

**23/00093/OUT  
MAJOR**

**LOADES LIMITED**

**GREAT WYRLEY  
Councillor Ray Perry  
Councillor Kath Williams**

**Loades Business Park, Gorsey Lane, Great Wyrley, Staffordshire, WS6 6BD**

**Demolition of the existing industrial / commercial buildings and outline application with all matters except access reserved, for the redevelopment of the site through the erection of up to 30 dwellings**

## **1.1 SITE DESCRIPTION AND PLANNING HISTORY**

- 1.1.1 The application site, which extends to 1.05ha, is located off Gorsey Lane, which is found towards the southern edge of the village of Great Wyrley. The rectangular shaped site forms part of the existing Loades Business Park and contains single and two storey, pitched roof buildings, constructed in the 1960s, which join together to form one building mass. The buildings, whilst vacant since 2019, were last used as a warehouse/factory unit, with adjoining ancillary office block, have a total floorspace of some 4,980 sq.m. and are sub-divided into ten bays of differing sizes. The property is of steel portal frame construction, clad externally with brick to the elevations under a corrugated apex roof with translucent light panels. There is also a large open yard comprising some 2,000 sq.m. located within the northern part of the site.
- 1.1.2 The existing buildings within the site vary in mass and form, but at their tallest they achieve a height of approximately 8m. The land levels within the site rise by approximately 4m from north to south.
- 1.1.3 The Spindles, a modern residential estate, is located adjacent to the site's northern boundary, with industrial development, which forms Landywood Business Park, located to the western boundary. To the east of the site, along Gorsey Lane, are 1960s style semi-detached dwellings, whilst to the south east, approximately 150m distant, is Landywood Primary School. To the south, across Holly Lane, are open agricultural fields.
- 1.1.4 Mature landscaping runs to the perimeter of the entire site, along with a 2.0m high paladin fence. The site is served by 3 existing vehicular access points, all located off Gorsey Lane.

## **1.2 SITE HISTORY**

None relevant.

## **1.3 PRE-APPLICATION ADVICE**

- 1.3.1 Pre-application discussions have taken place.

## **2. APPLICATION DETAILS**

- 2.1.1 The application proposes the demolition of the existing buildings within the site and subsequently seeks outline consent, with all matters, except access, reserved for subsequent approval for the erection of up to 30 dwellings.
- 2.1.2 To support the application, an illustrative layout has been provided with the application, which shows a mix of 2, 3 and 4 bedroom properties in the following proportions:
- 10 x 2 bedroom units (33%)

- 11 x 3 bedroom units (37%)
- 9 x 4 bedroom units (30%)

2.1.3 The majority of the units shown on the illustrative layout are proposed to be two storey, with the exception of 4 bungalows and a pair of two and a half storey town houses, proposed to be located at the head of the main access road.

2.1.4 As noted above, the site currently has three vehicular access points from Gorsey Lane. It is proposed to utilise two of these to provide access to the new development. The existing central access point is proposed to be closed.

## 2.2 **Agent's Submission**

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

- Design and Access Statement
- Planning Statement
- Preliminary Ecological Assessment
- Bat Emergence Survey
- Marketing Report
- Phase 1 Geo-Environmental Study and Coal Mining Risk Assessment
- Transport Statement
- Noise Impact Assessment
- Arboricultural Survey
- Topographical Survey
- Flood Risk Assessment
- Drainage Strategy
- Biodiversity Metric

## 3. **POLICY**

### 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

### 3.3 **Site Allocations Document**

- Chapter 9 – Employment Land
- SAD7 – Open Space 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
- 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 Ray Perry** - No Response Received.

**Councillor Kath Williams** - No Response Received.

**Great Wyrley Parish Council** (received 09/06/2023) – No objection.

**Natural England** (received 29/05/2023) – No objection, subject to securing appropriate mitigation to address the scheme's recreational impact upon the Cannock Chase SAC.

**Historic Environment Officer Archaeology** (received 17/05/2022) – No objection.

**Staffordshire County Council Highways** (received 04/07/2022) (previous comments 30/05/2023) – No objection, subject to conditions, requiring the submission and approval, prior to the commencement of development, of the layout of the site, including disposition of buildings, Internal access roads, boundary treatments and provision of parking, turning and servicing within the site curtilage. In addition, request details of a Construction Environmental Management Plan (CEMP) and that no dwellings be occupied until the existing vehicular and pedestrian access arrangements are amended and fully constructed in accordance with the approved plans. Finally, request that prior to first occupation of the development, the off-site highway works, including the widening of the existing footway on Gorsey Lane, the permanent closure of the central access point and the relocation of the bus shelter, be fully implemented, in accordance with the approved plan.

An informative, detailing how to progress an application for the off-site Highway works, with the Highway Authority, is also detailed.

**Coal Authority** (received 02/06/2023) – No objection, subject to conditions requiring the submission and approval, prior to the submission of any reserved matters application, of a scheme of intrusive investigations to locate and record mine entries and shallow mine workings within the site. The Scheme of Intrusive Investigation Report shall thereafter accompany the reserved matters application, demonstrating how the proposed layout has avoided any founds features. Prior to the commencement of development any remediation or mitigation works to address coal working within the site to be undertaken and finally, prior to first occupation, a signed statement or declaration confirming that the site has been made safe and stable, to be submitted to and approved in writing by the Local Planning Authority

**NatureSpace Partnership Newt Officer (Staffordshire)** (received 17/05/2023) – No objection. The development falls within the green impact risk zone for great crested newts, where there is moderate habitat and a low likelihood of great crested newt presence. As such, recommend solely an informative be attached to any positive decision, reminding the applicant of their protected species duties.

**Senior Ecologist** (received 30/05/2023) – No objection. The traffic report demonstrates that the proposal would result in a net reduction in traffic movements and therefore would not result in significant air pollution, such that an adverse effect on site integrity of nearby Special Areas of Conservation (SACs), Ramsar sites, Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNRs), could be reasonably anticipated.

An Appropriate Assessment should be undertaken and a recreational mitigation fee for impact upon the Cannock Chase SAC of £329.83 (index linked) secured via a Unilateral Undertaking.

The Preliminary Ecological Assessment and Bat Survey adequacy demonstrate that the development will not adversely impact upon protected species or their habitat. Recommends however that the development be delivered in accordance with the working practices and mitigation methods identified within the PEA.

The submitted Biodiversity Metric shows that the development can deliver a minimum biodiversity improvement of 35.42% for habitats and 6994.50% for hedgerows. It is recommended that this uplift be secured via the use of appropriate conditions.

**Severn Trent Water** (received 14/07/2023) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of suitable foul and surface water drainage plans.

**Staffordshire County Council Flood Risk Management Team** (received 11/10/2023) (previous comments 11/09/2023 & 09/08/2023 & 01/06/2023) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development, of a sustainable surface water drainage scheme.

**Staffordshire Fire and Rescue Service** (received 17/05/2023) – No objection. Provides guidance on suitable design measures to limit fire risk.

**Police Architectural Liaison Officer** (received 24/05/2023) – No objection. Provides advice on measures to aid in designing to limit the potential for crime.

**Environmental Health Protection** (received 08/08/2023) – No objection. Requests a condition to secure as part of the reserved matters application, an acoustic design statement and details regarding an acoustic barrier, each of these should include expected noise levels in amenity areas and rooms within the properties to ensure the levels specified in BS8233:2014 are met.

**Conservation Officer** (received 02/06/2023) – No objection. The closest designated heritage asset, Landywood Farmhouse (Grade II), is located 400m from the site. There is no visual interplay between the site and the heritage asset and the change in land use would not be detrimental to the setting if there were.

The buildings that are proposed for demolition are mid-later C20 structures and are of low architectural merit.

**Staffordshire County Council Planning** (received 12/05/2023) – No Comment.

**Staffordshire County Council Education** (received 07/06/2023) – No objection. There are projected to be sufficient school places available to mitigate the impact of this development at both primary and secondary phases of education (Landywood Primary School and Great Wyrley Academy).

**Strategic Planning** (received 19/06/2023) – The site is in a sustainable location, within the Main Service Village of Great Wyrley. Being an employment site, the decision taker will need to consider whether Policy EV1 is satisfied and the site can be considered acceptable for housing.

Recommends a condition to secure a Market housing mix as follows:

35% 2 bedroom properties  
30% 3 bedroom properties  
35% 4+ bedroom properties

The Council's latest 5-year housing land supply position (31st March 2022) shows the Council to have a 5.94-year supply. The most recent housing delivery test results were published (14 January 2022)

indicates that South Staffordshire delivered 136% of the relevant housing requirement over the measurement period. The titled balance is therefore not engaged.

**Cannock Chase Chief Commissioning Group (NHS)** (received 11/07/2023) – No objection, subject to a contribution of £19,500, towards local health infrastructure.

**Housing Strategy** (received 17/07/2023) – Recommend reducing the number of 3 bed properties slightly so the following housing mix is secured, which will address this concern.

2 bed - 10

3 bed - 9

4 bed - 11

This may reduce the number of bungalows, but as long as 10% is secured, then this is acceptable. Recommends that the bungalow provision be amended to two 2 bed and one 3 bed. This is to ensure the bungalow units are designed towards the elderly population.

Agrees that Vacant Building Credit given the marketing report is deemed as satisfactory, and there is no apparent evidence that the property has been made vacant solely for the purposes of redevelopment.

**Environment Agency** (17/05/2023) – No comment.

**Arboricultural Officer** (received 19/09/2023) (previous comments 05/09/2023 & 26/05/2023) – No objection. Satisfied that arboricultural matters can be adequately dealt with through the reserved matters stage of the process.

**Development And Waste Management Unit** – No Response Received.

**Western Power Distribution** – No Response Received.

### **Contributors**

A site notice was posted on 17/05/2023. 1 neighbour comment has been received, which is summarised below:

- This site has been vacant and derelict for a number of years. It is an eye-sore and ought to be demolished.
- New homes would improve the look and feel of the area and would be better for the community as a whole.

## **5. APPRAISAL**

### **5.1 Key Issues**

- Policy & Principle of Development
- Housing Mix and Space Standards
- Affordable Housing and Vacant Building Credit
- Layout, Design & Appearance
- Residential Amenity

- Access, Parking & Highway Safety
- Sustainable Built Form
- Water Environment, Flood Risk & Drainage
- Ecology, Biodiversity and Habitat Regulations Assessment
- Arboriculture
- Health Care and Education
- Other matters
- Financial Considerations
- Human Rights

## 5.2 Policy & Principle of Development

5.2.1 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.

5.2.2 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.

5.2.3 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.

5.2.4 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.

- 5.2.5 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.
- 5.2.6 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.
- 5.2.7 Core Policy 1 identifies Great Wryley as a Main Service Village, a location where it is noted employment and residential development shall be focused. The Policy continues to advise that *"Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas"*.
- 5.2.8 The explanatory text for Core Policy 1 states that *"The Council, working in partnership with businesses and local communities, will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and further economic development of the District"*.
- 5.2.9 Core Policy 7 seeks to protect existing employment uses stating *"The Council will seek to ensure that a supply of employment land is readily available in South Staffordshire to meet justified development needs for general employment development throughout the plan period, whilst recognising the constraints that impact upon the District. Unless it can be demonstrated that there is no reasonable prospect of a site being delivered, existing employment areas will be protected and retained for employment uses in accordance with Policy EV1 and the redevelopment and modernisation of existing sites for employment will be supported"*.
- 5.2.10 Inset Plan 44 of the Core Strategy 'Cheslyn Hay and Great Wyrley' confirms that Core Strategy Policy EV1: Retention of Existing Employment Sites refers to the application site. Policy EV1 states *"Sites and premises used and/or allocated for industrial or commercial purposes (B1 – B8) purposes will be safeguarded for that use"*.
- 5.2.11 A caveat is placed on Policy EV1 however, which states that *"Proposals for development which would lead to the loss of land and premises for employment will not be permitted, unless it can be clearly demonstrated that:*
  - a) the supply and variety of available alternative employment land is sufficient to meet the District and local requirements; or*
  - b) following appropriate marketing of the site no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or*
  - c) there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or*
  - d) economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises"*.

- 5.2.12 It is noted, notwithstanding the above, that the application site is sought to be allocated through the Emerging Local Plan; via Policy SA5, site reference 638; for residential development, to deliver a minimum of 29 dwellings. The key requirements identified for delivering the site being the retention and enhancement of the tree and hedgerow boundaries and compliance with 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”*.
- 5.2.13 As stated within paragraph 5.2.1, the emerging Local Plan currently carries minimal weight and as such, those Policies detailed from the Core Strategy are those relevant to the consideration of this application. As a consequence, the development seeks to remove an allocated employment site from commercial use and for such to be considered acceptable, compliance with a minimum of one of the caveats offered within Policy EV1 (as detailed above) is necessary.
- 5.2.14 The Marketing Report submitted with the application demonstrates that the site was advertised for rent between November 2020 and January 2023. The report concludes that criterion ‘b’ has been satisfied with *“no suitable and viable alternative employment use found, or is likely to be found in the foreseeable future”*. This conclusion is reached, given that, during the marketing period only 15 expressions of interest were received, with 6 viewings. The potential occupants noted a number of concerns with the buildings, which resulted in no formal offer being made. The concerns included that, the bays are too small, the layout of the building doesn’t suit modern practices regarding HGV movements and the buildings require significant expenditure to ensure they are useable. The last point is also used by the applicant to further demonstrate why the building would not be suitable for use for employment purposes in the foreseeable future, given that Unit 1 has an EPC rating of E, whilst units 2&3 have an EPC rating of F. Under the Minimum Energy Efficiency Standard (MEES) Regulations, it is now unlawful for landlords to let commercial property with an Energy Performance Certificate (EPC) rating of ‘F’ or ‘G’, whilst there is a proposal that commercial properties must have an EPC rating of C or higher by 1 April 2027, rising to a B or higher by 2030. Given the condition and structure of the buildings, significant investment would be required to achieve this.
- 5.2.15 Given the above assessment, it is considered that the principle of redeveloping this site, which requires the loss of the employment is acceptable (a viewpoint shared by the Strategic Policy Team), subject to adherence with wider considerations and therefore, the development in this regard is compliant with the requirements of the Development Plan and NPPF.

### 5.3 Housing Mix and Space Standards

- 5.3.1 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.
- 5.3.2 This outline application is the appropriate vehicle in which to both consider and secure the mix brought forward under any subsequent reserved matters application.
- 5.3.3 The most up to date assessment of local needs is set out in the Housing Market Assessment Update (HMA) (2022), which requires that approximately 10% of the dwellings be single storey accommodation (to meet the needs of an aging population), along with a housing mix for the North-Eastern area, within which Great Wyrley sits, of; 1 bed 19%, 2 bed 30%, 3 bed 24% and 4+ beds 27%.

Notwithstanding this point, the Council's Strategic Planning Team and Housing Strategy Manager have recommended the following mix be secured (wherein there is a requirement for two 2 bed bungalows and one 3 bed bungalow):

35% 2 bedroom properties	2 bed - 10
30% 3 bedroom properties	3 bed - 9
35% 4+ bedroom properties	4 bed - 11

5.3.3 The applicant within their submission have suggested a housing mix of;

2 bed – 10 (4 of which are bungalows)  
3 bed – 11  
4 bed – 9

5.3.4 The mix as proposed by the applicant and that as sought by the LPA do not quite align. The applicant has requested that this matter be resolved by condition, which is considered an appropriate route and is therefore recommended to Members. This is especially relevant given the outline nature of the development.

5.3.5 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). Once more, given the outline nature of this submission, these exact details are not to be considered under this proposal, albeit the applicant has provided evidence within their submission to demonstrate that compliance with these standards can be achieved, with the number of dwellings as proposed.

5.3.6 Given the above assessment, subject to the application and suitable discharge of the above identified condition, the proposal can comply with the requirements of the Development Plan and NPPF in this regard.

#### 5.4 Affordable Housing and Vacant Building Credit

5.4.1 The dwellings proposed within this scheme are subject to requirements of Policy H2 of the adopted Core Strategy, which requires developments of 10 or more units in Great Wyrley, to make an affordable housing contribution. On previously developed land, this requirement is for 30% affordable housing, provided on site, split 50:50 between social rent and shared ownership.

5.4.2 Based on 30 units, the affordable housing requirement is therefore 9 affordable homes, with 4 or 5 for social rent and 4 or 5 for shared ownership. In line with the National Design Guide and Affordable Housing and Housing Mix SPD, different tenures should be well integrated within a scheme, and design should be tenure-neutral to ensure that affordable housing is materially indiscernible from market housing.

5.4.3 Notwithstanding the above, paragraph 64 of the NPPF states that *"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount"*. This matter is expanded upon within paragraph 026 of the Planning Obligations National Planning Practice Guidance (NPPG), which states *"where a vacant building is... demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing*

*contributions may be required for any increase in floorspace”.*

5.4.4 Paragraph 027 of the NPPG continues to advise that *“where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A ‘credit’ should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided. The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought”.*

5.4.5 Finally, paragraph 028 states *“The vacant building credit applies where the building has not been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:*

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

*Each case is a matter for the collecting authority to judge. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider:*

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

5.4.6 In this case, there are a number of factors to consider, prior to calculating any net increase in floorspace, across the site. Firstly, compliance with paragraph 028. This is a brownfield site, where it has been determined that in the context of the explanatory paragraph detailed above, the buildings therein, have not been abandoned. In addition, the buildings have not been made vacant to facilitate the site’s redevelopment, rather, they have been regularly maintained and the site marketed with the objective of securing another occupier. There are no extant or recent planning permissions for similar development to that now proposed within this site. As such, the application site complies with the requirements, as identified, in order to be eligible for Vacant Building Credit.

5.4.7 The existing vacant buildings on this site have a gross floorspace of 4,980 sq.m. The floorspace of the proposed new dwellings (acknowledging that such information is purely indicatively provided at this juncture) in combination is 2,775 sq.m. There is therefore a net reduction in floorspace of 2,205sq m. Utilising the formula for calculating the impact of VBCs, as detailed within the Council’s draft Affordable Housing & Housing Mix SPD, the overall affordable housing need arising from this development is -7 dwellings. Therefore, no affordable housing provision can reasonably be sought from the proposal.

5.4.8 It should be noted that Vacant Building Credit is a vehicle supplied by the Government in order to encourage development on Brownfield Sites, where usually mitigation costs are high. As such, the applicant is not in any way seeking to reduce inappropriately, the level of affordable housing within

the scheme, rather utilising appropriate allowances within national planning policy. Thus, the above noted figure, although noticeably lower than the affordable housing level identified within the authorities affordable housing policy, remains policy compliant in the wider sense. Thus, the development is considered to comply with the requirements of the Development Plan and NPPF in this regard.

## 5.5 Layout, Design and Appearance

5.5.1 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, which respects and enhances local character and the 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.

5.5.2 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”*.

5.5.3 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.

5.5.4 As noted above, this is an outline application with all matters except access reserved. As such, the layout plan, as submitted, is indicative only, with matters of appearance, landscaping, layout and scale, to follow in subsequent reserved matters applications. However, the plan does seek to demonstrate that the number of dwellings proposed can be suitably accommodated within the site, whilst remaining compliant with the requirements of the wider Development Plan.

5.5.5 The Design and Access Statement accompanying this application acknowledges that design matters will be dealt with fully at reserved matters stage, but does set out a potential solution for developing the site. The key points as detailed within this document, are:

- the development will be formed by a range of house types, with a varying form of different sizes and designs, all taking reference from the Great Wryley Village Guide contained in Appendix 1 of the Council's Core Strategy;
- Dual aspect buildings will be provided in order to mark gateways into the development;
- A Landmark building is envisaged to be provided at the south-east corner at the junction of Holly Lane, and Gorsey lane;
- The majority of the units are envisaged to be two storey with the single storey elements made up of the four bungalows and garages associated with their respective houses where appropriate. A pair of two and a half storey town houses are shown to provide a focal point at the head of the

main access road;

- The scale of the development in terms of both massing and density will be consistent with that of the existing area, which although lower than the Government identified preference for 35 dwellings per hectare, has been tailored to ensure the retention of the existing boundary trees and vegetation;
- Building materials will generally be a mix of locally sourced red facing brick along with the occasional use of light coloured rough cast render in key locations. Roof finishes will be either a slate or blue or red/brown tiles. To add interest to the roofscape it is envisaged that some units may incorporate chimneys; and
- A variety of boundary treatments will be used in order to reflect the variety found elsewhere within the village and to create interest within the site. Along key frontages to the public realm feature bricks walls, timber or metal fencing and hedging will be used whilst at the rear traditional close boarded fencing is proposed for the means of enclosure.

- 5.5.6 The details, as outlined above, are considered to be consistent with the prevailing character of the surrounding area, in terms of the form and scale of the proposed buildings, which will ensure that in principle, the dwellings could integrate successfully into the appearance of the area. In addition, it should be noted that as expressed by the Council's Conservation Officer, the existing buildings within the site are of little architectural merit and their removal and replacement with well-designed residential buildings will offer a visual betterment to the area, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

#### Public Open Space

- 5.5.7 Core Strategy Policy EQ13 requires new major residential led development to deliver *"the provision of new accessible public open space, play facilities and spaces and sport and recreation facilities to serve new residents or the enhancement of the quality and accessibility existing public open space, and sport and recreation facilities"*.
- 5.5.8 The amount of Public Open Space (POS) to be provided within a major housing scheme (over 29 dwellings) is defined within the Strategic Allocation Document Policy SAD7, which details an on-site need to deliver an open space, which functions primarily as greenspace, but includes equipped play areas or MUGA/Skatepark provision. This threshold will ensure a minimum greenspace size of 0.25ha is provided, alongside an equipped play space or skatepark/MUGA of at least 0.04ha.
- 5.5.9 The indicative layout plan submitted with this application shows no POS provision on-site. Rather the Planning Statement seeks to provide a payment for off-site provision. The document advises that Policy HC17 of the Emerging Plan *"requires 0.006 hectares of multi-functional publicly accessible open space per dwelling to be provided. However, for smaller sites, ie. less than 33 dwellings, the policy states that an offsite financial contribution will be sought equivalent to the amount of open space that would otherwise be required on-site. In this regard, it is understood that the required contribution would amount to £993 per dwelling (Apr-21 prices) equating to a total financial contribution of £29,790 for a 30 dwelling scheme. It is anticipated that this would be secured by means of a s106 agreement. for 0.01ha per dwelling, which is to include equipped areas of play and / or MUGAs / skateparks"*.
- 5.5.10 As discussed above, the emerging plan does not have sufficient material planning weight currently to form part of the consideration process for this application and rather, it is against the requirements of Policy SAD7 that the submission must be considered. That Policy solely seeks off-site contributions equivalent to 0.01ha of community open space per dwelling for schemes of between 10-24 dwellings. The contribution equates to £993 per dwelling. Whilst the monetary sums involved are unchanged,

evidently, the proposal is contrary to Policy, in seeking to finance off-site provision, when the number of dwellings to be erected on-site exceeds 24.

- 5.5.11 In this case, there are extenuating circumstances beyond the fact that the Emerging Plan seeks to allocate the site for a minimum of 29 dwellings, to justify the lack of on-site POS. Firstly, the boundary planting, which is sought to be retained by the emerging Plan, limits the buildable area within the site. The impact of this matter is discussed further below, within the arboricultural section of this report. However, in order to allow for suitable stand offs to prevent current and future pressures to fell these high-quality landscaping features, large areas of the site cannot be built upon. In addition, the former coal mining use of the site, once more discussed in greater detail below, again limits where dwellings can be located, due to an inability to build over old mine shafts. Given these circumstances and the fact that any POS provision on-site would be small and therefore arguable whether useable, given the scale of the development and noting that this in no way sets a precedent for any other future development, it is considered in this case, appropriate to allow for an off-site financial contribution, which is to be secured via the use of a s106 agreement, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

## 5.6 Residential Amenity

### Existing and Future Residents

- 5.6.1 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, odors and daylight.
- 5.6.2 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 28 metres over private space between habitable rooms for 3 storey buildings (which would include the indicatively identified 2 and a half storey dwellings noted within this scheme), which drops to 21 metres for single and two storey dwelling 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.
- 5.6.3 In terms of separation distances between residential units, both internally within the scheme and externally to neighbouring existing property, the illustrative masterplan indicates that the development can be designed in manner to be wholly compliant with the Council's guidance.
- 5.6.4 Space about Dwellings Standards are also laid out in Appendix 6, which states, specific to this development that all private amenity space should be a minimum of 10m in length and the total area of the garden should be a minimum of:
- 45 sq.m. for dwellings with 2 or less bedrooms.
  - 65 sq.m. for dwellings with 3 and 4 bedrooms.
  - 100 sq.m. for dwellings with 5 or more bedrooms
- 5.6.5 Once more the indicative layout plan shows that the scheme could be developed to fully adhere with these standards.
- 5.6.6 Finally, the above noted separation distances and the course of the sun ensures that there will be no

significant loss of natural sunlight arising to existing property, from the erection of the new dwellings within this site. Given this assessment and those detailed above, it is evident that the amount of development proposed can be erected, whilst complying with the requirements of the Policies within the Development Plan and NPPF in this regard.

- 5.6.7 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

- 5.6.8 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”*.
- 5.6.9 The Coal Authority’s information indicates that the application site lies in a ‘Development High Risk Area’, with 8 coal mine entries (7 shafts and an audit ?) present within the southern half of the site and a further off-site coal mine shaft located adjacent to the south eastern boundary, with its associated zone of influence extending into the site. In addition to the mine entries, records indicate that coal mining has taken place beneath the site at shallow depth and that further historic unrecorded shallow coal mining is likely to have occurred. The applicant has submitted a Phase 1 Geo-Environmental Report and Coal Mining Risk Assessment with the application, which has been assessed by The Coal Authority. The Assessment advises that built development should avoid the mine entries and that they are treated and given a stand-off distance to residential structures of 5 m. The need to adhere with this requirement has informed the current indicative layout once more demonstrating that the level of development is appropriate for this site, albeit, this layout is based on recorded, rather than located, entry mine positions.
- 5.6.10 Given the above, The Coal Authority have recommended a total of 4 conditions for the development, requiring the submission and approval, prior to the submission of any reserved matters application, of a scheme of intrusive investigations to locate and record mine entries and shallow mine workings within the site. The Scheme of Intrusive Investigation Report shall thereafter accompany the reserved matters application, demonstrating how the proposed layout has avoided any found features. Prior to the commencement of development, any remediation or mitigation works to address coal working within the site, to be undertaken and finally, prior to first occupation, a signed statement or declaration confirming that the site has been made safe and stable, to be submitted to and approved in writing by the Local Planning Authority.
- 5.6.11 Given the above, the conditions requested by the Coal Authority are considered to be reasonable and necessary and are therefore recommended to be attached to the decision notice, to ensure the stability of the proposed development and amenity of future residents in this regard.
- 5.6.12 The above noted Geo-Environmental Report also notes that given the previous industrial uses of the site, there is potential for areas of ground contamination to be evident. To address this matter, the report recommends that intrusive investigation be undertaken, in order to determine what mitigation measures may be necessary to make the site suitable for residential use. A condition to secure the



submission of such a report is recommended, which will then ensure that the development complies with the requirements of the Development Plan and NPPF in this regard.

#### Lighting

- 5.6.13 No Lighting Assessment document has been submitted with this application. Whilst, given the village location of the site, this area is fairly well lit at night, a condition requiring the submission and approval by the Local Planning Authority of a lighting scheme, is recommended to ensure that the amenity of existing and future residents is protected.

#### Noise and Vibration

- 5.6.14 The site is located within a village location, adjacent to a number of industrial and storage units, with no restriction on their hours of operation. As such, potentially noisy activities are undertaken within the immediate surrounding area.
- 5.6.15 A Noise Assessment Report accompanies the application, which concludes, following a 5 day on-site assessment, that the proposal is at a moderate risk of adverse noise impacts. It should be noted that this assessment did not factor in the recent application, reference 22/00544/FUL, which sought the demolition of existing building and erection of new building for flexible B2/B8 use at Units 50-62, Landywood Enterprise Park, but given this application was refused by members at the planning committee meeting in June 2023, this is acceptable. To mitigate any harm for future occupants arising from the existing noise environment, it is recommended by the above noted report that a 3m high acoustic fence be erected along the western boundary of the site.
- 5.6.16 The acceptability of this report and the recommendations contained therein, has been considered by the Council's Environmental Health Team, who advise that they have no objections to the proposal, subject to a condition to secure, as part of the reserved matters application, an acoustic design statement and details regarding an acoustic barrier, which should include expected noise levels in amenity areas and rooms within the properties to ensure the levels specified in BS8233:2014 are met.
- 5.6.17 Subject to the addition of the condition as recommended, it is considered that the development will not be adversely impacted upon by the existing environment in terms of noise pollution, nor will future occupants unduly seek to limit the existing operations of on-going business and as such, the development complies with the requirements of the Development Plan and NPPF in this regard.

#### Construction Vibration

- 5.6.18 The nearest sensitive properties to the proposed construction work, will be existing dwellings on Gorsey Lane and The Spindles. 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

- 5.6.19 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.

5.6.20 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

5.6.21 The potential impacts arising from the development associated with nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub> and PM<sub>2.5</sub> 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.

5.6.22 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.

#### 5.7 Access, Parking & Highway Safety

5.7.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for sustainable transport modes, that safe and suitable access to a development site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 111 goes on to state that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

5.7.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

5.7.3 The proposed development is shown to be accessed through two of the site's three existing point of access, from Goresy Lane, a classified road, subject to a 30 mph speed limit.

5.7.4 The impact of the development on the local highway network and suitability of the continued use and closure of the existing vehicular accesses, has been considered by the Highways Authority, who advise that the removal of the existing industrial unit from the site, will reduce the number of potential HGV movements on the surrounding network, thereby potentially improving safety. In addition, the retained vehicular accesses, are served by visibility splays that are appropriate and safe, to accommodate the proposed use of the site. The scheme is also to include enhancements to the existing footway on Gorsey Lane, Holly Lane and The Spindles, in order to provide a consistent 2 metre footway width, compliant with current Manual for Streets National Guidance. The scope of footway works will be fully accommodated within the highway boundary and land under the applicant's control. An existing bus shelter on Gorsey Lane will need to be relocated slightly to accommodate the proposed widened footway, with this matter recommended to be addressed via an informative.

5.7.5 Thus, given the above considerations, the proposal is considered unlikely to cause highway danger, whilst offering a betterment to existing pedestrian safety and movement and therefore is consistent with the requirements of the Development Plan and NPPF in this regard.

#### Off Street Car Parking

- 5.7.6 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. For traditional residential development a need for 2 spaces for 2 and 3 bedroom dwellings is noted, with 3 spaces for 4 or more bedroom dwellings. This level of provision is indicatively noted on the submitted layout plan and as such, is achievable within the scheme. The exact level and configuration of provision will evidently be confirmed and secured through resultant reserved matters submissions.

#### Electric Vehicle Changing

- 5.7.7 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"*.
- 5.7.8 The Council's emerging Local Plan Policy HC13 (Parking Standards) includes a requirement for residential development of 1 charging point per property to be fitted with 7kw (or better) charge points. 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. However, Building Regulations Part S, which came into force earlier this year, now requires all new residential development to be supplied with a charging point and as such, this matter is dealt with under separate legislation.

#### Cycle Parking

- 5.7.9 Appendix 5 of the Core Strategy also requires that for dwelling houses, 1 secure weatherproof cycle parking space be provided on site, per 1 bedroom flat and 2 spaces per 2 bedroom flat. No regard is had to non-flatted residential accommodation and as such, it would not be reasonable to secure cycle parking via condition for this development.

#### Sustainable Transport

- 5.7.10 A review of the trip generation anticipated by the proposed development is presented in the Transport Statement, which was based on trip rates extracted from the TRICS database. The trip rates used were considered acceptable and showed that the proposed development will generate 16 vehicle movements in the AM peak hour, 15 movements in the PM peak hour and 132 movements over 12 hours. The permitted use of the site has a likely trip rate of 20 vehicle movements in the AM peak hour, 15 movements in the PM peak hour and 180 movements over 12 hours. Thus, the development will reduce the amount of vehicles on the surrounding highway network.
- 5.7.11 The nearest bus stops in relation to the site are located immediately to the east of the site, on Gorsey Lane. They comprise of a flag and pole and shelter stop and are served in both directions by one service (X51 Platinum), which provides access to Walsall Town Centre, Birmingham City Centre and Cannock Town Centre with a weekday service frequency of 20 minutes. The 71 service provides an additional level of service to Cannock and Wolverhampton with a frequency of service of 60 minutes. The Landywood Railway Station is located 1.3km north of the site and can be accessed via the network of roadside footways. As such, the proposal is served by good quality and frequent sustainable transport options ensuring that future residents are not wholly reliant upon private transportation methods.
- 5.7.12 The development, subject to the abovementioned conditions, 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 with the requirements of the Development Plan and the NPPF in this regard.

## 5.8 Sustainable Built Form

5.8.1 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.

5.8.2 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, the Council is now not currently able to apply standards relating to the CfSH and therefore, no such condition is recommended for these units.

## 5.9 Water Environment, Flood Risk and Drainage

### Flood Risk

5.9.1 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).

5.9.2 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

5.9.3 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. Given the outline nature of this submission, detailed drainage drawings are not currently available. As such the Lead Local Flood Authority have recommended a condition to require the submission and approval of a suitable sustainable drainage scheme as part of any future reserved matters submissions. Such is conditioned reasonable and necessary and therefore is recommended to be attached to any planning permission.

### Foul Drainage

5.9.4 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site.

5.9.5 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 use of SUDs should however be considered prior to connection and therefore it is recommended that full drainage details for the site be submitted as part of future reserved matters applications.

- 5.9.6 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.

5.10 Ecology, Biodiversity and Habitat Regulations Assessment

Protected Species

- 5.10.1 The Wildlife and Countryside Act 1981 (as amended) 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 of Habitats and Species Regulations 2017 (as amended) 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 Natural Environment and Rural Communities Act 2006 (as amended) places a duty on local planning authorities to conserve and enhance 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.
- 5.10.2 A Preliminary Ecological Appraisal (PEA) of the site was carried out in March 2023. The document assessed the potential of the site to support a range of European and nationally protected species and searched for evidence of use by such species. The protected species identified as having the potential to use the site were bats and birds. The site is located within the Green Zone for potential Great Crested Newt use, as defined by the Council's District Newt license, and the risk of use of the site by GCN, was considered to be negligible.
- 5.10.3 The buildings within the site were considered to have roosting potential, due to the presence of features such as large gaps and crevice's and broken windows. In addition, a single tree (T1) (semi-mature Oak) was considered to have high potential to support roosting bats, due to the presence of one lost limb and a rot hole. The building and tree, were subject to targeted emergence and return surveys, undertaken in August 2023.
- 5.10.4 The emergence and return surveys identified that whilst three bat species (common pipistrelle, noctule and myotis sp.) crossed the site during the survey period, none entered or exited the buildings or tree. Further bat activity was limited to foraging along the tree line associated with the eastern and western boundaries of the site.
- 5.10.5 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. The Council's Ecologist has considered these reports and considered them to be sound.
- 5.10.6 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.
- 5.10.7 Given the proposal will not directly impact upon a roost, a Natural England license will not be required, prior to undertaking any demolition works. However, given there is evidence of use of the site by protected species, mitigation measures are proposed by the applicant through the above-

mentioned reports, including the installation of a bat boxes within the site. It is recommended that a minimum of 5 of these be supplied within the site and such be secured via condition through an Ecological Enhancement Plan (EEP). During the operational phase, uncontrolled artificial lighting could sever commuting routes and off-site foraging areas. In order to avoid and mitigate for this impact, a sensitive lighting strategy will be designed (recommended to be secured via a condition), whilst it is recommended that the landscaping scheme proposed for the development include plants, which attract insects to allow for enhancement of foraging habitat for bats.

- 5.10.8 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.
- 5.10.9 The PEA also noted that the site, specifically the tree lines to the eastern and western boundaries have the potential to be utilised 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 5 bird boxes be introduced into the site. Such is an appropriate form of mitigation, with exact details recommended to be secured via the use of a condition. Lastly, 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.
- 5.10.10 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

- 5.10.11 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's enhanced biodiversity duty as defined under section 40 of the NERC Act 2006 (as amended), new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.10.12 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 the Environment Act); 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"*.
- 5.10.13 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, an increase of 4.45 Biodiversity Units from the newly created habitats and 0.69 for hedgerows following the proposed development plan. This equates to a net gain to biodiversity of 35.42% for habitats and 6994.50% for

hedgerows. 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 and offers a large betterment above and beyond, the requirements of the NPPF in this regard and due material planning weight to this point, should be given in the planning balance.

#### Impact on Special Areas of Conservation

- 5.10.14 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

- 5.10.15 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. This site is located approximately 8km south of this site. The agreed upon mitigation measures to enable residential development within the Zone of Influence (Zoi), are detailed within the Strategic Access Management and Monitoring Measures (SAMMMs) document.
- 5.10.16 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the Competent Authority, must have further consideration, beyond the above planning policy matters, to the impact of this development. Therefore, in accordance with Regulation 63 of the aforementioned Regulations, the Local Planning Authority has undertaken an Appropriate Assessment (AA), which concludes that a financial contribution towards mitigation of the Cannock Chase SAC (for recreational impact) will be required for the 30 dwellings (30 x £329.83 per dwelling= £9,894.90, plus associated £100 administration fee). A draft Unilateral Undertaking to address this matter is provided with the application.
- 5.10.17 Natural England are a statutory consultee on the AA stage of the Habitats Regulations process and have therefore been duly consulted. Natural England have concurred with the LPA's AA. On this basis, it is concluded that the LPA have met its requirements as the Competent Authority, as required by the Regulations and therefore, the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

#### Nutrient Neutrality

- 5.10.18 The application site is also located approximately 3km from the Cannock Extension Canal 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.

5.10.19 The Zol for the Cannock Extension Canal SAC, as shown on the Magic Maps dataset, covers this site. The Cannock Extension Canal SAC is protected, as it is an example of anthropogenic, lowland habitat supporting floating water-plantain (*Luronium natans*) at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergent flora. The site and the protected flora within it are susceptible to changes in pH levels, which will have an adverse impact upon the site's reason for designation.

5.10.20 The application proposes the redevelopment of a Brownfield site, through the erection of 30 dwellings. 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 reduction in vehicular 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.

## 5.11 Arboriculture

5.11.1 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 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"*.

5.11.2 A tree constraints plan has been submitted with this application, which identifies that there are a total of 57 existing individual trees, located to the eastern and southern edges of the site. In addition, a further 7 tree groups are evident, which form the western boundary of the site. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area.

5.11.3 The Survey identifies that of these trees and groups, 4 are Category A, 28 Category B, 29 Category C and 3 Category U. The Category U tree are scheduled to be felled, or removed due to their poor condition, being dead or structurally dangerous and unsuitable for retention.



- 5.11.4 Under the British Standards, Category A trees are those of high quality with an estimated remaining life expectancy of at least 40 years, 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’.
- 5.11.5 All of the Category A, B and C trees are shown to be retained as part of the redevelopment process and a condition is recommended to ensure therefore that they are protected by appropriate fencing and working practices throughout the course of development, including demolition works.
- 5.11.6 The indicative layout seeks to demonstrate how these trees will be retained and that no undue pressure from future development and residential occupation of the site will result, due to the location and interaction between the trees and gardens and habitable room windows. Insufficient information is currently available to be fully convinced on this matter, but it is considered that the proposed number of dwellings could be erected within the site if sensitively sited and designed relative the trees and that this matter will be given further considerations within the reserved matters applications to follow.
- 5.11.7 The soft landscaping proposals for the scheme are a reserved matter, albeit the biodiversity value arising from such is, as discussed above, recommended to be secured via conditions, albeit exact landscaping plans will evidently follow as part of the reserved matters submission.
- 5.11.8 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.
- 5.12 Health Care and Education
- 5.12.1 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.”*
- 5.12.2 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”*.
- 5.12.3 The Integrated Care Board (NHS) have reviewed the submission, considering key facets associated with practices that fall within influencing distance of this site. It is evident that the majority of patients located within the same LSOA as the application site are registered across Quinton Practice, High Street Surgery and Southfield Way Surgery and in respect of clinical capacity within these practices, and indeed across the wider PCN, there is already a shortfall in clinical space for the existing patient population and therefore proportionate investment within the PCN to mitigate for development will be required to ensure equality of access to services for patients.
- 5.12.4 To address the impact of the scheme, on local health provision therefore, a sum of £19,500 is requested, 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 towards the future adaptation/refurbishment/expansion of premises as appropriate and in alignment with strategic estates planning for the PCN, which will enable the ICB to work towards the aim of tackling

inequalities in outcomes, experience, and access for patients.

- 5.12.5 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.
- 5.12.6 Policy EQ13 of the Core Strategy also requires major new developments to make provision for social/community facilities as the need for which arises from the development and that are commensurate to the scale and nature of the proposals.
- 5.12.7 The Education Authority advise that the site is located within the Landywood Primary School and Cheslyn Hay & Gt Wyrley 1 Primary Planning area and Great Wyrley Academy and Cheslyn Hay & Gt Wyrley High Planning area. In determining whether there was a need for the developer to mitigate the impact of this development, in education terms, it was calculated that 30 dwellings would require 6 primary school places and that 30 dwellings would require 5 secondary places and 1 Post 16 place. These figures are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. There are projected to be a sufficient number of school places available to mitigate the impact of this development, at both primary and secondary phases of education and as such, no financial contribution towards expanding existing provision is justifiable.

#### 5.13 Other Issues

- 5.13.1 The consultation responses received from the Police Architectural Liaison Officer and Fire Safety Officer are noted and the details contained therein are recommended to be passed to the applicant, through the use of appropriately worded informatives.
- 5.13.2 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 detailed within this report, 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 ultimately lead to the creation of new 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, whilst once occupied, the site would generate appropriate Council Tax.

### 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. **CONCLUSIONS**

- 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 application.

The proposed development raises two areas of concern with reference to its principle. Firstly, whilst the site is allocated for residential development within the emerging Local Plan, given this document has not accrued sufficient weight to be material in the consideration of this application, it must be determined against the policies within the Core Strategy and SAD. These documents identify the site as an Employment site, which is sought to be retained. The applicant has however supplied sufficient evidence to demonstrate that employment is no longer a viable use for the site and therefore residential development is appropriate. Secondly, whilst no POS provision is proposed for site, its constraints are such in this case to allow for an off-site payment to address this lack of provision. The proposal would result in no material harm to neighbouring amenity and offer some positive visual benefit to the street scene. The development also raises no material concerns in relation to parking or highway safety, whilst offering positive biodiversity and protected species outcomes. The proposal, subject to the necessary conditions and s106 Schedules, is therefore considered compliant with both national and local planning policy and associated guidance.

## 9. RECOMMENDATION

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

1. Contribution towards Health Care Infrastructure of £19,500.
2. Contribution towards Cannock Chase SAC mitigation measures (SAMMMs) of up to £9,894.90 plus a £100 legal administration fee; and
3. Off-site Public Open Space payment in the sum of. *£29,790 to be uses for the purposes of improving public open space within the locality.*

**(2) If the S106 is not signed/completed by the 21 February 2024 or the expiration of any further agreed extension of time by ? , then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions as outlined in the report.**

**Approve subject to the following conditions:**

1. The development which this permission relates must be begun not later than whichever is the later of the following dates:
  - a. The expiration of three years from the date on which this permission is granted;
  - b. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. This is an outline planning permission and no phase of development shall be commenced (excluding demolition) until details of layout of the site, including the disposition of roads and buildings; existing and proposed ground level and finished floor level; the design of all buildings and structures; the external appearance of all buildings and structures including materials to be used on all external surfaces; boundary treatments; housing mix, notwithstanding the submitted details; surfacing treatments; the means of pedestrian and cycle access and parking layout; and the landscape and

planting of the site have been submitted to and approved by the Local Planning Authority by way of reserved matters application(s).

3. The development shall be carried out in accordance with the approved drawings:

Location Plan	21-027/001
Topographical Survey	21-082-22-01
Tree Constraints Plan	CE-LB1931-ADW01 FIG 1

**CONDITIONS to be complied with PRIOR to the submission of any reserved matters application:**

4. Prior to the submission of any Reserved Matter applications seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be undertaken and approved by the Local planning authority to establish the risks posed to the development by past coal mining activity, including works to locate and establish the condition of recorded mine entries and any shallow mine workings present.

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

5. Prior to the commencement of development, excluding demolition and groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy. The remediation works or mitigation measures as approved shall thereafter be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
6. Prior to the commencement of development an acoustic design statement, to include details of a suitable acoustic barrier, shall be submitted to and approved in writing by the Local Planning Authority. The design statement shall demonstrate that expected noise levels in amenity areas and rooms within the dwellings meet the levels specified in BS8233:2014. The development shall be undertaken and thereafter retained for its life in accordance with the agreed details and any approved mitigation measures.
7. Prior to the commencement of development, including demolition, 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 demolition and construction period.

8. Prior to the commencement of development, excluding demolition and 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 (which shall include as a minimum 5 bat and 5 bird boxes, along with hedgehog fencing) and any necessary future maintenance requirements. The enhancements detailed within the approved EEP will be installed prior to the first occupation of the dwellings and shall thereafter be retained for the life of the development.
9. Prior to the commencement of development, excluding demolition and groundworks, full details of a scheme of foul 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.
10. Prior to the commencement of development, excluding demolition and groundworks, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the development is occupation. The scheme to be submitted shall demonstrate:
  - Surface water drainage system(s) designed in full accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (SuDS), DEFRA, March 2015).
  - Surface water drainage system(s) designed in full accordance with all standards and other criteria within the Staffordshire County Council Flood Risk Management Team (LLFA), SuDs Handbook.
  - Limiting any surface water discharge from the site generated by all equivalent return period critical duration storm events, up to and including the 1 in 100 plus 40% (for climate change), return period, so that this does not exceed 5 l/s, leaving the site- in full accordance with the Non-Statutory Technical Standards for SuDS and the SCC SuDs Handbook).
  - Provision of adequate surface water attenuation storage in accordance with the requirements of 'Science Report SC030219 Rainfall Runoff Management for Developments'.
  - Ground investigation and soak-away (infiltration), testing in full accordance with BRE DG 365 best practice to corroborate or reject the viability of utilising infiltration as a means of surface water discharge.
  - The incorporation of adequate surface water treatment in accordance with CIRIA C753 – particularly, the Simple Index Approach, to mitigate surface water pollution and maintain water quality.
  - Detailed design (plans, network details and calculations), in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations, inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year, and 1 in 100 year plus 40% (a climate change allowance), return periods, critical duration storms only.
  - Formal (Section 106), agreement with Severn Trent Water (Plc), that confirms surface water discharge is to be accepted into the proposed downstream network that falls under Severn Trent Water (STW), ownership.
  - Plans illustrating flooded areas and flow paths in the event of any exceedance of the drainage system.
  - Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water systems shall be maintained and managed for the lifetime of the development.
  - Provision of an adequate and satisfactory Construction Environment Management Plan or

Construction Surface Water Management Plan.

11. Prior to the commencement of development, including demolition, details of protective fencing and other protective measures (to British Standard 5837), to safeguard existing trees and/or hedgerows on the site, as shown to be retained within the Tree Constraints Plan, reference CE-LB1931-ADW01 FIG 1, shall be submitted to and approved in writing by the Local Planning Authority. The fencing and measures so approved shall be erected prior to the commencement of development, including demolition, and thereafter retained for the duration of construction (including any 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.
12. Prior to the commencement of development, excluding demolition, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include the following components:
  - i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

13. Prior to the first occupation of the development hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development, shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
14. Prior to the first occupation of the development hereby approved, the existing vehicular and pedestrian access arrangement to the site shall be amended and fully constructed in accordance with the approved plan, drawing reference 21-027/502-1. 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.

15. Prior to first occupation of the development hereby approved, the following off-site highway works shall be fully implemented in accordance with the approved plan, drawing reference 21-027/502-1:
  - i. The widening of the existing footway on Gorsey Lane, Holly Lane and The Spindles to a width of 2 metres and associated engineering works,
  - ii. Permanent closure of the existing central site access and associated footway/ highway verge reinstatement works,
  - iii. Relocation of existing Bus Shelter to the rear of widened section of footway on Gorsey Lane.
16. 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.
17. 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 35.42% for habitats and 6994.50% for hedgerows 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.
18. Prior to the first occupation of the development hereby approved, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, 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 dwellings, 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.

**All other Conditions:**

19. Any application seeking approval of a detailed layout of development shall be accompanied by: the findings of the intrusive site investigations (required by condition 4 above); a proposed layout plan which identifies the positions of the recorded mine shafts, the extent of their potential zones of influence, and suitable no-build zones around these features.
20. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the Preliminary Ecological Appraisal produced by Crestwood Environmental Ltd report reference CE-LB-2284-RP01 - FINAL dated 21<sup>st</sup> April 2023.
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. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. 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.
3. 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.
4. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
5. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
6. To safeguard the character and appearance of the development and surrounding area, protect the reasonable amenity of future residents and in the interests of the facilitating the on-going operation of the neighbouring industrial units, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
7. 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
8. In order to deliver biodiversity and habitat 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.
9. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution and 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.



10. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution, to protect the safe operation of the railway network 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.
11. 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.
12. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
13. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
14. 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 EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
15. 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 EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. 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.
17. 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.
18. 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.
19. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.

20. In order to prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy and the National Planning Policy Framework.
21. To safeguard the character and appearance of the development, surrounding area and protected habitats and species, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design AND Village Design Guide 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 24/05/2023. 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 Coal Authority dated 02/06/2023.
5. The applicant is advised that bat emergence surveys are only valid for one year, so if demolition is not complete by late summer 2024, then the submitted surveys must be redone.
6. The off-site highway and Vehicle Access works required via conditions 14 and 15, require a Highway Works Agreement with Staffordshire County Council. The applicant is advised to contact Staffordshire County Council in order to secure the Agreement.
7. Any vegetation suitable for nesting birds must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or be checked by an ecologist no more than 24 hours prior to their removal for evidence of nesting birds. Where active bird nests are found the advice of a professional ecologist must be sought.
8. 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.

Severn Trent Water advise that there may be a public sewer located within the application site. Although o sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

9. The lighting scheme to be submitted to discharge the requirements of condition 18 should be designed in accordance with guidance contained within the document, Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK.
10. The applicant is advised that under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).



Loades Business Park, Gorsey Lane, Great Wyrley, Staffordshire WS6 6BD