

SUPPLEMENTARY REPORT

PLANNING COMMITTEE (13th January 2020)

OBSERVATIONS/REPRESENTATIONS RECEIVED SINCE COMPLETION OF REPORT

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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

The applicant has submitted comments on the officer's report, which are summarised as follows:

- The Location Plan (at page 7 of the Public Document Pack) is not entirely consistent with the Site Boundary submitted with the application (Dwg No. 01585_S_001 Rev P4), in particular to the north of the Site around the rail line, A51 roundabout and bund running south towards the Amazon building.
- Request that the recommendation includes delegated authority to officers to make minor changes to the planning conditions, as may be required.
- In respect of Condition 3 request that the plans be listed in the condition wording itself to enable applications for non-material minor amendments, as necessary, during the lifetime of the permission.
- Condition 4 refers to the works identified as "exempt development" being in a Schedule of Definitions, but this is in the Notes to Applicant (Note 23) and ask could the condition wording be amended accordingly.
- The location of development is informed by the Flood Risk Assessment as referred to in Condition 11, and this includes Figure 4.2 'Flood extents derived from additional modelling'. Therefore, request Condition 11 (x) be amended to read, "All built development located in Flood Zone 1 taking account of Figure 4.2 of the Flood Risk Assessment".
- Note that minor revisions to the wording of Condition 28 have been agreed.
- In respect of Notes to Applicant, Note 22, the Density Parameter Plan (Dwg No. 01585_PP_05 Rev P5) is titled Illustrative Density and could the Note be amended accordingly.

As a consequence of the above, the following amendments are proposed (changes underlined):

Amended the following recommended Conditions to read as follows:

4. This is an outline planning permission and no phase of development shall be commenced (excluding works identified as "exempt development" in Note 23 of Notes to Applicant) 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).

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 compiled 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 taking account of Figure 4.2 of the Flood Risk Assessment; 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.

28. Prior to 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 and existing road 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 that phase shall be carried out in full prior to first occupation of any building within that phase, or other use of approved sports pitches or A, B and D Use Class within the development.

Amended Note to Applicant:

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 'Density Parameter Plan' reference 01585_PP_05 Rev P5.

Additional Observations

It is noted that the location plan within the committee pack, does not wholly accord with the submitted documentation. However, this plan is provided solely to show Members the location and scale of the application site and does not form part of any planning approval. Thus, there is no need to update the plan.

Officers already have delegated authority, without the need for specific notation within the officer's report in order to update conditions, prior to the issuing of the decision notice, should such be of a minor nature. In this case, the applicant has noted that the plans indicating the off-site highway enhancement works, identified within condition 26, are yet to be signed off by the Highways Authority and therefore the revision numbers of such may change.

The Council's current approved plan condition and decision notice layout are acceptable, and allow for the submission of non-material and minor material amendment applications, without modification.

Conditions 4 and 11 and Note to Applicant 23 are recommended to be updated as requested, to provide for greater accuracy and clarity within the decision notice.

Condition 28 has been updated to provide clarity regarding the need to consider noise arising from the existing highway network, when determining what mitigation measures are required for the dwellings within the site. This will ensure that the amenity of future residents is protected.

Lastly, it has been noted that recommendation (1) 3. does not specifically identify that allotments are to be secured within the site under this schedule. As such, it is recommended that this be updated accordingly to read:

3. On-site Public Open Space provision (including delivery of the waterside park, allotments and public art);

**Page 117 18/01693/FUL – ERECTION OF 8 NO. DWELLINGS AND ASSOCIATED WORKS
LAND FRONTING, TURNBULL ROAD, FRADLEY**

Additional Letters of Representation

3 additional representations have been received, which are summarised below:

- The design and style of the dwellings will not be in keeping with the village;
- Proposed access points to the site do not offer adequate visibility;
- The on-site gas pipe remains as an issue;
- The impact of construction on the surrounding area;
- Removal of trees and subsequent detrimental impact upon wildlife habitats;
- The development will exacerbate drainage issues;
- The existing sewerage infrastructure cannot accommodate further development;
- Fradley has already taken a 'huge proportion' of Lichfield's housing requirement and existing infrastructure and services is already overstretched.

Additional Information Received

Change of ownership

The land is now in the ownership of William Dare Turbull Ltd, a subsidiary of Massey Limited whom completed the purchase of the land in June 2019. A revised Certificate B has recently been received and relevant Notice has been served on the site owner.

Additional Observations

Site ownership

As the a revised Certificate B and Notice has been submitted/served, the LPA is required to wait a period of 21 days before any decision can be issued, as required by legislation, to give the site owner opportunity to make comment. As the notice was served on 7 January 2020, no decision can therefore be made until 28 January 2020 and accordingly a change to the recommendation has therefore been made to reflect this necessary timeframe.

Additional Observations

Comments have been raised with regard to the view that the existing foul water drainage network is at capacity and will not be able to accommodate additional development. Whilst noted, this is not considered to be a planning matter, as Severn Trent Water have a statutory duty to ensure that new development will be able to be properly served by the existing drainage network. The Committee report notes the assessment undertaken with regard to the drainage proposals, this includes consultation with Severn Trent Water, who on 12 April 2019 confirmed that there were no objections to the scheme and the intention to discharge foul sewerage to the public foul sewer. As such, it has been considered that the proposals, in respect of foul water drainage, are acceptable.

Other matters raised in the additional representations, relating to the principle of development, design, amenity, highways, landscaping, ecology and the gas main, have been fully considered in the main report and therefore not additional comments are made.

Amendment to Recommendation

Amend recommendation to read: “ Subject to the expiry of 21 days from the date of the issue of the ownership certificate and notice, that the application be approved, subject to conditions, as detailed in the main Committee report and with amended wording for conditions 6 and 17 set out below:

Amended Conditions

For the purposes of clarity Condition 6 and Condition 17 are recommended to be amended to read as follows (changes underlined):

6. Before the development hereby approved is commenced a noise assessment specifically considering the impacts of the surrounding road network shall be undertaken and a scheme of noise mitigation shall be 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.

17. Within one month of completion of the development hereby approved, 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.

LIST OF SPEAKERS

PLANNING COMMITTEE MEETING

13th January 2020

19/00753/OUTMEI

Mr Mark Sitch

Applicant's Agent

18/01693/FUL

Parish Councillor Simon Roberts

Objector

Councillor Derek Cross

Ward Councillor

Councillor Mike Wilcox

Ward Councillor

Christopher Timothy, CT Planning

Applicant's Agent