

23/00080/FUL
MAJOR

MACC Care Ltd

BILBROOK

Councillor G Burnett
Councillor F Hopkins

Former Bilbrook House Carter Avenue Bilbrook Staffordshire WV8 1HH

Erection of a two storey 80 bed care home (Use Class C2) with associated access, parking, landscaping and ancillary works

1.1 SITE DESCRIPTION AND PLANNING HISTORY

- 1.1.1 The application site, which is rectangular in shape, extends to 0.52ha and previously contained one large, predominantly single storey building, with a single two storey element, located to the rear of the site. The building was occupied by Bilbrook House, a care home (Use Class C2) operated by Staffordshire County Council, which was demolished in 2022, with solely hardstanding now remaining on-site. The site is located towards the southern edge and within the Development Boundary of the village of Bilbrook, to the east of Carter Avenue, from which it is directly accessed.
- 1.1.2 The former building, a flat roofed blue and brown brick construction, was set back from the highway, behind a car park. As a consequence, the previous building did not follow the wider building line along Carter Avenue. At its closest point it was set-back 12m from the road and at its furthest point was 17.6m. It was 5m behind the front wall of 12 and 6.6m behind 8 Carter Avenue. Further parking was provided along the southeastern boundary, whilst there was an access road along the northwest boundary, providing vehicular parking to the rear.
- 1.1.3 The site is bound by vegetation on all sides. To the northwest, the adjacent property on Carter Avenue is an end of terrace bungalow (no.12), and along the boundary there are several two storey properties that are accessed from Jasmine Grove but have their front aspects facing towards the Site. These properties have a pedestrian access path that abuts the shared boundary, which provides access to the front of these properties.
- 1.1.4 To the northeast, the site abuts the side boundaries of two houses that are accessed off Orchard Lane. To the southeast the site mainly abuts the parking area for the two storey Bilbrook & Codsall Community Fire Station, but also abuts the rear boundaries of several properties off Pendinas Drive.

1.2 Relevant Planning History

21/01005/COM – Proposed Demolition Works – No objection – 06/10/2021.

08/00776/CCD – Change of use to integrated care resource centre to include offices, day activities and 12 step-down care single bedrooms with provision for a 30-space car park – No objection – 23/10/2008.

2. APPLICATION DETAILS

2.1 The Proposal

- 2.1.1 The application seeks to redevelop the site, through the erection of a two storey and part single storey rectangular building, to house an 80 bed Care Home (Use Class C2). Ancillary accommodation associated with the care home use is also proposed in part of the roof space. The Home, in addition to the 80 bedrooms (41 within the ground floor and 39 within the first floor), will also contain a Hairdressing Salon, Cinema, 8 Lounges, a Library and a Coffee Dock. The roofspace area, found to the front of the structure, will house staff facilities, including a lounge, laundry, kitchen and changing area. To the centre of the building will be an enclosed water garden, open to all residents, with ground floor patio areas for the rooms that abut this space.
- 2.1.2 Within the grounds of the proposal, various associated outbuildings are proposed, specifically a shed to house a sprinkler tank, a bin store and two cycle shelters.
- 2.1.3 The scheme, which has been specifically designed in order to cater for those with dementia, will provide en-suite bedroom accommodation and 24 hour personal care to people that are unable to manage daily life at home. Admission to the facility will be defined on the basis of registration with Care Quality Commission, as a provider of regulated care activity, with residents admitted on the basis of requiring personal and/or health care.

2.2 Agent's Submission

- 2.2.1 The following documents have been submitted as part of the planning application:

- Arboricultural Report
- Biodiversity Net Gain Assessment
- Biodiversity Metric
- Construction Method Statement
- Design and Access Statement
- Design Justification Statement
- Environmental Noise Report
- Preliminary Ecological Appraisal
- Sustainable Drainage Statement and Maintenance Guide
- Transport Statement
- Travel Plan

3. POLICY CONTEXT

3.1 National Planning Policy

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

3.2 Core Strategy Development Plan Document

- National Policy 1 - The Presumption in Favour of Sustainable Development

- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 5 - Infrastructure Delivery
- Core Policy 11 - Sustainable Transport
- Core Policy 14 - Open Space, Sport and Recreation
- Core Policy 15 - Children and Young People
- EQ1 - Protecting, Enhancing and Expanding Natural Assets
- EQ2 - Cannock Chase Special Area of Conservation
- EQ3 - Conservation, Preservation and Protection of Heritage Assets
- EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
- EQ5 - Sustainable Resources and Energy Efficiency
- EQ6 – Renewable Energy
- EQ7 - Water Quality
- EQ8 - Waste
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 - Landscaping
- EQ13 - Development Contributions
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- H1 - Achieving a Balanced Housing Market
- H2 - Provision of Affordable Housing
- H4 - Delivering Affordable Housing
- CS1 – Designing Out Crime
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

3.4 Local Plan (2018-2038) (Preferred Options) (Emerging)

- DS3 – The Spatial Strategy to 2038
- SA5 – Housing Allocations
- SA7 - Employment Allocation – West Midlands Interchange
- HC1 – Housing Mix
- HC2 - Housing Density
- HC4 - Homes for Older People
- HC5 - Specialist Housing Schemes
- HC9 - Design requirements
- HC10 - Protecting residential amenity
- HC11 - Space about dwellings and internal space standards
- HC12 – Parking Standards
- HC13 - Health and Wellbeing
- HC14 - Health Infrastructure
- HC19 - Wider green infrastructure design principles
- EC1 - Sustainable economic growth
- EC2 - Retention of employment sites
- EC3 - Inclusive Growth
- EC7 - Protecting community services and facilities
- EC10 - Developer Contributions
- EC11 - Sustainable Transport
- NB1 - Protecting, enhancing and expanding natural assets
- NB2 - Biodiversity

- NB3 - Cannock Chase SAC
- NB4 - Landscape Character
- NB5 - Renewable and low carbon energy generation
- NB6 - Energy and water efficiency, energy and heat hierarchies and renewable energy in new development
- NB7 - Managing flood risk, sustainable drainage systems & water quality
- NB9 - Conservation, preservation and protection of historic assets

3.5 Supplementary Planning Documents

- Affordable Housing and Housing Mix
- Cannock Chase SAC
- Design Guide
- Historic Environment and Character Assessment
- Sustainable Design
- Village Design Guide

3.6 Other

- The Town and Country Planning (Pre-commencement Conditions) Regulations 2018
- Environment (Principles and Governance) Act 2018
- Natural Environment and Rural Communities Act (2006)
- The Conservation (Natural Habitats, &c.) Regulations (1994)
- The Conservation of Habitats and Species Regulations (2017)
- Defra Net Gain Consultation Proposals (2018)
- The Wildlife and Countryside Act (as amended) 1981
- The Countryside and Rights of Way (CROW) Act 2000
- The Protection of Badgers Act 1992
- Staffordshire and Stoke on Trent Joint Waste Local Plan
- Providing for Journeys on Foot (2000)
- Water Framework Directive
- 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)
- Climate Change Act (2008)
- Air Quality Management Guidance (2014)
- Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (England) (2018)
- Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning - - - Protocol between Constituent Local Planning Authorities and the Cannock Chase - AONB Joint Committee (2019)
- Black Country and South Staffordshire Strategic Housing Market Assessment (2017)
- Five Year Housing Land Supply Paper (2022)
- Building for a Healthy Life (Homes England)
- South Staffordshire Housing Market Assessment (2021)
- Health Building Note 11-01: Facilities for Primary and Community Care Services
- Longer-Term Balancing Housing Market (2017)

4. CONSULTATION RESPONSES

Councillor Sadler (received 14/02/2023) – I'm concerned about this - looks to be far too large for the site.

Bilbrook Parish Council (received 03/03/2023 & 06/06/2023) – Object on the following grounds:

- Overdevelopment - 80 beds are too many.
- Insufficient parking spaces
- Overlooking adjoining properties (the staff quarters)
- Incompatible with the design of existing buildings. (1 and 2-storey bungalows and houses)
- The road system is inadequate.

Request an independent Highway report as there is a conflict of interest as the land is being sold by the Staffordshire County Council and Staffordshire County Council are the Highways Authority.

Ecology Officer (received 23/02/2023) – No objection in relation to potential impact on designated wildlife sites. In addition, no concern regarding the development's impact upon protected species or their habitat. The proposal also provides the opportunity to include enhancements for species such as roosting bats, nesting birds, invertebrates and hedgehogs. A condition to secure these enhancements is recommended.

To limit the future impact of the development upon habitat and protected species, a condition, specific to new lighting within the scheme is also recommended.

The habitats as identified on site are common and widespread, with limited ecological interest. Agrees with the findings of the biodiversity metric, which concludes a percentage gain of 35.23% for habitat units and 20.47% for hedgerow units. Conditions recommended to secure an Ecological Enhancement Plan (EEP); to detail exactly how this uplift will be achieved and a Landscape and Ecological Management Plan (LEMP), to ensure that the created/enhanced habitats meet the condition requirements as specified within the submitted metric.

Notes the presence of *Cotoneaster* sp. within the site, which is an invasive plant species detailed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A condition to secure appropriate working practices, to prevent the spread of this species, is recommended.

NatureSpace (received 14/02/2023) – No objection. Notes that although the application site falls within a Green Impact Zone for newts, given its characteristics, it is an unsuitable newt habitat and therefore no further assessment is required. Recommends the use of an informative to advise the applicant of their responsibilities with reference to protected species.

Cannock Chase Chief Commissioning Group (NHS) (received 05/04/2023) - No objection, subject to a contribution of £43,333, towards local health infrastructure.

Staffordshire Fire and Rescue Service (received 15/02/2023) – No objection. Offers best practice guidance on reducing the risk of fire.

Staffordshire Police Architectural Liaison Officer (received 07/03/2023) – No objection. Provides guidance on measures to implement within the scheme to help design out crime.

Arboriculture Officer (received 19/09/2023) – No objection. Requests that the working practices in relation to tree retention, as detailed within the Construction Method Statement, be secured via condition.

Previous Comments (received 13/09/2023) – No objection. The inclusion of a Construction Method Statement (CMP) within the Construction and Environment Management Plan (CEMP) means no need for a pre-commencement condition to secure this document. However, notes that the CMP currently fails to consider how the existing hardstanding within the site will be removed, to enable the laying of pavers.

Previous Comments (received 19/04/2023) – Object. All but 2 trees to be retained will be adequately protected by the measures proposed within the supplied arboricultural report.

The Walnut to be removed to facilitate the development, is identified as a category 'B' tree, but may merit category 'A' status, is an unfortunate loss. However, it is appreciated that it's retention would require a drastic redesign of the proposed building layout.

Little consideration has currently been given however to the long-term retention of the category 'A' Copper Beech, which will be adjacent to the proposed 'Lounge' section of the new building. The footprint of the building encroaches within the nominal root protection area of the tree and practically abuts the plotted drip line of the crown as shown on the arboricultural site plans.

The arboricultural report erroneously suggests the RPA encroachment is not an issue, as root growth in this area will have been restricted. However, this is not based on any solid evidence and given the relatively insubstantial nature of the hard standing, it is unlikely that there is no root mass underneath. Additionally, insufficient space has been left around the building footprint to allow for construction activity. This layout is likely to result in a breach of the proposed tree protection fencing, which itself is already insufficient, along with subsequent damaging incursion into the RPA.

Post construction, raises a concern regarding potential ongoing issues with direct shading / reduction of ambient light levels and direct encroachment on the fabric of the building. This could lead to a requirement for significant crown reduction works or felling.

The removal of the Walnut can only be justified if efforts are made to better ensure the long-term successful retention of the Copper Beech.

Staffordshire County Council Archaeology (received 20/02/2023) – No objection.

Staffordshire County Council Flood Risk (received 18/07/2023) – No objection, subject to the use of a condition requiring the submission and approval, prior to the commencement of development, of a fully detailed surface water drainage scheme.

(Previous comments received 13/03/2023 & 13/06/2023 & 29/06/2023) – Object. The submitted documents do not provide a suitable basis for assessment of the flood risks arising from the proposed development.

Staffordshire County Council Mineral and Waste (received 14/02/2023) – No comment.

Staffordshire County Council Highways (received 06/03/2023 & 28/04/2023) – No objection, subject to the applicant agreeing to pay a s106 contribution of £10,000 for Travel Plan Monitoring and various conditions requiring the submission and approval, prior to the commencement of development (including demolition), of a Construction Management Plan. The vehicular access shall be completed in accordance with the approved plans. In addition, prior to first use of the site, the access, parking and turning areas shall be provided in a bound porous material, with the parking spaces clearly delineated. The Travel Plan shall be implemented and monitored accordingly.

Housing Strategy (received 22/02/2023) – Policies H1 and H5 of the Core Strategy confirm the Council's support for specialist housing such as care homes. This is in order to meet local needs, in particular to support the district's rapidly ageing population. This type of development should be in a sustainable location, with consideration of the size and scale of the development and in relation to the existing village. The reuse of previously developed land should be considered as a priority.

The Housing Market Assessment Update 2022 specifically indicates a need for registered care spaces to meet the needs of the ageing population. In terms of market units, there is a need for over 400 spaces up to 2040. This proposal would make a positive contribution to this need, in a sustainable location and on previously developed land. The development is therefore supported from a strategic housing perspective.

Severn Trent Water (received 13/03/2023 & 16/08/2023) – No objection, subject to the inclusion of a condition to secure the submission and approval, prior to the commencement of development, of a suitable foul and surface water drainage scheme. The approved scheme shall thereafter to be implemented, prior to first use of the scheme.

Notes the presence of a public sewer within the site. Guidance on appropriate building practices offered.

Planning Policy (Urban Design) (received 21/08/2023) – No objection. Following a review of the design considerations document and the key design principles of a dementia friendly design exemplar from the Dementia Services Development Centre in Stirling, recognises that there are material benefits in dementia friendly design, arising from the proposed self-contained courtyard and perimeter greenspace. It's also clear from the examples cited that recently completed or under-construction MACC, Care UK, Hallmark and Cinnamon projects, have operated at a minimum of 80 bed spaces, when outside of sensitive areas (e.g. SSSIs).

Given these points, agrees that the scheme cannot be satisfactorily reduced in scale or brought forward towards the streetscene (thereby relocating the proposed parking to the rear of the site), without compromising the design benefits of the enclosed outdoor recreational space for residents.

(Previous Comments received 10/03/2023) – The soft landscaping plan is welcomed, particularly in terms of the biodiversity net gain and tree lined street frontage provided through the proposed soft landscaping. The facing materials are acceptable, using a mixture of red brick and limited painted render in a manner consistent with the South Staffordshire Design Guide SPD's village profile for Bilbrook.

The South Staffordshire Design Guide SPD advises that infill development should reflect the building line and roof height of adjacent built form. The proposal is significantly set back from the building line of the adjacent residential properties, presenting no active frontage to

the adjacent streetscene. Instead, the proposal would locate a large area of hardstanding and car parking bound by tree and hedgerow planting to Carter Avenue. To ensure conformity with the Design Guide SPD, the design and layout should be altered to reflect the existing building line, facilitated through moving the parking to the rear of the scheme. If this is not feasible then a fuller justification as to why this cannot be achieved should be provided.

Notwithstanding the wider design issues raised above, the proposal will need to demonstrate it will achieve BREEAM Excellent accreditation in line with Policy EQ5, as it is a major (over 1,000sqm) non-residential scheme.

Environmental Health (received 01/03/2023) – No objection. Notes that the catering and kitchen facilities must comply with current food safety legislation and guidance in respect to the structure, facilities and practices. Adequate ventilation should be provided to reduce high humidity, room temperatures, cooking odours and airborne particles. The premises must also comply with current health and safety legislation and guidance including infection control.

Staffordshire Wildlife Trust – No response received.

Badger Conservation Group – No response received.

Environment Agency – No response received.

Natural England – No response received.

National Grid – No response received.

A **site notice** was posted on 16/02/2023. A total of 8 comments were made, with 5 objections and 3 letters of support, which can be summarised as follows:

Principle

- Welcome the provision of a new care facility for the elderly, which will aid local families in keeping their family members close to home.
- Many elderly people already live in Carter Avenue and this development would be unlikely to attract any antisocial behaviour to the neighbourhood in the future.
- The values of the home, include, inviting the local community and schools to visit and support with events.

Residential Amenity

- The building will be in closer proximity to neighbouring dwellings than the previous development within the site, whilst its height will allow for overlooking and also block sunlight.
- The introduction of a lighting scheme for the car park will result in light pollution in this area, impacting upon the amenity of neighbouring residents.
- The increased use of the site will generate noise pollution that will adversely affect residents.
- Traffic noise from the development is a concern, especially during night hours.

Visual Impact

- The 3 storey height of the building along with its appearance is out of character with the scale and architectural form of surrounding built form.

Highway Safety

- Unlike as stated within the submitted Transport Statement, Carter Avenue suffers from on-street parking congestion, due to the presence nearby, of 2 schools. Parents use the area for dropping and picking up children, whilst cars also park here, often for a number of days, to use the nearby train station. There have been problems with children having near accidents. The proposal is served by insufficient staff and visitor parking and as such, will exacerbate this issue.
- It would be desirable to have single yellow line on both sides of Carter Avenue from the junction with Duck Lane to the junction with Magnolia & Jasmine groves. This would assist greatly with deterring the all day parkers that use Carter Avenue as a free car park when using Bilbrook Railway Station.
- The top of Carter Avenue has a sharp bend, which is already unsafe if cars are speeding; this could result in accidents with increased volume of traffic and/or more parking on the road.
- Requests clarification on the following:
 - i. What will be the maximum number of staff that will be employed within the site at one time?
 - ii. Will there be any restrictions on visitor times?
 - iii. Are any events likely to be held in the care home that may result in a large number of visitors.
- Welcome the 2nd entrance to the site as this will make access and egress from the site safer.
- Recently visited one of MACC Care homes in Willow Rose, Willenhall, which is a wonderful modern facility, well managed, also in a local area next to a school and no issues with parking. The site has 20 parking spots and no issue with visitors parking, as most staff arrive on foot or taxi/bus, with visitors arriving between 8am until 9pm, so you don't get all family member visiting at same times.

Economic

- The proposal will generate new jobs for the area.

Other Matters

- The site currently is used by a number of protected animal species. Its redevelopment will impact upon their habitat.
- The Council owned fence currently in situ along the front of the houses along Jasmine Grove is very dilapidated and should be repaired or replaced.
- On the border of Jasmine Grove and the application site is a self-set rowan tree, which has caused a huge crack in the tarmacadam footpath to the houses. The roots of this tree cause slabs to rise, become unstable, and cause a dangerous tripping hazard. We also have to occasionally trim the lower branches as the tree branches span the footpath at eye level. Whilst not condoning the removal of trees, this one has become problematic.
- The other trees directly within the application, directly to the front of Jasmine Grove block light from the windows of nearby maisonettes. These trees should be removed or at least lowered as part of the proposal.

- it would be appreciated if the silver birch tree on the corner of the site, adjacent to the rear entrance to the fire station, could be removed.

5. APPRAISAL

5.1 This application is being referred to Planning Committee, due to the proposal being;

- Non-compliant with emerging Local Plan Policy SA5: Housing Allocations, being site 213, identified to deliver 13 dwellings; and
- Not fully comply with the Council's Space Around Dwellings Standards as detailed within Appendix 6 of the adopted Core Strategy, in terms of separation distance between residential units.

5.2 Key Issues

- Policy & Principle of Development
- Housing Mix
- Affordable Housing
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highway Impact, Sustainable Transport and Parking
- Sustainable Built Form
- Water Environment, Flood Risk and Drainage
- Ecology and Biodiversity
- Arboriculture Impact and Landscaping
- Health Care
- Other Issues
- Financial Considerations
- Human Rights

5.3 Policy & Principle of Development

- 5.3.1 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 South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Council's emerging Local Plan (2018-2038) is working towards a Regulation 19 Publication Plan consultation in Spring 2024 and therefore, within its revised guise, is yet to be the subject of public consultation or examination. Thus, the policies contained therein, have minimal material planning weight, albeit they are referenced, where relevant, within this report.
- 5.3.2 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.
- 5.3.3 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.

- 5.3.4 Paragraph 74 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.
- 5.3.5 The latest five year housing land supply position for South Staffordshire District is contained within the Five Year Housing Land Supply Paper dated April 2022, which states that a supply of 5.94 years can be demonstrated within the District.
- 5.3.6 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, are as stated above.
- 5.3.7 Policies H1 and H5 of the adopted Core Strategy confirm that the Council will support proposals for specialist housing, including extra care and residential/nursing homes, in order to meet local need and in particular to support the district's rapidly ageing population. Developments of this kind should be in a sustainable location and considered suitable by virtue of their size and scale, in relation to the village within which it is proposed and the services available therein, along with proximity to public transport links. The re-use of previously developed land should be considered as a priority.
- 5.3.8 Taking each point in turn and assessing against this submission, it is evident that this proposal, given its location within the heart of the community of Bilbrook, can be considered to be sustainably located and not overly large in the context of the community within which it will sit. There are bus stops near to the site on Duck

Lane, offering ease of access to surrounding communities, including nearby Codsall. Finally, the scheme is proposed on Brownfield land.

- 5.3.9 Beyond the above considerations, it is also noted that the site is allocated for residential development, via Policy SA5: Housing Allocations, as site 213, within the emerging Local Plan Review Preferred Options document. It is proposed that the site could accommodate a minimum of 13 dwellings, with the key infrastructure requirements for the scheme being *“Any relevant policy requirements including affordable housing, open space, education, health, sports and recreation, energy efficiency, climate change mitigation, flood risk mitigation, highways, sustainable transport, housing mix and green infrastructure, delivered in line with the relevant development plan policy standards”*.
- 5.3.10 The scheme proposes to deliver an 80 bed care home, which falls in an alternate Use Class to the dwellings (C2 rather than C3), sought by the above noted policy. Therefore, the proposal does not technically comply with the requirements of this policy. However, there are 2 points that should be noted. Firstly, as stated above, given current progress on the emerging Plan, only very limited weight can be afforded to this document and the policies contained therein and secondly that, as stated within the Council’s Five Year Housing Supply document *“The most recently published Planning Practice Guidance indicates that, for the purposes of the five year supply, local planning authorities will need to count housing provided for older people, including institutions in C2 use, towards their supply”*. As such, the alteration of this site from residential, to residential institution use, will have no impact upon the Council’s Housing Delivery targets and therefore, in a wider sense, the proposal will have no impact upon and actually provide a boost to, the Council’s housing delivery targets.
- 5.3.11 Beyond the use class matter discussed above, it is also noted that the site allocation specifies a minimum of 13 dwellings, which means that this scheme would deliver an oversupply of 67 units, against this minimum number. This would not in itself, result in a scheme that is non-complaint with this policy. Rather the scheme simply exceeds minimum numbers and subject to compliance with other material considerations, it could still be wholly compliant with the requirements of this emerging policy.
- 5.3.12 The Council’s Strategic Housing Market Update (2022), which provides part of the evidence base for the emerging Local Plan, identifies that within South Staffordshire *“To meet local demand rates in 2040, the model identifies a requirement for 440 additional units of Sheltered housing for older people/ retirement housing and 177 additional Extracare units/ supported living housing in South Staffordshire over the modelling period”*. In addition, it is noted that there *“will be a requirement for 864 additional Registered Care spaces between 2020 and 2040, of which 52.6% should be in the affordable sector and 47.4% within a market tenure”*. Given that this scheme will help to secure accommodation specifically tailored for those with Dementia, whilst also offering on-site care, there is an evidenced need for significant numbers of such accommodation.
- 5.3.13 The care home scheme proposed for this site, given the above considerations, is considered to be compliant with the requirements of the Development Plan and NPPF in this regard.

5.4 Housing Mix

- 5.4.1 Policy H1 of the Core 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.
- 5.4.2 The most up to date assessment of local needs is set out in the Housing Market Assessment Update (HMA) (2022), which requires a housing mix for the Central area, within which Bilbrook sits, of; 1 bed 16%, 2 bed 40%, 3 bed 23% and 4+ beds 21%.
- 5.4.3 The scheme evidently is not wholly compliant with the fairly balanced housing need identified for the area within the HMA, but it will help to deliver smaller scale properties on a sustainable site, thereby ensuring that the larger home need can be met elsewhere within the study area. This conclusion matches that of the Council's Housing Officer who offers support for the scheme.
- 5.4.4 Appendix 6 of the Core Strategy details the Council's internal space standard requirements. The 2015 Written Ministerial Statement indicates that existing policies relating to internal space should now be interpreted by reference to the nearest equivalent national standard. Therefore, the Council expects all new developments to meet the nationally described space standards (NDSS). Following assessment of this scheme by the Council's Housing Officer, it has been determined that all of the apartments within the proposal, exceed the minimum requirements of this standard.
- 5.4.5 Given the above assessment, it is considered that the accommodation mix; Including the size of the rooms provided; within the development is acceptable and helps to meet the needs of the local community, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

5.5 Affordable Housing

- 5.5.1 The 80 care units proposed within the site are not, in accordance with the Council's guidance on this matter, provided by Policy H2 of the Core Strategy, subject to affordable housing requirements. Thus, no further consideration of this matter is offered.

5.6 Design and Impact on the Character and Appearance of the Area

- 5.6.1 Policy EQ4 of the Core Strategy advises that *"the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views"*. Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

- 5.6.2 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 *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”*.
- 5.6.3 Paragraph 130 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.

Layout

- 5.6.4 The layout of the proposed development was initially raised as a point of concern by the Council’s Urban Design consultee, who highlighted that the Council’s Design Guide Supplementary Planning Document advises that infill development should reflect the building line and roof height of adjacent built form. The proposal is set back from the building line formed by the adjacent residential properties on Carter Avenue, thereby presenting no active frontage to the adjacent streetscene. Instead, the submission proposes, to its frontage, an area of car parking bound by tree and hedgerow planting.
- 5.6.5 The applicant has submitted additional design statements during the consideration of this application to justify the building’s siting. In particular, these documents advise that, the siting and layout of the site, is a reflection of the key design principles required to achieve a dementia friendly design exemplar, utilising the evidence provided by the Dementia Services Development Centre in Stirling. The Urban Design Officer has considered these arguments and agrees that the scheme cannot be satisfactorily reduced in scale or brought forward towards the streetscene, without compromising the design benefits of the enclosed outdoor recreational space for residents.

Scale

- 5.6.6 The building varies in height across the site, with elements of single and 2 storeys. To the site frontage, the most prominent elevation within the street scene due to roof accommodation being incorporated, the building will be 2 storeys, measuring approximately 9.5 metres to ridge and 6.0 metres to eaves. The remainder 2 storey elements of the building, which comprise the southern and eastern elevations, would measure 5.4m to the eaves, with a final ridge height of 8.2m. The single storey element, which is proposed to the north elevation, would measure 2.4m to the eaves, with a pitched roof at a final height of 3.3m.

- 5.6.7 The timber shed, proposed to be located to the rear of the site, would have a depth and width of 3.2m, measure 1.9m to the eaves and 2.3m to ridge. The timber bin store would have a depth of 3.85m, a width of 4.48m and a sloping flat roof with a maximum height of 2.45m. The cycle shelters would be two covered Sheffield stands, with a maximum height of 2.08m.
- 5.6.8 The main building's measurements are fairly typical for a modern two storey dwelling, with the roof accommodation being formed through the eaves height being slightly raised compared to a standard dwelling, combined with the proposed roof form. The dwellings surrounding the site however are a mixture of bungalows and 1960s and 70s two storey dwellings with, in the main, shallow roof pitches. As such, in this context, the building will appear, in height terms, larger than the prevailing residential built form of the area. However, it should be acknowledged that neighbouring the site is the Bilbrook and Codsall Community Fire Station. This building will be of near equal height to this structure ensuring some street scene continuity.
- 5.6.9 The applicant has sought to justify this the relatively large massing of the building, compared to the neighbouring residential properties, though the above noted design statements, wherein examples have been cited of recently completed or under-construction MACC, Care UK, Hallmark and Cinnamon projects. These projects uniformly have a minimum of 80 bedrooms, which is required in order to make the scheme commercially and operationally viable, when outside of sensitive areas (e.g. SSSIs). It is considered that this is a valid argument and the scale of the building is therefore set and not possible of change. Whilst an argument could be forwarded that this site is therefore inappropriate for this development, given the necessary scale, it is considered that any visual harm arising from the scale of the building, specifically the 2storey front element would not be sufficiently significant, as a single matter, as to warrant the refusal of this proposal and rather, such should be considered within the wider planning balance exercise.
- 5.6.10 The scale of the outbuildings, as detailed, are considered appropriate and fairly typical to a residential setting. The appearance of these structures have also been supplied, with such appearing as standard garden buildings appropriate to their future setting.

Appearance

- 5.6.11 The proposed street frontage element of the building, has a varied mixture of roof heights, which aids to break down the mass of the building and provide visual interest. Further breaking down of this façade occurs through the regular spacing of gable projecting elements, which are proposed to be finished with render. The combination of the gables and roof design, whereby a pitched roof reflective neighbouring property is utilised, aids to successfully integrate the building into the character of the area.
- 5.6.12 The windows proposed throughout the site are reflective in terms of their size and spacing to the surrounding built form. Although exact material details are yet to be offered, the elevation drawings propose a mixture of facing red brickwork, off-white render, coloured windows and doors, with stonework surrounds to feature windows and modern roof tiles, exact details of which are recommended to be secured via the use of a condition. This material palette, in principle, is acceptable and reflective

of surrounding built form, further facilitating the successful integration of the proposed development into its environment.

- 5.6.13 The applicant has also submitted details of the proposed hard landscaping scheme for the site, including the fencing scheme, which proposes the retention of the existing low level brick wall to the site frontage. The private garden areas to the side and rear of the building are proposed to be secured by pedestrian access gates and 1.8m high close boarded timber fencing. Elsewhere within the site, various existing boundary treatments, including to the northern boundary, to the fore of properties on Jasmine Grove, the existing fencing is proposed to be retained and repaired as necessary (thereby addressing the concern of neighbouring residents on this matter). To ensure that the fencing scheme remains as approved, preventing the introduction of unacceptable treatments, a condition is proposed, to remove permitted development rights for new boundary structures.
- 5.6.14 Elsewhere within the site, the hard landscaping plan shows the use of block and slab paving, both of which are of sufficiently high quality to compliment the development and area.
- 5.6.15 Overall, whilst concerns were noted regarding the siting and scale of the building, following adequate justification being provided by the applicant, it is considered that such is acceptable in principle, with any harm to be appropriately weighted within the planning balance exercise. The appearance of the building, outbuildings and landscaping are appropriate to the character and appearance of the area and as such, it is considered that the scheme complies with the requirements of the Development Plan and NPPF in this regard.

5.7 Residential Amenity

Existing and Future Residents

- 5.7.1 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. Core Strategy Policy EQ9 requires that all development proposals consider the amenity of nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.7.2 Appendix 6 of the Core Strategy sets out minimum separation distances between facing habitable room windows, towards flank walls and to private gardens. In addition, guidance is also provided regarding the prevention of loss of light to neighbouring property resulting from new development. Specific to this proposal, the guidance details a minimum requirement of 21 metres over private space between habitable rooms for single and 2 storey buildings and 22 metres for 3 storey development between habitable rooms over public land, including streets. In addition, there should be a distance of 13 metres between a habitable room window and the blank side wall of a neighbouring two or one storey dwelling.
- 5.7.3 In terms of separation distances between residential units, internal to the site, due consideration has been given to such by the applicant, with the 2 storey elements of the care home, where bedrooms face each over the internal rain garden, being separated by a minimum of 21 metres.

- 5.7.4 External to the site, it is apparent that the building will be well separated, due to existing highway infrastructure and proposed car park, from other residences on Carter Avenue, with, for instance, the dwellings immediately opposite, being 39 metres distant, from the proposed front elevation. Continuing around the site, the distance between the single storey northern element of the building and the properties on Jasmin Grove is 13 metres. To the rear of the site, the smallest separation distance between the proposed two storey building and the blank side wall of the neighbouring properties on Orchard Lane, is 15 metres. To the southern boundary, the two storey element of the building and the rear of the properties on Pendinas Drive, are separated by 23 metres.
- 5.7.5 The scheme as noted therefore is compliant with the guidance within Appendix 6, except with reference to the northern boundary and properties on Jasmin Grove, where a shortfall of 8 metres is evidenced. However, the above noted guidance allows for *“Exceptions may be considered... where there are intervening features which provide natural screening”*. In this case, there is both an existing tree/shrub belt, proposed to be retained within the completed scheme, which runs the length of the boundary and an existing 1.8 metre fence. As such, given the single storey nature of the building within this area and subject to the retention of the tree belt and fencing; recommended to be secured via the use of a condition; the scheme can be considered compliant with the space around dwellings guidance, given views between these properties will be blocked by this boundary feature, ensuring compliance the aims of Appendix 6 of the Core Strategy.
- 5.7.6 The above noted Appendix also advises that *“the design and layout of both new buildings and extensions should aim to maximise sunlight to internal accommodation and private amenity areas. As far as is practicable, habitable room windows, especially lounge windows, should not face north”*. No further guidance is offered specific to sunlight matters and therefore, the guidance’s focus appears more to ensuring sustainable heating and lighting, rather than residential amenity. Notwithstanding this point, regard will still be had to the latter matter. The stepping down of the building’s roof to a single storey, adjacent to the northern boundary, its siting, orientation and the above noted separation distances ensures that any loss of light would not be significant in impact.
- 5.7.7 Space about Dwellings Standards are also laid out in Appendix 6, which states, specific to this development that *“To ensure that the basic requirements for space, privacy and outlook are satisfactory, particular care will need to be taken with regard to the design of... flats, particularly those designed for special needs (e.g. the elderly) where there will be a communal garden or paved area”*.
- 5.7.8 In terms of this application the units are to be provided with communal, rather than individual gardens, wherein patio areas are proposed to be formed for all ground floor rooms. Some of the first floor flats will also have access to balcony areas. Overall, the communal gardens, including the central water garden, are a of a size sufficient to meet the amenity needs of future residents.
- 5.7.9 Finally, the above noted separation distances and the course of the sun ensures that there will be no significant loss of natural sunlight arising from the erection of the new built form within this site and therefore, the proposal is acceptable in this regard.

- 5.7.10 Section 15 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. These matters are considered individually below:

Contaminated Land & Land Instability

- 5.7.11 Paragraph 183 of the NPPF advises that *“Planning... decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation”*. Paragraph 184 goes on to state *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*
- 5.7.12 The site was last in use as a care resource centre, whilst there is no evidence to suggest any potential land contaminating uses prior to this. As such, no contaminated land report has accompanied this application and neither has a requirement for such, been sought from the Council’s Environmental Health Team.

Lighting

- 5.7.13 No Lighting Assessment document has been submitted with this application. Given the village centre location of the site however, this area is fairly well lit at night and therefore the introduction of artificial lighting would not unduly impact upon either residential amenity or the character of the area. A condition is however recommended to require the submission and approval by the Local Planning Authority of a lighting scheme to ensure that the scheme to be installed is appropriately designed.

Noise and Vibration

- 5.7.14 The site is located within a village centre location, adjacent to a fire station, where potentially noisy activities are undertaken.
- 5.7.15 An Environmental Noise Report accompanies this application. The report demonstrates, specific to the amenity of future residents, that appropriate internal noise levels within habitable rooms can be achieved through the specification of appropriate glazing and ventilation systems. Noise to outdoor amenity spaces is predicted to be below the upper limit of 55 dB LAeq,T.
- 5.7.16 With reference to the amenity of existing residents the Report identifies that subject to limiting noise levels for fixed items of plant, the predicted noise levels at the nearest noise sensitive receptors will not be adverse. A condition is recommended to ensure that the development is therefore constructed and operated in accordance with the recommendations of the report.
- 5.7.17 It is noted that residents have raised concerns that the increased use of the site will generate noise, as will the number of vehicular movements associated with the scheme’s future use. With reference to the former matter, this has been considered

above and no evidence of noisy activities associated with the site's future use is evident. To the latter point, the number of vehicular movements associated with the development are discussed below within the highways section of this report, but given the low levels identified, such is not considered to raise any amenity issues.

Construction Vibration

- 5.7.18 The nearest sensitive properties to the proposed construction work, will be existing dwellings on Carter Avenue, Jamine Grove, Orchard Lane and Pendinas Drive. It is possible that vibration, due to the operation of various construction plant, may be above the threshold of complaint. However, these instances will be transient and for limited periods of a day and therefore are not considered to be significant.

Construction Phase Impacts

- 5.7.19 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM10, PM2.5). 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.
- 5.7.20 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 Management Plan is recommended to be secured via condition, in order to control the impact of emissions during the construction phase.

Operational Phase Impacts

- 5.7.21 The potential impacts arising from the development associated with nitrogen dioxide (NO₂), PM10 and PM2.5 upon existing and future receptors, are, given the comparatively low levels of traffic generation produced by the development (discussed further below in the highway section of this report), likely to be imperceptible, too low for all pollutants.
- 5.7.22 The Council's Environmental Health Team have offered recommendations on installing appropriate kitchen and extraction equipment, to ensure that odour nuisance from the scheme does not arise. An informative to ensure the applicant is aware of these responsibilities is recommended to be attached to the decision notice.
- 5.7.23 Given the above assessments, it is concluded that the development will not, subject to the identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of the Development Plan and NPPF in this regard.

5.8 Highway Impact, Sustainable Transport and Parking

- 5.8.1 Paragraph 111 of the NPPF states 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.
- 5.8.2 There is an existing pedestrian and vehicular access, which serves the site, off Carter Avenue, located in the north-eastern corner of the application site.
- 5.8.3 The proposed development is shown to be served by both the existing access and a new vehicular and pedestrian access to be formed to the south western edge of the site, also off Carter Avenue.
- 5.8.4 The suitability of utilising the existing and introducing a new point of access to serve this site has been considered by the Highways Authority, who advise that such is safe, subject to the application of a condition requiring that the new access be formed and completed prior to first use of the proposed development. The proposed condition is considered to be reasonable, proportionate and necessary and as such, is recommended to be attached to the decision notice.
- 5.8.5 It is noted that Bilbrook Parish Council, within their original response to this application, requested that the highway impacts of this development be assessed by an alternative highways consultee, other than the County Council, given the potential conflict of interest arising from them being the seller of this site. It was confirmed that the engineers at the County Council have a code of practice to follow, to ensure that applications are determined without regard to the landowner.
- 5.8.6 Thus, given the above considerations, the proposal is considered unlikely to cause highway danger and therefore is consistent with the requirements of the Development Plan and NPPF in this regard.

Off Street Car Parking

- 5.8.7 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. The closest development type within this guidance, considered relevant to this proposal, is either C2 Hospitals or C2 Residential Institution. Based on these development types and the fact that the proposal will employ 60 members of staff, with a peak of between 30-35 staff on site at any one time, there would be a car parking requirement of up to 35 spaces.
- 5.8.8 A total of 28 car parking spaces are proposed within the development site, which includes two accessible parking spaces and six electric vehicle charging spaces. Designated spaces for an ambulance and delivery van are also proposed.
- 5.8.9 The applicant has submitted with the application details of a parking assessment of MACC Care developments, which demonstrates an average ratio of 0.29 car parking spaces per bedroom. Further to this, the database of TRICS sites provides an average ratio of 0.35 spaces and when applying this to the proposed 80 bed development, it would result in a parking provision of 28 spaces. Additional empirical evidence demonstrates that the average mode share of seven MACC Care facilities that have operated for at least 12 months, highlights that 40% of staff drive to site, 21% are dropped off and remainder travel by sustainable means. This further supports that the number of parking spaces provided is sufficient for the proposed

development.

- 5.8.10 Given the above evidence base relates to parking use on similar sites already in use, such is considered much more accurate than the figures extracted from the near matches of the Council's Appendix. The Highways Authority agree with the findings of the applicant in this regard and therefore, it is evident that the parking levels identified within this site are acceptable, subject to conditions to ensure that they are appropriately laid out and retained for their specified use, via the use of a suitably worded condition, as advised by the Highways Authority. Given this conclusion, the concerns raised by residents regarding existing on street parking congestion issues, whilst noted, are not considered to be exacerbated by this proposal and therefore do not constitute a material issue in the consideration of this application.
- 5.8.11 The parking bays within the site all comply in terms of scale, being a minimum of 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the above noted Appendix and Manual for Streets Guidance.

Electric Vehicle Charging

- 5.8.12 The abovementioned Appendix does not offer standards for EV parking, albeit Core Strategy Policy EV11 does recommend the incorporation, within new development of *"facilities for charging plug-in and other low emission vehicles"*.
- 5.8.13 The Council's emerging Local Plan Policy HC12 (Parking Standards) includes a requirement for C2 institutional accommodation of 20% of available spaces to be fitted with 7kw (or better) charge points and an additional 20% of available spaces to be provided with power supply to allow for the installation of fast charge sockets in the future. Given the progress of the plan, as discussed above, it does not carry sufficient material planning weight to require the applicant to deliver compliant EV charging provision currently. The fact that the applicant is offering to supply 6 spaces with charging points currently (20%), ensures compliance with the current Development Plan, along with the future proofing of the development. It is recommended that these charging facilities be secured through the use of an appropriately worded condition.

Cycle Parking

- 5.8.14 Appendix 5 requires that for residential institutions there be 1 secure weatherproof cycle bay provided, per 5 members of staff.
- 5.8.15 Given the maximum number of employees on-site at any one time will be 35, the cycle parking demand, as required by the Council's guidance, totals 7 spaces. There are 12 cycle parking spaces proposed shown throughout 2 structures across the site. As such, the number of spaces proposed is acceptable. The shelters have also been located adjacent to the building, in areas which have good natural surveillance from both the street scene and building itself, whilst there are shower and locker facilities shown within the building for employees, thereby promoting cycle use. Finally, it is noted that the appearance of these structures as proposed are also acceptable to their setting, whilst suitable changing facilities for staff are indicated within the building. A condition to secure the provision of the cycle parking infrastructure, as discussed above, is recommended, in order to support sustainable transportation.

Sustainable Transport

- 5.8.16 A review of the trip generation anticipated by the proposed development is presented in the Transport Statement, which is based on trip rates extracted from the TRICS database. The trip rates used are considered acceptable and show that the proposed development is anticipated to generate 11 two-way vehicular trips in the AM peak hour and 10 two-way vehicular trips in the PM peak hour. The traffic generated by the proposal is therefore considered to be minimal, given the context of the area, representing one additional vehicle every 5 minutes in either direction, at most, during the peak hours.
- 5.8.17 To ensure that the trips associated with the development are undertaken, as much as possible, via sustainable transport modes, a Travel Plan has been submitted with the application, which has been deemed acceptable by the Highways Authority. The document points out, given the sustainable location of the site, that there are many sustainable transport modes available to future site users, including employees, which includes the nearby bus stops on Duck Lane. To ensure that the requirements of the Travel Plan are realised, a condition is requested, along with a s106 contribution of £10,000, towards the monitoring of the document, both of which are deemed appropriate and are recommended to be secured within the aforementioned legal document and decision notice.
- 5.8.18 The development, subject to the abovementioned conditions and s106 contribution, will offer suitable vehicular and pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore, compliant in this regard with the requirements of the Development Plan and the NPPF.

5.9 Sustainable Built Form

- 5.9.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Core Strategy Policy EQ5 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve respectively, BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.
- 5.9.2 The government's response to the Environmental Audit Commission report: Code for Sustainable Homes and the Housing standard Review (2014) set out proposals for winding down the use of CfSH, due to it being absorbed into Building Regulation standards. The Deregulations Act (2015) required Local Planning Authorities to not set local targets for sustainable house building standards. As such, notwithstanding the comments of the Council's Urban Designer, the Council is now not currently able to apply standards relating to the CfSH and therefore, no such condition is recommended for these units.

5.10 Water Environment, Flood Risk and Drainage

Flood Risk

- 5.10.1 The Site is shown to be at low risk (Flood Zone 1) and very low risk from fluvial and surface water flooding respectively. The Flood Risk Assessment submitted with this application therefore concludes that the existing Site is at either very low or low risk of flooding from the sources assessed (fluvial, tidal; reservoirs, canals and other artificial sources; surface water, groundwater, and sewers).
- 5.10.2 The proposed development is for a More Vulnerable use and as such, given the low flood risk classification, is deemed appropriate for all uses, in accordance with NPPF.

Surface Water Drainage

- 5.10.3 Paragraph 169 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 identifies that the existing surface water flood route through the site is generally shown as low risk (i.e. each year it has a chance of flooding of between 1 in 100 and 1 in 1000). The low residual risk of flooding from surface water is to be managed by setting finished floor levels 150mm higher than immediately adjacent ground levels and by providing flood flow exceedance routing to lower lying ground to the west and east of the building. In addition, it is proposed that the necessary surface water attenuation is delivered in below ground storage tank, porous paving to the vehicular areas, water butts to provide a secondary amenity benefit, and supplemented by the provision of a rain garden within landscaping in the south-eastern corner of the site. In this instance this is considered appropriate, given that the scheme will return a net reduction in flood risk off-site compared to previous use, through the introduction of a restrictive discharge rate and introduction of formal attenuation storage, which was not present in the previous build form.
- 5.10.4 The acceptability of the surface water drainage proposals, in broad terms, have been considered by the Lead Local Flood Authority, who advise that they are broadly acceptable, albeit further details are necessary, which are recommended to be secured via a condition.

Foul Drainage

- 5.10.5 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site.
- 5.10.6 Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to ensure capacity to accommodate this development. The initial scheme submitted as part of this application shows foul sewage to be disposed of into the public water sewer. The use of SUDs should be considered prior to connection and therefore it is recommended that full drainage details for the site be submitted to prior to the commencement of development to resolve this matter.
- 5.10.7 In addition, it is noted that there is a public foul sewer, which crosses the site. The submission identifies this sewer and proposes its diversion to the periphery of the site. No details of Severn Trent's acceptance to the diversion via the s185 sewer diversion process, has been provided. An informative advising the applicant of the Companies comments on this matter is recommended.

- 5.10.8 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.

5.11 Ecology and Biodiversity

Protected Species

- 5.11.1 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.
- 5.11.2 A Preliminary Ecological Appraisal (PEA) of the site was carried out in November 2022. The document assessed the potential of the site to support a range of European and nationally protected species. The protected species identified as having the potential to use the site were bats, hedgehogs (solely in a commuting capacity), and birds. The site is also located within the Green Zone for potential Great Crested Newt (GCN) use, as defined by the Council's District Newt license, and the risk of use of the site by GCN is considered negligible, albeit an informative to advise the applicant of their responsibilities, with reference to this species is recommended. The report concludes that the impact of the proposal can be mitigated for during Site preparation works, such that no further protected species survey works were considered necessary to inform the planning application.
- 5.11.3 The Council's Ecologist and Naturespace have considered the acceptability of the aforementioned report and consider it to be sound.
- 5.11.4 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), 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.
- 5.11.5 The mitigation measures identified within the PEA, in order to prevent the severing of bat commuting routes, is a sensitive lighting strategy (recommended to be secured via a condition), whilst it is also recommended that the landscaping scheme proposed for the development include plants, which attract insects to allow for enhancement of foraging habitat for bats.
- 5.11.6 Whilst no mention of habitat harm avoidance measures is discussed for during the construction phase of development, it is reasonable and necessary for lighting to be controlled by a Construction Environmental Management Plan (CEMP) or similar. The CEMP, which is recommended to be secured via a condition, will include

restrictions on working hours and security lighting, which will have to be minimised in extent, and directed downward and away from boundary features.

- 5.11.7 The PEA also notes that the site has the potential to be used by a number of bird species. To address any harm to the various species arising as a consequence of the development, the Council's Ecologist has recommended that bat or boxes be introduced into the site, with exact details of these measures to be secured through an Ecological Enhancement Plan (EEP). In addition, given the site's usage by birds, a recommendation of the PEA is that any vegetation and building works occurs outside of the bird nesting season (March – September) or be checked for nesting birds beforehand by an ecologist. It is recommended that this matter be addressed through a condition, requiring the development to be undertaken, in accordance with the requirements of this document and an informative used to highlight this matter to the applicant.
- 5.11.8 Finally, to prevent any hedgehogs becoming trapped within the site during the construction phase of development, it is recommended that all excavation be covered at night. A condition to secure that the works be undertaken in accordance with the PEA, will secure this matter and is therefore recommended.
- 5.11.9 Subject to the application, discharge and adherence to the conditions as noted above, the development can be considered as having an acceptable impact upon protected species and their habitat and therefore is compliant with the requirements of the above noted legislation, Development Plan and NPPF in this regard.

Biodiversity

- 5.11.10 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.
- 5.11.11 Due to the Local Planning Authorities obligation to *"reflect and where appropriate promote relevant internal obligations and statutory requirements"* (Paragraph 2 of NPPF) and the requirement, under paragraph 174 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, Paragraph 180 of the NPPF, requires that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity"*.
- 5.11.12 In this case, a Biodiversity Metric has been submitted with the application, which details the value of existing habitats within the site and those to be created upon completion of the development. The Metric details that the scheme will deliver, through the landscaping scheme, a percentage gain of 35.23% for habitat units and 20.47% for hedgerow units. Conditions are therefore recommended to secure an Ecological Enhancement Plan (EEP); to detail exactly how this uplift will be achieved

and a Landscape and Ecological Management Plan (LEMP), to ensure that the created/enhanced habitats meet the condition requirements as specified within the submitted metric. Subject to compliance with these conditions, the scheme complies with the requirements of the NPPF in this regard.

Impact on Special Areas of Conservation

- 5.11.13 Paragraph 182 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

- 5.11.14 The agreed strategy for the Cannock Chase SAC is set out in Policy EQ2 of the Core Strategy, which requires that before development is permitted, it must be demonstrated that in itself, or in combination with other development, it will not have an adverse effect, whether direct or indirect, upon the integrity of the Cannock Chase SAC, having regard to avoidance or mitigation measures. 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. The agreed upon mitigation measures to enable residential development within the Zone of Influence (Zol), are detailed within the Strategic Access Management and Monitoring Measures (SAMMMs) document.

- 5.11.15 In this case the site is located 15.8km from the SAC and as such is outside of its Zol and therefore, no further consideration on this specific matter is required.

Nutrient Neutrality

- 5.11.16 The application site is also located approximately 9.9km from the Motte Meadows SAC. The Government’s advice as set out in the ‘Habitats regulations assessments: protecting a European site’ is that when checking whether a proposal could impact upon a protected site is *“You only need to carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:*

- *on the site*
- *near the site*
- *some distance away, for example by causing air, water or noise pollution or affecting a feeding area used by one of the site’s designated species”*.

The advice continues to advise that *“You can check if there’s an impact risk zone (IRZ) around a protected site. This will help you assess if a proposal might affect a site”*. IRZ’s are detailed on DEFRA’s Magic Map dataset. It is acknowledged that IRZs within this dataset are specifically for Sites of Special Scientific Interest (SSSI), albeit they do include occasional data specific SACs etc, so they are a useful guide, but not absolute. However, given Government advice on this matter, as quoted above, they are a useful way to determine an initial Zol, for which to undertake an assessment within, to consider a proposed development’s impact upon a protected site. Beyond

this broad-brush approach however, there is a more detailed consideration of Source, Pathway and Receptor for which regard must be had.

- 5.11.17 The ZOI for the Motte Meadows SAC, as shown on the Magic Maps dataset, covers this site. The Motte Meadows SAC is protected, as it represents lowland hay meadows, which holds a relatively large area of the habitat (approximately 40 ha). The site contains grassland with limited influence of agricultural intensification and so demonstrates good conservation of structure and function. There are transitions to other dry and wet grassland types. The site is important for a range of rare meadow species, including fritillary *Fritillaria meleagris* at its most northerly native locality.
- 5.11.18 The application proposes the redevelopment of a Brownfield site, through the erection of an 80 bed care home. Drainage from the scheme will utilise existing facilities, which are routed away from the SAC. The development therefore is not considered to result in a negative impact (either alone or in-combination with other plans) to this SAC in nutrient neutrality terms. In addition, as discussed above, the proposed scheme, is forecast to generate a net increase of 11 and 10 two-way trips in the respective peak hour periods and therefore is well below the levels identified (Natural England's (2018) guidance states that the three HRA Screening thresholds for requiring an Appropriate Assessment are 1,000 Annual Average Daily Traffic movements, 1% increase in critical load/level or 200 HGV movements in 24 hours) for an Appropriate Assessment to be required. Therefore, no mitigation or further action is required in this regard.

Invasive Plant Species

- 5.11.19 Finally, it is noted that there is *Cotoneaster* sp. within the site, which is an invasive plant species detailed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A condition to secure appropriate working practices, through an Invasive Species Management Plan, to prevent the spread of this species, is recommended.

5.12 Arboriculture Impact and Landscaping

- 5.12.1 Paragraph 175 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. Strategic Objective 3 and 4 of the Core Strategy seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that *"The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved"*.
- 5.12.2 The Arboricultural Impact Assessment submitted with this application, identifies that there are 15 trees, 3 groups and 2 hedges on or adjacent to the site. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area.
- 5.12.3 As part of the redevelopment works, it is proposed that there will be an overall loss of 1 individual Category B trees (T2 Walnut) and 3 category C trees (T13, T14 and

T15). In addition, there is proposed to be a small encroachment into the Root Protection Area, as calculated in BS 5837, of the category A, Copper Beech.

- 5.12.4 Under the British Standards, Category B trees are defined as ‘Trees of moderate quality with an estimated remaining life expectancy of at least 20 years’ and C, as ‘Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories’.
- 5.12.5 It is noted that neighbours to the site have commented on a number of trees within the site, requesting their removal or reduction in scale. With reference to the vegetation located along the boundary with Jasmine Grove, only 1 is a tree, a Rowan noted as T2 within the submitted Assessment. No works are proposed to either this tree or vegetation belt. There is no reasonable planning reason to require such works to occur and indeed, as noted above, the retention of the belt is necessary to aid to mitigate the impact of the proposal. With reference to the silver birch tree noted to the corner of the site, adjacent to the rear entrance to the fire station, requested to be removed, such is a Category B tree of some merit, which is to be crown lifted to 4 metres to limit impact upon the surrounding area, but otherwise retained.
- 5.12.6 The Council’s Arborist has considered the acceptability of the tree loss associated with the development and advises that such, including the loss of T2, is acceptable. The sole arboriculture concern originally noted related to the encroachment proposed into the RPA of the Category A Copper Beech tree and the resultant relationship between the proposed building and this tree, with reference to shading of internal living space and future pressure to fell. These matters have been addressed, in terms of the former through the submission of an Arboriculture Method Statement, to detail how construction works within this area will be undertaken in a manner to minimise any root disturbance (recommended to the secured via the use of a condition) and the latter, through demonstrating that the window within the lounge, adjacent to the tree is one of several to serve this room and therefore any future justification sought to fell, would be limited.
- 5.12.7 The proposed landscaping scheme, which includes the planting of 21 new trees, specimen and ornamental shrubs, infill hedgerow planting and grassed areas for amenity, is considered to be acceptable. A condition is therefore recommended to secure the planting of this scheme, along with its maintenance thereafter for a minimum period of 5 years. Such will also, as discussed above, secure, as part of the EEP, the uplift in Biodiversity Units within the site.
- 5.12.8 Subject to the conditions, as detailed above, the development will have an acceptable arboriculture impact upon the site and as such, will comply with the relevant requirements of the Development Plan and NPPF, in this regard.

5.13 Health Care

- 5.13.1 Section 8 of the NPPF ‘Promoting healthy and safe communities’ makes clear that policies and decisions associated with development should aim to achieve healthy, inclusive and safe places. Paragraph 93 b requires that policies and decisions should *“take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.”*

- 5.13.2 Policy EQ13 of the Core Strategy advises that contributions will be sought, where necessary, to secure *“the provision and improvement of community facilities such as... health facilities”*.
- 5.13.3 Local research undertaken by the NHS has previously shown that the extra resources required by care home residents are quite stark, with patients in such settings requiring 35 x more visits from a GP than an average patient. Care home residents were also dramatically overrepresented in unscheduled admissions to an acute setting, therefore greatly increasing ambulance conveyance and had a lack of continuity in care planning.
- 5.13.4 To address the impact of the scheme therefore, on local health provision, a sum of £43,333 is requested by the Cannock Chase Chief Commissioning, which is derived from the Department for Health guidance ‘Health Building Note 11-01: Facilities for Primary and Community Care Services’, which provides best practice guidance on the delivery of new healthcare buildings and adaptation and extension of existing facilities. It is applicable to a range of building types including GP premises, Health centres, Primary care centres and Urgent care centres. The sum, to be directly relatable to this application, will be directed to the relevant Primary Care Network (Seisdon PCN) and invested in a manner, which supports the ongoing commitment to deliver further workforce in support of services such as ‘Enhanced Health in Care Homes’.
- 5.13.5 The payment of the identified sum has been discussed with the applicant, who confirms their acceptance of this payment, which is recommended to be secured via the proposed s106 agreement.

5.14 Other Issues

- 5.14.1 The consultation responses received from the Police Architectural Liaison Officer and Fire Safety Officer are noted and the details contained therein are proposed to be passed to the applicant through the use of appropriately worded informatives.
- 5.14.2 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions have been agreed in discussion with the applicants’ agent.

6. Financial Considerations

- 6.1 The development would give rise to several economic benefits. For example, the development would lead to the creation of new direct (60 staff members) and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.
- 6.2 It should also be noted that the development will generate New Homes Bonus, Council Tax and Business Rates.

7. Human Rights

- 7.1 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.

8. Conclusion

- 8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. 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, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site, whilst the proposal would deliver specialist care accommodation, the need for which is readily identified within the Council's Local Plan evidence base.
- 8.2 Environmentally, the site occupies a prominent position on Carter Avenue. Whilst the scale and siting of the proposed building is somewhat out of character with that of the surrounding area, any harm derived is not considered to be significant, whilst the appearance of the building itself is considered to be acceptable.
- 8.3 It is considered that adequate, high quality amenity space can be provided on site, to meet the needs of future residents. The number of units 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.
- 8.4 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 vehicular access point 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 Local Highway Network, whilst the use of sustainable transportation methods will be promoted through the Travel Plan, which will be monitored via a reasonable financial sum secured through the Section 106 agreement.
- 8.5 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. With regard to drainage and flood risk, it is considered that adequate mitigation would be provided and that, subject to appropriate conditions, no material harm will be caused. Finally, the concerns and comments initially raised by the Council's Arboriculture Officer have been assessed and the scheme amended to address such.

- 8.6 Given the above assessment and the positive weight attributable to the delivery of residential institution led development, 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 legal agreement, is one of approval.

9. RECOMMENDATION:

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

1. Contribution towards Health Care Infrastructure of £43,333; and
2. Framework Travel Plan Monitoring Fee of £10,000.

Approve subject to the following conditions:

(2) If the S106 is not signed/completed by the 16 January 2024 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings:

Proposed Site Plan and Location Plan (AP22014-L01 E)
Proposed Ground Floor Plan (AP22014-L02 C)
Proposed First Floor Plan (AP22014-L03 C)
Proposed Second Floor Plan (AP22014-L04 C)
Proposed Roof Plan (AP22014-L05)
Proposed Elevations (AP22014-L06 D)
External Works (AP22014-L07 A)
Existing Topographical Survey (01)
External Levels (CS221104-101)
External Works (CS221104-107)
Rain Garden Details (CS221104-109)
Landscape Proposals (102)

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

3. Prior to the commencement of development, excluding groundworks, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

(i) External brickwork and Elevation Treatments; and

(ii) Exterior Roof materials.

The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained for the life of the development.

4. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall:
- i) Specify details of the site compound, including arrangements for the parking of site operatives and visitors;
 - ii) Specify details of the construction access;
 - iii) Specify the delivery and construction working times;
 - iv) Specify the types of vehicles to be used;
 - v) Specify the location, type and hours of use of any artificial lighting;
 - vi) Specify noise, air quality and dust control;
 - vii) Details the management and routing of construction traffic;
 - viii) Provide for the parking of vehicles of site operatives and visitors and wheel washing facilities;
 - ix) Provide for the loading and unloading of plant and materials;
 - x) Provide for the storage of plant and materials used in constructing the development; and
 - xi) Provide satisfactory arrangements for the control of surface water during the construction period, prior to the formation of the approved SUDs.

The development shall thereafter be carried out in accordance with the approved details, which shall be adhered to throughout the construction period.

5. Notwithstanding the submitted details, prior to the commencement of development, excluding groundworks, full details of a scheme of foul and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
6. Prior to the commencement of development, protective fencing and other protective measures to safeguard existing trees and/or hedgerows on the site, shall be provided in accordance with the details shown within the approved Arboricultural Report (reference THL-R22-116) and Construction Method Statement (dated September 2023) and to British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). 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 have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the Local Planning Authority.

7. Prior to the commencement of development, excluding groundworks, full details of an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the Local Planning Authority. The EEP shall include details of habitat enhancements appropriate to the scale and nature of the development, including the number, model and siting of any enhancement measures and any necessary future maintenance requirements. The enhancements detailed within the approved EEP will be installed prior to the first occupation of the building and shall thereafter be retained for the life of the development.
8. Prior to commencement of development, including site clearance or ground works, an invasive species management plan, which details good working practices to preclude the spread of invasive species from the site into the wild (i.e., via wheel washing, appropriate disposal of Schedule 9 plant species, material storage etc.) must be submitted to and approved by the Local Planning Authority in writing. The submitted management plan will thereafter be implemented in full for the duration of the construction works.

CONDITIONS to be complied with PRIOR to the first occupation of the units:

9. Prior to the first occupation of the development, excluding groundworks, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination, design of the lighting systems, and both horizontal and vertical luminance plans shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed, prior to the first occupation of the building, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval, on application, to the Local Planning Authority.
10. Prior to first occupation of the development hereby approved, the development shall be inspected by a qualified ecologist and a statement of conformity submitted to and approved in writing by the Local Planning Authority, to confirm that all of the measures for ecological enhancement, as approved under the requirements of condition 8, have been fully implemented.
11. Prior to first occupation of the development hereby approved, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP must include details of how created habitats will deliver the specified minimum improvement of 35.23% for habitat units and 20.47% for hedgerow units and meet the target condition, as detailed within the submitted biodiversity metric, including ground preparation, seed mixes and seeding, planting (incl. planting densities and specifications), and subsequent management and monitoring requirements.

The LEMP must cover an initial 5-year period for all habitats, with a 5-yearly monitoring report submitted to the Local Planning Authority up to a 30-year period to ensure that enhanced and created habitats reach and maintain their target condition.

The approved plan shall be implemented concurrently with the development and completed within 12 months of the completion of the development.

12. Prior to first occupation of the development hereby approved, the parking, servicing and turning areas as shown on approved plan, reference AP22014-L01 REV E, shall be provided in a bound material and be sustainably drained, with the individual bays clearly delineated. The Active Electric Vehicle Charging Points and passive infrastructure, shall be installed, prior to 90% occupation of the site, to serve the identified parking spaces and thereafter, the parking, EV Charging, servicing and turning areas shall be retained for their designated purposes, for the life of the development.
13. Prior to the first occupation of the development hereby approved, the new vehicular access to serve the development, from Carter Avenue, shall be completed within the limits of the public highway, in accordance with approved plan, reference AP22014-L01 REV E. The visibility splays to serve the access, shall be kept free of all obstructions to visibility, with nothing placed or allowed to remain forward of the visibility splays, over a height of 0.6m above the adjacent carriageway level. The access and visibility splays are thereafter to be retained for the life of the development.

All other CONDITIONS to be complied with:

14. The cycle parking facilities for staff and visitors and shower/ locker/ changing facilities for staff, as shown on approved plans 102 and AP22014-L07 Revision A shall be constructed in accordance with the approved details, prior to the first occupation of the site and thereafter shall be retained for the life of the development.
15. The Travel Plan shall be implemented in accordance with the timetable set out in the approved document reference T22585 dated 03/04/2023 received on 14/04/2023. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning permission to the Local Planning Authority for approval for a period of five years from first occupation of the development.
16. The approved landscape and planting scheme shown on plans reference 102 and CS221104-109, shall be implemented within eight months of the first occupation of the development.
17. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) 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 the same or similar size and species.
18. The boundary treatments, gates, hard landscaping, shed and bin store as shown on approved plans 102, AP22014-L01 REV E and CS221104-107, shall be erected or installed, prior to the first occupation of the building and thereafter shall be retained for the life of the development.
19. The development hereby approved shall be undertaken in accordance with the recommendations and methods of working as detailed within the Preliminary Ecological Appraisal, reference 22-2091.01.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, no

fences, walls or other means of enclosure shall be erected within the site, other than those approved by this planning permission, without the prior written permission, on application to the Local Planning Authority.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, unless specifically agreed pursuant to other conditions of this permission, no external lighting shall be provided within the application site, without the prior permission on application by the Local Planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy EQ11 and Core Policy 4 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policy 2 and Policies EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
4. In the interests of highway safety, to ensure the free flow of traffic on the local highway network, to reduce the risk of surface water flooding, to safeguard protected species and their habitat and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
5. 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 Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework.
6. To ensure the high quality form and appearance of the development, protect the amenity of neighbouring residents and to protect the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
7. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
8. In order to ensure compliance with the Wildlife and Countryside Act 1981 (as

amended) in relation to the spread of invasive non-native species to the wild, Policy EQ1 of the Core Strategy and the National Planning Policy Framework.

9. To ensure the satisfactory appearance of the development, to safeguard protected species and their habitat and to safeguard the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
10. In order to prevent harm to and provide enhanced habitats for protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
11. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
12. In the interests of highway safety, to promote more sustainable modes of transportation, to ensure the delivery of sustainable drainage and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
13. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
14. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
15. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To ensure that the approved landscaping scheme is implemented in a speedy and diligent way, to protect natural habitat and deliver biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design and the National Planning Policy Framework.
17. To ensure that any initial plant losses to the approved landscaping scheme are overcome, to protect natural habitat and delivery Biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary

Planning Documents, the National Model Design and the National Planning Policy Framework.

18. To safeguard the appearance of the development and to protect the amenity of future residents, in accordance with Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
19. In order to prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
20. To safeguard the privacy of neighbouring residents in accordance with Policy EQ9 of the Core Strategy and the National Planning Policy Framework.
21. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policy 2 and Policies EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.

INFORMATIVES

1. The applicant's attention is drawn to The Town and County 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.
2. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.
3. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 07/03/2023. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicants' attention is drawn to the comments from the Staffordshire Fire and Rescue Service dated 15/02/2023.
5. The applicants' attention is drawn to the comments from the Council's Environmental Health Team dated 01/03/2023.
6. The applicants' attention is drawn to the comments from Severn Trent Water dated 13/03/2023.

7. The surface water drainage scheme to be submitted to discharge the requirements of condition 5 shall demonstrate the following:
 - Surface water drainage system(s) shall be designed in full accordance with the Non Statutory Technical Standards for sustainable drainage systems (SuDS), DEFRA, March 2015.
 - Sustainable Drainage System(s) shall be designed in full accordance with the Staffordshire County Council (LLFA), SuDS Handbook and all relevant policies and standards within.
 - Finished floor levels shall be set at an appropriate level (at least 300mm as far as is reasonably practicable), above surrounding ground levels.
 - Limiting the surface water run-off generated by all event scenarios up to and including the 1 in 100 year plus 40% (for climate change) return period, critical duration storms so that it will not exceed 5 l/s from the site and not increase the risk of flooding off site.
 - Provision of adequate surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.
 - The incorporation of adequate surface water treatment shall be provided, in accordance with CIRIA C753 – The Simple Index Approach to Water Quality Management – to mitigate water quality pollution.
8. The proposed site access and off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to highway.agreements@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place to meet any potential timescales. <https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>.
9. Any vegetation that is suitable for nesting birds (i.e. hedgerow) must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or it must be checked by an ecologist no more than 24 hours prior to removal. Should nesting birds be found the nests must be left until chicks have fledged and the nest is no longer in use.
10. This planning permission does not override or preclude the requirement to comply with protected species legislation. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.



Former Bilbrook House Carter Avenue Bilbrook Staffordshire WV8 1HH