the use of appropriate tree species within any landscaping scheme and the need for the applicant to submit a Basic Asset Protection Agreement prior to commencing works within the site (24/10/2019 & 13/06/2019).

**Severn Trent Water** – No objection, subject to a condition requiring that prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority (25/06/2019).

**Previous Comments:** Foul drainage modelling of the existing sewerage network is ongoing to ascertain the extent (if any) of any infrastructure improvements required as a consequence of this development, If results prove that infrastructure improvements are required then a Grampian condition may be required to secure the delivery of such (19/07/2019).

**The Coal Authority** – No comment. The application site does not fall within the defined Development High Risk Area (24/10/2019 & 19/06/2019).

**Cadent Gas Limited** – Due to the location of electricity apparatus within the application site request that a decision not be taken on the application until it has been assessed by the Land and Development Asset Team (24/10/2019 & 25/06/2019).

**National Grid** – No objection. Provides guidance on working within close proximity of overhead power lines (29/11/2019).

**Previous Comments:** Holding objection. National Grid's Engineer is still assessing the potential risk factors associated with this development (27/11/2019).

No objection. Advise that they own and are responsible for the maintenance and operation of infrastructure within the site, which includes 3 substations, underground cables, electricity pylons and overhead lines. Any development should take into account this infrastructure along with associated access rights, easements, wayleaves and other rights required in relation to their maintenance and operation.

Notes the applicant's intention to place non-residential uses adjacent to retained substations and ensuring that access to the substations is retained throughout development. The alterations required to infrastructure to accommodate development within the site means that National Grid may require additional land immediately to the east of the substation, in order to accommodate the re-sited RUGE1 132KV Substation. The Masterplan should be updated to recognise this requirement and flexibility to deliver such secured by way of a condition.

The internal road network, including footpath, where oversail is likely, will need to be designed to accommodate the turning radii and weight of vehicles required to deliver equipment, such as transformers to the RUG4 and the BRER3 substations. The current Masterplan design is deficient in

this regard, albeit that there appears sufficient space available to accommodate such. A condition to secure an appropriate design for these routes is required.

Note that the Overhead Lines (OHLs) between Tower VY001 and RUGE4 are not shown on the Masterplan, which should therefore be updated to reflect such. Any reserved matters application will need to have due regard to swing and sag analysis, should any landscaping be proposed in the vicinity of the OHLs.

Recommend a condition to ensure that the internal road networks be designed to have due regard and be constructed over the location of cables, Super Grid Lines and fibre optic cables, which run through the site. Such is a requirement of the Rugeley Power Station Development Brief Supplementary Planning Document (16/08/2019 & 12/07/2019).

**Staffordshire Fire and Rescue Service** – No objection. Provides advice regarding vehicular access requirements, automatic water suppression systems and domestic sprinklers (13/11/2019).

**Staffordshire County Council (Planning)** - No objection, subject to conditions.

The extraction of Pulverised Fuel Ash (PFA) from the lagoons and the reprofiling of the adjacent bunds to create a stable platform for the surrender of the Environmental Permit, can be carried out under Permitted Development Rights, given that the site is classed as Operational Land, in use by a Statutory Undertaker. These rights would no longer exist if the site is not operational and the planning permission for the redevelopment of the site is implemented. Hence planning permission for works to PFA would be required at that point from the County Council.

As part of the development description Section of the ES (Volume 1), information has been included concerning 'waste'; during the construction phase and the operational phase. This section confirms that an Outline Waste Management Strategy (Appendix 3.5) has been produced and *"the quantum and composition of waste generated through the demolition of these buildings would be established as part of the design of the detailed demolition programme in the Construction Environmental Management Plan (CEMP) for the relevant construction phase"* (paragraph 3.3.60 of the ES (Volume 1)). It is estimated that the Proposed Development could potentially generate:

- Up to 48,507 tonnes of waste during construction (not including waste material associated with cut/fill) which would equate to approximately 2,425 tonnes of waste each year from the Proposed Development (Paragraph 3.3.61 of the ES Volume 1);
- Approximately 2,185 tonnes of household waste per annum (approximately 42 tonnes per week) should all the residential units be constructed and occupied (Paragraph 3.3.66 of the ES Volume 1); and
- Approximately 8,571 tonnes of waste per annum (based on a conservative estimate of 3 tonnes of waste per annum per employee) from the non-residential elements of the Proposed Development.

Request a condition to secure the measures described in the Outline Waste Management Strategy and to require a detailed Construction Environmental Management Plan (CEMP) for each phase of the development, including the operations to extract and dispose of PFA, unless these operations are carried out in compliance with an Environmental Permit, regulated by the Environment Agency.

Records show that there is one permitted waste management facility within the site and one in the vicinity of the site, off the Rugeley Eastern Bypass.

- Planning permission for a road construction waste materials recycling facility within the site was granted in May 2006 (ref. [CH.06/03/736 W](#)). This facility is no longer operational; and
- Planning permission for the storage and crushing of construction waste was granted in November 2015 (ref. [CH.13/10/725 W](#)) [to the north west].

The submitted Illustrative Masterplan and the Land Use Parameter Plan, include an area of open space adjacent to the land, where the storage and crushing of construction waste is permitted. The

nearest residential properties, are approximately 120 metres to the south of this waste management facility. Offer no objection to this relationship, but recommend that the Council's should be satisfied, having obtained confirmation from their Environmental Health Officer and the Environment Agency that there would be no unacceptable adverse impact on people or the environment and that the proposed development would not constrain the continued operation of the neighbouring waste management facility.

A Mineral Resource Assessment confirms that most of the sand and gravel was disturbed during the construction of the power station, which involved constructing large scale underground infrastructure. The backfill used to raise excavation levels back to original levels was a mixture of sand and gravel, Pulverised Fuel Ash (PFA) and construction waste materials. Therefore, the made ground is of no commercial value and backfill is several metres thick across most of the site.

The MRA concludes that it would not be practicable or commercially viable to extract sand and gravel underlying this made ground and the underground infrastructure is still in situ. Having regard to relevant policies, guidance and material considerations, it is reasonable to accept the findings in the MRA that it would not be practicable or commercially viable to extract sand and gravel. The Mineral Planning Authority therefore has no objection concerning mineral safeguarding (09/08/2019).

**Staffordshire Clinical Commissioning Groups** – The site falls fully or part within three GP Practice catchment boundaries. The Primary Care Team at the Clinical Commissioning Group recognise there will be impact to primary care from new housing developments. This can be considered at both GP Practice level and also from a Primary Care Network perspective. At Practice level a number of practices are working from buildings that have no capacity to extend, while others have this potential. The Primary Care Team will work closely with practices and the PCNs throughout proposed development to understand the impact and then take any necessary steps required. The CCG and the Council will then work together throughout the process so that we are confident that the proposed development will have a full health service coverage.

The CCG have submitted a 106 funding form to the Council and Developer, which would pay a contribution of £735,974.40 to health to support with the increase of residents. This will need to be approved by the Planning Committee and the figure might change (04/12/2019).

**Previous Comments:** Notes that the development proposes 1,036 new dwellings within Rugeley, generating a proposed population of 2,486 people, with consequently, a likely patient demand for consulting rooms of 65.39 hours per week and for Treatment Rooms of 17.4 hours per week. The GPs most likely to be affected by the proposed development are Brereton Surgery, Horse Fair Practice Group, Sandy Lane and the Aelfgar Surgery. Rather than seek to offer a surgery within the application site, there is a preference to extend the existing surgery's to accommodate the uplift in patients. The financial contribution requested to undertake such is £735,974.40 (22/11/2019).

Objection unless additional capacity provided In relation to the impact on primary care. The patient per GP figures provided by the applicant are not considered to be accurate. Will request information from the practices to try and support the possible developer contributions case and will ensure we include the number of rooms currently available at each site (30/07/2019).

**Staffordshire Wildlife Trust** - No Comments Received.

**South Staffs Water** - No Comments Received.

**Campaign to Protect Rural England** - No Comments Received.

**Cannock Chase District Council** - No Comments Received.

**West Midlands Ambulance Service** - No Comments Received.

## **LETTERS OF REPRESENTATION**

Two letters of representation have been received in respect of this application. The comments / concerns raised are summarised as follows:

- More housing would not be beneficial for the area due to a lack of doctor's surgeries.
- There's already the Ashtree Estate offering new housing within the area.
- Traffic flows through Armitage with Handsacre, at peak times are currently very high. The traffic volumes generated by this development will cause further impact on these local traffic flows.

## **OTHER BACKGROUND DOCUMENTS**

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

Affordable Housing Statement

CIL Schedule

Commercial Report

Design and Access Statement

Environmental Statement, Figures and Appendices including:

- Socio-Economic
- Air Quality
- Built Heritage
- Ecology
- Water Environment
- Noise and Vibration
- Ground Conditions
- Landscape and Visual
- Transport and Access
- Assessment, Mitigation and Implementation
- Non-Technical Summary

Framework Travel Plan

Landscape Design Statement

Mineral Resource Assessment

Planning Obligations – Draft Heads of Terms

Planning Statement

Remediation and Reclamation Strategy

Shadow Habitats Regulation Assessment

Statement of Community Involvement

Sustainable Access Strategy

Transport Assessment

Addendum Submissions include:

Affordable Housing Proposal

- Draft Heads of Terms

Cricket Pitch Ball Strike Zone

Employment Land Technical Note

Environmental Statement (Addendum)

- Main Statement
- LVIA
- Ecology
  - Invertebrate Surveys.
  - Early season botanical survey.

- Bat roost and activity surveys.
- Breeding bird surveys.
- Breeding wader mitigation strategy (CONFIDENTIAL).
- Outline ecological mitigation strategy.
- Air Quality
- Non-Technical Summary
- Rail Passenger Forecasts and Mitigation Requirements
- Sustainable Transport Measures and Technical Note

Heights and Densities Supplementary Note

Retail and Office Technical Note

Safe Routes to School Study

School Drop off and Pick up Strategy

Supplementary Information Report

Western Gateway Study

Additional Information

High Density Housing Analysis

Retail and Office Technical Note

Draft Heads of Terms

## **PLANS CONSIDERED AS PART OF THIS RECOMMENDATION**

Site Boundary Dwg No. 01585\_S-001 Rev P4

Parameter Plans:

Access and Movement Dwg No. 01585\_PP\_01 Rev P5

Land Use Dwg No. 01585\_PP\_02 Rev P4

Building Heights Dwg No. 01585\_PP\_03 Rev P6

Green Infrastructure Dwg No. 01585\_PP\_04 Rev P4

Density Dwg No. 01585\_PP\_05 Rev P5

Revised Junction Layout Dwg No. J32-2608-PS-111 Rev A

## **OBSERVATIONS**

### **Site and Location**

The application site, known as the former Rugeley B Power Station, extends to 139 hectares (ha) of which, 55ha is located within the boundaries of Cannock Chase District Council and 84ha within Lichfield District Council. The site is located within two Parishes, Brereton and Ravenhill in the west and Armitage with Handsacre in the east. The parishes of Colton, Mavesyn Ridware and Rugeley border the site.

The site is located approximately 1km to the east of Rugeley Town Centre and approximately 1.6km west from the centre of Armitage with Handsacre. The site is bound by the River Trent to the north, beyond which lie agricultural fields, the A513 to the south, along with both the Hawksyard housing estate and various large scale, predominantly storage and distribution buildings, within the Towers Business Park and the A51 to the south west.

The site was until 2016 used as a coal fired power station, producing electricity for transmission to the National Grid. Much of the physical infrastructure associated with this former use of the site remains; which is largely located, within the north western portion of the site; including 4 cooling towers, a chimney stack, plant buildings, electricity substations and interconnecting access tracks. To the centre of the site two electricity substations remain. The 400kv National Grid substation comprises an open air grid of frames, up to 20m in height and transformers, enclosed by a wire fence. The 132kv Western Power Distribution substation is located adjacent.

To the centre of the site, there is a concentration of green open space, associated with facilities previously provided by the Sports and Social Club, which includes, the clubhouse, a model railway, football pitch, cricket pitch, bowling green, 2 tennis courts and part of the former 18 hole golf course, which extends northwards to form the boundary of the site.

To the south east of the site there are a series of ash lagoons and the Borrow Pit Lake, which is surrounded by mature trees and shrubs, along with a number of allotments. A freight railway line, previously used to transport coal into the site, intersects the site from south east to north west. The West Coast Main Line runs to the north of the site.

Throughout the site there are a large number of predominantly self-seeded trees, forming linear belts, sited generally around engineered embankments, which were formed as part of the former Power Station activities. Further structured tree and landscape planting is provided within and to the edge of the former Sports and Social Club and associated golf course area. An Area Tree Preservation Order covers trees predominantly located on the site of the former 'A Station', now developed through the Hawksyard housing estate. However, the boundary of the TPO extends into the site along the shared southern site boundary, adjacent to the A513.

Part of the site (land around the 400kv substation and existing vehicular access off the A51) is included within the limits of the High Speed Rail (West Midlands to Crewe) Bill 2017 (the HS2 Phase 2a Bill) and therefore is land subject to powers of compulsory acquisition for the purposes of providing a power connection from the substation to the rail line. The site therefore falls within the HS2 Phase 2a safeguarding Area, pursuant to the High Speed Two Phase 2a West Midlands to Crewe Safeguarding Directions, September 2017. HS2 now have an alternative preferred location for a power connection and deposited Additional Provision 2 before Parliament in February 2019, which seeks to remove the site from the Bill. However, until Royal Assent is granted for Phase 2a in its amended form, the site remains subject to the Safeguarding Directions.

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

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

## **Background**

Demolition of much of the site's infrastructure (excluding the substations) is currently being undertaken, following the grant of planning permission for such (Cannock Chase application reference CH/18/268 and Lichfield Council application reference 18/01098/FULM). Demolition works commenced in September 2018 and are expected to be completed by 2021. As part of the decommissioning process and closure of the power station use, the applicant is in the process of surrendering Environmental Permits, gained from the Environment Agency, relating to consented activities on the site, e.g. combustion permit, management of pulverised fuel ash permit.

An Issues Paper was discussed by members of the Planning Committee at the meeting on the 1<sup>st</sup> July 2019, wherein the following Issues were raised:

Education/Welfare provision – will welfare facilities be retained/provided for those using the



lake/former Borrow Pit? If facilities are lost would like assurance that they will be provided elsewhere.

Highways – access and egress points throughout the site need to be fully considered. The neighbouring Hawksyard Estate, experiences access and egress issues, due to there being only one access/egress provided, whilst the second point of access is currently only unofficially used by residents.

Affordable Housing – would like clarification on the housing mix, provision and numbers to be attributed to Lichfield District versus Cannock District. Whose housing numbers would this housing development count against?

Vehicular Access from Armitage Road – need to consider quantum of housing that would be served by this one access – clarification on the appropriateness of this sought, including the impact that it would have on refuse collections.

Flood Risk & Drainage – need to ensure that the drainage of land is addressed fully, given the dwellings within the Hawksyard Estate experience standing water within their gardens.

Cycles & Pedestrian connectivity – important to ensure good pedestrian and cycle connectivity, including good links to facilities, including cafés and small retail unit in order to reduce motor vehicle use.

HS2 needs to be fully reviewed as part of the background to this application, including the use of part of the land as a compound.

Parking provision – need to ensure adequate provision within the development and learn from mistakes elsewhere in district. Also need road design to include sufficient room for two cars to pass on all roads.

Health and Wellbeing Strategy - sport and recreation facilities an important issue and as many facilities as possible should be provided close to the new housing.

Solar panels in middle of site – questioned whether it will be an energy neutral development.

Primary School provision – in addition to the on-site primary school, secondary school provision also needs to be considered, as the Friary School is already full.

Sport and Recreation – noted that the existing miniature railway within site to be lost – asked if it can be retained and reconfigured/for a community benefit – as of national interest.

Contamination Land – questioned how this is to be dealt with.

Demolition/site clearance and remediation – noted it's a massive civil project – question how much can be done without disruption? What materials can be used/retained on-site? What protection will be given to public when demolition takes place? As much of the existing material should remain on-site as is possible.

Proximity of the Trent Valley Railway Station – should seek to incorporate railway links into this development wherever possible – connectivity with pedestrians, cycle access etc.

It should be noted that since the Issues Paper was discussed, an EIA Addendum document has been submitted with the application. The Addendum revised the description and composition of the development as follows:

- Use Class C2 Residential Institutions is included within the residential development areas.

- Use Class B1 Business is to comprise offices, research and development and/or light industrial uses.
- Use Class B8 Storage and Distribution is removed.

The additional information submitted as part of the Addendum submission comprises:

- Ecological surveys carried out during the spring and summer 2019 survey season relating to: Invertebrates, Botanical, Bats and Breeding Birds to inform the assessment of Ecological effects;
- Nitrogen dioxide (NO<sub>2</sub>) diffusion tube monitoring undertaken by CCDC on behalf of the Applicant to inform the assessment of Air Quality Effects;
- Additional wireline visualisations to inform the assessment of Landscape and Visual effects;
- An additional viewpoint photograph of the Site from the Castle Ring Scheduled Ancient Monument (SAM) to inform the assessment of Heritage effects;
- The proposed sustainable transport mitigation proposals on Colton Road, Power Station Road and Armitage Road have been subject to minor amendments;
- Further evidence regarding rail passenger forecasts and potential sustainable travel mitigation options; and
- Updated parameter and application plans reflecting changes made to the design of the Proposed Development.

## **Proposals**

This application seeks outline consent for the creation of a development platform and the demolition of existing office building and environmental centre, site clearance, remediation and mixed-use development comprising: up to 2,300 new dwellings and residential units (Use Classes C3 and C2); up to 1.2 ha of mixed-use (Use Classes A1, A2, A3, A4, A5, C1, C2, C3, D1 and D2); up to 5 Ha of employment (Use Classes B1a, b, c and B2); 1no. 2 Form Entry Primary School (Use Class D1); Formal and Informal Publicly Accessible Open Space; Key Infrastructure including new adoptable roads within the site and the provision of a new primary access junction on to the A513; ground mounted solar panels and 2 No. existing electricity substations (132 kV and 400 kV) retained.

The application is submitted in outline, with all matters except access reserved for future consideration. A high level indicative masterplan, showing potential locations for the proposed development areas, accompanies the application. Matters relating to appearance, the precise layout of the site, landscaping and the precise scale/height of the buildings are reserved for subsequent approval and as such, do not fall for full determination at this time. However, the applicant has provided 5 parameter plans, for which they are seeking approval, as part of this application. The parameters plan demonstrate the locations within the site of the proposed land uses, residential density, maximum building heights, points of access and green infrastructure.

It should be noted that as this is a cross-boundary planning application, this planning committee will consider the acceptability of the elements of the proposal, which fall within Lichfield District, whilst Cannock Chase District Council's planning committee, will in due course (scheduled for their meeting on the 15<sup>th</sup> January 2019), consider the acceptability of the scheme within their administrative boundary. Thus, whilst it is appropriate and necessary for members to consider the scheme as a whole, it should be noted that any subsequent permission and the conditions related thereto, will solely relate to the parcels of development that are within Lichfield District, unless otherwise specified.

## **Demolition Works**

Beyond the demolition works consented under the permissions granted by Lichfield and Cannock Chase District Council's in 2018, it is also proposed to demolish, as part of this proposal, the current Engie offices and the Environmental Education Centre, which is located to the eastern end of the site.

### Formation of Development Platform

The existing Environmental Permit, which has been granted by the Environment Agency for this site permits the extraction and management of Pulverised Fuel Ash (PFA), followed by the creation of an engineered platform, as part of the closure of the lagoons in the east of the Site. On completion of PFA extraction, the lagoon clay liner and aggregate bunds will be removed or levelled, before commencing water monitoring to satisfy the surrender terms of the Permit. The level platform is anticipated to be at a level of circa 66m AoD1.

### Access and Road Network

The two vehicular access points (to be fully considered as part of this application), which are proposed to serve the site, are located to the site's southern and north eastern edges. The location of the southern access point, off Armitage Road (A513), has previously been agreed under the provisions of planning application 17/00453/FULM, which includes the installation of a roundabout. The northern access point will be via the existing vehicular access off the A51. A main spine road running east to west will connect the two access points. The route of this spine road is dictated by the presence of underground constraints and the retained infrastructure within the site, such as the electrical substations. Two further pedestrian access points are identified on the illustrative masterplan, one to the north of the site over the A51 and another to the western boundary onto the A513.

The main internal spine road is shown indicatively to have a width of 20m. This takes account of a carriageway width of 7.3m, two 3m wide footpath cycleways and two 3m wide verges to allow for tree planting, along the main boulevard. This road will form the principal access through the site for all traffic including an extended bus route. Access to other development parcels within the site will be formed by lower order roads, broadly in accordance with the Access and Movement Parameters Plan. In terms of wider pedestrian movement, within the site itself, the scheme seeks to make use of the old rail freight embankment as a means of providing a walking and cycling route, separate from vehicular traffic through the site. This route will ultimately emerge close to Love Lane to the west of the site. Four additional north south pedestrian and cycle routes are also proposed and intend to link the residential areas within the site to the extensive riverside park proposed on the site of the former Golf Course to the north of the rail embankment.

As part of mitigating the impact of the development, off-site highway improvements are proposed to several junctions and areas, including the; A51 / site access (including pedestrian enhancements to the adjacent roundabout); A51 / Wheelhouse Road roundabout; A51 / A513 Armitage Road Roundabout; Western Springs Road / Elmore Lane / Horsefair / Sandy Road Roundabout, Rugeley Trent Valley Approach and Canal Towpath and Brereton Hill Roundabout pedestrian and cycle enhancements.

### Residential Development

The residential component of the proposals includes up to 2,300 dwellings (Use Class C3), within which there shall be an element of residential institution (Use Class C2). Of this total number, it is proposed that 1,264 dwellings be erected within Lichfield District and the remaining 1,036 within Cannock Chase District. The residential parcels within the development as a whole, are proposed broadly at the eastern and western ends of the site, to be separated by areas of green infrastructure and employment. The development of the residential properties is expected to commence in 2020 and will partially overlap with the ongoing consented demolition works and PFA Extraction. The residential proposals will be phased over a number of years up to 2040, with an anticipated delivery timescale of approximately 20 years, for the entirety of the development.

The housing areas would be constructed to an approximate density of between 35 dwellings per hectare (dph) at the eastern end of the site up to 60dph at the western end of the site closer to Rugeley Town Centre. Also shown on the 'Illustrative Density Plan' is a single area, to the north of Borrow Pit Lake, with a density of up to 75dph. These densities equate to 2 or 3 storeys for the

lower density aspect and 4 to 5 storey development for the higher densities. Within the higher density areas, it is proposed that built form elements will occupy, in total footprint, no more than 30% of the overall land use. The development will offer a mix of properties suitable for first time buyers and larger families and it is proposed to include 17.6% of the total site units (405 dwellings) as 'Affordable Dwellings' within the NPPF definition.

#### Additional Development

A new employment area of 5ha comprising of B1 offices and light industry and B2 general industry, is proposed slightly west of the centre of the site. The southern portion of this area, equating to approximately 1.78ha falls within Lichfield District. Details of the quantum of floor space are yet to be provided and rather, the exact amounts and mix of uses are to be determined at reserved matters stage.

To the north and south of this area is a combined 1.2ha mixed use development zone, comprising two local neighbourhood centres, which are both currently proposed to include A1-A5 retail uses, C1 (Hotels), C2 (Residential Institutions), C3 (dwellings), D1 uses such as nursery or public hall space and D2 uses, such as a gym or other recreational space. The northern centre, known as the 'Community Square' is located within Cannock Chase and is to contain the 2 Form of Entry Primary School. The applicant advises that the southern centre, which is located within Lichfield District, sited adjacent to the Borrow Pit Lake and forming something of a gateway to the site, is to be designed to have a leisure/food and beverage focus.

Within an area of approximately 2ha, located to the south eastern edge of the site, around the, to be retained existing 400kv substation, located within Lichfield District, ground mounted solar panels are proposed. A further 1.2ha area located to the northern eastern edge of the same substation, is proposed within Cannock Chase District.

#### Retained Uses

The existing 400kv and 132kv substations will be retained as part of the redevelopment. In addition to these, National Grid, Western Power Distribution and Network Rail will still require 24 hour access through the site, throughout the construction period and once the development is complete, to their respective facilities. This has been factored into the phasing of the site.

#### Green Infrastructure

The proposed green infrastructure comprises:

- A riverside park (approximately 26ha) to the north of the site, between the proposed built development and the River Trent. This will provide accessible open space and enable connections to the River Trent and wider rural area. The park is identified to be delivered in phase 0 on the indicative phasing plan ensuring it is provided at the start of the development;
- The utilisation of the former railway sidings as a green pedestrian / cycle route connecting the northern and southern ends of the site ('The Rail Way');
- Smaller areas of informal public open space on the built development periphery, designed to incorporate ecological enhancement and mitigation in proximity to existing features, such as the Borrow Pit Lake;
- Central green open space corridors, often combined with sustainable drainage features, which enhance the built character, provide wildlife movement corridors and link the existing and proposed hydrological features within the site;
- Formal public open space within the built development to provide landscape/green focal areas and leisure destinations;
- Green corridors linking these central spaces to the wider green network beyond the application site boundary;
- Two meadow areas under the proposed solar panels to the centre of the site; and

- Other formal and informal green spaces such as play facilities, new allotments and the retention of the existing allotments in the south east section of the site.

### Illustrative Phasing

It is anticipated that the construction of the proposed development will commence in 2020 and continue to 2041. It is expected that development may be undertaken on a rolling programme of site preparation and construction, allowing earlier phases to be completed and occupied while subsequent phases are constructed.

An illustrative Phasing Plan has been submitted with the application, which demonstrates that the residential parcels in the northern and southern most parts of the site are expected to be delivered first. The proposed riverside park (Phase 0) and primary school (Phase 1B) are also proposed to be delivered at the earliest opportunity and the latter, subject to the requirements of the County Council, to ensure that the social, green and recreational infrastructure is in place to serve the new residents, as early as practically possible.

The proposed employment and residential parcels in the centre of the site (Phases 3A – 3C) are expected to be the last parcels delivered, due to the significant constraints in this area of the site (retained substations and ground conditions). Given the illustrative nature of the phasing plan, a condition to secure a final version of this document is recommended, although it is envisioned that few amendments to the submitted document, are likely.

### **Determining Issues**

- 1) Policy and Principle of Development
- 2) Housing Mix, Affordable Housing and Vacant Building Credit
- 3) Design and Impact on the Setting of Surrounding Heritage Assets
- 4) Landscape and Visual Impact
- 5) Highway Impact, Sustainable Transport and Parking
- 6) Water Environment, Flood Risk and Drainage
- 7) Public Open Space, Sports Facilities, On-Site Green Infrastructure and Arboriculture Impact
- 8) Sustainable Built Form
- 9) Residential Amenity – Future and Existing Residents
- 10) Ecology including Biodiversity
- 11) Impact upon Special Areas of Conservation
- 12) Waste Management
- 13) Archaeology
- 14) Planning Obligations including Education Provision
- 15) Other Issues
- 16) Financial Considerations (including Community Infrastructure Levy)
- 17) Human Rights

#### **1. Policy & Principle of Development**

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Local Plan Strategy and the Local Plan Allocations Document (2008-2029). In this location, the Armitage with Handsacre Neighbourhood Plan was also made in 2018 and as such, also carries full material weight.

### **Residential**

- 1.2 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies

within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

- 1.3 Paragraph 8 of the NPPF provides a definition of sustainable development, identifying that there are three separate dimensions to development, namely its economic, social and environmental roles. These dimensions give rise to the need for the planning system to perform a number of roles:

- An economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This report will consider how the proposed development fares in terms of these three strands of sustainable development.

- 1.4 Paragraph 73 of the NPPF requires that Councils identify and update annually a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 1.5 The latest five year housing land supply position for Lichfield District is contained within the Five Year Housing Land Supply Paper, dated June 2019, which states that a supply of 7.2 years can be demonstrated within the District.
- 1.6 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, comprises the Local Plan Strategy, Local Plan Allocations Document and the Armitage with Handsacre Neighbourhood Plan.

#### **Local Plan Policies – Housing**

- 1.7 The Local Plan Strategy sets a strategic requirement to deliver a minimum of 10,030 dwellings during the plan period. Core Policy 1 of the Local Plan Strategy establishes the Council's Spatial Strategy, which seeks to direct growth to the identified sustainable settlements. Within this framework Armitage with Handsacre is identified as a Key Rural Settlement, whilst an area identified within Core Policy 6 identifies that East of Rugeley will deliver 1,125 dwellings, which is to include 500 dwellings to meet needs arising within Rugeley. Further details of this allocation are identified within Policy: East of Rugeley and Appendix 16, which identifies the land immediately to the south of the application site, including the now largely complete Hawksyard estate. This allocation included the

undeveloped Borrow Pit and surrounding area, within which it was considered that approximately 450 dwellings could be delivered.

- 1.8 Whilst the application site, other than the Borrow Pit, is not therefore allocated within the Local Plan Strategy, the Local Plan Allocations Document, which was adopted in 2019, following the closure of the Power Station, contains Policy R1: East of Rugeley Housing Land Allocations, which identifies that the application site, is to deliver a minimum of 800 dwellings within the plan period, which represents a cautious approach, in terms of the assumed number of homes the site may deliver.
- 1.9 Paragraph 12.3, which offers explanations for Policy R1, advises that the *“Strategic Development Allocation includes an area known as the Borrow Pit, which was previously anticipated to deliver approximately 450 dwellings within the plan period. As is set out within the Rugeley Power Station Concept Statement (Appendix E), the Borrow Pit is to be retained as landscape/water feature within the wider allocated housing site. This means that site R1 leads to a net increase of 350 dwellings to the East of Rugeley”*.
- 1.10 The above noted paragraph therefore seeks to remove the Borrow Pit area from the Local Plan SDA allocation. However, Policy R1 itself; the wording of which carries greater weight than the explanatory text; advises that development within the site should be carried out in accordance with the Local Plan policies map, wherein the Borrow Pit remains identified as forming part of the East of Rugeley SDA Allocation. Whilst it is clear from the explanatory paragraph, that it was the intention of Policy R1 to remove the Borrow Pit from the SDA Allocation, all of the plans accompanying the Allocations Document (Appendix E and Inset Plan 18), fail to do this. On balance therefore, it is considered, due to the identified confusion in the Allocations Document, that the Borrow Pit remains part of the Local Plan Strategy SDA.
- 1.11 Policy R1 continues to outline key considerations for the development of the site, advising that the Masterplan to be approved to deliver the scheme, should identify a range of land uses, open spaces and transport routes and their relationship both to each other and to the existing development in the vicinity of the site. Proposals should accord with the approved Masterplan, including the key development considerations, which are listed as follows:
- Development proposals should have consideration to the Rugeley Power Station Concept Statement (Appendix E) and be guided by the Rugeley Power Station Development Brief Supplementary Planning Document;
  - Potential ecological impacts should be considered including potential for priority protected species / habitats; and
  - Rugeley benefits from its location on both the West Coast Main Line and Chase Line. Steps should be taken to encourage journeys to be made by rail, for example providing bus links, and walking and cycling routes.
- 1.12 Appendix E Concept Statement of the Allocations Document sets out the objectives for the site, which includes the development of a minimum of 800 dwellings, ensuring the protection and enhancement of ecological interests, including management and future maintenance of landscape and important recreation features, providing strong walking and cycling links through the development and ensuring a good degree of physical and social integration with the existing settlement.
- 1.13 The Concept Statement continues to sets out 16 points, which the design strategy should include and then goes on to summarise key aspects to be delivered within the scheme:
- A range of housing in accordance with Development Management Policies H1 and H2 and having regard to needs arising with Rugeley;
  - Neighbourhood facilities including a community hub to incorporate a community/sports building and small scale convenience retail provision;

- Provision of a new primary school to be accommodated within the scheme at an accessible location;
- Provision for open space, sport and recreation facilities in line with Development Management Policies HSC1 and HSC2 and incorporating playing pitches, amenity green space, equipped play, allotments, and the retention/protection of any existing sports and recreation facilities that are not justified to be surplus to requirements;
- Landscaping and Green Infrastructure provision to include the creation of areas of appropriate and sustainable habitats sufficient to achieve a measurable net-gain to biodiversity in line with the requirements of Policy NR3 and the Biodiversity and Development SPD. This must include the retention of quality hedgerows and significant trees, and their incorporation into the landscape, and the allowance for significant tree canopy cover in line with Development Management Policies NR4 and NR6 and the Trees, Landscaping and Development SPD 2016;
- A clear strategy for delivering links to Rugeley Town Centre, and Armitage with Handsacre, showing how these will be incorporated into an integrated open space and green infrastructure network, including links to the canal and existing green spaces;
- Protection of local areas and habitats of biological interest;
- The provision of public transport to serve the site: all development should be within 350m of a bus stop and should promote of smarter travel choices;
- The provision of pedestrian and cycling routes throughout the site, linking to the green infrastructure network and existing settlements, services and facilities beyond the site boundaries including safe crossing points;
- Provision of a minimum of two main points of vehicular access should ideally be sought; The provision and maintenance of sustainable drainage systems and flood mitigation measures, integrating the retention of existing water courses where possible and having regard to the existing Flood Zone to the north of the railway line;
- Measures to address water supply and waste water treatment, relocation and provision of utilities infrastructure;
- Mitigate impact upon protected and priority species; and
- The incorporation of public art.

- 1.14 The Rugeley Power Station Development Brief Supplementary Planning Document (adopted 2018) provides guidance on layout, form and quality of development on the site. The SPD is a material consideration in determining this application.
- 1.15 Paragraph 1.5 states *“the overall aim for the site is to create a well-designed mixed use development, which incorporates market housing, affordable housing, self build housing, employment provision, education provision and open space and recreational facilities”*.
- 1.16 The SPD provides a site analysis; policy context; and development principles. The site analysis provides a range of useful information on the key site features to take into consideration including natural and historic environment features. Figure 4.4 Design Parameters provides an indicative land use plan as well as access points. It is noted that the proposed scheme aligns with a number of these parameters, including the main residential area within Lichfield District; provision of a park to the north of the site; and overall provision of mixed uses and community facilities. However, the community facilities are more focused towards the western part of the site, rather than centrally.
- 1.17 The Armitage with Handsacre Neighbourhood Plan was made on the 9<sup>th</sup> October 2018. The document includes Policy AH2 – Conserving and Enhancing the Local Natural Environment, which advises that natural environmental assets, including the Borrow Pit, allotments, Environment Centre and River Trent and its flood plain *“will be protected for their local natural environmental resource value”*.
- 1.18 The Policy continues to advise that *“development proposals that would otherwise affect the neighbourhood area’s natural environmental assets will only be supported where they would:*



- *Protect, enhance, restore and implement appropriate conservation management of the biodiversity or geodiversity value of the land of buildings concerned, or those listed in the first part of this policy in particular; and/or*
- *Minimise fragmentation and maximise opportunities for restoration, enhancements and connection of natural habitats; and/or*
- *Incorporate beneficial biodiversity and geological conservation features; and/or*
- *Deliver a net gain for biodiversity and/or geodiversity in the neighbourhood area”.*

- 1.19 The proposed development will retain the allotments and proposes no development within the flood plain, but does seek the demolition of the Environmental Education Centre. Thus, in order to be considered acceptable, in principle, the scheme will need to comply with second part of the above noted policy, through delivering either biodiversity uplift, enhancements to the natural environment and / or enhancements to geodiversity. This matter is discussed in greater detail within the biodiversity section of this report.
- 1.20 Policy AH4 advises that open space, as detailed within the list accompanying the Policy and as shown on plans 8a and 8b, are protected. The Borrowpit and surrounding area are identified on plan 8b. The accompanying text for this Policy (Paragraph 6.15) states that *“the neighbourhood area has a number of important open spaces. These have been identified on the Policies Map (Map 6) and will be protected”*. Map 6 relates to Policy AH1 and the Conserving and Enhancing of Non-Designated Heritage Assets. As such there is some confusion between the Policy itself and supporting text. The Policy is however quite clear and the Borrow Pit element of the site, as shown on Map 8b, therefore comprises Protected Open Space.
- 1.21 The illustrative plans show a parcel of residential development, up to 4 storeys in height, to be erected immediately to the north of the Borrow Pit itself, within the identified Protected Open Space, which also therefore sits outside of the land identified for development within the Rugeley Power Station SPD and within the area excluded from development within explanatory paragraph 12.3 (Policy R1).
- 1.22 Policy AH2, as discussed above, includes a number of caveats, where development within protected areas will be permitted. Development within the area surrounding the Borrow Pit, to be considered acceptable against the requirements of this policy, will therefore have to demonstrate suitable management for the remainder of the site, maximise opportunities for wider environmental enhancement and improve the site’s biodiversity value. These matters are discussed in greater detail within the Biodiversity Section of this officer’s report, but it should be noted that the scheme will deliver a waterside park, in addition to a 20% uplift in on-site biodiversity value. The area will be managed going forward by a maintenance management company, to ensure its on-going conservation, whilst the recreational use of the Borrow Pit itself will be maintained and expanded through the development and also become more widely usable to all of the community. Thus, the natural environment will not be adversely affected by the scheme and compliance with the above noted Policy can be secured.
- 1.23 Paragraph 6.15, which informs Policy AH4 states that the identified Open Spaces *“serve a number of different functions for the local community providing spaces to play, relax, walk dogs and carry out more formal recreation activity”*. The Policy was therefore created in order to ensure that recreation could be undertaken within the site. Whilst the parcel of development within the confines of the Borrow Pit designation is therefore contrary to Policy AH4, the scheme would offer some positives to this Policy, through formalising community use of the space and enhancing its recreational activities. Notwithstanding this point, the harm derived from the development being contrary to this Policy, will have to be weighed and given appropriate material weight within the planning balance. Further to this point however, it should be noted that the Council’s Spatial Policy and Delivery Team have offered no objections to the development.

- 1.24 Overall, it is considered that the development complies in principle with the requirements of the Local Plan Strategy and the Local Plan Allocations Document but conflicts, in part, with the restrictions placed on the Borrow Pit area by Policy AH4 of the Armitage with Handsacre Neighbourhood Plan, whilst compliance with Policy AH2 will need to be fully evidenced. In addition, it is noted that the proposal does not wholly accord the Rugeley Power Station SPD, albeit that such carries lesser weight, given that this document was adopted by the Council, prior to the adoption of the Allocations Document and is a development brief rather than specific policy.

#### **Conformity with Cannock Chase District Council's Development Plan**

- 1.25 The most recent Strategic Housing Land Availability Assessment (SHLAA) (2018) identifies that there is sufficient supply to meet current Local Plan (Part 1) requirements and that the Council is able to demonstrate a five year housing land supply. Thus, as detailed above, it follows that in the first instance regard is to be had to Local Plan policies.
- 1.26 Within the Local Plan policies map, prepared as part of the Cannock Chase Local Plan (2014), the main previously developed area of the site is not subject to any particular designation. The area to the north of the site, which formed part of the original golf course is designated as part of the Greenspace/Open Space network. No development is proposed within this green space area aside from some degree of groundwork along the periphery associated with the formation of the linking access pathway, providing a pedestrian link into Rugeley town. Hence the majority of the housing and employment development proposed is within an area not identified for that, or indeed any purpose within the current Local Plan.
- 1.27 Policy CP6 Housing Land addresses the housing development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size, with the addition of urban extensions to each settlement. This proposal would result in the urban area of Rugeley/Brereton taking a greater proportion of housing development than envisaged in the Local Plan (Part 1), but this is not necessarily in conflict with the wider strategy. The policy also outlines a positive approach to the consideration of windfall sites, stating that the release of land for housing will be managed to achieve the re-use of previously developed land within the built up areas of towns and will be informed by monitoring, via the annual Strategic Housing Land Availability Assessment (SHLAA) and Authority Monitoring Report (AMR). This site is partially previously developed land and would in part be consistent with the emphasis on reusing such land.
- 1.28 As the Local Plan (Part 1) was adopted more than five years ago, it is now the subject of a review. The updated plan is still in the early stages of production and therefore limited weight can be attributed to it at this stage. However, the Issues and Options document highlights a number of strategic issues that will need to be considered via the Local Plan Review, which are of particular relevance to this application. The determination of this proposal will clearly have a substantial bearing on the Local Plan strategy overall, given its scale. It is important to recognise that given the District context, where 60% of the area is designated Green Belt (representing all the land outside the existing urban areas) and 40% is designated AONB, the District must identify and maximise the supply from as many brownfield and under-utilised sites in urban areas, in the first instance, in order to meet its development needs. As such the site should seek to maximize the most efficient use of the land for a range of housing and employment needs.
- 1.29 The site (part within Cannock Chase District) lies within the designated Brereton and Ravenhill Neighbourhood Area. The Parish Council have undertaken evidence base work and local consultations to inform their emerging neighbourhood plan, however no detailed plan has been produced for full public consultation to date. The Neighbourhood Plan is therefore still in its early stages and there is no publicly available draft plan to reference in relation to this planning application.

- 1.30 Thus, whilst the overall suitability of the scheme within Cannock Chase for the residential elements of the development will be assessed by Cannock Chase District Council, in broad brush terms, the redevelopment of the site, including the overprovision of dwellings, when compared against the minimum numbers identified within the Development Plan is, in principle, acceptable.

### **Residential Institutions (Class Use C2)**

- 1.31 Of the 12 core planning principles articulated within the NPPF, the following is of relevance *“Promote mixed use developments, and encourage multiple benefits from the use of land”* and further planning should *“Take account of and support local strategies to improve health, social and cultural wellbeing”*.
- 1.32 Section 8 of the NPPF focuses on promoting healthy communities, paragraph 91 states that planning decisions can play an important role in facilitating social interaction and creating healthy, inclusive communities. Paragraph 92 places a responsibility on the planning authority to ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Local Authorities through plan making are expected to *“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs”*.
- 1.33 The Local Plan Strategy is clear in its role to help people to lead healthier lifestyles in many different ways. Policy H1: A Balanced Housing Market advises that *“The District Council will also promote the delivery of supported housing and care homes to reflect the needs of the changing demographic profile of the District’s population to 2029”*. Core Policy 10: Healthy & Safe Lifestyles states *“Where appropriate the District Council will support the development of new or improved facilities and initiatives which contribute to improved and accessible local health care, the physical and mental wellbeing and safety of the community”*.
- 1.34 Local and National guidance is clear therefore in its support of the provision and appropriate integration of residential care facilities within the wider development.

### **Local Centre Uses**

- 1.35 The application proposes two local centres within the scheme, the larger of which is proposed towards the western edge of the site, within Cannock Chase District. The second smaller centre is proposed adjacent to the Borrow Pit, to the southern eastern edge of the site. The scale and quantum of employment and local centre floorspace will be the subject of a more detailed market assessment at the reserved matters stage and currently no definitive floor areas for each use are offered. Rather, as identified within the description of development, the scheme proposes a wide range of uses (Class Uses A1, A2, A3, A4, A5, C1, C2, C3, D1 and D2) with solely an upper limit of development offered.
- 1.36 The applicant has however offered a purely indicative break down of likely uses within the local centres:
- A maximum of 500sq m gross retail including a convenience store.
  - A D1 Use Class GP including surgery or similar of up to 1,000sq m.
  - Flexible ‘community floorspace’ of up to 1,672sq m.
  - An A3/A4 family pub/restaurant of up to 557sq m.
  - A D2 Use class leisure facility.
- 1.37 Paragraph 80 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through Paragraph 80 of the NPPF, which advises that *“significant weight should be placed on the need to support*

*economic growth and productivity, taking onto account both local business needs and wider opportunities for development”.*

- 1.38 Paragraph 85 provides advice specific to the vitality and viability of town centres and advises Local Planning Authorities to promote competitive town centres that provide a diverse retail offer. It is advised that each authority should allocate suitable sites of a scale and type suitable for town centre uses such as retail, leisure and residential development.
- 1.39 Paragraph 86 states that main town centre uses must be both outside of an existing centre and not in accordance with an up-to-date development plan to trigger the requirement for a sequential test. Paragraph 88 advises that a sequential approach should not be applied for small scale rural development, although no definition of small scale development is provided.
- 1.40 Main Town Centre Uses according to the Appendix within the NPPF are *“Retail development... leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)”*. As such, in terms of the neighbourhood centre proposed within this development, the retail units, offices, restaurants / cafes, public house, and certain uses falling within Class Use D1 or D2, are all considered to be town centre uses.
- 1.41 This site lies outside of both the nearest town centre boundary (located in Rugeley) and the village settlement boundary of Armitage with Handsacre, as identified within the up-to-date Development Plans. The scale of the centres proposed within the site, are such that they go beyond what could reasonably be considered as small scale rural development, for which exemption from submitting a sequential test is afforded by the NPPF. However, it should be noted that the Rugeley Power Station Development Brief SPD notes that *“the site is considered suitable to accommodate significant new economic development”* and continues to advise that *“the scale and quantum of employment floorspace will need to be the subject of a more detailed market assessment”*. The document also states that neighbourhood facilities will also be encouraged, which should be located *“towards the centre of the development to ensure it is accessible to residents”* and should include *“small scale convenience retail provision”* but not larger scale retail provision, as such would undermine the vitality and viability of Rugeley Town Centre. Thus, although not specifically allocated for such within adopted Local Plan Policies, the SPD, details that the site will contain both employment and retail uses. Nonetheless a Sequential Assessment has been requested and submitted with this application, to help define the appropriate scale and impact upon local centres, arising from the proposed development.
- 1.42 The Sequential Assessment (contained within the Retail and Class B1(a) office and planning Technical Note) was submitted with the EIA Addendum (and expanded upon within the latterly received Retail and Office Technical Note), identifies that the local centre within Lichfield District, will, as identified above, have a leisure and food drink focus, likely to accommodate a family restaurant / pub, which is likely to have a typical floor area of between 278sq m and 557sq m. It is also identified that there may be a boathouse or similar kiosk, associated with the potential leisure use of the lake, which may contain a small area of D2 Floorspace and ancillary retail or café facility. The suitability of the land uses proposed within the local centre within Cannock Chase District, will be considered by the appropriate determining authority.
- 1.43 The Sequential Assessment concludes that none of the sites identified within the Rugeley Town Centre Area Action Plan are suitable for the development proposed within this site, being of the wrong size and / or having considerable barriers to redevelopment, whilst Armitage with Handsacre would not be the appropriate location for such uses. The acceptability of the Sequential Assessment has been considered by the Council’s Spatial

Policy and Delivery Team, who advise that the document is suitable and the scheme will not have an adverse impact upon the vitality or viability of the District's commercial Centres.

- 1.44 The retail unit proposed within the southern centre, is stated, within the abovementioned document, to have a maximum floor area of 99 square metres. The floorspace is therefore below the locally set threshold, defined by Policy E1 of the Local Plan Strategy for other centres (100 square metres) in order to require, in accordance with the requirements of Paragraph 89 of the National Planning Policy Framework, the submission of a Retail Impact Assessment (RIA). Thus, a RIA is not required for this application, as submitted. A condition is therefore recommended to ensure that the maximum gross retail floorspace of 99sq m be delivered within Lichfield District.
- 1.45 Given the likely scale of other town centre uses being proposed within what will be a neighbourhood centre, such is considered to be of a scale and siting so as to purely provide for neighbourhood convenience and therefore, once more, will not impact upon the vitality or viability of the District's Centres. A condition to ensure that this be the case is recommended, limiting floor space to a maximum of 1,000sq m in the southern centre and for site as a whole, to a maximum of 2,499 sq m.
- 1.46 In terms of the wider potential community use of the lake and provision of a kiosk to facilitate such use, Policy AH7 of the Armitage with Handsacre Neighbourhood Plan seeks *"support proposals for new community facilities when they do not have a significant adverse impact on the natural or built environment, residential amenity, road safety and traffic congestion"*. These specific matters will be considered in detail below, but in general terms, it is evident that local support exists for the provision of community facilities.

#### **Health Care**

- 1.47 As noted above, the larger of the two local centres includes provision for GP surgery of approximately 1,000 sq m. This accords with the Rugeley Power Station Development Brief SPD, which advises that the development *"accommodate a local centre to include a community/ sports building, potentially health services (depending on capacity elsewhere) and convenience store"*. Lichfield District Council's requirements for health provision, are detailed within the CIL 123 list, which identifies that *"CIL funds may be used where evidence is provided that there is no local capacity and expansion of services is required to support growth across the district"*. The entry continues to highlight that s106 contributions for health are only required for the Strategic Development Allocations identified within the Local Plan Strategy. This site does not in the main form part of the SDA Allocation and therefore the provision of healthcare either on or off site, within Lichfield District, is addressed via CIL.
- 1.48 It is noted that the Staffordshire Clinical Commissioning Group (CCG) have commented upon this application, specific to the impact of the development within Cannock Chase District, advising that the application site falls fully or partly within three GP Practice catchment boundaries (Brereton Surgery, Horse Fair Practice Group, Sandy Lane and the Aelfgar Surgery). The Primary Care Team will work closely with practices throughout proposed development to understand its impact and then take any necessary steps required to enhance or extend existing surgeries, rather than promote a new on-site facility. To this end, given that Cannock Chase District Council have not adopted CIL, the CCG have submitted a 106 funding form requesting a contribution (which is subject to change and to be secured by the s106) of £735,974.40.

#### **Community Hall**

- 1.49 The larger local centre is also proposed to contain a community building, which will provide a flexible building for community based activities. As noted above the Rugeley Power Station Development Brief SPD seeks the provision of such a building within the site. The

building will be located within Cannock Chase District, but will evidently serve the needs of wider community. The provision and management thereafter of the building will be secured via the use of the s106 agreement, whilst the design of the building will be subject to a subsequent reserved matters application, consistent with the to be agreed Design Code.

### **Employment**

- 1.50 In terms of the proposed employment site (B1 and B2 Class Uses), the abovementioned Note, advocates that given the application site has its own Development Brief, which advises that the scheme will deliver employment generating uses that it has already been assessed to be suitable for office use and the sequential test is passed. However, in addition, it is noted that neither Cannock Chase's or Lichfield's Development Plan identify office-led sites of 5ha and therefore sequentially, the site is acceptable anyway, notwithstanding this point.
- 1.51 The first point has been considered above. With reference to the second point, 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 Centre"*. The policies explanatory text states that in terms of office floorspace, 30,000m<sup>2</sup> is a gross target advocated to be delivered by 2029 in Lichfield. Generally, the level of net floorspace proposed within the development is equivalent to 85% of this gross figure. On this basis, the gross figure of 30,000m<sup>2</sup> would generate around 25,500m<sup>2</sup> of new net floorspace. The level of moderate office provision proposed at Centre B would not have an impact on the Lichfield City Centre and therefore has been considered to be acceptable by the Council's Spatial Policy and Delivery Team.
- 1.52 Finally, whilst the acceptability of both the commercial land uses and scale of the employment elements of the development have been considered above, there remains the need to consider the suitability of the locations for such, identified within the site.
- 1.53 The Rugeley Power Station Development Brief SPD advises of the employment uses that such *"should be provided in those parts of the site with the greatest potential for accessibility by public transport. It is considered that employment provision is most appropriate towards the west of the site. Employment uses may be able to utilise the existing rail freight facilities within the site and proximity to surrounding business and industrial parks"*.
- 1.54 The SPD continues to advise that the commercial elements of the scheme be located within a community hub, situated *"towards the centre of the development to ensure it is accessible to residents, as well as maximise opportunities to connect the hub with open space, sport and recreational facilities"*.
- 1.55 Thus, the scheme is not wholly in accordance with this document, in terms of the siting of the neighbourhood centres. From a commercial viewpoint, the proposal of two smaller centres will serve the development suitably, offering local facilities in closer proximity to the future dwellings. The sole issue arising relates to the location of the school within the western centre, which is somewhat remote from dwellings located to the eastern part of the scheme. Further consideration of this matter is provided below, within the highway impact, sustainable transport and parking section of this report. The employment issues are considered to be located in a suitable location forming a buffer to the, to be retained substation.

### **Conformity with Cannock Chase District Council's Development Plan**

- 1.56 Policy CP8 Employment Land of the Cannock Chase Local Plan (2014) addresses the employment development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size. This proposal would result in the urban area of Rugeley/Brereton taking a slightly greater proportion of employment development than envisaged in the Local Plan

(Part 1), although not to the same degree as the housing development. However, there has been a current shortfall identified in needs as set out in the most recent Employment Land Availability Assessment (2018) of around 2ha in employment land. Monitoring also identifies that there are very limited opportunities for new employment land within the Rugeley/Brereton area, given the near completion of the Towers Business Park, with almost 10 years of the current local plan period remaining. Opportunities are therefore likely to be limited to 'windfall' redevelopment sites, which cannot be readily identified at present.

- 1.57 Policy CP8 provides a criterion based approach to considering the loss of employment land to other uses. Whilst the site did provide some employment opportunities, given it's very specific function, it is not considered to be an employment site in the context of Policy CP8 i.e. it was not able to offer accommodation for a range of businesses or those that could be re-used by alternative occupants upon it being vacated by the power station operation. Nevertheless, it is noted that the proposal is providing employment uses in combination with non-employment uses. The site also lies in close proximity to the 'strategic high quality employment site' of Towers Business Park. The potential for developments to relate to and enhance the high quality employment opportunities within the area should therefore be considered.
- 1.58 Policy CP9 promotes a 'balanced economy' within the District via a range of means, including supporting high quality job opportunities and measures to support upskilling of the local workforce. The proposals would align well with this aspect of the policy.

### **Policy Conclusion**

- 1.59 The application proposes a significant level of housing development and moderate amount of economic and commercial development, in a spatially accessible location that is capable of being well connected to the main nearby centres. The development makes use of predominantly previously developed land to significantly boost the local housing supply in the area in a manner consistent with the desire in the NPPF. The residential element of the scheme, it should be noted however, is not wholly in accordance with the requirements of the Armitage with Handsacre Neighbourhood Plan. The development will include local shopping, education and community facilities of a neighbourhood scale, where no alternative spatially preferable sites are known to exist for such uses. Overall, the development is considered to accord with the main spatial policies within the Development Plan and the NPPF, albeit that further regard will need to be had with the conflict arising with the Neighbourhood Plan.

## **2. Housing Mix, Affordable Housing and Vacant Building Credit**

- 2.1 Policy H1 of the Local Plan Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that local planning authorities should deliver a wide choice of high quality homes with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Evidence in the Southern Staffordshire Housing Needs Study and Strategic Housing Market Assessment (SHMA) Update (2012) identified an imbalance of housing types across the District with high concentrations of larger detached homes. Consequently, it has identified the need for smaller affordable homes, particularly those of an appropriate type and size for first-time buyers or renters.
- 2.2 The dwelling mix identified under the requirements of Local Plan Strategy Policy H1, as necessary to address the imbalance in the District's housing stock is 5% one bedroom, 42% two bedroom, 41% three bedroom and 12% four bedroom and above.
- 2.3 Paragraph 4.6 of the Rugeley Power Station SPD advises that *"the site is suitable for a range of house typologies and it is anticipated that LDC and CCDC will seek to achieve a balanced*

*mix of housing and apartment typologies. The housing mix is flexible and will be agreed at the time of submission, informed by consideration of local policies, housing market dynamics and the needs arising within Rugeley”.*

- 2.4 No details of housing mix have been provided within this application, however the outline stage is the appropriate time to define a suitable mix. To address this point therefore, it is recommended that a condition relating to the need to agree a suitable mix as part of the site’s wider Design Code be attached to any approval. Subject to the details submitted to discharge this condition being in broad accordance with the requirements of the abovementioned policy, the scheme will comply with the requirements of the Development Plan and NPPF in this regard.
- 2.5 The site is over the threshold for the provision of affordable housing as required by Local Plan Strategy Policy H2. The on-site affordable housing provision required by Policy H2, following the issuing of the latest Annual Monitoring Report issued in 2019 is for 37% of the units proposed (although at the time of the application being submitted, the 2019 AMR had not been published and as such, the required level of provision defined within the 2018 AMR was 35%). Policy CP7 of Cannock Chase’s Local Plan Part 1 seeks on site provision of a minimum of 20% affordable housing units for schemes of 15 or more units. Further discussion regarding housing mix, including affordable housing tenures are detailed within that Council’s Developer Contributions and Housing Choices Supplementary Planning Document (2015).
- 2.6 Policy H2 also recommends that of the affordable housing provided within a site, 65% should be social rented and managed by a registered provider, with the remaining 35% intermediate, although it is acknowledged that the precise proportions will be agreed with the District Council, having regard to housing needs within the locality. Cannock Chase District Council require under their policies that 80% of affordable units be social rented and 20% intermediate.
- 2.7 The level of affordable housing provided across the site is therefore subject to negotiation, taking into account the differing levels of provision required by the individual Local Planning Authorities.
- 2.8 Notwithstanding the above, paragraph 63 of the NPPF states that *“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*. This matter is expanded upon within paragraph 026 of the Planning Obligations National Planning Practice Guidance (NPPG), which states *“where a vacant building is... demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace”*.
- 2.9 Paragraph 027 of the NPPG continues to advise that *“where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.*

*The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of*



*10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought”.*

- 2.10 Finally paragraph 028 states *“The vacant building credit applies where the building has not been abandoned.*

*The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:*

- The condition of the property;*
- The period of non-use;*
- Whether there is an intervening use; and*
- Any evidence regarding the owner’s intention.*

*Each case is a matter for the collecting authority to judge.*

*The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.*

*In doing so, it may be appropriate for authorities to consider:*

- Whether the building has been made vacant for the sole purposes of re-development; and*
- Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development”.*

- 2.11 In this case, there are a number of factors to consider, prior to calculating the net increase in floorspace, across the site. Firstly, compliance with paragraph 028. This is a brownfield site, where it has been determined that in the context of the explanatory paragraph detailed above, the buildings therein, are not abandoned. In addition, the buildings have not been made vacant to facilitate the site’s redevelopment, rather, such has arisen due to national targets to reduce carbon emissions, resulting in the closure of coal fired power stations nationwide. There are no extant or recent planning permissions for similar development within this site.
- 2.12 Demolition within the site has commenced and continues (as granted under a separate consent). Thus, consideration has to be given to at what point the calculation of existing floorspace should be calculated. Following consideration of equivalent schemes elsewhere within the country and discussions between relevant parties, it has been determined that the suitable date from which to calculate existing floor space within the site, is the date of validation of the planning application, namely the 7<sup>th</sup> June 2019.
- 2.13 In terms of proposed floor area within the site, given this is an outline application, where such is yet to be formalised, it has been determined that the suitable process to determine such is to use the national average for a dwellings floor space and multiply this by the number of dwellings proposed to be erected within each District (1,264 in LDC and 1,036 in CCDC).
- 2.14 An Affordable Housing Proposal document has been submitted with this application, which details the applicant’s offer to the Council’s. Applying the floorspace at the time of submission, the following calculations are undertaken:

	<b>Lichfield District Council</b>	<b>Cannock Chase District Council</b>
Area of Vacant buildings	16,326 sq m	78,686 sq m
Proposed new development floor space	110,074 sq m	90,827 sq m
Net increase in Floor space	93,748 sq m	12,141 sq m

- 2.15 Proportionally, applying the VBC against the total number of affordable dwellings, results in a reduction in the number of affordable units, from the policy compliant level (35%) of 442, down to 377 units an overall reduction of 65 dwellings, bringing the total provision within Lichfield District to 29.7%. Applying the tenure mix required by policy H2, this results in a social rent provision of 245 dwellings and 132 dwellings for other tenures.
- 2.16 The above table evidences that the VBC applicable within Cannock Chase District is far greater than within Lichfield District. In fact, as a consequence of the application of VBC, the policy compliant provision falls from 207 dwellings (20%) to 28 dwellings (2.7%), an overall reduction of 179 affordable dwellings. Applying CCDC's required tenure mix, this results in 22 social rented dwellings and 6 dwellings for intermediate tenures.
- 2.17 In order for the application to be policy compliant, following the application VBC therefore, the above noted levels of affordable housing are applicable. However, the low level of provision within CCDC runs contrary to wider aims of good urban design within both the NPPF and Development Plan, which seek to create inclusive communities, where affordable dwellings are pepper potted throughout a development. To address this point, the applicant, at the behest of the Local Planning Authorities, following agreement for such from the respective housing managers, has produced a blended figure, where the affordable housing levels are spread proportionally across the site. This results in an overall site wide provision of 17.6% or 405 dwellings. After applying a proportional principle of housing development within the scheme (Lichfield District will have 55% of the dwellings, Cannock Chase District 45%), the respective authorities will receive a total of 223 and 182 affordable dwellings, with the tenures being policy compliant for each authority.
- 2.18 Whilst initial discussions regarding the mix of affordable dwellings have been undertaken, such can be secured formally, via the requirements of a s106 agreement, in order to allow for such to be agreed in a phased manner, as the development progresses, thereby ensuring that such is responsive to the changing needs of the communities. For members information the following mix is currently being proposed:

<b>Bedrooms</b>	<b>Social Rent/Affordable Rent</b>	<b>Shared Ownership/Other Tenures</b>	<b>Total</b>	<b>Percentage</b>
1 bed flat	70	0	<b>70</b>	<b>17.3%</b>
1 or 2 bed flat	30	25	<b>55</b>	<b>13.6%</b>
2 bed house	95	45	<b>140</b>	<b>34.6%</b>
3 bed house	62	58	<b>120</b>	<b>29.6%</b>
4 bed house	10	10	<b>20</b>	<b>4.9%</b>
<b>Total</b>	<b>267</b>	<b>138</b>	<b>405</b>	<b>100%</b>

- 2.19 In terms of the location within the scheme of the affordable dwellings, such will be determined as part of future reserved matters applications. However, to ensure a suitable spread of affordable units throughout the phases of the scheme, a condition is recommended to ensure that each phase contains a minimum affordable housing level of 15%, whilst the scheme as a whole secures 17.6%. Finally, it is noted that the description of development identifies that some of the 2,300 residential units proposed within the site are likely to include an element of Class Use C2 provision, which relates to residential accommodation with care provision. The applicant has advised that should such be erected within the site, it will not affect the overall number of affordable dwellings to be erected (C2 uses are not subject to affordable housing requirements), which will remain at 405 (assuming the full 2,300 units are erected), a matter that will be secured via the s106 agreement.
- 2.20 It should be noted that VBC is a vehicle supplied by the Government in order to encourage development on Brownfield Sites, where usually mitigation costs are high. As such, the

applicant is not in any way seeking to reduce inappropriately, the level of affordable housing within the scheme, rather utilising appropriate allowances within national planning policy. Thus, the above noted figures, although lower than the affordable housing levels identified within the respective Authorities affordable housing policies, remain policy compliant in the wider sense. The sole consideration for members relevant to this matter is whether the blended approach to affordable housing provision proposed across the site is appropriate. Such is deemed necessary in order to ensure inclusive and well balanced communities. Thus, the development subject to the recommended conditions and s106 Schedule, is considered to comply with the requirements of the Development Plan and NPPF in this regard.

### 3. Design and Impact on the Setting of Surrounding Heritage Assets

- 3.1 The site has a mixed brownfield and greenfield character, given the nature of its former use. The area surrounding the site contains a variety of character types, with to the north and east open countryside being evidenced, along with the River Trent and its associated flood plain. To the west, lie large scale predominantly storage and distribution buildings, along with office buildings.
- 3.2 Local Plan Strategy Core Policy 14 states that *“the District Council will seek to maintain local distinctiveness through the built environment in terms of buildings... and enhance the relationships and linkages between the built and natural environment”*.
- 3.3 Local Plan Strategy Policy BE1 advises that *“new development... should carefully respect the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views”*. The Policy continues to expand on this point advising that good design should be informed by *“appreciation of context, as well as plan, scale, proportion and detail”*.
- 3.4 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The document continues to state that *“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”*.
- 3.5 Paragraph 127 of 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.
- 3.6 Policy AH5 of the Armitage with Handsacre Neighbourhood Plan states that *“New residential development should be of a good quality design. Where appropriate development proposals should take account of the character of... their proximity and accessibility to the Trent and Mersey Canal Conservation Area and their location in relation to open spaces and play and recreational facilities. Development proposals will be supported where these characteristics are respected and where their design responds positively”* to considerations of setting, public realm, accessibility, site characteristics, frontages, innovation and responding to local context, roofscape and chimneys, elevations and parking standards.
- 3.7 Policy AH6 of the Armitage with Handsacre Neighbourhood Plan advises that development proposals will be supported where they maintain Armitage with Handsacre as a separate

free-standing community, within a rural setting and which respect their landscape setting, do not cause coalescence, respect the historic environment and retain sports and recreation facilities.

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

- *Establishing pedestrian, cycle, and vehicular links, including public transport to ensure a well-connected and permeable new neighbourhood. Providing the community of Rugeley with an accessible Riverside Park that forms part of the town's amenity as well as public formal sports area positioned centrally in the location of the former Rugeley Social;*
- *Defining appropriate uses for various parts of the site in response to the retained infrastructure and natural elements on site;*
- *With two neighbourhood focal areas, establishing a new living and working community as a place that has a purpose and identity as well as one that complements the existing infrastructure of the town; and*
- *Defining this new place as a collection of differentiated neighbourhoods that are interconnected through a network of green spaces and routes; that integrate with the existing neighbourhoods; and that provide attractive environments where people will want to live, work, socialise and relax.*

3.9 As described in the 'Proposal' section of this report, the application is made in outline, with a high level illustrative master plan showing how the resultant site could appear. Matters relating to appearance, the precise layout of the site, landscaping and the scale and height of any buildings are reserved for subsequent approval and as such, are not for full determination at this time. However, the applicant is seeking formal approval of the submitted Parameter Plans, which illustrate the approach to the development of the site. Members should be clear that such plans seek approval of more detail than may otherwise be the case on an outline application with Scale and Layout Matters reserved. The Parameters Plans relate to Access and Movement, Land Use, Building Heights, Residential Density and Green Infrastructure.

3.10 Broadly, the Access and Movement Plan shows a key 'Rail Way' route along a portion of the former rail connection into the site. This is proposed to span the length of the site and link in to Power Station Road, providing pedestrian access to Love Lane and the wider centre. This plan also shows a main spine road running the length of the site and utilising the existing power station access roundabout arm at the northern end of the site and the already permitted new access onto the A513 Rugeley Road (ref. 17/00453/FULM) to the south.

3.11 The Land Use Parameter Plan shows the predominant use of the site will be housing, with employment uses near to the centre of the site, creating a stand-off around the retained switching stations. Also shown are two respective Mixed Use areas, the larger being the Neighbourhood Square to the west and a smaller leisure focussed centre in close proximity to the Borrow Pit Lake.

3.12 The Building Heights and Density plan shows a transition from up to 5 storeys and up to 60 dwellings per hectare to the west of the site, down to 2/2.5 storeys and 35 dwellings per hectare in the eastern portion. A general reduction in scale from west to east is proposed, with the exception of a 4 storey building of up to 75 dwellings per hectare at the eastern end of the site that is closely associated with the Borrow Pit Lake.

3.13 Finally, the Green Infrastructure Plan indicates a large Riverside Park and formal open space, including sports playing pitches, to the centre of the site. Further open space is proposed to the centre of the site, which is to include allotments, community gardens and play areas and various linking greenways that could include cycleways, footpaths and similar.

- 3.14 There are a number of constraints associated with the site, including its previous use and retained power related infrastructure, natural constraints, such as alluvium clay or nearby flood zones and others that are man-made, such as the adjacent main road or the large block of development occupied by the Amazon Warehouse. The submitted development follows extensive community consultation and configuration in the context of these constraints, whilst the Design and Access Statement and Landscape Design Statement both seek to make the most of the connectivity opportunities and the natural/semi-natural assets within the site.
- 3.15 As part of the consideration of the application, consultation with the Council's Conservation and Urban Design Officer and Cannock Chase Council's Environmental Services Department, has been undertaken. These consultees highlight the positive engagement and creative processes that have fed into the proposals. However, whilst acknowledging these positives, a number of concerns are also identified, which are detailed within the consultee response section of the report. In summary, the issues raised relate to the design and layout of the former railway, the siting and scale of built form within areas 5 and 8, as shown on the illustrative masterplan, the visual impact of the scale of development to the site's north eastern edge and A51 access point and finally green infrastructure matters.
- 3.16 The former railway is proposed to act as a key pedestrian/cycle route, but as shown on the illustrative masterplan, around a third of this route will also be required to offer vehicular access into adjacent built form parcels. Concern is raised that this relationship will not be compatible with the safe pedestrian/cycle use of the route and rather, it is recommended that no built form be erected to the north of the former railway, thereby improving connectivity, for these modes, to the south-eastern corner of the site. Whilst acknowledging this concern, it does not immediately follow that pedestrian / cycle and vehicular transport should not share routing through the site and rather, it will be necessary at the point of agreeing the site's detailed design, to ensure that these transportation modes can operate together in a safe manner.
- 3.17 The siting of residential units within the two areas numbered 5 (adjacent to the Borrow Pit) and 8 (adjacent to the new riverside park) on the illustrative masterplan, is noted to be of concern, due to potential future pressure from occupants to require the felling of nearby trees and because both of these areas are shown as being strategic landscaping in the Rugeley Power Station Development Brief SPD. In terms of the former, the design of these areas are yet to be formalised and future consideration can be made to limit this concern (for instance off-setting built form from the tree line), whilst it is also noted that the trees in question will be located to the north east of these dwellings, ensuring any loss of light will be limited solely to the morning, weakening the argument for felling. With regard to the latter point, as noted above, the Development Brief, whilst a material consideration, should not be assumed to be the blueprint for the development to follow. Rather the merits of including built form within these areas should be balanced against any harm arising. In terms of the development adjacent to the Borrow Pit, it will not result in any form of coalescence with Armitage with Handsacre (such would in conflict with Neighbourhood Plan Policy AH6) or restrict the continued recreational use of the lake itself.
- 3.18 In order to attempt to address concerns regarding the scale of development within the Borrow Pit area, the applicant proposes to use a form of maximum cap, so that no more than 20% of the Gross External Area of the buildings around the Borrow Pit Lake would be 4 storeys. I.e. mainly 3 storeys. In addition, wireline imagery showing effectively a worst case analysis of the buildings (as if all structures within this area were constructed at 4 storeys in one block) have also been provided from the main public vantage points around the site. In vantage points from footpaths to the north of the site (Mavesyn Ridware Footpaths No. 13 and 0.423), the existing topography results in the scale of the development not being prominent or breaching the skyline in those views. In addition, existing man-made development, such as the rail embankment, overhead lines and pylons, convey a degree of

influence upon the area that erodes its countryside character. Therefore, provided care is taken in the final design of the development, in landscape terms, it is considered that the effects will be comparatively minor and impacts confined to a limited number of vantage points.

- 3.19 However, in views from within the site, particularly such as those towards the blocks across the lake, it could be argued that development in an otherwise undeveloped vista, adversely impacts the lake's character. Indeed, noting the protection afforded to the lake within the Armitage and Handsacre Neighbourhood Plan, partly on the basis of its character and leisure contribution, members will need to consider this effect, in amongst the wider benefits associated with the development.
- 3.20 The Building Height and Density Parameter Plans highlight that in the areas marked as being up-to 5 storey in height, a maximum of 10% will be 5 storey and in the areas marked as being up-to 4 storey, a maximum of 20% of the buildings will be 4 storey, with the rest being lower. In the area north of the railway line and adjacent to the riverside park, 3 storey buildings are proposed at a density of up to 60 dwellings per hectare. The noted concern is that the proposed heights and densities along the site's north eastern boundary, will create a strong hard edge to the surrounding countryside and rather, to transition comfortably from a built up area, to open countryside, it would be expected that built form be no more than 2 storeys in height, with a density of around 20dph at the rural edge.
- 3.21 Appendix E Concept Statement of the Local Plan Allocations Document, which expands upon Policy R1 advises that *"Variation of densities across the site should occur with lower densities towards the southern and eastern edges in order that that the built edge can be assimilated into the countryside and associated views there to/from"*.
- 3.22 Whilst, as evidenced by the above paragraph, it is standard practice to employ a looser pattern of development to a rural edge, there is, in this case, justification for an alternative approach. Firstly, the adjacent riverside park area is located within the flood zone and therefore could not be built upon a future date, thereby ensuring no further development will occur in this area. Secondly, in wider landscape terms, given the backdrop of the development against Rugeley town and the retained on-site infrastructure, the density and scale of development is not considered to be unacceptable.
- 3.23 The wireline, sectional and western gateway study imagery submitted with the application predominantly show that the scale of the buildings within the site, will not be particularly prominent from Power Station Road and beyond, taking account of existing screening, even at 5 storeys. Moreover, the scale of the proposals will not be significantly overbearing or prominent to the wider views from Rugeley, and in the context of this particular application, replaces a large industrial scale power generation development observed in the context of the neighbouring Amazon warehouse building. As such, it is considered that the proposals, at this outline stage and in the context of the Parameters Plans provided, would integrate successfully with the wider town, whilst further opportunity for review and consideration of the precise design will be available at reserved matters stage. Evidently, Cannock Chase District Council will consider this impact further.
- 3.24 The development of the site in the manner proposed is not considered to have significant wider landscape impacts. Noting the scale of the development proposed in the submitted Parameters Plans, the effects and integration of the scale of development with Armitage with Handsacre and Rugeley town is judged to be acceptable, in this particular context. There are some concerns about the integration between the multi-storey development on the edge of the site and the rural land beyond. Of most concern is the effect of the development on the character of Borrow Pit lake. In isolation from the wider development, such effects could constitute a reason for refusal, however in the context of the wider leisure offer, which supports the use of the lake as a resource and the benefits highlighted elsewhere in this report, an on balance determination must be made.

- 3.25 It is noted that the proposed densities are considerably higher than those approved on other allocated sites. Evidently, this is a sustainably sited brownfield site where housing densities should be maximised (without detracting from design quality). It is felt however that subject to an appropriate Design Brief being agreed, which should also include details of pocket parks to help break up the building masses within the built form areas, the proposed density of development can be supported within this site.
- 3.26 The points raised regarding the primary road being tree lined, is recommended to be addressed within the landscape management plan. Parking provision for the sports pitches, allotments, riverside park and Borrow Pit lake, along with the design of any rear parking courts, will be addressed within the relevant subsequent reserved matters application.
- 3.27 Overall, it is considered that the design and layout of the proposed scheme, as currently submitted, identifies appropriate usage of density, building heights and green infrastructure in order to produce a high quality development which will integrate successfully into the surrounding environment. There is a noted concern regarding the scale of the built form adjacent to the Borrow Pit and this will have to be weighed in the balance of the wider positive impacts of the development. Subject to this point, it is apparent that the application complies with the requirements of the Development Plan and NPPF, in this regard.

### **Historic Environment**

- 3.28 There are no designated heritage assets within the application site area, although further discussion on this matter is provided below. The Rugeley Power Station Development Brief SPD highlights however that there are various historic assets in the vicinity of the site that may be affected by the development. These include:
- The Trent and Mersey Canal Conservation Area
  - Viaduct over Trent and Mersey Canal (Grade II)
  - Manor House (Scheduled Monument)
  - Moated Site of Handsacre Hall (Scheduled Monument)
  - Castle Ring (Scheduled Monument)
  - Circular Earthwork (Scheduled Monument)
  - Bridge Number 64 off Armitage Road (Grade II)
  - Spode House and attached Coach House, Hawksyard Priory (Grade II)
  - St Thomas Church (Grade II)
  - Former Summerhouse west of Spode House (Grade II)
  - The Old Farmhouse Restaurant (Grade II)
- 3.29 In total, there are five scheduled monuments within 5km of the site, 43 listed buildings within a 1km, 7 locally listed buildings within 500m of the site and, there are 22 non designated heritage assets. A total of 7 Conservation Area that fall wholly or partly within the site study area are apparent. Additionally there are two Historic Environment Character Zones (HECZ) within Cannock Chase Council's Area that fall within 500m of the application site. These comprise the Trent Valley HECZ and the North of Brereton HECZ. In the Lichfield Area, the southern end of the site is located within Lichfield HECZ 11 – Land around Armitage and Handsacre.
- 3.30 The Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are the principal statutory provisions governing these assets. In particular S66 of the above 1990 Act places a duty on Local Planning Authorities to have regard to the desirability of preserving the building or its setting or any features of archaeological importance. S72 of the 1990 Act states that with respect to

building or land within a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 3.31 Paragraph 131 of the NPPF states that in determining planning applications that may affect the historic environment, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 3.32 Paragraph 132 of the NPPF then goes on to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered.
- 3.33 Both respective Council's have adopted policies governing developments affecting heritage assets and the NPPF provides an overarching approach to decision taking and heritage assets, which includes balancing public benefits against harm to significance, where appropriate.
- 3.34 Policy BE2 of the Local Plan Allocations Document advises that *"development proposals which conserve and enhance our historic environment will be supported where the development will not result in harm to the significance of the heritage asset or its setting"*.
- 3.35 Policy CP15 of the Cannock Chase Local Plan promotes the protection, conservation and enhancement of the District's historic environment assets. It sets out that the local decision making process will be based upon an assessment of significance of any heritage assets including information from the Historic Environment Record. Sites of archaeological interest or with potential interest should undertake an appropriate level of assessment to inform decision making.
- 3.36 Policy CP15 states that the heritage contribution of the District's canal network will be strengthened and promoted and that support will be given to schemes that help to promote wider understanding and enjoyment of the historic environment. The Rugeley Town Centre Area Action Plan also identifies the potential role of the canal in helping to promote enhanced pedestrian and cycle linkages to the town centre from the surrounding environs (see Policy RTC1 and RTC10). A Conservation Area Appraisal and Management Plan are available for the Trent and Mersey Canal (both 2019).

#### **Consented Site Clearance and Demolition**

- 3.37 As part of the demolition consent, granted under application reference 18/01098/FULM, the power station was considered for listing by Historic England. A Certificate of Immunity from Listing was issued by Historic England in 2017. The main reasons stated within the Historic England determination were:
- *'Lack of architectural interest: the power station is architecturally indistinguished and based on standard designs, whilst the planning of the site is not particularly notable for the period.'*



- *Lack of technological interest: the power station is one of a generation of similar sites and is not considered to carry major technological innovations.*
- *Rarity: the buildings, including the cooling towers, are of relatively common types, which survive at many power stations of this generation across the country.'*

- 3.38 In recognition of the contribution the power station made to England's energy needs and in order to document the building, a Level II Historic Building Recording was carried out in 2018 prior to any demolition. The report includes photographic records, written and graphic records and documentary research in order to provide a record of the building and its context in the landscape.
- 3.39 Therefore, in the context of the discussions about the historic importance of the power station, Members should be aware that the clearance of the vast proportion of the site is already permitted and well underway. Reasonable steps to document the building and its relevant history have already been undertaken and therefore, discussion about the demolition of the site should not form a major component of the assessment of the current application. The two buildings to be demolished under this application, namely the social club and environment centre are not of any architectural merit and therefore their demolition is not of any visual or historical concern.

### **Assessment**

- 3.40 The effects of the development on the above identified heritage assets are assessed in the Environment Statement, in terms of construction impacts (whilst the physical works are enacted) and occupation impacts (once the development is in use). In all cases, the submitted Environmental Statement highlights negligible or neutral impacts upon the above mentioned designated heritage assets. This includes impact upon the Trent and Mersey Canal Conservation Area (and the listed buildings and structures associated with the canal), the Mavesyn Ridware Conservation Area and Castle Ring Scheduled Ancient Monument, where the impacts are all considered to be 'negligible', or in the case of the construction impacts upon the Castle Ring, neutral.
- 3.41 The ES goes on to assess the cumulative effects of the permitted demolitions on the site, alongside the resulting impacts from the development, highlighting that the approved demolition work, will result in the removal of a number of highly visible and intrusive modern structures, such as the cooling towers and chimney stack. Views towards the site from Mavesyn Ridware Conservation Area, Rugeley Town Centre and the Trent and Mersey Canal Conservation Area will be restored to what could be considered a more historic norm which in turn will provide a minor beneficial effect on the historic environment in Environmental Impact terms.
- 3.42 The Council's Conservation & Urban Design Officer advises that the impact of the development upon the above identified designated and non-designated heritage assets will be to the lower end of 'less than substantial harm'. The harm that does arise will be as a consequence of an increased coverage of built form across the site and additional noise and movements.
- 3.43 There is the scope for mitigation of some of the harm identified above. In terms of the canal; improvements to the canal infrastructure, such as repair to listed structures, improvements to the tow path, greater interpretation, and improvement of access could all be beneficial. Strengthening of the tree belt between the road and the canal at the south of the site would reduce the impact of the additional noise and movement. This would also reduce the potential impact on Spode House and the former summerhouse at Spode House.
- 3.44 Paragraph 134 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be*

*weighed against the public benefits of the proposal, including securing its optimum viable use”.*

- 3.45 In terms of paragraph 134, the NPPG advises that public benefits can be *“anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7)... benefits do not always have to be visible or accessible to the public in order to be genuine public benefits”*. Evidently, this development will secure a large number of dwellings on an allocated, predominantly brownfield site and as such, offers significant wider economic and social benefits, which includes amongst other matters the opening up of public open space and sports facilities to the wider community, which when weighed against the identified low level of conservation harm, leads to the conclusion that the proposal is acceptable and compliant with the requirements of the Development Plan and NPPF in this regard.

#### 4. Landscape and Visual Impact

- 4.1 The ES and ES Addendum consider the wider landscape impact of the development, in the context of National Landscape Character Areas and more localised townscape vantage points. The quality and interest associated with the landscape, the visibility of the site by particular receptors and visibility of the site from key assets are also considered, in the context of the wider landscape, such as the Cannock Chase AONB, the Trent and Mersey Conservation Area and the Castle Ring Scheduled Ancient Monument, which occupies the highest vantage point within the AONB. Use of ‘worst case’ wireline diagrams are included, from a number of public vantage points, as are 3D visual montages, showing an individual’s perspective as if the development had taken place.

- 4.2 With regard to the quality of the landscape, the site is not subject to any national or regional landscape designations. The Landscape and Visual Impact Assessment (LVIA) states that

*“The Site has undergone a substantial change since the 1950’s. The development of Rugeley Power Stations A and B during the 1960’s resulted in the loss of the majority of landscape features. However, as part of the power station development, a number of landscape features have been created within the main Site, as part of the leisure facilities. An 18 hole golf course was created within the Site, starting within the centre, to the immediate north of the ornamental lake. From here the first 5 holes are located to the south of the internal railway line, the remaining 13 holes lie within the flood plain. Since the Site has ceased operations, the maintenance of this facility has lapsed, with the area of the course lying within the flood plain becoming subject to a degree of natural regeneration. However, the raised tees and lines of vegetation that defined each fairway and their greens are still visible.*

*The area around the serpentine waterbody, which also includes remnants of a miniature railway, contains a mature woodland block that serves as a localised landscape feature. This area will be retained as part of the development proposals. There is a substantial area of woodland planting to the southern site boundary around Borrow Pit Lake and tree belts adjacent to the northern edge of the internal railway line, these provide a mature vegetated edge to the former power station site, therefore, overall the landscape quality of the Site is of Low value”.*

- 4.3 The aforementioned documents continue to advise that the site does not contain any particular characteristics or features considered to be rare or distinctive. As a large brownfield site, the conservation value attributable is low and as there is currently no public access to the site, its recreational value is low. Overall, the submissions make the case that the demolition and remediation of the site itself have resulted in a landscape that does not reflect the wider surroundings, such as the rural openness to the north or the townscape to the south and west.
- 4.4 It is acknowledged that since the construction of both ‘A’ and ‘B’ power stations, the cooling towers have become a landmark feature in views from the surrounding landscape,

overlooking the settlements of Rugeley, Brereton and Ravenhill, Armitage and Handsacre as well as in glimpsed views and vistas from the Cannock Chase AONB. However it is to be appreciated that the demolition of the cooling towers is already permitted.

- 4.5 The site is located on a low lying landform, adjacent to the River Trent. Vantage point exist with views over the site to the northeast, but in the majority, views over the site are possible from Brereton and Ravenhill to the west. The site is bounded by mature vegetation to the southern and eastern boundaries, which provide screening from between the site and Armitage with Handsacre to the east, whilst the main features of interest within the site, such as the golf course and woodland belts around the Borrow Pit Lake, will be retained as part of the development.
- 4.6 There are close, medium and long range views possible towards and over the site from Castle Ring and wider vantage point to the north and south/southwest of the site. In the majority, the visible development is in wider landscape terms, observed in close association with established development of Rugeley. Within the site and immediate landscape there are several existing visual detractors, such as the retained 400Kv and 132KV switching stations, associated high voltage overhead power lines and pylons and the adjacent commercial development, including the large Amazon warehouse. As a consequence of this setting, the overall sensitivity of the landscape to change is considered to be low. This conclusion is supported by evidence contained within Staffordshire County Council's Planning for Landscape Change Supplementary Planning Guidance, which identifies the site as being within an 'Areas of Built Character', and as such there is no requirement detailed for landscape regeneration or retention.
- 4.7 In the views that are apparent, it is inevitable that there will be some minor adverse impacts as the development process progresses across the site. However once the proposed landscape mitigation has established (for example in 10 -15 years) the effects are likely to be much reduced and represent a negligible effect. Nevertheless, there are no objections from the AONB consultee and no significant concerns about wider landscape visibility from the Council's consultees. It is therefore considered that in the context of this site, there is no significant impact from the development proposed in wider landscape terms and the development will be acceptable.
- 4.8 As part of their review of the proposals, additional detail was requested regarding main local vantage points from both the eastern (town side) and western (north of Borrow Pit Lake) sides of the development. In particular concerns were raised regarding the scale of development initially sought by the applicant. In response and within the ES Addendum documentation the applicant has provided visual montage imagery and additional wire line diagrams to convey the scale of the resulting built form. In wider landscape harm terms, the impact of this scale of development is considered to be acceptable, given such, when seen against the backdrop of existing built form, is considered to be acceptable. Evidently, further consideration of this point has also been given within the design section of the report, as detailed above.
- 4.9 It is considered, based upon the information contained within the LVIA that the development will have an acceptable scale of effect upon the landscape and as such, will comply with the requirements of the Development Plan and NPPF in this regard.

## 5. Highway Impact, Sustainable Transport and Parking

- 5.1 Paragraph 109 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to state that development should only be refused on transport grounds where there would be

an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

- 5.2 Paragraph 103 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 5.3 Core Policy 3 of the Local Plan Strategy advises that the Council will seek to reduce the overall need to travel, whilst optimising choice of sustainable modes of travel, particularly walking, cycling and public transport. Core Policy 6 advises that residential development will be expected to contribute towards the achievement of sustainable communities
- 5.4 The applicant has carried out an in depth analysis of traffic data collected during 2018 in a manner agreed with the Staffordshire County Council Highways Authority (SCC Highways). This data has been modelled and increased to a 2023 forecast year for the purposes of construction traffic assessment and 2029 for the purposes of occupation traffic assessment and includes committed developments in the vicinity of the site.
- 5.5 Following the completion of this modelling work, in general, the construction phase impacts associated with the development are deemed to be negligible and can be addressed with relatively minor mitigation measures, to be implemented through the Construction and Environmental Management Plan, which is recommended to be secured via the use of a condition. In addition, a cumulative assessment of the proposed construction activity running concurrently with the removal of Pulverised Fuel Ash has also been carried out. This concludes no further mitigation above that already identified is required.
- 5.6 During the occupation and use of the development, the changes in traffic flows for all links within the study area have been assessed. In particular Wolsley Road, Sandy Lane and Station Road were the main links that triggered a requirement for detailed assessment of specific traffic related environmental impacts. However, it is concluded that the magnitude of change in terms of traffic flow is typically likely to result in only negligible impacts. The exception to this is the effect of severance and pedestrian delay on Station Road, where moderate adverse impacts are forecast if no improvements are made.
- 5.7 An assessment of junction capacities to establish the potential for driver delay has been carried out within the submissions and uses peak hour (worst case) traffic flows at junctions. A total of four junctions are forecast to require mitigation, following the introduction of occupation levels of traffic and mitigation schemes are proposed, in the following locations:
  - Horse Fair/A460 Sandy Lane/A460 Western Springs Road/B5013 Elmore Lane roundabout;
  - A51 Rugeley Eastern By-Pass/A51/Wheelhouse Road roundabout;
  - A51/A513 Rugeley Road/A513 Armitage Road roundabout; and
  - A51 Rugeley Eastern By-Pass/RWE Access roundabout.
- 5.8 The suitability of the mitigation measures identified within the application have been considered by the Highways Authority, who consider such to be reasonable and necessary, in order to ensure that the development, does not have an adverse impact upon the existing highway infrastructure. Therefore, it is recommended that these off-site highway improvements and the delivery timetable, which are currently estimated (subject to formal agreement) to cost, in the region of £4.6 million, be secured, via the use of a condition and the s106 agreement.
- 5.9 In addition to junction capacity improvements, the proposed mitigation package, includes as a range of sustainable transport infrastructure and travel planning initiatives. A summary of the sustainable transport mitigation pack package is as follows:
  - Pedestrian and cycle permeability with improved, defined routes between the Site, Rugeley Town Centre, Rugeley Town Railway Station, Rugeley Trent Valley Railway

Station and surrounding residential areas to include formal crossing points on key desire lines;

- Cycle parking to be provided in line with locally adopted standards;
- Network of pedestrian and cycle routes throughout the Site;
- The layout allows for bus penetration to enable easy access to public transport services. It is envisaged that this will be delivered by either diversion of existing bus routes or provision of new bus route to better link the Site with key destinations such as Rugeley Town Centre, Rugeley Town Railway Station and Rugeley Trent Valley Railway Station;
- Provision of electric vehicle charging points; and
- Framework Travel Plan to promote and stimulate modal shift – i.e. a wider change in behaviour to promote more sustainable travel choices from users of the development.

- 5.10 The ES states that following the delivery of the proposed mitigation package, development impacts across the majority of the study area, are forecasted to continue to be negligible.
- 5.11 Working through the identified sustainable transports measures in turn, it is apparent that with reference to pedestrian and cycle connectivity Pedestrian and Cycle Links, the Rugeley Power Station Development Brief SPD seeks *“to integrate with the access points provided as part of the recent residential development to the south of the site and also provide designated safe crossing points to ensure safety and encourage usage of pedestrian and cycle links”*.
- 5.12 The applicant proposes to achieve this requirement through links to be provided across the existing bridge located to the western end of the site, into The Pippins, via an access point near to Holly Bank and finally from off the A513, near opposite to the entrance onto the Trent and Mersey Canal towpath. Exact details of latter two points of entrance are recommended to be secured via a condition (included within the design code). The delivery of the pedestrian and cycle access route over the bridge will however, in order to formally secure the sustainable integration of the development, into the wider Rugeley community, be secured via a standalone condition.
- 5.13 Further wider sustainable transport improvements arising from the development are proposed through enhancements to the Trent & Mersey Canal towpath. The Canal & River Trust have identified these improvements as being appropriately secured through this development, due to a likely future uplift in users, whereby future residents (especially those in occupation at the southern end of the site), may seek to utilise this route to gain access into Rugeley.
- 5.14 It is noted that the Council’s CIL 123 List identifies that *“CIL funds may be spent on improving the public realm, landscape and habitats; and improving access to green space, to include... improvements to the canal network to improve Green Infrastructure Links”*. Thus, there is a potential argument that the delivery of the towpath improvements are matters to be addressed via CIL funding. However, there is an alternative argument that occupants of the application site, located within Cannock Chase District (who have not adopted CIL), could equally utilise the towpath as a pedestrian route and therefore, their impact would not be mitigated. Further consideration of this point is not however required, given the applicant’s willingness to deliver the enhancement works. The extent of the works required and the total costs of delivering such will be agreed within the Section 106 agreement. The costs will be provided to the Highway Authority, who will then deliver the works on behalf of the Trust.
- 5.15 As advised by paragraph 4.32 of the Rugeley Power Station Development Brief SPD *“Safe and secure cycle parking / storage should be provided on site where appropriate”*. Given the outline nature of this application details of cycle parking are yet to be defined. However, conditions are recommended to secure further details of such, within subsequent reserved matters applications, which shall also include, for the employment uses, the provision of

suitable shower and locker facilities. The level of provision to be supplied within Lichfield District, will need to accord with the requirements of the Council's Sustainable Design SPD.

- 5.16 Broad details of pedestrian and cycle linkages through the site are identified on the Access and Movement Parameter Plan. This plan shows the provision of an extensive formal movement framework throughout the site, which will provide permeability of movement for future residents. The movement framework identified on the access parameter plan is considered to be broadly acceptable, given such offers appropriate levels of connectivity through and into and out of the application site.
- 5.17 The Staffordshire County Council Walking Route Assessment Criteria (2014) suggests that a walking distance of up to 2 miles is appropriate for access to school provision. However, this document was produced in the County Council's capacity as Local Education Authority and differs from the preferred distance of 600m, outlined in the Staffordshire Residential Design Guide (2000). The siting of the Primary School ensures that the latter identified targets will not be met. To address this issue therefore, it will be necessary to ensure that access to the school, via alternative sustainable transport modes, such as bike (discussed above) or bus travel is secured.
- 5.18 Bus penetration through the site, along the Primary Road Corridor, is proposed to be secured via a Schedule within the s106 agreement. On-site provision of bus infrastructure, such as bus layover facilities at the community square, to include an electric charging point, shelter, flag, timetable case and Real Time Passenger Information and stopping facilities along the access route both sides of the road, including shelter and road markings is recommended to be secured via condition. The Highways Authority advise that the contribution required to deliver a service is £3,345,068, although the exact figure is yet to be agreed with the applicant. The service will primarily provide a link between the application site, Rugeley Town Centre and either Rugeley Town or Rugeley Trent Valley Train Station. Additional destinations may also arise following the completion of consultations through the Travel Plan.
- 5.19 Local Plan Strategy Policies ST1 and ST2 state that the Council, when considering the appropriate level of off street car parking to serve a development, will have regard to the *"provision for alternative fuels including electric charging points"*. The Transport Assessment submitted with this application proposes the provision, prior to the first occupation of any dwellings and apartments, of active Electric Vehicle Charging Points to serve 5% of the publicly available visitor parking spaces, along with appropriate passive infrastructure to serve up to a further 15% of the publicly available visitor parking spaces. Details of passive Electric Vehicle Charging infrastructure to serve each individual dwelling is also to be provided to enable each future property, should residents require such, the ability to install charging points.
- 5.20 With reference to the commercial and employment uses within the site, it is proposed that active Electric Vehicle Charging Points to serve 5% of the parking spaces, along with appropriate passive infrastructure to serve up to a further 15% of these spaces be provided. Conditions are recommended in order to secure the implementation of these requirements.
- 5.21 The Travel Plan has been considered by the Highways Authority. They advise that the document is acceptable and therefore, a contribution of £50,000 towards the monitoring and promotion costs of this document is required and to be secured under the s106 agreement.
- 5.22 The Highway Authority have considered if the methodology utilised in assessing the impacts of the development are robust and also determined whether the results and mitigation proposed are sufficient to address the envisaged impacts. In their formal response to the Council, it is stated that there is no objection to the principle of the development, subject to conditions. In particular they comment that *"The TA has analysed the impact from any*

*future vehicles generated by new uses on the site, this has been carried out using industry standard techniques and provides a very robust scenario with no allowance made for any reductions gained through enhancements of the sustainable transport facilities.*

*The TA has also looked at the proximity to Rugeley and other local facilities and has highlighted deficiencies that could prevent any future occupants being able to make their journeys on foot or bicycle. To this end there are various improvements recommended to the network such as controlled crossings and widening of footways which is to be welcomed. The site also benefits from a former railway bridge into the site which spans the A51, which has the potential to create a car free access without a need to cross the A51. It is important that any reserved matters or masterplan takes full advantage of this facility as it has real potential to reduce vehicular trips and integrate the site into Rugeley.*

*The other important element in sustainable travel is the provision passenger transport, which is currently poor for site. There are real opportunities here for future journeys to be made via buses, whether this is just one stage of a journey to the train stations and bus station, which in turn provide access to the wider areas such as Stafford, Lichfield and Birmingham or just travelling to the town centre.*

*This element of the transport improvements to be funded by the developer will need to be well planned to ensure the site has the right facilities delivered at the right time to ensure value for money and a realistic travel choice. This will need to be secured in the section 106 with amounts and timing of such payments to be agreed”.*

- 5.23 Also consulted in relation to technical matters were Highways England and Network Rail. Highways England offer no objection to the proposals, on the basis of the submitted information. Network Rail’s original comments on the application predominantly related to matters of rail infrastructure protection, given the close proximity of part of the site to the functional rail network and noise. Such matters can be dealt with by suitably worded conditions, as recommended, and in the case of noise, are addressed in the noise section of this report. In relation to wider transport considerations, Network Rail suggest the effects of increased footfall at Rugeley Town and Trent Valley Stations should be considered. In this regard the applicant’s propose transport mitigation improvements at Colton Road, Power Station Road and Armitage Road. In light of these proposals Network Rail have offered no further comments or objections.
- 5.24 In terms of the specific access points into the site, which are to be considered as part of this application, two are proposed, as identified above. The matter of vehicular access is considered within Paragraph 4.25 of the Rugeley Power Station Development Brief SPD, which states that *“Given the size of the development, a minimum of two vehicular access points are considered necessary”*. Paragraphs 4.26 and 4.27 continue to advise that *“The primary access to the site should be achieved via the existing roundabout on the A51 at the north western corner of the site”* and that *“Planning permission was granted in September 2017 for the creation of a second access into the power station site from A513 including an new roundabout junction (Application Reference: 17/00453/FUL). Further dialogue will be required with Staffordshire County Council to establish whether additional access points will be required to serve the future redevelopment of the site”*.
- 5.25 It is considered therefore that whilst a third vehicular access would be beneficial to enhance the permeability of the scheme and such, could also, for instance, be created in order to offer improved access to the employment section of the site, it is acknowledged that the site’s constraint’s, specific to land ownership issues along the A51, prevent the creation of a third access point at this time. However, it is beholdent upon the applicant to ensure that if at a later date the possibility of creating a third access point arises, such is brought forward. However, the acceptability of using two access points to serve the entirety of the development, has been considered to be acceptable by the Highway Authority, as has the design of these junction. The new roundabout junction off the A513, is recommended to be

completed, prior to the commencement of development within the adjacent residential phases of development, whilst further details of the interconnecting primary distributor road, including its delivery, prior to the occupation of the 301<sup>st</sup> dwelling, to ensure the timely delivery of necessary connectivity, is also recommended to be secured via a condition, although in general terms the route identified is considered to be acceptable.

- 5.26 Paragraph 4.33 of the Rugeley Power Station Development Brief SPD advises that *“The development proposals should provide appropriate car parking facilities onsite in accordance with local standards. The parking should be integrated into the development in order to limit the impact on visual amenity and residential privacy. To enhance visual interest and break up the street scene, generous planting will be required in areas where there is surface level parking, this will also help to ameliorate the effects of climate change. See also specific parking requirements in relation to employment uses”*. Lichfield District Council’s car parking requirements are identified within Policy ST2 of the Local Plan Strategy, which provides further clarification through guidelines detailing maximum off street car parking levels, set out in the Council’s Sustainable Design SPD. Cannock Chase District Council’s parking standards are provided within the Parking Standards, Travel Plans & Developer Contributions for Sustainable Transport SPD. The standards outlined within the Cannock Chase document seek higher levels of off street car parking than the Lichfield equivalent. Through discussions between the Councils, the Highways Authority and the applicant, it has been determined that the Cannock Chase standards should be sought site wide, when such is delivered through subsequent reserved matters applications. To address this matter, broad details of site wide car parking, are proposed to be secured within the recommended Design Code condition.
- 5.27 It is considered that the submitted highway modelling and analysis reflect good practice in terms of the approach to estimating the uplift in resultant traffic and required mitigation. Thus, subject to the abovementioned s106 requirements and conditions specific to off-site junction improvements, public transport contributions, junction improvements, the delivery of on and off site pedestrian and cycle networks, the development as proposed, will, in terms of highway safety and wider highway impact, be compliant with the requirements of both Council’s Development Plans and the NPPF.

## 6. Water Environment, Flood Risk and Drainage

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



strategies and long term monitoring will have to be developed accordingly. A condition is therefore recommended accordingly to address this matter.

### **Flood Risk**

- 6.4 The site is located predominantly within Flood Zone 1. Flood Zone 1 is defined by the Environment Agency as land that has a low probability of flooding (<0.1% Annual Exceedance Probability [AEP]). Land to the north and north east of the site between the River Trent and the railway is located in Flood Zone 2 (medium probability of flooding 1% - 0.1% AEP) and Flood Zone 3 (high probability of flooding > 1% AEP).
- 6.5 As part of the process of formal Flood Risk Assessment, the applicant has provided information which considers the potential sources of flooding at the site and utilises modelling data to predict anticipated flood levels + 20% climate change. In addition, for robustness, the FRA also calculates a +50% climate change scenario. The report confirms that the River Trent in the area to the north and east of the railway embankment represents the most significant source of flooding.
- 6.6 The report assesses ground levels within the existing site to be currently higher than the modelled flood water levels for all modelled return period flood events, and that these will be raised further as part of the formation of the proposed development platform in some areas. Therefore, the risk of flooding from the River Trent, will remain low. Indeed based on the modelled +50% climate change water levels, the applicant's additional modelling has shown that the railway embankment is not integral to the safe development of the site, as the ground levels of the railway embankment are between 0.7m and 1.9m above the 1 in 100 year plus 50% climate change flood level and the ground levels within the site are above all modelled flood water levels.

### **Surface Water Drainage**

- 6.7 Paragraph 165 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with the application identified that there are several key surface water features on site that will be retained as part of the proposed drainage strategy for the site. These include:
- Brereton and Ravenhill Parish Council Drains (2 x 48" dia. pipes) the 'Town Drain'— located towards the north of the Site. This drainage run is going to be retained during the redevelopment to ensure the correct operation of the existing drainage system and the upstream flood risk is not increased;
  - Brereton Brook – retained because its primary function is to convey flows from the wider catchment and the Hawksyard Estate to the River Trent;
  - North Drain – currently provides a drainage system for surface water run-off and allows discharge in to the River Trent. The North Drain forms part of the proposed surface water drainage strategy;
  - Kidney ponds – this feature will be retained forming part of the proposed drainage strategy as attenuation;
  - The Borrow Pit and Ornamental Lakes - will be retained but at this outline stage are excluded from the proposed drainage strategy in terms of providing additional attenuation; and
  - Existing culverts under the railway embankment associated with existing surface water discharge from the site.
- 6.8 The proposed development will utilise an independent surface water network to drain the site. Storm water will be captured via roof gutters and downpipes, gullies and linear drains where required. Permeable paving and swales will be incorporated upstream of the main attenuation, which will assist in improving the water quality and reduce the runoff to the downstream attenuation.

- 6.9 A below ground pipe network will convey storm water to a proposed pond or where space is limited underground Geocellular / modular storage will be utilised to mitigate any additional storage requirement. An approximate attenuation storage volume of 24,107 m<sup>3</sup> is envisaged within the Flood Risk Assessment. The attenuation will be located at appropriate locations throughout the proposed development and will discharge at a controlled rate. The final attenuation feature, which will discharge to the existing waterbodies or watercourses, which currently discharge in to the River Trent. The existing outfalls have been utilised eliminating the need to create new outfalls to the River Trent.
- 6.10 The acceptability of the drainage proposals have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development and recommend that they be secured by condition. Subject to the application of such a condition the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.

### **Foul Drainage**

- 6.11 The existing site and the surrounding drainage network is currently drained via rising mains and therefore it will be necessary to pump foul water from the site. The development of the site will be split into catchments, generally following the illustrative phasing plan, with each catchment drained to the lowest point and then pumped and discharged in to the Severn Trent Water network.
- 6.12 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site. In terms of the local treatment facility, Severn Trent Water have stated that there is sufficient capacity available for the proposed development. A meeting was held between the applicant and Severn Trent, to discuss innovations that could assist in the reduction of sewage to the treatment facility. Severn Trent Water have not required the implementation of such within their consultation response, rather simply requested further drainage details as and when available, which is recommended to be secured via the use of a condition.

### **Foul Drainage and Water Quality**

- 6.13 Section 10.2.45 of the ES suggests spare capacity exists within the Rugeley Waste Water Treatment Plant for approximately 48,984 dwellings. Thus, as detailed above, capacity exists to accommodate the dwellings proposed within this site. However, hydraulic assessment and information on the impact of the proposals on the wider network is to be provided to ensure that there is sufficient capacity within the current network to convey flow. This is important because the hydraulic assessment determines how often combined sewer overflows overflow and at what volume compared with current spill frequencies, which could cause deterioration of existing waterbodies. These details are recommended to be secured via condition.

### **Water Resources**

- 6.14 Dust suppression and habitat creation are proposed. Depending on the scale of water required for these purposes, they may require abstraction licences, from the Environment Agency. It can take up to 4 months for a licence to be issued, a point that will be raised with the applicant via the use of an informative, although this is a matter controlled by other non-planning legislation.
- 6.15 Given the above assessment, subject to the application of conditions, as recommended, the development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

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

7.1 The submitted Green Infrastructure Parameter Plan shows the main area of green infrastructure within the development itself to be the riverside park; along with vertical green strips running through the development, forming buffers to the development parcels and perimeter planting; which includes elements of both formal and informal public open space. There are a total of 6 Local Equipped Areas of Play (LEAP) and 2 Neighbourhood Equipped Areas of Play (NEAPs) proposed across the site, with details of the equipment to be installed within the parks presently unknown. Details of facilities within the Open Space, such as benches or bins, have yet been provided and will be secured under the provisions of the S106 agreement. The riverside park extends to 16.55ha, with exact details of such to be agreed via condition. There are 4 waterbodies located on-site, all of which are to be retained, which include inlets and outlets from the River Trent (located within the Riverside Park), the Kidney Ponds, the Ornamental Lake and the Borrow Pit. In addition, the Brereton Brook runs through the site. Lastly, the remaining open space area to be considered is the sports facility, which is shown to the centre of the site.

7.2 The open space areas proposed within the application site are in excess of 66 ha. The requirements for open space are set out in Policy HSC1 of the Local Plan Strategy, further details of which are provided within the below table. For information, it should be noted that given the proposal is for 2,300 dwellings, an estimated population utilising data of average household estimates, which is 2.24 people per property (as detailed within the Developer Contributions and Housing Choices SPD (2015), results in 5,152 residents.

Open space, sport and recreation provision	Ha/per 1,000 Residents	Ha/per Population 5,152 (Policy HSC1 compliant)	Proposed Development Provision (approx. ha)
Informal Open Space, incorporating:	21.63	111.44	59.17
Natural and Semi-Natural Green Space	20.00	103.04	41.00
Amenity Green Space incorporating Parks and Gardens	1.43	7.37	17.14
Allotments	0.20	1.03	1.03
Formal Open Space, incorporating:	1.48	7.62	7.62
Equipped Play	0.25	1.29	1.29
Outdoor Sports Pitches and Courts	1.23	6.34	6.34
Total (ha)	23.11	119.06	66.79

7.3 It is evident from the above table that the proposed development is policy compliant in all matters, with the requirements of Lichfield's Development Plan, except in regard to the delivery of natural and semi-natural green space, where there is a large under provision, whilst there is an over-provision of amenity green space.

7.4 The above matter is however addressed, through the application of Cannock Chase District Council's Open Space Policy, which seeks a requirement for natural and semi-natural green space of 6.20 ha per 1,000 population, resulting in a requirement for this site of 31.94ha. Evidently therefore, against the requirements of Cannock Chase District Council's Policy, an overprovision exists. Indeed, the overall POS requirement should the site as a whole have fallen within Cannock Chase District, would be for 44.56ha. Thus, given the above, the proportion and types of POS shown on the illustrative Green Infrastructure Plan are considered to be acceptable and compliant with the requirements of the Development Plan and NPPF in this regard.

- 7.5 Paragraph 4.35 of the Rugeley Power Station SPD advises that *“A key principle of the development proposals should be to create useable, well connected green infrastructure network, comprising of open spaces, sport facilities, landscape features, recreation facilities, equipped play and allotments. It is envisaged that a Management Company will be responsible for the management and maintenance of open spaces in perpetuity”*. The location and indicative layout of these areas are therefore considered below:

### **Play Facilities**

- 7.6 Paragraph 4.37 of the Rugeley Power Station Development Brief SPD states that *“Children’s play space for a range of ages should be provided in the development. In accordance with local policy requirements, it is likely that several areas for play space will be required on the site”*.
- 7.7 As noted above, the composition of the play facilities will be approved at a later stage. However, the number, location and nature of the facilities, are for consideration. The Fields In Trust document ‘Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard’ (England) advises that the walking distance for residents to equipped or designated play areas, should be no greater than 100m to Local Areas of Play, 400m to LEAPs and 1,000m to NEAPs. This guidance also advises of the need to ensure the appropriate provision of ancillary facilities and equipment, suitable footpath access, designed to be free from harm or crime and containing equipment of a requisite standard.
- 7.8 The location and number of proposed play areas located throughout the site are in broad accordance with the above identified guidelines, which evidences an appropriate level and siting of provision within the site.

### **Public Art**

- 7.9 Core Policy 12 of the Local Plan Strategy advises that *“new strategic housing... development will incorporate public art”*. Paragraph 3.38 of the Rugeley Power Station Development Brief SPD states that *“The proposals should seek to incorporate public art, having regard to the historic use of the site as a power station”*.
- 7.10 The provision of public art within the site is proposed to be secured through the s106 agreement, although exact details of such, will not be provided until the appropriate phase of development, through a subsequent reserved matters application. However, the proposed route will ensure compliance with the requirements of the Development Plan in this regard.

### **Allotments**

- 7.11 Paragraph 4.38 of the Rugeley Power Station Development Brief SPD states that, *“It is envisaged that the existing allotment provision located to the south west of the site will be retained and opportunities to accommodate further provision to meet local need where identified would be welcomed in areas where there is evidence of low levels of contaminants. Sourcing for soil for allotments should also be free of contaminants”*.
- 7.12 With reference to the existing allotments, they are currently under lease from the allotment society and continue to be occupied. A new lease, based on what is currently in place, has been drafted by the applicant’s Solicitors and is currently under review. The applicant proposes to send the new lease to the society in early 2020. The old lease expires on the 14<sup>th</sup> March 2020 and the new lease will be for two years to the 13<sup>th</sup> March 2022. The lease will retain an option to renew.
- 7.13 In terms of the planning application itself, the retention of the existing allotments is proposed to be secured by means of the s106 agreement. The agreement will, in terms of

the future management of the site, seek to allow for the existing society to continue with such. Should the Society not wish to continue with this role, then Armitage with Handsacre Parish Council will be offered the opportunity to manage the site. Should the Parish Council not wish to undertake this responsibility, then it will be assumed by the Maintenance Management Company. In addition to the retention of the existing allotments, a further allotment area is proposed to the centre of the site, further details of the design of such, will be provided in the appropriate reserved matters application. Finally, the quality of the soil within the allotment site, is recommended to be addressed by means of a condition. The creation of this area however and management thereafter, is also proposed to be secured by means of the s106 agreement.

#### **Society of Model Engineers (RPSME)**

- 7.14 The applicant has agreed lease terms for temporary use of the site with the society. The RPSME need however to appoint trustees in order to sign the lease a process yet to be completed. The applicant anticipates the RPSME will be back on site early in 2020.
- 7.15 Notwithstanding the above, it should be noted that the demolition consent previously granted for the site under application reference 18/01098/FULM, permitted the removal of the miniature train structures from the site and as such, this facility can be removed from the site at any point. The applicant, as described above, is willing however, in the short term, to allow for the Society to continue to use the site. Thus, whilst the long term retention of this facility does not form part of the proposals, which is somewhat regrettable, this does not make the application unacceptable in planning terms.

#### **Sports Facilities**

- 7.16 Core Policy 11 of the Local Plan Strategy seeks to encourage, protect and enhance existing sports facilities and advises that the loss of existing facilities and assets, will be resisted where it can be shown that there is an existing and future need, unless it can clearly be demonstrated that alternative facilities of an equivalent or better standard, in terms of quality and quantity are being provided in a suitable location.
- 7.17 Paragraph 4.36 of the Rugeley Power Station Development Brief SPD advises that, *“the site currently benefits from onsite sports and recreation facilities which are centrally located. As part of the development proposals, the Council will encourage the retention and protection of any existing sports and recreation facilities that are not justified to be surplus to requirements. This will need to be delivered in line with National and Local policy requirements”*.
- 7.18 Policy AH6 of the Armitage with Handsacre Neighbourhood Plan states that *“Proposals will be supported which...safeguard existing outdoor sport and recreational facilities and, where appropriate, create new opportunities for such facilities”*.
- 7.19 Facilities for sport and recreation will be focussed around the centrally located public open space referred to as ‘Rugeley Social’, which will provide formal sports pitches for football, rugby, cricket, running track and bowls, as well as a sports pavilion to replace those lost as part of the development. A proposed Multi Use Games Area (MUGA), located east of the proposed primary school, will offer additional opportunity for football, tennis and hockey. The Borrow Pit Lake will become a focal point for recreational water sports, encouraging activities such as swimming, fishing and kayaking. Additionally, there will be a series of on-site recreational trails for walking, cycling and running, achieved through the country park trail, the lakeside trail and the site wide internal trail with an opportunity to tap into the wider public rights of way.
- 7.20 Paragraph 97 of the NPPF seeks to protect existing sports facilities and in cases where playing fields are lost as part of a development notes that Sport England are a Statutory

Consultee. To ensure accordance with Paragraph 97 and other relevant policies from Sport England (e.g. Policy Exception E4 – equivalent or better replacement provision), it is proposed to replace all of the existing sports provision (apart from the golf course), in a broadly similar location to the previous facilities. Sport England confirm the proposal has the potential to broadly meet Sport England exception Policy E4, subject to conditions and an appropriately worded S106 agreement, securing the replacement of suitable quality playing fields and ancillary provision (such as floodlighting), alongside management arrangements for the site, and no objection is raised.

- 7.21 It should be noted that the location of the proposed cricket pitch is such that it will be in proximity to the main spine road through the site. Sport England have requested, to ensure that there is no future conflict between the use of the pitch and vehicles / pedestrians, passing along the spine road, the submission of a ball strike assessment, which will identify if any mitigation measures (fencing etc.) are necessary. This condition is considered to be reasonable and necessary. Thus, subject to this condition and those others identified above and to the stated S106 requirements to secure the replacement provision, the development is considered to comply the requirements of the Development Plan and NPPF in this regard.

### **Angling Club**

- 7.22 The applicant advises that the lease for use of the Borrow Pit is substantially agreed, including health and safety rules. The applicant needs however to confirm that they are satisfied with the status of the club trustees, who will be signing the agreement. Once the lease is signed, there are issues to be addressed prior to the anglers being back on-site, including gaining approval to remove some small self-setting trees from the fishing pegs. Remediation work is also required to the north of Borrow Pit Lake, but the applicant anticipates that the anglers will be back on site in January 2020.
- 7.23 The applicant is proposing to retain the Borrow Pit and other blue infrastructure within the site and utilise such for water sports, waterside interactions and landscape play. Further details of the exact make up of these uses will be determined within subsequent reserved matter applications.
- 7.24 Given the above assessment, the recreational and public open space provision proposed within the development, as submitted, is considered to be compliant with the requirements of the Development Plan and NPPF.

### **Arboricultural Impact**

- 7.25 Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Core Policy 13 of the Local Plan Strategy also seeks to protect veteran trees, whilst Core Policy 14 seeks to ensure that there is no net loss to trees in conservation areas. Policy NR4 and the Trees, Landscaping and Development Supplementary Planning Document seek to ensure that trees are retained, unless their removal is necessary and appropriate mitigation is proposed. The SPD also seeks to ensure that a minimum 20% canopy cover is achieved on development sites.
- 7.26 Paragraph 4.40 of the Rugeley Power Station Development Brief SPD advises that *“Discussions with Arboricultural Officers will be required to agree the strategy for the retention and selective removal/replacement of trees within the site, however it is envisaged that the mature tree belt which helps to create a strong site boundary adjacent to the Rugeley Bypass will be retained in any design. There is a local aspiration for tree planting to include an element of fruit trees throughout the site to create an Urban Orchard a key landscape / water feature of the existing site is the Borrow Pit area. The Council will be supportive of proposals which seek to retain the Borrow Pit area as part of any redevelopment proposals”*.

- 7.27 Policy AH2 of the Armitage with Handsacre Neighbourhood Plan states that *“development proposals should seek to conserve and enhance the area’s natural environment assets, including... broadleaf native woodland”*
- 7.28 The Arboricultural Impact Assessment, submitted as an Appendix to the ES, identifies that there are 20 individual trees and 28 groups of trees to be felled as a direct consequence of this development. A further 13 tree groups are to be partially removed. Of these individual and groups of trees, 44 are category b, 15 category c and 2 are category U. In addition, it is noted that there are 6 veteran trees identified within the application site, all of which are located in the riverside park and are to be retained as part of the site’s future landscaping scheme.
- 7.29 The Council’s Trees, Landscaping and Development Supplementary Planning Document advises that, *“the Council expects that all trees that are protected by a tree preservation order or classified as retention category A or B in a BS 5837: 2012 survey will be retained on the site”*. The document continues to state that, *“it should not be assumed that C category trees that constrain development may be removed”*.
- 7.30 The Council’s Arboriculture Team advise that the impacts on existing trees of the development have been properly assessed and quantified. It is expected that once detailed landscaping designs are drawn up that the losses incurred to the existing tree stock will be remediated and that there will be a net gain in tree canopy cover. Such expectations, along with details for measures to protect retained trees during the course of development, will be confirmed within the Landscape Management Plan, which is recommended to be secured via condition. On this basis, no objections raised to the above identified tree works.
- 7.31 Paragraph 4.42 of the Rugeley Power Station Development Brief SPD advises that, *“as part of any development proposals a landscaping strategy will need to be prepared that demonstrates how the surrounding countryside can be drawn into development through the integration of multi-functional green space. This landscaping combined with street trees courtyard and garden planting should provide a verdant extension and create a green infrastructure network across the site”*.
- 7.32 Exact details of landscaping is evidently a reserved matter. However, the applicant has provided a Green Infrastructure Parameter Plan, which identifies suitable landscaping areas, capable to drawing the surrounding countryside into the application site. Further details of the overall landscaping strategy for the site, to be contained within a Landscape Management Plan, is recommended to be secured, via condition. The Management Plan should identify how the development will achieve a 20% tree canopy cover by mid-century, as such is a requirement of the Council’s Trees, Landscaping and Development Supplementary Planning Document.
- 7.33 Given the above considerations, with reference to green infrastructure and arboriculture considerations, this development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

## 8. Sustainable Built Form

- 8.1 Paragraph 150 of the NPPF requires that new development should comply with local energy targets. The NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Local Plan Strategy Policy SC1 sets out the Council’s requirements in respect of carbon reduction targets and requires that residential development should be built to code for sustainable homes level 6. Subsequent to the adoption of the Local Plan Strategy however, the Government has advised that Code for Sustainable Home targets are no longer to be utilised within the planning process and rather Building Regulation requirements will ensure the development of sustainable built

form. Therefore no conditions are required under the requirements of this policy, to secure sustainable built technologies within the residential phases of this development.

- 8.2 Local Plan Strategy Policy SC1 continues to set out requirements that major non-residential development, with a floor area in excess of 1,000 square metres, should achieve the BREEAM excellent standard from 2016. It should be noted that Cannock Chase District Council do not have an equivalent policy and therefore, the requirement will only be applicable for the employment buildings, with a floor area in excess of 1,000sq m, to be built within Lichfield District (given that the scale of the commercial units will fall below this level of floor space).
- 8.3 It is considered reasonable to require that any building achieve BREEAM very good rather than excellent, given that the evidence base for the abovementioned Policy (Camco Staffordshire County-wide Renewable/Low Carbon Energy Study 2010) is based on 2006 Building Regulations and BREEAM 2008 specifications and therefore does not take into account the latest changes to national policy and Building Regulations.
- 8.4 There have been two further iterations of BREEAM since the evidence base was collated and as a general rule a 2014 BREEAM Excellent requirement is now equivalent to a current BREEAM very good requirement. In this context, it is argued that Policy SC1 does not reflect up to date guidance, whilst the achievement of BREEAM very good would effectively deliver the level of sustainable built form that the policy seeks to capture.
- 8.5 The above argument has been discussed with the Council's Spatial Policy and Delivery Team, who advise that this should be a matter of planning judgement. Given that this is the case, it is felt that the abovementioned arguments are persuasive and successfully evidence that a change in guidance has occurred since the evidence base for the policy was gathered. In addition, the wider sustainable development package offered by the application, will provide benefits beyond those simply captured by BREEAM and therefore, subject to a condition to secure the provision of these matters, the development is considered to be compliant with national policy in terms of sustainable building techniques.
- 8.6 It is noted that the applicant has identified two areas of ground mounted solar panels to be installed adjacent to the, to be retained substation. In addition, it is noted that some of the indicative plans show a floating solar array within the Borrow Pit. However, such is not indicated on the parameter plans, which are those requested to be approved. Exact details of the panels, in terms of their siting, scale and form within the identified land use area, is yet to be provided and neither is the electrical output and therefore, these details will be provided within a subsequent reserved matters application/s.
- 8.7 In terms of the broad acceptability of the proposed solar panel land use, Core Policy 3 of the Local Plan Strategy supports development, which utilises renewable energy resources, whilst Policy SC2: Renewable Energy further expands on this. The policy positively encourages renewable energy generation, including solar, stating that the District should strive to meet a minimum of 10% of its energy demand through renewable energy sources by 2020. The policy includes the following criteria for the assessment of such developments:
- The degree to which the scale and nature of the proposal reflects the capacity and sensitivity of the landscape or townscape to accommodate the development;
  - The impact on local amenity, including residential amenity;
  - The impact of the proposal on sites of biodiversity value, ancient woodland and veteran trees;
  - The impact on the historic environment, including the effect on the significance of heritage assets and their setting and important views associated with valued landscapes and townscapes; and
  - The proximity to, and impact on, transport infrastructure and the local highway network.



- 8.8 The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments. Paragraph 11 states that at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 148 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. The paragraph continues to state that the planning system should support renewable and low carbon energy and associated infrastructure. Paragraph 154 advises that when determining planning applications local planning authorities should not require applicants to demonstrate the overall need for renewable energy production and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gases and therefore approve applications, if their impact is or can be made to be acceptable.
- 8.9 In addition to the NPPF, national guidance on renewable energy includes the Planning Practice Guidance for Renewable and Low Carbon Energy. The Climate Change Act, 2008 sets national targets of at least an 80% reduction in greenhouse gas emissions by 2050 (compared against the 1990 baseline), which subsequently has been updated by a Government pledge to the carbon neutral by this date and at least 34% by 2020, compared to 1990 levels. The existing UK target for the generation of electricity from renewable sources is 15% by 2020, i.e. more than a three-fold increase on the current capacity. The NPPG states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse emissions to slow down climate change and stimulate investment in new jobs and businesses. It should be noted that the NPPG includes specific guidance in relation to large scale ground-mounted solar photovoltaic farms; with large scale being defined as 5MW or more; and therefore given the scale of the solar park proposed within this scheme, this specific guidance is not relevant to this application.
- 8.10 In addition to specific planning guidance, the Government has also issued the 'UK Solar PV Strategy Part 1: Roadmap to a Brighter Future' in October 2013 and the 'UK Solar PV Strategy Part 2' in April 2014. These documents set out the four guiding principles, which form the basis of Government's strategy for solar PV. These principles are:
- Support for solar PV should allow cost-effective projects to proceed and to make a cost-effective contribution to UK carbon emission objectives in the context of overall energy goals – ensuring that solar PV has a role alongside other energy generation technologies in delivering carbon reductions, energy security and affordability for consumers;
  - Support for solar PV should deliver genuine carbon reductions that help meet the UK's target of 15 per cent renewable energy from final consumption by 2020 and in supporting the decarbonisation of our economy in the longer term – ensuring that all the carbon impacts of solar PV deployment are fully understood;
  - Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them; and
  - Support for solar PV should assess and respond to the impacts of deployment on: grid systems balancing; grid connectivity; and financial incentives – ensuring that we address the challenges of deploying high volumes of solar PV.
- 8.11 It is clear from the above that both national and local plan policies broadly support renewable energy generation, including solar farm developments, and therefore, subject to general development control criteria, including the impact on the character of the area, biodiversity, amenity and heritage assets that the principle of including solar power generation within this scheme, is supported.
- 8.12 In view of the above, the scheme is considered capable of delivering built form equipped with suitable sustainable technologies and therefore, will comply the Development Plan and National Planning Policy Framework, in this regard.

## 9. Residential Amenity – Future and Existing Residents

- 9.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. The Council's Sustainable Design SPD contains guidance detailing appropriate space around dwelling standards. These standards establish a minimum distance of 21 metres to separate principle habitable windows and that there should be at least 6 metres between a principal window and private neighbouring residential amenity space.
- 9.2 The SPD also requires that in order to prevent any overbearing impact upon residents, that there should be a minimum of 13 metres between the rear elevation and the blank wall of any proposed dwelling.
- 9.3 Finally, the SPD identifies that for 1 or 2 bedroom dwellings, a minimum garden size of 45m<sup>2</sup> should be provided, for 3 or 4 bed 65m<sup>2</sup> and for 5 bedroom dwellings 100m<sup>2</sup>. All gardens should have a minimum length of 10m.
- 9.4 Evidently, this application is made in outline with matters of layout reserved for future consideration. However, it is noted that the applicant has submitted four additional indicative plans, intended to demonstrate that the high densities proposed on this site can be achieved, while still meeting the LPA's standards for separation distances. The submitted plans fail to achieve the abovementioned guidelines and it will be beholden upon the applicant, within any subsequent reserved matters applications, to design high density areas that comply with these space around dwelling standards, in order to ensure that such complies with the requirements of the Development Plan in this regard. To ensure that this is achieved, it is recommended that the need to agree space around dwelling standards, be included within the Design Code condition.
- 9.5 Paragraph 109 of the NPPF advises that *"the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability"*.

### **Contaminated Land**

- 9.6 Paragraph 178 of the NPPF advises that *"Planning decisions should ensure that; a site is suitable for its proposed use taking land instability and contamination into account; after remediation the land should not be capable of being determined as contaminated land; and, adequate site investigation information is available to inform these assessments"*.
- 9.7 A ground condition assessment accompanies the application, the study area for which comprises the site and an additional zone of 250m from the site boundary. As part of the assessment, historical ground investigation information has been utilised, which includes a Phase I Environmental Assessment and subsequent Phase II Environmental Ground Investigations report.
- 9.8 A review of desk study information indicates that there is generally a moderate/high potential for ground contamination to exist at the site, given its former uses. However, testing of soil taken during the historical ground investigation works has not recorded significant contamination. In addition there are potentially contaminated sites located in the study area that could interact with the site including landfills, historical coal mining, and industrial sites.
- 9.9 In order to secure a site suitable for residential led redevelopment, as detailed above by paragraph 178 of the NPPF, a detailed Construction Environmental Management Plan (CEMP) is recommended to be secured by condition. The CEMP will be prepared together

with stakeholders to ensure compliance with legislative and industry best practice in relation to construction phase mitigation methods and environmental requirements. In addition an outline Remediation and Reclamation Strategy (RRS) has been submitted which outlines the inherent design mitigation associated with the ground conditions topic and in turn represent the key mitigation measures proposed which includes for example, minimising built development over alluvium deposits, which are known to contain compressible deposits such as Peat, thus avoiding the need for prior removal and stabilisation of this area of the Site, the application of construction techniques, which minimise the need for dewatering as far as reasonably practical, whilst, all materials (for example Topsoil) proposed for re-use will be required to meet risk-based acceptability criteria.

- 9.10 The suitability of the above identified approach and recommended conditions has been considered by the Council's Environmental Health Team, who offer no objections to the development and therefore, subject to the above identified conditions, the proposal is considered to comply with the requirements of the Development Plan and NPPF in this regard.

### **Lighting**

- 9.11 A Lighting Assessment document has been submitted with this application in order to quantify baseline lighting within the vicinity of the proposed development and identify existing sensitive receptors and allow constraints of any proposals to be assessed at an early stage.
- 9.12 The Assessment and Environmental Health Team both conclude that the lighting within the development has the potential to cause loss of amenity to future residents, due to lighting within the scheme, particularly around the sporting facilities. To address this matter, a condition requiring the submission and approval by the Local Planning Authority of a lighting scheme, for each phase of development, is recommended.
- 9.13 Thus, subject to compliance with the abovementioned condition, the development will accord with the requirements of the Development Plan and NPPF in this regard.

### **Noise and Vibration**

- 9.14 Paragraph 4.56 of the Rugeley Power Station Supplementary Planning Document states: *"Depending on the end layout and employment use types, part of the residential elements of the scheme may be in a noise environment; in these instances, an Acoustic Design Statement will be required as set out in the new ProPG document which is available online. The Council's Environmental Protection services will need to approve Annual Status Reports (ASRs) prior to development to ensure that residents and occupiers of employment units do not suffer intolerable noise levels."*
- 9.15 In response to the above, the applicant has scoped in Noise and Vibration, as a component of the ES. The ES identifies that the proposed development has the potential to produce noise and vibration impacts from several different sources. Broadly speaking, these comprise:
- Noise and vibration that may occur during construction;
  - Operational noise including vehicles associated with the site impacting on existing and prospective users of the site;
  - Commercial and industrial noise and noise from existing substations; and
  - Vibration and noise impacts from the nearby rail line.
- 9.16 Construction work has the potential to increase the ambient noise levels, however, with the implementation of the site specific CEMP, recommended to be secured via condition, any

adverse impacts will be minimised to ensure that the overall effects of the demolition and construction activity are negligible and not significant.

- 9.17 A noise survey has been submitted with the application, which identifies that local ambient noise levels are principally influenced by the local highway network, high-speed trains travelling on the West Coast Main Line, and the local Rugeley Trent Valley to Lea Hall line. Odd bangs and other noises associated with the on-going demolition works were also noted but these did not stand out as dominant noises. The background noise also included natural sources such as wildlife and wind noise.
- 9.18 From the baseline monitoring data, except for a few individual periods, the existing baseline noise levels are under the BS:8233 criteria for suitable external amenity noise level of 55dB. The period where the average noise level exceeds the 55dB level was monitored at the South Eastern corner of the site, where the average levels were noted with a maximum of 68.96dB. The night time average levels were monitored at 67.8dB. The noise levels at sensitive receptors further into the site will be lower, as the receptors will be protected by the development itself. Therefore, no mitigation measures are anticipated to be required for these properties. For those dwellings within the area of noise exceedance, the housing layout has not been determined and therefore, specific mitigation cannot currently be determined and rather a condition to require the submission of such at a later date is recommended.
- 9.19 Noise from the existing 400 kV and the 132kV substations has been monitored, which shows that the ambient noise level around the substation was generally low.
- 9.20 Any increases in road traffic noise associated with the proposed development are considered to have a neutral effect, in accordance with the significance criteria. Therefore, noise mitigation measures related to road traffic noise are not considered to be required. However, dependent upon the nature of future occupants of the employment uses, proposed within the development, suitable on site mitigation may be required in order to protect the amenity of future residents. A condition is therefore recommended to address this potential issue.

#### **Rail Vibration**

- 9.21 On site monitoring shows that the site is subject to minimal vibration, with general levels between 0.04mm/s to 0.9mm/s, with a few individual exceedances of this, which have been attributed to onsite activity. No further consideration of vibration impacts has been undertaken, as the potential effects, as a result of vibration, are considered negligible and not significant.

#### **Construction Vibration**

- 9.22 The nearest sensitive properties to the proposed construction work, will vary, depending on the phase of the proposed development. There is potential for future dwellings, which become occupied before the completion of the construction phase, to be located within a distance less than 10 metres of building operations. At this distance, it is possible that vibration, due to the operation of various construction plant and in particular, a vibratory roller, may be above the threshold of complaint. However, these instances will be transient and for limited periods of a day and therefore not considered to be significant.
- 9.23 In addition to the earthworks and construction works described, it is possible that piling will be required. At this time, the type(s) of piling which would be used at various locations across the site is not known and it is likely that the contractor responsible for undertaking the works would decide the method of piling. As noted above, should there be a need to undertake any vibro-impact works or piling on site, a risk assessment and method statement will be required.

## Air Quality

- 9.24 The ES assesses the potential impacts associated with air quality, during both site clearance and construction activities, whilst having regard to committed developments nearby, including HS2, in tandem with the construction and occupation phases of the development and considers vehicular traffic and emissions from stationary plant associated with the proposed development. The assessment focuses on air pollutants that are likely to arise from the construction and occupation of the development, such as nitrogen oxide (NO<sub>x</sub>), nitrogen dioxide (NO<sub>2</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and dust for human receptors and Nitrogen Deposition (N) for ecological receptors.
- 9.25 The ES utilises existing baseline data in the form of desktop information collection and on site diffusion tube monitoring. In the case of the desktop study, data from Lichfield and Cannock Chase District Council's Air Quality Review and Assessment Reports is utilised, alongside DEFRA background mapping data for the above oxide and particulate matter concentrations. In terms of specific site assessment, a review of past monitoring by the Councils' respective Environmental Health Teams was undertaken, as well as further short term diffusion tube monitoring along the A51. Diffusion tubes were also positioned at Cannock Chase SAC, Pasturefields Salt March SAC and West Midland Mosses SAC. For reference, the specific conclusions regarding ecological considerations, are considered in the Special Areas of Conservation section of this report.

### Construction Phase Impacts

- 9.26 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM<sub>10</sub>, PM<sub>2.5</sub>). Sources include:
- Generation of airborne dusts from exposure and movement of soils and construction materials;
  - Generation of fumes on-site by plant and tools during construction;
  - Increase in vehicle emissions potentially as a result of slow moving vehicles should local congestion ensue; and
  - Re-suspension of dust through vehicle tyres moving over dusty surfaces.
- 9.27 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary, a construction dust assessment has been undertaken. It is also noted that the SAC's within 8km of the site are in excess of 500m from the site, such that they will not be affected by construction phase impacts and can be scoped out of further assessment.
- 9.28 To minimise the risks from the above processes, mitigation steps are proposed within the ES, which include:
- Communication - Develop and implement a stakeholder communications plan that includes community engagement before work commences on site; display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager;
  - Site Management – effectively record any complaints, make complaints available to local authority, record exceptional incidents and the action taken in a logbook, hold regular liaison meetings with other high risk sites in the vicinity and coordinate/understand their interactions of off-site transport and deliveries that may use the same road network. Avoid bonfires and waste burning;
  - Monitoring – undertake daily onsite and offsite inspections, including dust soiling checks of surfaces such as street furniture and cars within 100m of site boundary, with cleaning provided if necessary;

- Preparing and maintaining the site – plan layout to locate dust causing activities away from receptors, erect solid screens around dusty activities, avoid site water or mud run off, remove materials with high dust potential or cover to prevent wind whipping; and
- Operation of vehicle/machinery – ensure no idle vehicles, use mains electricity as far as possible to minimise diesel generators, impose speed limits to reduce dust throw, cutting, grinding and sawing equipment to have suitable dust suppression, ensure adequate water supply, use enclosed chutes, conveyors and covered skips.

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

### **Operational Phase Impacts**

9.30 To assess the potential impacts associated with nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> upon existing and future receptors, an assessment has been undertaken at receptor locations surrounding the site. The model takes account of the proposed uplift in air quality impact resulting from the development, in tandem with similar additional impacts resulting from committed developments in the vicinity in the years 2023 and 2029 respectively. In particular these committed developments include:

- The permitted demolition of the power station;
- Tuppenhurst Lane;
- Pear Tree;
- Rugeley Quarry;
- Construction traffic associated with HS2; and
- Traffic movements associated PFA removal within the site.

9.31 The results suggest that for both the combined committed development scenarios in 2023 relating to peak construction and 2029, following full completion that predicted impacts will be moderate to negligible, and that these impacts will not be significant in EIA terms.

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

### **Retained Power Infrastructure & Electromagnetic Radiation**

9.33 National Grid currently operate, and will continue to operate a 400kv switching facility within the centre of the application site. There are no known future plans for closure or relocation of this facility. The facility comprises an open air grid of frames (up to 20m in height) and transformers enclosed by a wire fence. Existing wayleaves and utilities surrounding the substation provide an informal stand-off/ buffer to the substation. However, a physical and visual buffer will assist in improving the visual amenity of the structure and minimising impact from noise upon future residents of the site. Access to the substation needs to be provided at all stages of construction and in the final redevelopment of the site and detailed discussions and layout considerations have been undertaken with National Grid in this regard.

- 9.34 A second 132kv switching station also exists within the centre of site. This is operated by Western Power Distribution (WPD) on a sub-lease from National Grid. The operational substation equipment is housed within a large footprint red brick building. It is approximately 16m in height with a flat roof and high level windows. An associated external 'open-air' substation is situated adjacent, enclosed by a steel security palisade fence. As above, access to the 132kV substation needs to be provided at all times and discussions have been undertaken with Western Power to assure both sides of their respective expectations and requirements.
- 9.35 The intended retention of the Switching Stations is acknowledged in Section 4.4.24 of the EIA Screening submissions in relation to Electromagnetic Radiation. These submissions confirm that *"the highest likely EMF levels were below UK/European recommended health and safety limits for the general public and would allow the reliable operation of standard communication equipment within any homes that may be built at the residential development"*. Accordingly, 'Scoping Out' Electromagnetic Radiation as a detailed matter for consideration within the current application, was previously agreed on the above basis.
- 9.36 It is noted that National Grid have requested a number of conditions to secure their routes through the site and ensure that the internal road networks be designed so as to have due regard to the location of cables, super grid lines and fibre optic cables, which run through the site. A condition to secure an appropriate design to have regard to these matters is therefore recommended.
- 9.37 Finally, it is noted that within the local centres an element of public house, café/restaurant and hot food takeaway provision is identified. Such uses will inevitably be required to install odour extraction measures (likely to be flues). To ensure that such equipment is appropriate for their purpose, as well as visually acceptable, in terms of their siting and scale, a condition is recommended.
- 9.38 Given the above assessment, it is considered that subject to the recommended conditions, the amenity of existing and future residents will be adequately protected and therefore, the proposal will be compliant with the requirements of the Development Plan and NPPF in this regard.

## 10. Ecology including Biodiversity

### **Protected Species**

- 10.1 *The Wildlife and Countryside Act (as amended) 1981* covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). *The Conservation (Natural Habitats, &c.) Regulations 1994* implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. *The Countryside and Rights of Way (CROW) Act 2000* compels all government departments to have regard for biodiversity when carrying out their functions. Finally, *The Protection of Badgers Act 1992* consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.
- 10.2 As part of the Environmental Impact Assessment process, a detailed desk study of known ecological records within the site has been undertaken, as well as numerous field surveys covering an array of species. Historically, the site owners have undertaken ecological surveys as far back as 2010, in order to ensure a continued understanding of ecology within the site. In 2015-2019 surveys sought to establish the presence of protected species, particular habitats and establish habitat suitability. Specific habitat assessments relating to

breeding and wintering birds, bats, dormice, otter, water vole, badger, reptiles and invertebrates, have been undertaken and since the submission of the first ES, further surveys have been carried out, specific to invertebrates, botanicals, bat roost and activity, breeding birds and breeding waders and are reported in the ES Addendum document.

- 10.3 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecology Manager has considered these reports and concluded that the impact of the development upon protected species and their habitats will be acceptable, subject to the use of conditions to secure adherence to all recommendations and methods of working detailed within Section 9.7 Additional Mitigation, Compensation and Enhancement Measures of the Environmental Statement, Chapter 9 Ecology, the Environmental Statement Addendum, which detail the need to submit a Habitat Management Plan (HMP), Ecological Mitigation Strategy (EMS) and Construction Environmental Management Plan (CEMP). These documents will need to be submitted on a phased basis with any Reserved Matters application and should also include the adoption of Reasonable Avoidance Measures (RAMS), including further surveys, as required, throughout the phasing of the development. In addition, any development works undertaken during bird nesting season will need to be suitably supervised. The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.

### **Biodiversity**

- 10.4 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 10.5 Due to the Local Planning Authorities obligation to *"reflect and where appropriate promote relevant EU obligations and statutory requirements"* (Paragraph 2 of NPPF) and the requirement, under paragraph 170 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measurable 20% net-gain to biodiversity value, is also made a requirement of all developments within Lichfield District under Policy NR3 of the Lichfield District Local Plan Strategy, which feeds into the Council's Biodiversity and Development SPD. Such accords with the requirements of Paragraph 175 of the NPPF, which states *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.
- 10.6 Armitage with Handsacre Neighbourhood Plan Policy AH2 (detailed within the Planning Policy Section of this report), seeks to conserve and enhance the area's natural environmental assets, including its habitats and requires that where harm arises, it must be off-set through the delivery of a net gain in biodiversity.
- 10.7 Policy CP12 of the Cannock Chase Local Plan promotes the protection, conservation and enhancement of the District's biodiversity and geodiversity assets.
- 10.8 The submitted 'Technical Appendix 9.8, Biodiversity Net Gain' document has assessed the site's biodiversity value. The Ecology Manager considers that the quantitative data within this document is an accurate depiction of value/s of the habitat currently on the site (as regards total area, type, distinctiveness and condition) and agrees it to be accurate for the sites current biodiversity value to be viewed as 398.31 Biodiversity Units (BU). In addition, it



is considered that the applicant's Biodiversity Impact Calculator is accurate, in describing the likely achievable biodiversity value of the site post development, as 426.20 BU.

- 10.9 The applicant's intention is therefore to deliver net gains of 27.89 BU as part of the proposed development scheme. The Ecology Manager approves of the new habitats proposed for creation in order to deliver these net gains, as part of the development scheme and considers them in adherence with the Lichfield District Biodiversity Opportunity Map (see Appendix E map 4 of the Biodiversity and Development SPD) and the recently adopted Nature Recovery Network Mapping. As such, the development scheme is viewed as likely being able to achieve a 20% net-gain to Biodiversity Value and so complies with the requirements of the Development Plan and NPPF in this regard.
- 10.10 The applicant will need to submit to the LPA a Construction Environment Management Plan (CEMP) and a Habitat Management Plan (HMP) detailing, in full, the future habitat creation works (and sustained good management thereof), demonstrating a net gain to a value of no less than 27.89 BU. This should be supported by an updated biodiversity metric for the site. It is recommended that these requirements be secured via appropriately worded conditions.

## 11. Impact on Special Areas of Conservation

- 11.1 Paragraph 177 of the NPPF advises that *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"*.

### **Recreation**

- 11.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, of the impact of the development on nearby Special Area of Conservation (SAC). Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has, following the submission of a Shadow Habitat Regulation Assessment from the applicant, undertaken a HRA Screening Assessment for the West Midlands Mosses SAC, Cannock Extension Canal SAC, Pasturefields SAC and the Cannock Chase SAC, to determine whether an Appropriate Assessment (AA) for recreational impact, to gauge negative impacts to the reason for designation of the SACs, is required.
- 11.3 The impact upon West Midlands Mosses, Cannock Extension Canal and Pasturefields SACs, as a consequence of recreation were screened out, following consultation with the Cannock Chase SAC Partnership and Natural England, as part of the ES process and therefore, no further consideration of impact upon these habitats, is required. The AA for recreational impact upon the Cannock Chase SAC identifies that the application will have a significant affect, in the absence of avoidance and mitigation measures, on this habitat. The authority has concluded that the adverse effects arising from the proposal, are wholly consistent with the effects detailed in the Cannock Chase SAC – Planning Evidence Base Review (2017). The most up-to-date evidence therefore suggests that these effects can be satisfactorily mitigated, by the measures set out in the Strategic Access Management and Monitoring Measures (SAMMMs), previously agreed with Natural England.
- 11.4 The agreed strategy for mitigating harm arising from recreational impacts from occupants of new residential development on the Cannock Chase Special Area of Conservation (SAC) is set out in Policy NR7 of the Council's Local Plan Strategy (Policy CP13 within the Cannock Chase Local Plan). The Policy requires that before development is permitted, it must be demonstrated that in itself or in combination with other development, it will not have an adverse effect whether direct or indirect upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. In particular, dwellings within a 15km

radius of any boundary of Cannock Chase SAC will be deemed to have an adverse impact on the SAC unless or until satisfactory avoidance and/or mitigation measures have been secured.

- 11.5 Subsequent to the adoption of the Local Plan Strategy, the Council adopted further guidance on 10 March 2015, acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. This site lies within the 0 - 8 km zone and as such is directly liable to financial mitigation. Such mitigation will help to provide for the package of works detailed within the SAMMMs. The Cannock Chase SAC partnership advise that there remains capacity within SAMMMs to mitigate for the harm arising from the development and therefore bespoke mitigation is not required. Prior to issuing any positive decision for this site, the applicant must therefore agree to a Unilateral Undertaking for a sum of £178.60 per dwelling, within Lichfield District, which rises to £221 within Cannock Chase District.
- 11.6 Natural England are a statutory consultee on the AA stage of the Habitats Regulations process and have therefore been duly consulted on this matter. Natural England have concurred with both Lichfield and Cannock's AA on recreation impact and therefore they offer no objections to the proposal. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the abovementioned Regulations.

### **Nitrogen Oxide Deposition**

- 11.7 The effects arising from nitrate deposition through road traffic emissions are considered in detail within the submitted Shadow Habitat Regulations Assessment (HRA). This document identifies that during and post construction roads that pass through or near to the Cannock Chase SAC will experience an uplift in traffic as a direct consequence of this development, given that a total of 414.37ha of the SAC is within 200m of a road (33.4% of the entire SAC area).
- 11.8 In terms of the impact of the proposal upon the West Midlands Mosses, Cannock Extension Canal and Pasturefields SACs, the HRA Assessments; completed by the Competent Authority, following regard being had to the sensitivity of the site; determined that the impact of the development, would not exceed the thresholds set out in the document titled, 'Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)', given that the Transport Assessment and Air Quality Assessment both demonstrate that nitrogen oxide emissions, resulting from increased vehicular movements, do not exceed critical loads by more than 1%. As a consequence the need to progress to AA for these SACs was determined to be unnecessary.
- 11.9 Cannock Chase SAC is recognised for its 'North Atlantic Wet Heaths with *Erica tetralix*' and for 'European Dry Heaths'. The applicant's study suggests that Cannock Chase SAC may be subject to an increase of more than 1% of its critical load (2.39% in total) of kgN/ha/yr. This uplift is therefore above an assumed 'Environmental Benchmark', where effects below 1% are considered to have an imperceptible effect on the habitat and effects above are to be considered more fully.
- 11.10 In this case, the issue highlighted within the Shadow HRA submission, is that nitrate deposition from road traffic emissions deposited on the site could result in amongst other impacts:
- Modification of the chemical status of the soils/substrate;
  - Accelerating or damaging plant growth (e.g. promoting bramble and grass growth);
  - Decline in recognised species and lichens, mosses and other species richness; and
  - The increased coverage of certain grass and sedge species, which exhibit a positive relationship with nitrogen deposition. Such growth would be at the expense of the protected wet and dry heath species.

- 11.11 As a consequence of the above, the proposed development would result in a predicted loss of species richness of between -0.6 (sum of lowest range), 0.86 (median) and -1.12 (sum of highest range). The impact of the development and harm arising, based on a worse case approach, is thereafter calculated to be 242 BU.
- 11.12 The shadow HRA therefore models and seeks to quantify the effects, in detail, of the likely uplift in nitrate deposition, within the protected SAC area and in the first instance offer avoidance measures, not initially incorporated into the baseline figures, to combat this uplift. The avoidance measures detailed within the Shadow HRA, in brief, are; increased use in electric vehicles, which is to be secured via the installation of infrastructure to allow for each property to install EV charging points and for residential visitor spaces and publically accessible parking such as the local centre and employment uses, 5% provision for active infrastructure and 15% passive; the increased use of buses, to be secured via a financial contribution to bus service provision; the application of a Framework Travel Plan and the provision of high speed internet connections for all residential units, in order to facilitate future residents, to be able to effectively work from home.
- 11.13 Following application of the avoidance measures, which have been considered appropriate by the Council's Ecology Manager, the Cannock Chase SAC Partnership and Natural England the harm arising to the Cannock Chase SAC has been quantified to be 191 BU (a reduction in impact of 21%). Evidently, the avoidance measures will have to be secured via condition and in the case of bus provision, via the s106 agreement. In order for the development to mitigate for the remaining BU uplift, suitable measures are required.
- 11.14 The Shadow HRA details the mitigation options considered for this development and continues to justify why certain options were not pursued. The document details that the mitigation measure pursued relates to the creation of a buffering habitat area for the SAC, which would, through enlarging the heathland area, make the habitat more robust to the impact of NO<sub>x</sub> deposition. The new heathland is proposed to be created within the Heathland Opportunity Area, which for Lichfield District Council, is detailed within the Lichfield District Nature Recovery Network (2019) document (note the adjoining Council's of Cannock Chase District, South Staffordshire, Stafford and Birmingham City all have draft versions of this document, which will complete the aforementioned Network link). The Heathland Opportunity Area seeks to provide a heathland link between the Cannock Chase SAC and the Sutton Park Site of Special Scientific Interest, which, in addition to buffering the Cannock Chase SAC, will also increase habitat connectivity (which accords with the measures outlined in the Natural England's, Cannock Chase SAC Supplementary Nature Conservation Objectives for connecting the heathland network). To mitigate for 191 BU it is necessary to secure either:
- The conversion of low value arable land to high value heathland in good condition: approximately 32 ha of land; or
  - The restoration of high value habitat in poor condition to good condition: approximately 41 ha of land.
- 11.15 The timescale for the habitat to be created/restored and thereafter managed and maintained is for a period of 25 years, which based on NO<sub>x</sub> deposition trends and the increased adoption of greener technologies, accords with the time where the NO<sub>x</sub> levels are anticipated to be reducing and therefore will no longer require mitigation.
- 11.16 To deliver a financial provision to deliver the required level of mitigation the applicant proposes to follow the Defra net gain tariff, as set out in their December 2018 consultation document. This proposes an upper limit of £15,000 per unit for a maximum of a 30 year period, which equates to £500 per unit, per year. For a 25 year period therefore, on the basis of the above calculations, the financial contribution is: (£500 x 191 BU) x 25 years = £2,387,500.00. In order to deliver the mitigation measures, the above noted sum will be

secured via the s106 agreement and subsequently delivered by Lichfield District Council, as agreed by the Council's Ecology Manager.

- 11.17 As stated above, Natural England are a statutory consultee on the Appropriate Assessment (AA) stage of the Habitats Regulations process and therefore have been duly consulted. Natural England have endorsed this mitigation strategy and raise no objections to the proposal, subject to the avoidance measures and mitigation works and the costs associated with such, being secured via conditions and s106 agreement. On this basis, it is concluded that the LPA have met its requirements as the Competent Authority, as required by the above noted Regulations and therefore, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

## 12. Waste Management

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

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

- 12.2 The application is accompanied by a Waste Audit and Waste Management Strategy ('the Strategy'). In respect of ground modelling and earthworks/excavation calculations, it is stated that a net fill of approximately 33,000m<sup>3</sup> (approximately 45,000 tonnes) will be required to level the site. Approximately 8,000m<sup>3</sup> (approximately 12,000 tonnes) of construction waste is also estimated from the development. The Strategy sets out that waste minimisation would be part of the overall sustainable design of the project and up to 80% of construction waste could be designed out. Also a construction material recycling facility could be developed at the start of the project and used as a hub for storing used construction material and a centre for recycling for further use on the project.

- 12.3 The Staffordshire and Stoke-on-Trent Joint Waste Local Plan contains the relevant waste planning policy considerations for the infill process identified for this development. Policy 1.4 (Use of Waste for landscaping, screening, engineering purposes or for the improvement of agricultural or forestry land) emphasises the importance of ensuring that the amount of material is reasonable and necessary and that the proposals are comprehensive, detailed, practicable and achievable within the proposed timescales. Policy 4.2 (Protection of environmental quality) identifies the matters that may be relevant to protect environmental quality, including the effects on people, local communities, and the highway network. Paragraph 6.4 provides a list of the type of matters that may be controlled by condition, which include a condition to define the duration of the development. Assuming an average HGV payload of 20-tonnes the fill required equates to a total of approximately 2,250 HGV loads or 4,500 two-way HGV movements. It is also important to limit the duration of temporary operations, in order to minimise the effects on local amenity, the environment and the highway network.

- 12.4 Finally, given the proposed Waste Management Strategy to design out up to 80% of construction waste, it would be appropriate to monitor progress of the fill operations, in addition to ongoing monitoring of waste materials generated and processed on site.
- 12.5 Having regard to the policies, guidance and observations referred to above, the application will be policy compliant, subject to the inclusion of a condition to define the duration of the infill operations and ongoing monitoring of waste materials generated and reused on site.

13. Archaeology

- 13.1 Paragraph 128 of the NPPF places a duty on Local Planning Authorities to *“require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”*.
- 13.2 The ES includes an Archaeology Technical Note outlining the rationale as to why Archaeology was scoped out of the Environmental Impact Assessment (EIA) process, including details of consultation with the County Council’s Archaeologist. This was felt appropriate given the amount of made ground present at the site, the previous land use, predicted levels of the proposed development site, and the minimal amount of development proposed for the less developed areas of the site such as the green areas along the river bank.
- 13.3 However, the Staffordshire Historic Environment Record (HER) and associated datasets, such as the Rugeley Historic Environment Character Assessment (RHECA 9 and 10) suggests potential for groundworks to impact upon below ground prehistoric to early medieval archaeological deposits under the alluvium. This is in addition to above and below ground features associated with post medieval water meadows in the area proposed for the public riverside park on the Illustrative Master Plan.
- 13.4 Following consideration of the ‘Outline Remediation and Reclamation Strategy’, submitted with the application, it is noted that the creation of the development platform will necessitate the removal of alluvial deposits across the site, down to the natural superficial deposits, in this case river terrace deposits. As such, there is some potential for previously unknown prehistoric to early medieval archaeological sites (perhaps including waterlogged deposits containing palaeo-environmental remains) to be encountered as part of the reclamation works. Thus, an appropriate archaeological mitigation strategy is therefore recommended to be conditioned, to ensure the scheme complies, in this regard, with the requirements of the Development Plan and the NPPF.

14. Planning Obligations Including Education Provision

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

**Education Provision**

- 14.2 Based on the location of the proposed development, the County Council’s School Organisation Team advise that the development will impact on school places in Rugeley and surrounding areas and more specifically at the following schools:
- Chancel Primary School
  - Hob Hill CE/Methodist (VC) Primary School
  - Redbrook Hayes Community Primary School

- The Croft Primary School
- The Hart School

14.3 The Council is advised that the erection 2,300 dwellings would create a requirement for 104 early years places, 483 primary school places, 345 secondary places and 69 post-16 places.

14.4 There are projected to be an insufficient number of school places in the local area to accommodate the children generated by this development at both primary and secondary phases of education. This development therefore needs to provide sufficient land and to fully fund the costs of delivering a new 2FE primary school (420 places + nursery places). The contribution requested to address this requirement is £7,902,200 (plus a suitable site of 2ha to deliver a 2FE primary school).

14.5 In terms of secondary education, the level of contribution has been calculated based on the cost of providing 2FE of secondary and post-16 places. The education contribution will be used to provide additional secondary school places by either;

- Expanding existing secondary provision at The Hart School; or
- Providing new secondary provision elsewhere (on/offsite).

14.6 The current estimated cost of providing 2 forms of entry of high school places is £8,000,000. The applicant is to agree to provide the necessary sums and land through the s106 agreement to ensure adherence with the requirements of the Development Plan and NPPF in this regard.

## 15. Other Issues

15.1 As noted above, part of the site and the grid power supply were included within the High Speed Rail (West Midlands - Crewe) Supplementary Environmental Statement and Additional Provision Environmental Statement Volume 2: Community Area report CA1: Fradley to Colton. However, since the release of the report, the House of Commons Select Committee on High Speed Rail (West Midlands - Crewe) Bill Promoter's response to the Select Committee's Third Special Report of Session (2017 – 2019), determined that a new preferred site at Parkgate, would be a more suitable location for the grid power supply and the requirement at Rugeley Power Station would no longer be required.

15.2 The above report considers the majority of the matters raised by neighbours to the site. The single issue that remains relates to the fact that 6 new housing already exists within the area to meet demand. This is not a material planning consideration.

15.3 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree the text of any pre-commencement conditions prior to the determination of any application. To that end, the conditions recommended within this report have been agreed with both the applicant and officers at Cannock Chase District Council.

## 16. Financial Considerations (including Community Infrastructure Levy)

16.1 This development is a CIL (Community Infrastructure Levy) liable scheme set within the lower charging zone, where the applicable rate is £25 per square metre. This will be payable in accordance with the Council's adopted CIL Instalments Policy, unless otherwise agreed.

16.2 The development would give rise to a number of economic benefits. For example, the development would lead to the creation of new direct and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. Table 6.18 within the ES states that an anticipated 89 direct construction jobs per annum would be created during

the development process, and in total 129 jobs per annum (over approximately 20 years = 2580 jobs) including supply chain related benefits and relevant deductions.

16.3 In terms of direct employment it is anticipated that 2,857 FTE jobs would be created by the development, once it is fully constructed and operational. With adjustments and off site jobs this rises to 2,931 FTE jobs once the development is fully operational.

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

## 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.

## **Conclusion**

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

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

With regard to transport and highway matters, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the two vehicular access points to ensure that the development can be safely and appropriately accessed, without undue harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact upon the Strategic Highway Network and will not impact upon the delivery of HS2 or existing electrical operations that will continue within the site, post development.

Subject to suitable conditions there will be no adverse impact on protected or priority species, whilst a positive biodiversity impact will be created within the site. The applicant has also been able to demonstrate suitable on-site avoidance measures along with off-site mitigation measures to address Nitrogen Oxide deposition impact upon the Cannock Chase SAC, whilst suitable mitigation will also be secured for recreation impact to the same SAC. With regard to drainage, residential amenity and

the development's impact on the surrounding landscape, it is considered that adequate mitigation would be provided and that, subject to appropriate conditions, no material harm will be caused.

The primary area of conflict with the Development Plan arises through the siting of built form to the north of the Borrow Pit. Built form in this location runs contrary to Policy AH4 of the Armitage with Handsacre Neighbourhood Plan and also, will create something of a visual anomaly, when viewed from within the site. However, it is considered that when balanced against the above stated positive impacts of the development, an appropriate recommendation has been arrived at.

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



# LOCATION PLAN

18/01693/FUL

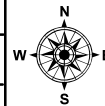
Land fronting Turnbull Road  
Fradley

Scale: 1:2,000

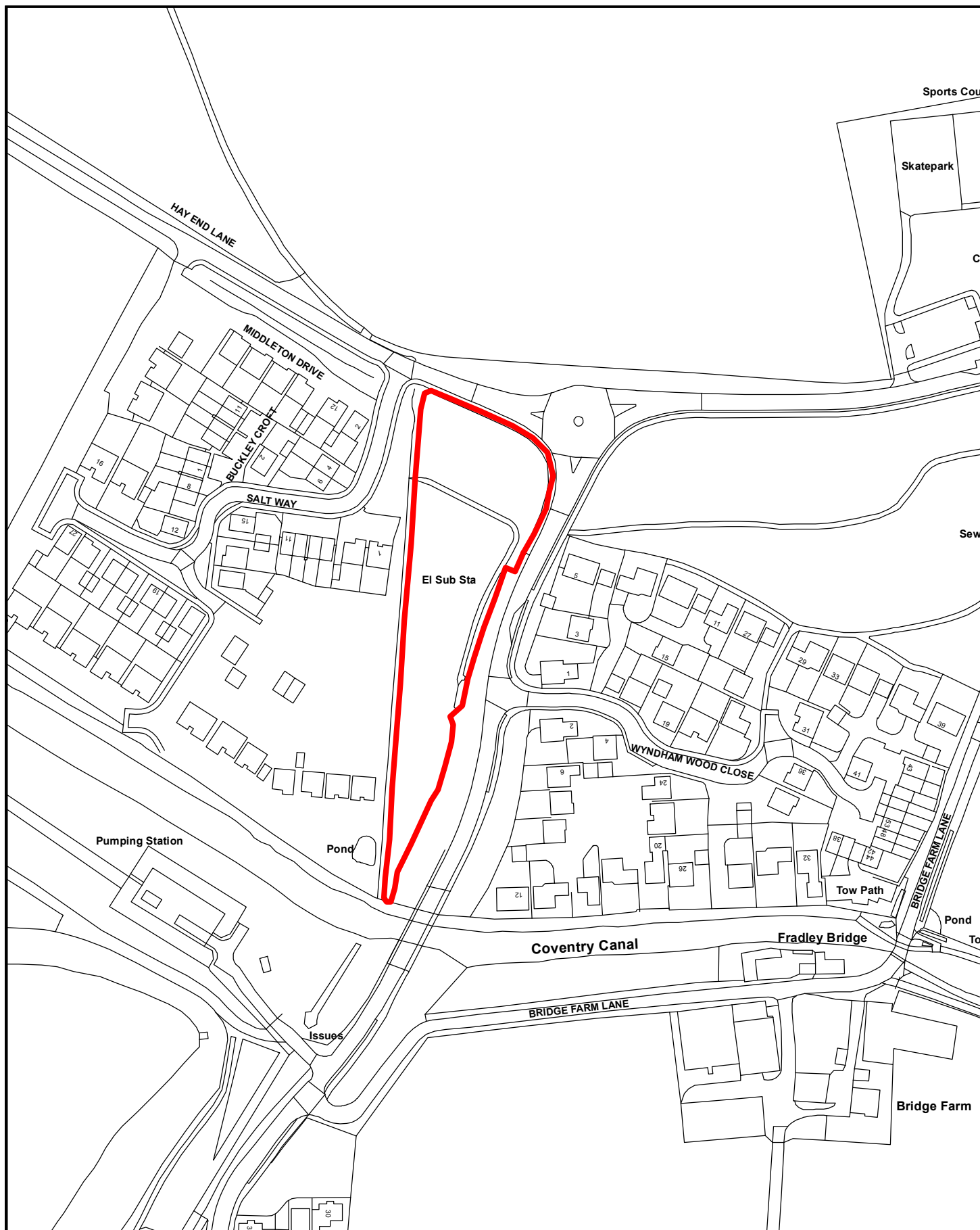
Dated: January 2020

Drawn By:

Drawing No:



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## **18/01693/FUL**

**ERECTION OF 8 NO. DWELLINGS AND ASSOCIATED WORKS  
LAND FRONTING TURNBULL ROAD, FRADLEY  
MASSEY LIMITED**

Registered 12/12/18

**Parish: Fradley & Streethay**

**Note:** This application is being reported to the Planning Committee due to substantial planning objections raised by Fradley and Streethay Parish Council. Their grounds of objection are:

- Overdevelopment of the site and proximity to existing dwellings;
- Increased traffic movements and parking issues;
- Detrimental impact on ecology;
- Detrimental impact on Highway safety;
- Loss of trees and wildlife habitats; and
- Proposals are contrary to the Fradley Neighbourhood Plan.

### **RECOMMENDATION:**

**Approve, subject to the following conditions:**

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

### **CONDITIONS to be complied with PRIOR to the commencement of development:**

3. Before the development hereby approved is commenced, a construction phase dust mitigation scheme shall be submitted and agreed in writing with the Local Planning Authority. Construction shall thereafter be implemented in full accordance with the approved mitigation scheme.
4. Before any part of the development commences 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 LPA. 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 LPA within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the LPA.
5. 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 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."

6. Before the development hereby approved is commenced, a noise assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the methods and recommendations contained within the report and thereafter retained.
7. Before the development hereby approved is commenced, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) The bricks to be used in the construction of the external walls;
  - b) The exterior roof materials;
  - c) Full details consisting of sections at a minimum scale of 1:5 and elevations at 1:20, of all external joinery including fenestration and doors and proposed exterior finish;
  - d) Full details including a sample panel of the mortar mix, colour, gauge of jointing and pointing;
  - e) Full details of the eaves detailing; and
  - f) Full details of rainwater goods, their materials and designs.

The development shall thereafter be constructed using the agreed materials and retained as such for the life of the development.

8. Before the development hereby approved is commenced, full details of the proposed boundary treatments shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented prior to the development being brought into use, unless otherwise first agreed in writing by the Local Planning Authority, and shall thereafter be retained for the life of the development.
9. Before the development hereby approved is commenced, details of all hardsurfacing areas shall be submitted to and approved in writing by the Local Planning Authority. The approved hardsurfacing shall thereafter be implemented prior to the development being brought into use, unless otherwise first agreed in writing by the Local Planning Authority, and shall thereafter be retained for the life of the development.
10. Before the development hereby approved is commenced, full details of proposed site levels and finished floor levels, including full details of the site access and road levels and gradient, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
11. Notwithstanding the details contained on the approved plans, before the development hereby approved is commenced, a detailed landscape and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape and

planting scheme shall thereafter be implemented within eight months of the development being first brought into use, unless otherwise first agreed in writing by the Local Planning Authority.

12. Before the development hereby approved is commenced, a badger check shall be undertaken across the development site, the results of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in fully accordance with any methods and recommendations contained within the report.
13. Before the development is commenced, a scheme for the offsetting of biodiversity impacts at the site, offsetting a total value of no less than 1.11 Biodiversity Units, shall be submitted to and approved in writing by the Local Planning Authority. The Offsetting scheme shall include:
  - i. Identification of receptor site or sites, which accord to the requirements of the Lichfield District Council Biodiversity and Development SPD.
  - ii. Details of the offsetting requirements of the development in accordance with current Defra biodiversity metric, which has been calculated at 1.11 Biodiversity Units;
  - iii. The provision of evidence of arrangements to secure the delivery of offsetting measures, including a timetable of delivery; and
  - iv. A management and monitoring plan, to include for the provision and maintenance of the offsetting measures for a period of not less than 25 years from the commencement of the scheme.

The management and monitoring plan is to include:

- a) Description of all habitat(s) (which must accord to the current Lichfield District Biodiversity Opportunity Map) to be created/enhanced within the scheme including expected management condition and total area;
- b) Review of Ecological constraints;
- c) Detailed design and/or working methods (management prescriptions) to achieve proposed habitats and management conditions, including extent and location or proposed works;
- d) Type and source of materials to be used, including species list for all proposed planting and abundance of species within any proposed seed mix;
- e) Identification of persons responsible for implementing the works;
- f) A timetable of ecological monitoring to assess the success of all habitats creation/enhancement
- g) The inclusion of a feedback mechanism, allowing for the alteration of working methods/management prescriptions, should the monitoring deem it necessary.

The arrangement necessary to secure the delivery of the offsetting measures shall be executed prior to written approval by the Local Planning Authority. The offsetting scheme shall thereafter be implemented in accordance with the requirements of the approved scheme.

**All other CONDITIONS to be complied with:**

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

15. The development hereby permitted shall not be brought into use until the accesses, parking and turning areas have been provided in accordance with Drawing No. 18052\_P-105, Revision C and shall thereafter be retained for the lifetime of the development.
16. The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No. B18370-105, Revision P3 have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
17. Within one month of completion, a bat box shall be installed on two of the new dwellings at the southern or western elevation in the gable apex. The bat box shall thereafter be retained as such for the life of the development.
18. The garages indicated on the approved plan 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.
19. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Layout (B18370-100 Rev P5/13.03.2019/GHW Patrick Parsons), and the following mitigation measures:
  - i. Limiting the surface water run-off generated by the 100year + 20% Climate Change critical storm so that it will not exceed 5.0 l/s and not increase the risk of flooding off-site.
  - ii. Provision of adequate attenuation flood storage on the site to a 100 year +20% Climate Change standard.
  - iii. Finished floor levels are set no lower than 150mm above surrounding ground level.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended), (or any Order revoking and re-enacting the order with or without modification) the dwellings hereby approved shall not be enlarged or extended without prior written permission, on application, to the Local Planning Authority.
21. The development hereby permitted shall not be brought into use until all recommendations and methods of working detailed within the Preliminary Ecological Appraisal produced in September 2018 (revised in May 2019) by Dr Stefan Bodnar, the Ecological Monitoring Report produced in September by Dr Stefan Bodnar and Turnbull Road Biodiversity Offsetting produced in January by Dr Stefan Bodnar are adhered to.
22. Any new tree, hedge or shrub planted as part of the approved landscape scheme on the site which dies or is lost through any cause during a period of 5 years from the date of first planting shall be replaced in the next planting season with others of a similar size and species.
23. No external lighting shall be installed. Prior to the occupation of the development hereby permitted, details of any proposed lighting to include foundations, luminance in candelas, hours of operation and any other relevant details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.
24. Before the first occupation, details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented prior to first occupation and thereafter retained for the life of the development.

## REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and Government Guidance contained in the National Planning Practice Guidance.
3. To safeguard the amenity of neighbouring occupants during construction phase, in accordance with Policy BE1 of the Local Plan Strategy.
4. To safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
5. In order to safeguard the archaeological interests of the site, in accordance with the requirements of Core Policy 14 and Policy BE1 of the Local Plan Strategy, Policy BE2 of the Local Plan Allocations Document, the Historic Environment Supplementary Planning Document and the National Planning Policy Framework.
6. To safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
7. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
8. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
9. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
10. In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
11. To ensure the satisfactory appearance of the development in accordance with the requirements of Policy BE1 of the Local Plan Strategy and to ensure the satisfactory appearance of the development from within the canal conservation area and to minimise the impacts on the natural environment of the canal in accordance with paragraphs 170 and 174 of the National Planning Policy Framework and Policy NR3 of the Local Plan Strategy.
12. To enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.

13. To safeguard and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
14. To safeguard the amenity of neighbouring occupants during construction phase, in accordance with Policy BE1 of the Local Plan Strategy.
15. In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
16. In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
17. To secure a net gain to biodiversity and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
18. In the interests of highway safety, in accordance with Core Policies 3 and 5, Policy ST2 of the Local Plan Strategy and the National Planning Policy Framework and to safeguard the amenity of the area and to safeguard the amenity of existing, neighbouring and/or future occupants of the development hereby approved, in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, the Sustainable Design SPD and the National Planning Policy Framework.
19. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the impact of flooding on the proposed development and future occupants.
20. To ensure the satisfactory appearance of the development and the amenity of neighbouring dwellings in accordance with the requirements of Policy BE1 of the Local Plan Strategy.
21. To secure a net gain to biodiversity and enhance the nature conservation value of the site in accordance with Core Policies 3 and 13 and Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD and the National Planning Policy Framework.
22. To safeguard the appearance of the development and the character of the area, in accordance with the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
23. To minimise the problems of glare and show consideration for bats and other wildlife within the canal habitat corridor, and unnecessary light pollution should be avoided in accordance with paragraph 180 of the National Planning Policy Framework and policies NR3 and NR4 Lichfield District Local Plan Strategy 2015.

24. In the interests of providing sustainable modes of transport in accordance with Core Policy 3 and Policy BE1 of the Local Plan Strategy, and the National Planning Policy Framework.

#### NOTES TO APPLICANT

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and saved policies of the Lichfield District Local Plan (1998) as contained in Appendix J of the Lichfield District Local Plan Strategy (2015) 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 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.
3. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging on 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](http://www.lichfielddc.gov.uk/cilprocess).
4. Please note that prior to the new access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to "vehicle dropped crossings" which includes a "vehicle dropped crossings information pack" and an application form for a dropped crossing. Please complete and send to the address on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, c/o, 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH or email ([nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)) [www.staffordshire.gov.uk/transport/staffshighways/licences](http://www.staffordshire.gov.uk/transport/staffshighways/licences)
5. Any soakaway should be located a minimum of 4.5m rear of the highway boundary.
6. It is the responsibility of the applicant to ensure the ground is suitable for use. If during excavations for foundations sandy soil is found the Lichfield District Council Environmental Health team should be contacted.
7. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement of Paragraph 38 of the NPPF.
8. The applicant is advised to consider the document 'Guidance on the Assessment of Dust from Demolition and Construction' from the Institute of Air Quality Management (IAQM) for advice on how dust assessments should be performed. The assessment of the impacts of construction on local air quality should be undertaken following a risk based approach, as outlined in the IAQM document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'.



9. The applicant is advised to consider the substation sited within its boundary, as this could give rise to land contamination and the redevelopment presents a plausible pollutant pathway.
10. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to Severn Trent Water under Section 106 of the Water Industry Act 1991.
11. The applicant is advised of the requirements of Cadent, as follows:
  - Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
  - Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
  - Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
  - Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
  - In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.
12. The onsite Cadent Gas Pipeline is part of the high pressure transportation system and operates at a Pressure of 37 bar is laid subject to easements and is cathodically protected by an impressed current or sacrificial anode system. The Institute of Gas Engineers Standards (IGE/TD/1), states that no habitable buildings be constructed within 3 metres of the proven pipeline position.
13. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to ([nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales. <https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>
14. Staffordshire County Council as Highway Authority will not formally adopt the proposed development, however, the development will require approval under Section 7 of the Staffordshire Act 1983 due to the quantum of development. Staffordshire County Council Highways comments do not constitute a detailed design check of the proposed access road construction, drainage and any street lighting. The applicant is request to complete the necessary Section 7 application forms and submit all drawings to Staffordshire County Council for formal checking prior to the commencement of development. It will, therefore, be necessary for maintenance/management arrangements for the access road and 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 standard, the roadway within the site will still need to be constructed to be 'fit for purpose'.

15. The applicant is advised that all nesting birds are afforded protected under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any site clearance works should occur outside of bird nesting season (March-September inclusive).
16. The applicant is advised that bird netting must not be used during both demolition and construction phases.

## **PLANNING POLICY**

### **National Government Guidance**

National Planning Policy Framework  
National Planning Practice Guidance

### **Local Plan Strategy**

Core Policy 1 - The Spatial Strategy  
Core Policy 2 - Presumption in Favour of Sustainable Development  
Core Policy 3 - Delivering Sustainable Development  
Core Policy 5 - Sustainable Transport  
Core Policy 6 - Housing Delivery  
Core Policy 13 - Our Natural Resources  
Core Policy 14 - Our Built & Historic Environment  
Policy SC1 - Sustainability Standards for Development  
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, Woodlands & Hedgerows  
Policy NR7 – Cannock Chase Special Area of Conservation  
Policy BE1- High Quality Development  
Policy Frad1 - Fradley Environment  
Policy Frad4 - Fradley Housing

### **Local Plan Allocations Document**

N/A

### **Supplementary Planning Documents**

Sustainable Design  
Trees, Landscaping and Development  
Biodiversity and Development  
Developer Contributions  
Infrastructure Delivery Plan

## **RELEVANT PLANNING HISTORY**

None

## **CONSULTATIONS**

**Fradley and Streethay Parish Council** – The Parish Council submitted a letter to the Council reiterating their view on the current state of the site and its ownership. The Parish Council object to the way in which the land was cleared with no prior consultation with the local community and state that the Parish Council had plans to develop the site for village allotments, but given its previous covering of mature trees and vegetation there was the view to develop the area into a Woodland Community Space, and an indicative plan was submitted demonstrating its potential layout. The Parish Council are now aware that the site is owned by Persimmon Homes and the land has an option to purchase, subject to planning consent being granted. It is understood that if planning consent is not granted for the current application, Persimmon will allow the Parish Council to ‘adopt’ the site.

Previous Comments - Strong Objection. Concerns have been raised regarding the validity of the submitted ecological appraisal and comments made by Cadent Gas. (17.06.19)

Previous Comments - The Parish Council consider that the proposal is contrary to the Fradley Neighbourhood Plan and the Local Plan Strategy. Concerns also relate to the loss of trees on the site which have already been felled, ecological impacts of the development given the location of a watercourse within the site. The applicant should be required to provide further ecological appraisals in relation to the development on the site and concerns also relate to highway safety and access to the site, visibility splays proposed are inadequate. (17.1.19) (21.2.19) (16.04.19)

**Environmental Health Officer** – No objections, subject to conditions relating to the limiting of construction hours; delivery times; pre-commencement conditions requiring a contamination investigation and remediation scheme and a construction phase dust mitigation scheme; and a noise assessment. The applicant is requested to consider the possible impacts of the on-site substation and how this may give way to contamination issues. (27.04.2019) (07.01.2019)

**Spatial Policy and Delivery** - The Team consider that the proposal is acceptable in principle, as the site is located within the Fradley Strategic Development Allocation and development of the site for residential use is supported. However, there is a concern that the proposed development does not appear to make an effective use of land and also does not support the provision of smaller homes as set out in Policy H1 and Frad4 as the development proposes only 4 and 5 bedroom houses. The location is accessible to the services and facilities at Fradley and a higher density of development would support this key rural centre and contribute to delivering sustainable development and the long term sustainability of Fradley. (2.01.2019)

**Staffordshire County Council Highways** – No objection, subject to conditions relating to the submission of full details of suitable vehicular access visibility splays and parking and turning areas to be provided prior to first occupation, surface materials. (22.06.19)

Previous Comments - Objection - Insufficient information provided to demonstrate a swept path analysis showing that a 10.5m refuse vehicle can sufficiently access and manoeuvre in the site. (16.05.19)

Previous Comments - Objection – The application fails to demonstrate appropriate visibility splays and sufficient pedestrian connectivity onto Turnbull Road. The application fails to provide a sufficient swept path analysis for a fire engine accessing and egressing the development. (21.01.19)

**Ecology Officer** – The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and further protected species surveys. Adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal, Ecological Monitoring Report and Turnbull Road Biodiversity Offsetting must be made a condition of any future planning approval. These relate to a bat sensitive lighting scheme, an updated pre commencement badger check; creation of bee lawns and wildflower areas; follow precautionary approach measures in regards to reptiles, amphibians and badgers; and all measures within section 4.4 opportunities for biodiversity gain. (04.12.2019)

Previous Comments - The Ecology team will provide further comments upon submission of the previously requested ecological information. (17.04.2019, 03.07.2019 and 06.11.2019)

Previous Comments - The Ecology Team is satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and further protected species surveys. However information remains to be submitted to the LPA based on recommendations contained within the two reports, relating to the presence of otters within 25 metres of the proposed development site.

In particular, otters are detailed as being present within 25 metres of the proposed development site and the ecological appraisal notes that appropriate avoidance measures will be employed during the development works. These methods of working have not been provided for assessment and must be submitted to the Authority to ensure that there is no harm to local otter populations.

Adherence by the applicant to all recommendations and methods of working detailed within the Preliminary Ecological Appraisal, Ecological Monitoring Report and Turnbull Road Biodiversity Offsetting must be made a condition of any future planning approval. (18.12.18)

**Arboricultural Team** – Minor point address. However points from the previous consultation are still outstanding, in addition to the following issue. There is an issue of a small strip of land designated as wet woodland and so do not believe there is anywhere near enough space here to develop any kind of woodland and the adjacent trees to maturity. No planting densities are stated and once these are shown, both at establishment and at maturity it will be clear this is not achievable. The team's objection to the proposal in its current form still stands. (12.12.2019 and 28.11.2019)

Previous Comments - After reviewing the plan, it is noted that it is supplied without reference to available soil volumes and it appears to be that a number of trees may be growing in the deep shade referred to in our comments of the 20th August. There are a number of circles on the landscape plan that have no specification, and whilst the number of circles makes it appear there are many trees once we have removed the undesigned ones we are back at the problem of not having sufficient canopy cover to meet the SPD requirements of 20%. It is requested that the applicant resubmit the landscape plan for us to consider the canopy density showing the projection to 30 years. Whilst it is accepted that oak and such will have large canopies is there soil volume to achieve this, and of course the smaller trees will not achieve maturity if they are under the canopy of bigger trees. The shading remains an issue yet unresolved and the objection to this proposal still stands. (24.10.2019)

Previous comments - The Tree Officer confirmed that they fully understood that the trees had been removed prior to the submission of the application and iterated that their comments are all still pertinent as they relate to offsite trees and landscape requirements. (03.10.2019)

Previous Comments - The team's comments are based entirely on those trees shown for retention. This is based on aerial imagery, so this may be skewed but would ask for some confirmation of this as the protection of the above ground portions of the trees is important. It is accepted that the stream acts as a natural root barrier. Similarly the individual trees are remote from development and also accept there is no reason for fencing. It is evident from the AIS that deep shading occurs to plots 3, 4, and 5. These amenity garden spaces are already small but are rendered useless by the shading and this is contrary to our policies in such matters as found in BE1, NR3&4 and the associated TL&P SPD. Similarly, there is no garden space for plot 1, 2 & 3.

Of some concern is that there is no space available for tree planting or a sustainable landscape design including SUDS. There are a number of drawings unavailable on the portal at the time of this response and it may be that these details are supplied, please inform us if they are. The applicant is advised that there is a requirement for at least 20% canopy cover by year 30. The team requested that this is not conditioned at this stage as the density of the current application precludes much in the way of robust landscape so it is asked that this is dealt with up front. As a consequence of the above the team object to the proposal in its current form. (20.08.2019)

**Severn Trent Water** – As the proposal has no impact on the public sewerage system, have no objections to the proposals and do not require a drainage condition to be applied. (17.12.18 and 17.04.19)

**Staffordshire County Council Flood Risk Officer** - No objections subject to a condition attached to any decision stating the development must be in adherence with the submitted drainage layout. (24.04.19)

Previous Comments - Object – The FRA and drainage strategy are not sufficient to demonstrate that the proposed development would not have an impact on flooding in the local vicinity. (09.01.19)

**Staffordshire County Council Archaeology** - Bearing in mind the demonstrable archaeological potential of the area, it is recommended, should permission be granted, that a staged archaeological evaluation (geophysical survey followed by evaluation trenching) be undertaken. This work could be most satisfactorily secured via a condition attached to any planning permission for the scheme. (08.01.19)

**Natural England** – No Objections. (24.12.2019 and 04.02.2019)

**Cadent Gas** – Searches have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. The apparatus that has been identified as being in the vicinity of your proposed works is:

- High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment.
- Low or Medium pressure (below 2 bar) gas pipes and associated equipment (As a result it is highly likely that there are gas services and associated apparatus in the vicinity).

As the proposal is in proximity to apparatus, the consultee referred the case for further assessment. (17.04.19)

There has not been a response from this and in the meantime it has been agreed between the consultee and the applicant that the presence of the pipeline is not a planning consideration.

**Health and Safety Executive** – The HSE does not advise, on safety grounds, against granting of planning permission in this case. (19.12.18)

**Canal and River Trust** – No objection subject to the imposition of conditions relating to hard and soft landscaping, external lighting, boundary treatment. Comment that overspill drainage from the Canal should not be compromised by the development. (17.12.2019)

### **LETTERS OF REPRESENTATION**

52 Letters of objection have been received raising the following issues, as summarised:

- Fradley has had enough housing development in recent years;
  - The development will cause a loss of village feel;
  - The destruction of on-site trees, with no advance notification of these being removed;
  - The proposal will cause a negative impact on ecology;
  - The proposal will have a detrimental impact on highway safety;
  - The possible de-valuation of neighboring properties;
  - The site is in a dangerous location;
  - No infrastructure, such as schools etc. to facilitate such growth;
  - The development will cause a loss of green space;
  - Sewerage systems are inadequate to facilitate the proposed growth;
  - A Gas supply pipe runs within proximity of the site;
  - The proposed dwellings will be out of keeping with the village;
  - Land is intended to be a 'green buffer' between development;
  - Visibility splays proposed are inadequate;
  - Potential negative impact on drainage;
  - The development has no regard for the wider environment;
  - A lack of consultation with residents;
  - Development would set a precedent if approved;
  - Disruption and negative amenity impacts during the build;
  - Loss of ecological habitats;
  - Potential light pollution; and
  - Concerns as to how the construction vehicles access the site.
- 

### **OBSERVATIONS**

#### **Site and Location**

The application site is an irregular shaped parcel of land located on the western side of Turnbull Road and is located between the Coventry Canal to the south and the junction of Turnbull Road with Hay End Lane to the north. The site has frontages to both Turnbull Road and Hay End Lane. The site lies within the Fradley Strategic Development Allocation as confirmed by the Local Plan Strategy Policies Map.

To the west, the site adjoins a residential development recently built by Redrow Homes on the site of a farmstead previously known as Brookfield, this housing development also forms part of the Strategic Development Area (SDA). The site was granted outline planning permission (14/01038/OUTM) in June 2016. The reserved matters approval (16/00646/REMM) was granted in December 2016 for the erection of 69 dwellings, which have now been built out with subsequent amendments to the scheme.

The application site is relatively flat, albeit it sits below the embankment that was formed when Turnbull Road was constructed to the east. The site has been cleared of trees, with some vegetation remaining along the western boundary which adjoins the Redrow site. A watercourse runs through and across the site, while a watercourse is also located on the western boundary. A Gas main crosses the site parallel with Hay End Lane.

In terms of the surrounding context, the site is less than 1km south-west of Fradley village centre and lies 1km north of Fradley Park. Two bus stops are located directly outside the site along Turnbull Road, offering regular services to Lichfield City Centre. A small water course runs through the site and it is within the Fradley Strategic Development Allocation and within 15km of the Cannock Chase Special Area of Conservation.

## **Proposals**

Planning permission is sought for the erection of no.8 detached dwellings. The dwellings would be sited in a largely linear layout with 6 dwellings facing towards Turnbull Road, and two dwellings fronting Hay End Lane.

Each dwelling is proposed to be detached and of contemporary design comprising gable features, dormers and floor to ceiling windows and pitched roofs. The properties would be two storey and would comprise internal garages, with the exception of unit 8 which has an external garage set forward of the property.

Vehicular access is proposed off Turnbull Road with two points of access proposed from that highway. A further access is proposed off Hay End Lane to serve the additional two properties to the north of the site. Each dwelling will have off street parking for at least 2 vehicles (excluding garages). The scheme also includes areas of rear private amenity space and amenity space to the front of the properties. A landscaping scheme is also proposed across the site.

## **Determining Issues**

1. Principle of Development
2. Housing Mix
3. Design and Layout
4. Residential Amenity
5. Parking and Highways Issues
6. Ecology
7. Trees
8. Drainage
9. Cannock Chase Special Area of Conservation and Community Infrastructure Levy
10. Other Matters
11. Human Rights

### **1. Principle of Development**

- 1.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2029.

- 1.2 Core Policy 1 of the Lichfield District Local Plan Strategy (LDLPS) states that growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Development proposals will be expected to make efficient use of land and prioritise the use of previously developed land. Proposals will promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, natural resources, utilities and infrastructure and areas at risk of flooding, whilst also mitigating and adapting to climate change and reducing the need to travel.
- 1.3 Core Policy 4 states that new development will be required to provide the necessary infrastructure at a timely stage to meet the community needs arising as a result. Development will also be expected to contribute, as appropriate, to strategic projects that support sustainable development and the wider community.
- 1.4 Core Policy 6 sets out that the District Council will plan, monitor and manage the delivery of at least 10,030 homes in Lichfield District between 2008 and 2029. The District will seek to provide 50% of housing on previously developed land. Housing development will be focused upon the key urban and rural settlements:
- Lichfield City
  - Burntwood
  - Alrewas, Armitage with Handsacre, Fazeley, Fradley, Shenstone and Whittington
  - Adjacent to the neighbouring towns of Rugeley and Tamworth
- 1.5 The Settlement Hierarchy, set out at table 4.1, categorises Fradley as a Key Rural Settlement and within the pre-ambles for Policy Frad4 at paragraph 17.16, it is reiterated that Fradley's status as a Key Rural Settlement means that it functions as a service centre for the wider rural area. Further housing development would support and improve existing services and facilities, and assist in bringing forward new infrastructure, such as health care facility, expansion of the existing school and improvements to public transport and the highway network.
- 1.6 Policy Frad4 states that Fradley will play a significant role in meeting housing need by providing growth of around 1,250 new dwellings, including on brownfield land located between the Coventry Canal and Halifax Avenue within the Strategic Development Allocation (SDA) for Fradley. Commitments for housing developments within Fradley have exceeded the figure set out in the Local Plan Strategy.
- 1.7 The Local Plan Allocations is the second part of the District's strategic plan and has recently been adopted and therefore carries full material planning weight. The document details land allocations associated with meeting the growth requirements as set out in the Local Plan Strategy.
- 1.8 Policy F1 (Fradley Housing Land Allocations) identifies an additional housing land allocation, which is allocated in addition to the strategic development allocation, within the Local Plan Strategy. Policy F1 also states "*Changes to the village settlement boundary, as shown on the Policies Map, to accommodate the Fradley Strategic Development Allocation*". The application site is located within the settlement boundary for Fradley within the Local Plan.
- 1.9 With regard to Neighbourhood Plan Policy, Policy FRANP1 supports development within the settlement boundary of the village. The application site is located within the identified settlement boundary for Fradley.



- 1.10 To conclude, the site lies within the settlement boundary of Fradley and is also allocated within the Strategic Development Allocations for housing development. The site is within a sustainable location, in close proximity to points of public transport and services and amenities in Fradley. Therefore, it is considered that the development is acceptable as a matter of principle.

## 2. Housing Mix

- 2.1 Policy H1 requires new residential development to include an integrated mix of dwelling types, sizes and tenures based in the latest assessment of local housing need. In order to redress the imbalance of dwelling types within the District, the Council will promote the delivery of smaller properties including two bed apartments and two and three bed houses to increase local housing choice and contribute to the development of mixed and sustainable communities. The Local Plan requires a housing mix of 5% one-bed dwellings; 42% two bed dwellings; 41% three bed dwellings; and 12% four+ bedroom dwellings.
- 2.2 This application proposes the provision of 4 and 5 bedroom properties only and as such the proposed development is not considered to be in conformity with the suggested mix within Policy H1.
- 2.3 Notwithstanding this, it must be acknowledged that the application proposals are for 8 dwellings only and as such is not a major development in its own right. On smaller windfall developments such as this, it is not always appropriate to secure a mix of dwelling sizes and therefore the policy requirement can be relaxed. Furthermore, when considered the development contextually with other developments within the wider SDA, which has resulted in the delivery of dwellings which exceed the target within Fradley, it is not considered that the proposed mix would unduly undermine the aspirations or thrust of the policy. Additionally, it is considered that there would be other benefits of the scheme, as explored below, which outweigh the tension with Policy in this regard. The proposed housing mix, in this instance, is deemed to be acceptable.

## 3. Design and Layout

- 3.1 Appendix E of the Local Plan Strategy sets that out the Fradley Strategic Development Allocation will be designed and built according the principles of sustainable development and good urban design. In order to achieve this, due regard should be had to the close proximity of the existing Industrial Park, its associated traffic movement and disturbances; the careful treatment of 'edges' to ensure an appropriate and successful transition between the built form and adjacent countryside, which should include the retention of existing quality hedgerows and significant trees within the development and to its edges; particular care will be required for the treatment of the edge alongside the Canal and the impact on the nearby canal conservation area; and innovative, sustainable design that maximises the opportunities to assist in the creation of a low carbon development.
- 3.2 Core Policy 3 of the Local Plan Strategy states that the Council will require development to contribute to the creation and maintenance of sustainable communities. In terms of design, this should be achieved by protecting and enhancing the character and distinctiveness of Lichfield District and its settlements and be of a scale and nature appropriate to its locality.

- 3.3 Policy BE1 of the Local Plan Strategy requires new development to promote a high quality sustainable built environment. Development will be permitted where it can be clearly and convincingly demonstrated that it will have a positive impact on the significance of the historic environment, the built vernacular by respecting the character of the surrounding area and development in terms of layout, size, scale, architectural design and public views.
- 3.4 Policy FRANP6 of the Fradley Neighbourhood Plan states that proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of Fradley. They should 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.
- 3.5 As set out previously, the application site lies within the allocated Strategic Development Allocation. Consequently the site is adjoined by housing development to the east and west by recent housing development, while the land immediately to the north is committed for further housing development. Therefore, given this context, it is considered that housing development could be provided within this site in a manner which assimilates appropriately with its surroundings.
- 3.6 In this instance, the proposal comprises the construction of 8 large detached dwellings, given the linear nature of the plot, the proposed dwellings are designed in a linear manner with 6 dwellings fronting Turnbull Road, and two dwellings facing towards Hay End Lane, where the application site is wider. The dwellings would not be in a rigid linear form and there is slight variance proposed in orientation to provide some interest. The layout of the dwellings is therefore designed in a manner which reflects the nature of the plot. Dwellings within the surrounding area are of varying design and scale, therefore there is no uniformed pattern of development to adhere to. Therefore, it is considered that the construction of 8 detached dwellings within this parcel of land would not be against the grain of development within the immediate area.
- 3.7 The proposal is in keeping with the existing street scene and continues the pattern of development along Hay End Lane, extending this along Turnbull Road to the south and the proposed pattern of development is considered to be acceptable, given the linear form of the site. The dwellings are set back from Turnbull Road so not to appear overbearing on the existing street scene and to maintain a soft edge and spacious character. The set back from the public highways would create 'green buffer' along the site's western and northern boundaries, appropriately separating the site from the highway as well as providing for landscaping opportunities. Furthermore, the green space proposed at the junction of Turnbull Road and Hay End Lane allows for a 'soft corner' improving the appearance of the development.
- 3.8 The visual impact of the proposal from Turnbull Road to the west is further reduced by the change in land levels across the site and when approaching the site from the south-west, the site falls below an embankment thereby reducing the prominence of the site from Turnbull Road and reducing its visual impact upon the surrounding area.
- 3.9 Each proposed dwelling comprises contemporary design features including wooden cladding, high pitched salt box roofs, floor to ceiling windows, front gables and integral garages all of which add visual interest to the development and raise the overall quality of development for the surrounding area. Recent housing development in the surrounding area are more generic of modern housing estates in terms of design and appearance and it is considered that the

introduction of the proposed dwellings, of more contemporary design, would add interest and variance to the design quality of dwellings in the locality.

- 3.10 Fronting on to Hay End Lane, the proposed dwellings would follow the building line of the properties to the west. Notwithstanding this, Plot 8 includes a detached garage set forward of the property, closer to the public highway. The siting of garages forward of the building line can appear prominent and incongruous on the street scene. Notwithstanding this, in this instance the proposed garage, would still be set back from the edge of the public highway and as such there would be opportunities to provide some landscaping to soften and screen the garage.
- 3.11 As mentioned above, there are significant land level changes between Turnbull Road and the siting of the proposed dwellings. The southern access point would therefore need to be graded, with land level changes, to ensure that appropriate access could be provided. Notwithstanding this, it is considered that this could be carried out without causing undue harm to the character and appearance of the area.
- 3.12 To the south of the site is the Coventry Canal which is a non-designated heritage asset. Due to the shape of the site, the site only shares a small boundary with the canal. Furthermore, the proposed dwellings are sited approximately 25m from the Canal. The Canal and Rivers Trust have been consulted on the application and have confirmed that they have no objection to the proposals subject to the use of appropriate boundary treatments and hard and soft landscaping. Subject to the use of appropriate conditions it is considered that the development can be carried out without causing undue harm to the character and appearance of the canal.
- 3.13 The application site is of irregular shape and comprises land level changes and there are also a number of constraints within and adjacent to the site. Notwithstanding this, it is considered that the proposed development can be carried out in a manner which is sympathetic to the surrounding area and appropriate in terms of character and appearance. There would remain opportunities for landscaping to be provided across the site, plus the addition of SUDs. It is considered that the site can be appropriately landscaped which would also help to ensure that the development is appropriately designed. In this instance it would be necessary to ensure that appropriate materials are used for the facing of the development, along with appropriate hard and soft landscaping and boundary treatments. These can be secured by condition.
- 3.14 In view of the above, it is considered that the proposed new dwellings would relate well to the existing form of development in the area and would not detract from the character and appearance of the street scene or the surrounding area. It is therefore considered the proposals are acceptable in terms of design and layout, and as such accord with the Development Plan and the principles of the NPPF in this regard.

#### 4 Residential Amenity

- 4.1 Policy BE1 of the Local Plan Strategy states that development should not detrimentally impact upon occupier and neighbouring amenity by avoiding development which causes disturbance through unreasonable traffic generation, noise, light, dust, fumes or other disturbance.
- 4.2 The Council's Sustainable Design SPD includes guidelines for space about dwellings and amenity standards in order to ensure privacy is preserved. These include a minimum distance separation of 21m between facing principal windows; 10m from first floor windows to

boundaries shared with neighbours' private amenity space; 6m from ground floor windows to site boundaries except where no overlooking is demonstrated; and a minimum of 13m between principal windows and blank two storey elevations of neighbouring dwellings. This also indicates that increased separation distances will be required where there are significant variations in ground levels between new and existing development, with a general guide that the distance should be increased by 2 metres for every 1 metre rise in ground level. In addition, the SPD recommends that private amenity space amounting to 65m<sup>2</sup> should be provided for dwellings with four bedrooms and 100m<sup>2</sup> for 5 bedroom properties.

- 4.3 In terms of the proposed relationship with the properties to the west, the proposed dwellings include first floor openings which would face towards the flank elevations and private amenity space of those nearby properties. Notwithstanding this, all openings are a minimum of 6m from the private amenity space which ensure that no adverse overlooking would arise and is in accordance with the spacing within the SPD. Furthermore, there would be no direct facing principal openings and therefore there would be no adverse loss of privacy to existing occupants to the east. Given the proximity of the development from private amenity spaces and openings to habitable rooms it is considered that the proposed development would not result in any significant loss of daylight to habitable rooms or overbearing/overshadowing on private amenity spaces.
- 4.4 With regard to the properties to the east of the site, there proposed dwellings are well in excess of spacing standards, while the change in land levels would reduce the visual prominence of the dwellings when viewed from these properties. No adverse amenity issues would arise in terms of overlooking, privacy, outlook, overshadowing or overbearing.
- 4.5 In terms of the amenity of future occupants, there would be principal openings to the rear of units 1, 2 and 5, which would face, in part, towards the flank elevation of dwellings to the west. These would be at a distance of approximately 11.5m, 12m and 18m respectively. There would, therefore be a minor breach of spacing standards of the proposed development facing towards the blank flank elevations of adjacent properties. Notwithstanding this, it is considered that the breaches are only minor and the windows which face towards these elevations are served by other openings, are off set, or are part of an open plan arrangement. The breach in this instance is therefore deemed to be acceptable. Internally, there would also be a breach as the rear kitchen opening and bedroom 1 openings of Unit 7 which would face towards the side elevation of Unit 6 at a distance of 8m and 9m respectively. However the kitchen window is dual aspect with a similar sized openings facing along the garden, while the proposed openings to the bedroom are rooflights where the proposed outlook would not be direct towards the elevation. Therefore it is considered that sufficient outlook can be provided to ensure an acceptable level of amenity for future occupants of the development.
- 4.6 In terms of internal overlooking, there would be a spacing of 7.6m between first floor openings of Unit 3, serving a bedroom and en-suite, and the garden of Unit 2 and a spacing of 7.6m between the first floor openings of Unit 8 and the garden of Unit 6. The proposed development would meet spacing standards of 6m and as such it is considered that adverse overlooking would not arise.
- 4.7 In terms of private amenity spaces, these would be provided to the rear of the dwellings withal garden sizes exceeds the minimum guideline within the Sustainable Design SPD. The depth of the private garden area for the property is slightly smaller than the guidelines specified in the SPD for plots 3, 7 and 8, varying in depth from 8m to 9m. Notwithstanding this it is not considered that it is not considered unacceptable, given the size of amenity spaces proposed.

All other plots would comply with the guidelines for garden sizes. It is however recommended that permitted development rights are removed from the dwellings by a condition, to ensure an adequate level of amenity space is appropriately maintained and to ensure no harm is caused to the residential amenity of neighbours.

- 4.8 It is considered therefore that the proposed development would not result in unacceptable detrimental impact on the amenity of occupiers of surrounding properties and, on balance, would provide future occupiers with an adequate level of amenity, subject to conditions, as recommended. As such, it is considered that the development would not conflict with the NPPF and development plan in this regard, so as to justify refusal.

## 5 Parking and Highways Issues

- 5.1 Policy BE1 of the Local Plan Strategy states that new development should be located in areas which have good safe access to public transport to reduce the need to travel by private car. Policy ST2 of the Local Plan Strategy sets out that parking should be in accordance with the Sustainable Design SPD which states that dwellings with 4 bedrooms should be provided with 2 parking spaces per dwelling and 5 bedroom dwellings should provide 3 car parking spaces per dwelling.
- 5.2 Vehicular access for the proposed new dwellings would be taken from Turnbull Road and Hay End Lane. Two points of access would be provided from Turnbull Road, which would serve 6 of the dwellings, while two dwellings would be served from Hay End Lane. The two points of access from Turnbull Road ensure that there is no requirement for service and refuse vehicles to turn within the site. There is sufficient space within the site and plots to ensure that the domestic vehicles can enter and exit the site in a forward gear.
- 5.3 The scheme requires the creation of new accesses from Turnbull Road, the existing arrangement where the southern access is proposed includes significant land level changes between the highway and the dwellings. The application has been supported by some site sections, although full details of the access have not been provided. SCC Highway are satisfied that an appropriate access, at the appropriate gradient, can be created which would not result in adverse harm to highway safety. Notwithstanding this, it is considered that detailed levels should be provided. A Road Safety Audit has been provided making the recommendations to the highways layout are now proposed. Appropriate visibility splays can also be provided in both directions from all points of access.
- 5.4 In terms of car parking provision, the application proposals provide an adequate level of off street parking to serve each of the dwellings which would be in accordance with adopted spacing standards. It would be necessary to secure a scheme for cycle parking to serve each dwelling, this could be secured by condition.
- 5.5 Consequently, Staffordshire County Council Highways have raised no objections subject to conditions, in relation to the submission of full details of suitable vehicular access visibility splays; that parking and turning areas are provided prior to first occupation and that garaging remains for parking only. Such conditions have been recommended, where appropriate. Overall, it is not considered that pedestrian or highway safety would be affected by the proposals.
- 5.6 The Parish Councils comments regarding increased traffic movements are noted, however these are considered by the Highways Authority to be negligible. Additional road safety data

and plans have been provided as part of the submission of the application which have been review by the Staffordshire County Council Highways team and have been found to be satisfactory.

- 5.7 As such, the proposed access arrangements would provide the main vehicular access in the previously approved position, would accord with the NPPF and development plan in relation to parking and highways matters, subject to conditions.

6. Ecology

- 6.1 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 6.2 Policy NR3 maintains that development will only be permitted where it protects, enhance, restores and implements appropriate conservation management of the biodiversity and/or geodiversity value of land or buildings; minimises fragmentation and maximise opportunities for restoration, enhancements and connections of natural habitats; incorporates beneficial biodiversity and/or geodiversity conservation features, including feature that 00will help wildlife to adapt to climate change where appropriate; and delivers a net gain for biodiversity and/or geodiversity in the district.
- 6.3 Policy NR4 of the LDLPS iterates that the District's trees, woodland and hedgerows are important visual and ecological assets. 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. The policy goes on to state that potential long term conflict between retained trees, hedgerows and built form will be designed out at planning stage.
- 6.4 Policy FRANP8 of the Fradley Neighbourhood Plan required development to respect the important nature and heritage features and net gains in biodiversity where possible. Furthermore, development should not result in the net loss of biodiversity or green infrastructure, including hedgerows.
- 6.5 The Ecology Team are now satisfied with the methodology and the information provided within the submitted Preliminary Ecological Appraisal and further protected species surveys and have raised no objections to the scheme, subject to conditions relating to adherence to all recommendations and methods of working details within the submitted ecological reports and surveys.
- 6.6 In terms of a net gain to biodiversity, the Ecology Team agrees that the Biodiversity Impact Calculator is accurate in describing the likely achievable biodiversity value of the site post development, as 0.62 Biodiversity Units with a requirement for a further 1.11 biodiversity units to be delivered off site. This is to be secured via planning condition.
- 6.7 In respect of the above, the proposal is considered to comply with relevant planning policies contained within the Development Plan and the NPPF.

## 7. Trees

- 7.1 Policy NR4 of the Lichfield Local Plan Strategy sets out 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. Potential long term conflict between retained trees, hedgerows and built form will be designed out at the planning stage.
- 7.2 The application site has been largely cleared of all trees and vegetation, however there are a number of trees on the periphery of the site and on adjacent land. The Arboricultural Team have raised concern with regard to the scheme. One concern relates to the impact of trees off site which would result in shading on the private amenity space of the proposed dwellings. Notwithstanding these concerns, the trees which purport to result in shading have been significantly reduced and as such, in the opinion of the Local Planning Authority, the shading concern does not exist to the degree of concern raised by the Arboricultural Officer.
- 7.3 Further concern has been raised with regard to the adequacy of the landscaping proposed within the scheme and whether the proposed species can develop to maturity to provide the degree of coverage envisaged, and whether soil volumes are appropriate. These concerns are noted, notwithstanding this, it is considered that the issue can be dealt with by way of condition, there is sufficient space within the application site to provide for appropriate planting to adequately landscape the site.
- 7.4 Therefore, while it is noted that the arboricultural team have raised concern with regard to the development proposed, these concerns relate largely to the adequacy of the submitted landscaping scheme. As set out above, it is not considered that there are any robust grounds to resist the development with regard to landscaping or arboricultural matters. Concerns surrounding the adequacy of the landscaping scheme can be addressed by condition through the requirement to submit a detailed landscaping scheme.

## 8. Drainage

- 8.1 Core Policy 3 of the Local Plan Strategy sets out that the Council will require development to contribute to the creation and maintenance of sustainable communities, mitigate and adapt to the adverse effects of climate change, make prudent use of natural resources, reduce carbon emissions, enable opportunities for renewable energy and help minimise any environmental impacts. This should be achieved by minimising and managing water, waste and pollution in a sustainable way, particularly through reduction, re-use and recycling measures in both the construction and use of buildings; and give priority to utilising ground infiltration drainage techniques and including sustainable drainage techniques and incorporate other sustainable techniques for managing surface water run-off.
- 8.2 A water course crosses the site, while a separate watercourse lies adjacent to the western boundary of the site. The Lead Local Flood Authority initially raised concern with regard to the proposed development as there was insufficient information provided to determine whether the proposed development would have a negative impact upon flood risk. In addition to the original Flood Risk Assessment, further information was subsequently provided to demonstrate the drainage proposals for the site. The scheme proposes that the existing ditch which crosses the

site be abandoned, which has been agreed by the Lead Local Flood Authority. An existing storm sewer is present within the site which is proposed to be diverted to the water course to the western boundary of the site, this would require agreement under s.185 of the Water Industry Act. The scheme includes the introduction of a Sustainable Urban Drainage System to which surface water drainage would be directed.

- 8.3 Following the submission of additional information the LLFA confirmed that they have no objection to the development scheme and requested that a condition be attached requiring the development to be implemented in accordance with the submitted drainage details. As such, the development scheme is considered to comply with Core Policy 3 and the proposed development would not have any residual impact upon flood risk.

9. Cannock Chase Special Area of Conservation and

- 9.1 Policy NR7 of the Local Plan Strategy sets out that any development leading to a net increase in dwellings within a 15km radius of the Cannock Chase Special Area of Conservation will be deemed to have an adverse impact on the SAC, unless or until satisfactory avoidance and/or mitigation measures have been secured. The Council adopted guidance on 10 March 2015 acknowledging a 15km Zone of Influence and seeking financial contributions for the required mitigation from development within the 0-8km zone. As the proposal lies within the 8-15km buffer of the Cannock Chase Special Area of Conservation, no financial contributions are required.

10. Community Infrastructure Levy

- 10.1 The Council's Supplementary Planning Document Developer Contributions details the Council's CIL requirements for development. The document identifies that this site is located within the higher levy charging area for residential development and as such will have a fee calculated at £55 per square metre. The fee is calculated using internal measurements and is applicable to all floors of any new dwelling. The applicant has submitted with the application a completed CIL form. An informative noting the need to resolve CIL payment for this development would be attached to any permission.

11. Other Matters

- 11.1 Fradley and Streethay Parish Council have submitted to the Council additional information in relation to their view on the current land ownership position, as well as resident's proposed layout plan of the site if they were to 'adopt' in the instance that planning permission is not granted for the current application. Whilst the submitted plans and evident concerns of the Parish Council have been noted, land ownership and potential alternative uses of land are not matters that could justify withholding planning permission. As set out above, the application site is allocated for housing within the Development Plan and it is not considered that there is any other mechanism to deliver alternative uses, unless such uses are advanced through a planning application.
- 11.2 It has been noted that there is a gas pipeline that crosses the site, and Cadent Gas, and the Health and Safety Executive have been consulted accordingly. While the presence of the pipeline must be recognised, it is noted that the development proposals have been designed to ensure that an appropriate buffer is provided from the gas pipeline which is in accordance with guidance set out by the Institute of Gas Engineers Standards (IGE/TD/1), the pipeline will be subject to a 3 metre Building Proximity Distance. The gas pipeline crosses the adjacent site



and that development was designed in the same manner with the appropriate buffer provided.

- 11.3 The site was cleared of the majority of its trees, resulting in a number of objections from the local community. Whilst the removal of such a large area of vegetation is not supported within Development Plan policy, as stipulated at Policy NR4, the cleared trees were not in a protected state and were removed prior to the submission of the current planning application. As such, this should not weigh against the applicant at determination stage.

## 12 Human Rights

- 12.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an objector's or 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 and on balance is justified and proportionate in relation to the provisions of national planning policy and the policies of the Development Plan.

## **Conclusion**

The principle of residential development at this site is considered to be acceptable. Furthermore, this is a sustainable location within the village where new residential development is supported in principle by local and national planning policy. It is considered that the proposal meets with the requirements of the relevant development plan policies and subject to conditions, the development would not have an adverse impact upon the character or appearance of the surrounding area, nor have a detrimental impact on the amenity of neighbouring residents, while the amenity for future occupants is deemed to be acceptable.

Issues relating to highway safety have been designed out during the course of the application and this is now considered to be acceptable. Matters relating to ecology, trees and landscaping are also deemed to be acceptable as conditioned. It is noted that the development does not provide the appropriate housing mix, in accordance with adopted Local Plan Policy, however, on balance, given the scale of the proposals and the context of the scheme and other benefits arisen, this is deemed to be acceptable.

Having regards the material weight attributable to each consideration, for the reasons set out above, it is considered that the proposal accords with the Development Plan and NPPF. Therefore, it is recommended that this application be approved, subject to conditions as set out above.