

**22/00004/FUL
MAJOR**

Mr Naz Nathani

**GREAT WYRLEY
Cllr J Johnson, Cllr M Lawrence,
Cllr K Perry**

**Former Great Wyrley Community Support Unit, 156 Walsall Road, Great Wyrley,
Staffordshire, WS6 6NQ**

**Demolition of existing buildings and redevelopment of site to deliver a 90 bedroom
Residential Care Home (C2 Use Class) and 32 Age Limited Apartments (over 55) (C2 Use
Class) with car parking, landscaping and associated infrastructure including alterations to
vehicle access from Walsall Road**

1.1 SITE DESCRIPTION AND PLANNING HISTORY

- 1.1.1 The application site, which extends to 1.1ha, contains two predominantly single storey buildings, which housed the Staffordshire County Council operated, Community Support Centre, which is now closed. The site is located towards the northern edge and within the Development Boundary of the village of Great Wyrley, to the east of Walsall Road, from which it is directly accessed.
- 1.1.2 The existing building, to the site frontage, is a much altered, former Victorian Primary School. The inclusion of large modern windows has greatly altered the primary façade facing onto Walsall Road. To the rear of this frontage building, 1960s two and single storey extensions have been erected, further altering the original appearance of the building. To the rear of the site, a further 1960s pitched roof building, is evident.
- 1.1.3 Surrounding the site there is a mixture of architectural styles and construction eras. Whilst there is a predominance of Victorian buildings to the eastern side of Walsall Road, including, to the south of the site, the Locally Listed Swan Public House, opposite to the site, there are post war semi-detached dwellings. The buildings within this area are in a variety of commercial or residential uses. To the west of the site on Brook Lane, there is a 1960s housing estate, comprising predominantly semi-detached and bungalow accommodation.

1.2 Relevant Planning History

05/00484/COM – Additional parking area to form eight new parking bays – Referred to the County Council

99/01000/FUL – Roller Shutters – Approved – 24/09/1999

85/00730 - Social Services Day Centre – Approved – 22/01/1987

1.3 Pre-application Advice

- 1.3.1 Pre-application discussions took place.

2. APPLICATION DETAILS

2.1 The Proposal

- 2.1.1 The application seeks permission to demolish all of the existing built form within the site and thereafter, erect a part 3 storey, part two and half storey, part two storey and part single storey 'L shaped' building to house a 90 bed care home (Use Class C2) and 32 apartments for those over the age of 55 (Use Class C2). For the care home element of the scheme, all of the bedrooms are to have en-suite rooms. Within the over 55 apartments, there are shown to be 14 one bed and 18 two bedroom units.
- 2.1.2 The residential care element of the scheme will provide en-suite bedroom accommodation and 24 hour personal care to people that are unable to manage daily life at home. Admission to the facility will be defined on the basis of registration with Care Quality Commission, as a provider of regulated care activity, with residents admitted on the basis of requiring personal and/or health care.
- 2.1.3 The Care Home will offer a range of facilities for future residents, which includes a Hairdressing Salon, Gym, Cinema, Lounges, Library and a Bistro, the latter of which is proposed to be open to the general public.
- 2.1.4 **Background**
- 2.1.5 It should be noted that on submission of the scheme, there was some discussion regarding the use class under which the over 55 accommodation should be considered. Essentially, the matter for consideration was whether the over 55 apartments should be considered as part of the wider care facility and therefore under Class Use C2 or as standalone apartments, under Class Use C3. Generally, the latter would be applied, but in this case, given the access to the shared facilities and the applicant's business model, whereby residents can move through the units as their care needs increase, it was considered (following receipt of the Land Use Note) appropriate for all units to be considered as residential institutions (Use Class C2). In terms of the implications of this matter, during the determination process, such has not impacted upon the affordable housing provision, Cannock Chase SAC recreation contributions or other material planning considerations, as discussed below.
- 2.1.6 The application was Screened under Schedule 2 Part 10 (b(i)) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, given it constitutes an urban development infrastructure project, where the area of the development exceeds 1 hectare. It was considered that given the development is not in a sensitive area and does not exceed the relevant threshold, as set out in the Annex to the NPPG (4-057-20140306) that the effects on the environment are unlikely to be significant, when assessed against the criteria identified within Schedule 3. Therefore, an Environmental Impact Assessment, was not required in this instance.

2.2 Agent's Submission

- 2.2.1 The following documents have been submitted as part of the planning application:
- Arboricultural Method Statement
 - Bat Report
 - Coal Mining Risk Assessment
 - Daylight and Sunlight Study
 - Design and Access Statement
 - Flood Risk Assessment
 - Heritage Statement
 - Land Use Note

- Preliminary Ecological Appraisal
- Statement of Community Involvement
- Sustainability Statement
- Technical Parking Note
- Transport Statement
- Travel Plan
- Vacant Building Credit Note

3. POLICY CONTEXT

3.1 National Planning Policy

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

3.2 Core Strategy Development Plan Document

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

3.3 Site Allocations Document

- Policy SAD2: The Housing Allocations

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

- DS3 – The Spatial Strategy to 2038
- SA7 - Employment Allocation – West Midlands Interchange

- HC1 – Housing Mix
- HC2 - Housing Density
- HC3 - Affordable Housing
- HC4 - Homes for Older People
- HC5 - Specialist Housing Schemes
- HC9 - Design requirements
- HC10 - Protecting residential amenity
- HC11 - Space about dwellings and internal space standards
- HC12 – Parking Standards
- HC13 - Health and Wellbeing
- HC14 - Health Infrastructure
- HC19 - Wider green infrastructure design principles
- EC1 - Sustainable economic growth
- EC2 - Retention of employment sites
- EC3 - Inclusive Growth
- EC7 - Protecting community services and facilities
- EC10 - Developer Contributions
- EC11 - Sustainable Transport
- NB1 - Protecting, enhancing and expanding natural assets
- NB2 - Biodiversity
- NB3 - Cannock Chase SAC
- NB4 - Landscape Character
- NB5 - Renewable and low carbon energy generation
- NB6 - Energy and water efficiency, energy and heat hierarchies and renewable energy in new development
- NB7 - Managing flood risk, sustainable drainage systems & water quality
- NB9 - Conservation, preservation and protection of historic assets

3.5 Supplementary Planning Documents

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

3.6 Other

- The Town and Country Planning (Pre-commencement Conditions) Regulations 2018
- Environment (Principles and Governance) Act 2018
- Natural Environment and Rural Communities Act (2006)
- The Conservation (Natural Habitats, &c.) Regulations (1994)
- The Conservation of Habitats and Species Regulations (2017)
- Defra Net Gain Consultation Proposals (2018)
- The Wildlife and Countryside Act (as amended) 1981
- The Countryside and Rights of Way (CROW) Act 2000
- The Protection of Badgers Act 1992
- Staffordshire and Stoke on Trent Joint Waste Local Plan
- Providing for Journeys on Foot (2000)
- Water Framework Directive
- Active Design – Planning for Health and Wellbeing through Sport and Activity
- Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)
- Recreation to Cannock Chase SAC Report (2012)
- Cannock Chase SAC – Planning Evidence Base Review (2017)

- European Site Conservation Objectives for Cannock Chase SAC (2014)
- Planning for Landscape Change – Staffordshire County Council (2000)
- ‘A Hard Rain’ – Staffordshire County Council’s Corporate Climate Change Strategy (2005)
- Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)
- Climate Change Act (2008)
- Air Quality Management Guidance (2014)
- Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (England) (2018)
- Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning - -
- Protocol between Constituent Local Planning Authorities and the Cannock Chase - AONB Joint Committee (2019)
- Black Country and South Staffordshire Strategic Housing Market Assessment (2017)
- Five Year Housing Land Supply Paper (2022)
- Building for a Healthy Life (Homes England)
- South Staffordshire Housing Market Assessment (2021)
- Health Building Note 11-01: Facilities for Primary and Community Care Services
- Longer-Term Balancing Housing Market (2017)

4. CONSULTATION RESPONSES

Councillor Lawrence (received 25/01/2022) – Raises concerns regarding the size of the development, the impact on neighbour amenity, through loss of privacy in particular and also, given the number of visitors the development will attract, parking will be an issue.

Councillor Johnson (received 27/06/2022) - No objection this development is needed in our area.

Great Wyrley Parish Council (received 07/07/2022) – Object. The proposal is perceived as overdevelopment of the site. There are also serious concerns regarding the limited size of the sleeping accommodation.

Previous Comment (received 07/02/2022) – Strongly object. The three storey building is out of character with existing properties within the area. The density of the development is excessive.

The scale of the development will attract a significant number of visitors, particularly at the weekend, which will lead to highway safety issues. There is a bus stop immediately outside of the application site, which will also limit the availability of on street parking within the immediate area.

The development will have a detrimental affect on the amenity of the surrounding properties, given that trees are to be felled, which will remove the majority of the existing site’s screening. The three storey nature of the building will also lead to overlooking, thereby having a negative impact on the privacy of surrounding residents.

Finally, raise concerns regarding the size of the living accommodation that is to be provided.

Natural England (received 18/10/2022) – No objection. Notes that the Local Planning Authority (LPA), as Competent Authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment (AA) of the

proposal, in accordance with Regulation 63 of the Regulations. The AA concludes that the proposal will not, subject to appropriate mitigation, result in adverse effects on the integrity of Cannock Chase SAC. Having considered the assessment, Natural England advises that they concur with the assessment's conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Previous Comments (received 14/09/2022) – Agrees with the Competent Authorities conclusion of no Likely Significant Effects (LSE) with reference to the scheme's impact upon the Cannock Extension Canal SAC.

(received 06/07/2022) – Disagrees with the Council's Screening Assessment of HRA. The guidance is clear that over 55's are as likely to use the Cannock Chase SAC for recreation, as the under 55's and that contributions to the SAMMM are still therefore required. There may be reasons why the over 55's in this accommodation would not be likely to use the SAC and there is evidence to demonstrate this. If this is the case for this proposal, then this needs to be made clear in the HRA.

In regard to the Cannock Extension Canal SAC HRA, agrees with the findings, but requests explanation for use of a standardised Zone of Influence (Zoi) of 5km.

(received 22/02/2022) - The application site is within 6.8km of Cannock Chase Special Area of Conservation (SAC). The Council, as Competent Authority, therefore needs to undertake a Habitat Regulations Assessment, to consider the scheme's potential to impact upon this SAC.

Advise that any surface water drainage should be designed both for water quantity and water quality. Refer to Policy EQ7 of the South Staffordshire Adopted Core Strategy, the Staffordshire County Council Sustainable Drainage Systems and the CIRIA SuDS Manual.

Ecology Officer (received 05/07/2022 & 08/02/2022) – The Design and Access Statement refers to the buildings as having been demolished, although the bat survey clearly identified a bat roost in the buildings. If demolition has been carried out, will the applicant confirm that a bat licence was obtained from Natural England, prior to this work having been carried out, in order to avoid an offence being committed. The licence number should be supplied. If demolition has been carried out without a licence, details of the person or company responsible should be supplied.

The mitigation measures for bats are adequate and are recommended to be secured by condition, whilst the landscaping scheme retains existing trees and provides new native species and pollinator planting. Also recommends the addition of bird boxes, to be secured via the use of a condition.

NatureSpace (received 01/07/2022 & 25/03/2022) – No objection. Notes that although the application site falls within a Green Impact Zone for newts, given its characteristics, it is an unsuitable newt habitat and therefore no further assessment is required.

Cannock Chase Chief Commissioning Group (NHS) (received 18/10/2022) - No objection, subject to a contribution of £37,375, towards local health infrastructure.

Previous Comments (received 22/02/2022) – No objection, subject to a contribution of £41,485 towards local health infrastructure.

Conservation Officer (received 17/07/2022) – No objection, following the receipt of revised plans, subject to a condition to require the submission and approval, prior to the commencement of development, of details of all external materials to be used.

Previous Comments (received 01/02/2022) – Objects. The increase in height and massing of the proposed building, compared to that which is to replace, will result in a detrimental impact upon the setting of the neighbouring, locally listed Swan Public House. The existing building is a single unified structure, whilst the proposed structure has been designed to articulate more. However, the level of articulation is not high enough, leading to the appearance of a few large structures. The facade rhythm will therefore either need to be greater, in order to give the feel of a terrace of smaller structures, or amended to be retained as one single elevation, as at present.

The proposal currently therefore causes less than substantial harm to the setting of a locally listed building without providing any heritage related public benefits.

Staffordshire Fire and Rescue Service (received 16/06/2022 & 14/01/2022) – No objection. Offers best practice guidance on reducing the risk of fire.

Staffordshire Police Architectural Liaison Officer (received 04/07/2022 & 25/01/2022) – No objection. Provides guidance on measures to implement within the scheme to help design out crime.

Arboriculture Officer (received 17/10/2022) - The removal of a single parking bay adjacent to T9 will mitigate some of the risk to that tree.

Whilst previous concerns regarding the loss of T3 and the potential impact on T9 remain, commends the improvements made to the tree planting specification within the landscaping scheme.

Recommends the inclusion of conditions, requiring the submission and approval, prior to the commencement of any demolition works, of an Arboriculture Method Statement and Tree Protection Plan, to show how trees within the site will be retained, throughout the course of development.

Previous Comments (received 08/09/2022) – Object. The loss of trees T3 and T9 is unacceptable.

Welcomes the changes made to the landscaping specification for new tree planting and can confirm that this is a significant improvement over the original.

(received 02/08/2022) – Object. None of the concerns previously detailed have been addressed. In fact, the revised layout introduces further incursions into various rpas (in particular for T9), whilst also now resulting in the loss of T3. The recommendations made regarding the landscaping scheme have not been implemented, whilst the planting of 3 Cedrus Atkantica trees, to replace T3 is unacceptable, as there is insufficient space available for these trees to establish.

(received 23/02/2022) - No objection to the principle of the proposed development, but raises a number of concerns regarding the current submission. The scale of development, in relation to the site, is significant and therefore great care is

required in order to facilitate demolition and subsequent construction without causing significant harm to the retained trees.

The arboricultural information does not contain a finalised Tree Protection Plan, nor any detailed Arboricultural / Construction Method Statement.

Has no objection to the loss of G1, G2, G4, G7, T7 or sections of G5. Whilst some of these are listed as Category B specimens, their positions would be a significant or prohibitive constraint to development and none of them are a high enough value to warrant retention.

However, very little consideration has been given to accommodating T3 (Cedar), with the default approach taken to maximising parking numbers and relying on specialist construction methods within the Root Protection Area. Such construction methods are no substitute for minimising RPA incursion in the first instance. Recommends therefore that parking bays 24 and 25 be removed, allowing for the Ambulance and Delivery Bays to be moved further from T3. In addition, parking bay 1, should be removed allowing for the overall length of the associated cul-de-sac to be shortened. The Bin Store should also be positioned further from the tree with the associated hard standing reduced in size. Lastly, the pedestrian walkway leading from the ambulance / delivery bays to the Goods Entrance should be re-positioned tight to the building, in place of what appears to be a strip of landscaping. All of these measures would significantly reduce the incursion into the RPA of T3 and largely remove the need for specialist construction techniques.

The specification for new trees planted as part of the proposed landscaping must be altered to Selected Standard (10-12), Container Grown. The smaller sized stock, combined with the lower mortality rate of container grown over root balled specimens, will ensure a higher quality landscape at maturity.

Finally, recommends the inclusion of conditions, requiring the submission and approval, prior to the commencement of any demolition works of an Arboriculture Method Statement and Tree Protection Plan, to show how trees within the site will be retained, throughout the course of development

Staffordshire County Council Archaeology (received 30/06/2022 & 17/01/2022)– No objection. Notes that the site is adjacent to a locally listed historic public house and as such, there is some potential for the proposals to impact on the setting of this non-designated heritage asset.

Staffordshire County Council Flood Risk (received 22/06/2022 & 04/02/2022) – No objection.

Staffordshire County Council Mineral and Waste (received 04/02/2022) – No objection. Provides recommendations for reducing waste generated through the development process.

Staffordshire County Council Highways (received 12/10/2022) – No objection, subject to conditions requiring the submission and approval, prior to the commencement of development (including demolition) of a Construction Management Plan. The vehicular access shall be completed in accordance with the approved plans, with the existing redundant elements of the access permanently closed, with the access crossing reinstated as footway. Visibility splays for the access shall be kept free from obstruction. Prior to first occupation of the

development, a surface water drainage interceptor shall be installed across the site access. In addition, prior to first use of the site, the access, parking and turning areas shall be provided in a bound porous material, with the parking spaces clearly delineated. Also, prior to first use of the site, the cycle parking facilities shall be provided. Prior to first occupation details of fencing to the site frontage are to be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented and monitored accordingly and no vehicle greater in length than 10.5 m is to access the site, prior to the submission of a revised swept path analysis.

Previous Comments (received 08/09/2022) – Object. The site access arrangement remain unclear, whilst one the drawings is not to scale, preventing accurate measurements being taken.

(received 19/07/2022) – Object. Seeks further clarification regarding the application's red line boundary, the mini-bus layby design, contradictory information regarding the number of employees to be required for the development and the use of the community facilities. The footway width and disabled parking bays remain of a substandard design, whilst information to demonstrate suitable internal tracking for ambulances remains outstanding. Still await receipt of a car parking accumulation report. The cycle parking facilities now proposed are inappropriately located, whilst the Travel Plan requires improvements to ensure the encouraged use of sustainable modes of transport.

(received 11/02/2022) – Object. Requests further information and clarification given inconsistencies across the submitted drawings and supporting documentation. Seeks further details of accidents at Norton Lane/ A5 junction required as more than 3 occurred in a 5-year period therefore this is a cluster, along with a car parking accumulation exercise to demonstrate the adequacy of the proposed parking provision. Several amendments requested to the submitted scheme, specific to width of footways into the site, the design of the disabled parking bays, the introduction of swept path analysis using a refuse vehicle and ambulance for the internal layout to show the refuse vehicle can safely turn around within the site and the introduction of cycle parking facilities for future site users. Lastly, requests revisions to the submitted Travel Plan, in order to better encourage the use of sustainable transport modes, for future employees at the site.

Staffordshire County Council Education (received 17/06/2022) – No objection. As the apartments will be conditioned for over 55's, they are exempt from education contribution calculations, as per our Staffordshire Education Infrastructure Contributions Policy (SEICP).

Previous Comments (received 24/03/2022) – No objection. There are projected to be a sufficient number of school places, at both primary and secondary phases of education, to mitigate the impact of this development.

Housing Strategy (received 22/09/2022 & 22/07/2022) – Notes the outstanding issue with this proposal relates to the affordable housing requirement. The applicant has submitted a Vacant Building Credit note, requesting such be applied to the development, to reduce the affordable housing provision.

Applying the Vacant Building Credit and allowing for the affordable housing provision to be delivered off-site, given a lack of likely interest in Registered Providers, in accepting apartments within this building, requests a financial

contribution of £674,520, in order for the scheme to be supported from a strategic housing perspective. This is advised to be secured via a Section 106 agreement.

Previous Comments (received 18/02/2022) - The proposed development includes 32 extra care apartments, but with an absence of any affordable housing. Whilst the applicant specifies the use class of the remaining over 55 apartments to be C2, they appear to be designed to function as self-contained units for day-to-day private domestic use. These apartments should be considered as residential dwellings. Therefore Policy H2 of the adopted Core Strategy applies. This policy requires developments of 10 or more units in Great Wyrley, to make an affordable housing contribution. On previously developed land, this requirement is 30% affordable housing provided on site, split 50:50 between social rent and shared ownership.

Based on 32 units, the affordable housing requirement is therefore 10 affordable homes, with 5 for social rent and 5 for shared ownership. As a proposal for specialist housing, the development is not required to provide a proportion of the affordable housing as First Homes, as per the updated PPG. In line with the National Design Guide and Affordable Housing 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. Without the provision of affordable housing within this proposal, the development cannot be supported from a strategic housing perspective.

In terms of the mix of property sizes to be provided for the extra-care element of the scheme, the Council expects a mixture of 1 and 2 bedroom homes to be provided, in order to ensure properties are of a manageable size for the intended occupants, whilst also meeting varying needs. The housing mix is therefore generally supported.

The Council has an adopted policy on internal space in Appendix 6 of the Core Strategy. 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). All apartments exceed the minimum requirements of this standard.

Severn Trent Water (received 19/01/2022) – No objection, subject to the inclusion of a condition to secure the submission and approval, prior to the commencement of development, of a suitable foul and surface water drainage scheme. The approved scheme shall thereafter to be implemented, prior to first use of the scheme.

The Coal Authority (received 27/06/2022 & 03/03/2022) – No objection, subject to the use of conditions to require the submission and approval, prior to the commencement of development, of a scheme of intrusive site investigations to establish the risks posed to the development, by past coal mining activity and any remediation works and/or mitigation measures to address land instability arising, from coal mining legacy. In addition, require prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirms that the site is, or has been made, safe and stable for the approved development, be submitted to the Local Planning Authority for approval in writing.

Previous Comments (received 28/01/2022) – Object. Records indicate that the site has been subject to both recorded and probable shallow coal mining. This could

affect the safety and stability for the redevelopment of this site. Therefore require the submission of Coal Mining Risk Assessment Report.

Cadent Gas (received 25/06/2022) – No objection. Recommends the use of informative to advise the applicant that there are Cadent assets within the area and remind them of their developer obligations.

Environment Agency (received 14/06/2022) – No comment.

Planning Policy – No response received.

Environmental Health – No response received.

Staffordshire Wildlife Trust – No response received.

Badger Conservation Group – No response received.

Western Power – No response received.

A **site notice** was posted on 20/06/2022. A total of 8 comments were made from 7 residents, which can be summarised as follows:

- Landywood Voluntary Centre offer no objection to the proposal, but requests a condition be attached to any positive decision, to ensure continued vehicular access is available to rear of their property, which allows for those with limited mobility to access the centre.

Residential Amenity

- The trees to the edge of the site act as a visual buffer between the two sites currently, protecting amenity and providing a valuable animal habitat. As such, request that they be retained and maintained appropriately into the future, to retain current levels of privacy.
- The height of the building will allow for overlooking of neighbouring properties and also block sunlight.
- The introduction of a lighting scheme for the car park will result in light pollution in this area, impacting upon the amenity of neighbouring residents.
- The increased use of the site will generate noise pollution that will adversely affect residents.
- Traffic noise from the development is a concern, especially during night hours.

Visual Impact

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

Highway Safety

- The proposal will generate additional traffic movements along the already congested Walsall Road.
- The development will generate less traffic movements than a housing estate and generate employment opportunities for the local area.
- The use of a single point of vehicular access for a large number of vehicles using the site seems a highway safety issue. This is exacerbated by its siting so close to other junctions and various accesses that serve existing property and car parks.
- The car parking facilities available to the development are insufficient to cope with future demand, which will result in parking on surrounding streets and potentially impact on the use of the bus stop and pedestrian crossing located to the site frontage.

5. APPRAISAL

5.1 This application is being referred to Planning Committee, due to the proposal being non-compliant with Policy SAD2: The Housing Allocations of the Strategic Allocations Document.

5.2 Key Issues

- Policy & Principle of Development
- Housing Mix
- Affordable Housing and Vacant Building Credit
- Design and Impact on the Appearance and Setting of Heritage Assets
- Residential Amenity
- Highway Impact, Sustainable Transport and Parking
- Sustainable Built Form
- Water Environment, Flood Risk and Drainage
- Biodiversity and Protected Species
- Impact on Special Areas of Conservation
- Arboriculture Impact and Landscaping
- Health Care
- Other Issues
- Financial Considerations
- Human Rights

5.3 Policy & Principle of Development

5.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Council's emerging Local Plan (2018-2038) is working towards consultation at the Regulation 19 stage. As such, whilst it has been the subject of public consultation, it is yet to be examined. Thus, the policies contained therein, carry some, albeit minimal material planning weight.

5.3.2 Paragraph 11 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that housing policies within the Local Plan should only be considered up to date if the Local Planning Authority is able to demonstrate a five year supply of housing.

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

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

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

5.3.4 Paragraph 74 of the NPPF requires that Councils identify and update annually, a supply of specific deliverable sites sufficient to provide five years delivery of housing provision. In addition, a buffer of 5% (moved forward from later in the plan period) should also be supplied, to ensure choice and competition in the market for land, or 10% where the LPA wishes to demonstrate a 5 year supply of sites through an annual position statement, to account for fluctuations in the market during the year. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

5.3.5 The latest five year housing land supply position for South Staffordshire District is contained within the Five Year Housing Land Supply Paper dated March 2021, which states that a supply of 7.12 years can be demonstrated within the District.

5.3.6 Given that the Council can demonstrate a 5 year housing supply, it falls for this scheme to be considered, in accordance with paragraphs 12 and 47 of the NPPF, against the Policies contained within the Council's Development Plan, which for this area, is as stated above.

5.3.7 Policies H1 and H5 of the adopted Core Strategy confirm that the Council will support proposals for specialist housing, including extra care and residential/nursing homes, in order to meet local need and in particular to support the district's rapidly ageing population. Developments of this kind should be in a sustainable location and considered suitable by virtue of their size and scale in relation to the village

within which it is proposed and the services available therein, along with proximity to public transport links. The re-use of previously developed land should be considered as a priority.

- 5.3.8 Taking each point in turn and assessing against this submission, it is evident that this proposal, given its location within the heart of the community of Great Wyrley, can be considered to be sustainably located and not overly large in the context of the community within which it will sit. There is a bus stop immediately to the fore of the site offering ease of access to surrounding communities, including nearby, Cannock. Finally, the scheme is proposed on Brownfield land.
- 5.3.9 Beyond the above considerations, it is also noted that the site is allocated for residential development, as site 141, within both the adopted Strategic Allocations Document (SAD) and emerging Local Plan Review Preferred Options document. In the former, it is proposed that the site could accommodate a minimum of 25 dwellings and the latter, 31 dwellings, with the key infrastructure requirements for the scheme being *“Any relevant policy requirements including affordable housing, open space, education, health, sports and recreation, energy efficiency, climate change mitigation, flood risk mitigation, highways, sustainable transport, housing mix and green infrastructure, delivered in line with the relevant development plan policy standards”*. The fact that the site is allocated for residential development within these policies ensures that the loss of the existing (albeit closed) community facility from this site (normally considered contrary to the requirements of Policy EV9 of the Core Strategy), has been addressed and does not require further consideration as part of this report.
- 5.3.10 The scheme proposes to deliver 32 later living and care apartments, in addition to 90 care bedrooms, which fall in an alternate Use Class to the dwellings (C2 rather than C3) sought by the above noted policies. Therefore, the proposal does not technically comply with the requirements of these policies. However, it should be noted that, as stated within the Council’s Five Year Housing Supply document *“The most recently published Planning Practice Guidance indicates that, for the purposes of the five year supply, local planning authorities will need to count housing provided for older people, including institutions in C2 use, towards their supply”*. As such, the alteration of this site from residential, to residential institution use, will have no impact upon the Council’s Housing Delivery targets and therefore, in a wider sense, the proposed will have no impact upon and actually provide a boost to, the Council’s housing delivery targets.
- 5.3.11 Beyond the use class matter discussed above, it is also noted that the site allocations specify a minimum of 25 or 31 dwellings, which means that this scheme would deliver an oversupply of 97 or 91 units, against these minimum numbers. This would not in itself, result in a scheme that is non-complaint with this policy. Rather the scheme simply exceeds minimum numbers and subject to compliance with other material considerations, the scheme could still be wholly compliant with the requirements of these policies.
- 5.3.12 The Council’s Strategic Housing Market Assessment (May 2021), which provides part of the evidence base for the emerging Local Plan, identifies that within South Staffordshire *“To meet local demand rates in 2038, the model identifies a requirement for 417 additional units of Sheltered housing for older people/ retirement housing and 150 additional Extracare units/ supported living housing in South Staffordshire over the plan period”*. In addition, it is noted that there *“will be a requirement for 893 additional Registered Care spaces between 2020 and 2038, of*

which 49.7% should be in the affordable sector and 50.3% within a market tenure". Given that this scheme will help to secure accommodation specifically tailored to later living, as well as securing accommodation with on-site care, there is an evidenced need for significant numbers of such accommodation.

- 5.3.13 The later living and care home scheme proposed for this site, given the above considerations, is considered to be compliant with the requirements of the Development Plan and NPPF in this regard.

5.4 Housing Mix

- 5.4.1 Policy H1 of the Core Strategy seeks the delivery of a balanced housing market, through an integrated mix of dwelling types, sizes and tenures based on the latest assessment of local housing need. This reflects the approach in the NPPF, which sets out that Local Planning Authorities should deliver a wide choice of high quality homes, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
- 5.4.2 The most up to date assessment of local needs is set out in the Longer-Term Balancing Housing Market (LTBHM) report (2017), which requires a housing mix for the North Eastern area, within which Great Wyrley sits, of; 1 bed 20%, 2 bed 31%, 3 bed 23% and 4+ beds 27%.
- 5.4.3 The scheme evidently is not wholly compliant with the fairly balanced housing need identified for the area within the LTBHM, but it will help to deliver smaller scale properties on a sustainable site, thereby ensuring that the larger home need can be met elsewhere within the study area. This conclusion matches that of the Council's Housing Officer who offers support for the scheme's housing mix.
- 5.4.4 It is noted from the comments made by Great Wyrley Parish Council that they have concerns regarding the size of the care unit accommodation being offered to future residents. Appendix 6 of the Core Strategy details the Council's internal; space standard requirements. The 2015 Written Ministerial Statement indicates that existing policies relating to internal space should now be interpreted by reference to the nearest equivalent national standard. Therefore, the Council expects all new developments to meet the nationally described space standards (NDSS). Following assessment of this scheme by the Council's Housing Officer, it has been determined that all of the apartments within the proposal, exceed the minimum requirements of this standard.
- 5.4.5 Given the above assessment, it is considered that the accommodation mix offered within the development is acceptable and helps to meet the needs of the local community, thereby ensuring compliance with the requirements of the Development Plan and NPPF in this regard.

5.5 Affordable Housing and Vacant Building Credit

- 5.5.1 The 90 extra care units proposed within the site are not, in accordance with the Council's guidance on this matter, subject to affordable housing requirements. The 32 age restricted apartments, are designed to function as self-contained units for day-to-day private domestic use. These apartments are therefore considered residential dwellings, subject to requirements of Policy H2 of the adopted Core Strategy. This policy 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.

- 5.5.2 Based on 32 units, the affordable housing requirement is therefore 10 affordable homes, with 5 for social rent and 5 for shared ownership. As a proposal for specialist housing, the development is not required to provide a proportion of the affordable housing as First Homes, as per the updated NPPG. 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.
- 5.5.3 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”*.
- 5.5.4 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”*.
- 5.5.5 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”.*

5.5.6 In this case, there are a number of factors to consider, prior to calculating the net increase in floorspace, across the site. Firstly, compliance with paragraph 028. This is a brownfield site, where it has been determined that in the context of the explanatory paragraph detailed above, the buildings therein, are not abandoned. In addition, the buildings have not been made vacant to facilitate the site’s redevelopment, rather, such has arisen following the County Council’s rationalisation of its social services. There are no extant or recent planning permissions for similar development within this site.

5.5.7 The existing vacant buildings on this site have a gross floorspace of 2,010sq m. The floorspace of the proposed new building is 7,961sq m. There is therefore a net increase in floorspace of 5,941sq m, which equates to 75% of the total proposed floorspace. The affordable housing contribution should therefore be 75% of what would normally be sought. The policy requirement for affordable housing for this development, as discussed above, is for 10 units, and 75% of this full requirement is 7.5, rounded up to 8 dwellings. Having applied the vacant building credit then, the development is required to provide 8 affordable homes.

5.5.8 The applicant requests that the affordable housing requirement be met through a financial contribution in lieu of onsite provision. Given the nature of the scheme and the reduced likelihood of securing a Registered Provider for these units, the Council’s Housing Officer, is willing to accept a financial contribution on this occasion. The required contribution will be calculated in accordance with the formula set out in the adopted Affordable Housing and Housing Mix SPD, as follows:

The total number of affordable dwellings required x average gross internal floorspace of proposed units or 100sqm (whichever is lower) x £1155
i.e. 8 affordable dwellings x 73sqm x £1155 = £674,520

5.5.9 The scheme therefore generates a financial contribution of £674,520 in lieu of onsite affordable housing. This is recommended to be secured via a Section 106 agreement.

5.5.10 It should be noted that Vacant Building Credit (VBC) is a vehicle supplied by the Government in order to encourage development on Brownfield Sites, where usually mitigation costs are high. As such, the applicant is not in any way seeking to reduce inappropriately, the level of affordable housing within the scheme, rather utilising appropriate allowances within national planning policy. Thus, the above noted figures, although lower than the affordable housing levels identified within the authorities affordable housing policies, remains policy compliant in the wider sense. Thus, the development subject to the insertion of an appropriately worded Schedule within the s106 agreement, is considered to comply with the requirements of the Development Plan and NPPF in this regard.

5.6 Design and Impact on the Appearance and Setting of Heritage Assets

5.6.1 Policy EQ4 of the Core Strategy advises that *“the design and location of new development should take account of the characteristics and sensitivity of the*

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

5.6.2 The NPPF (Section 12) advises that *"good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*. The document continues to state that *"development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design"*.

5.6.3 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:

- function well and add to the overall quality of the area;
- establish a strong sense of place;
- respond to local character and history, and reflect local surroundings and materials;
- create safe and accessible environments; and
- be visually attractive as a result of good architecture and appropriate landscaping.

5.6.4 The buildings within the site to be demolished are either greatly altered, to a point where any original architectural value has been lost, or are of relatively recent utilitarian construction, with little architectural detailing and therefore their removal is considered to be acceptable from a visual impact viewpoint.

Layout

5.6.5 The layout of the proposed development complements and will integrate with that of the surrounding area. Thus, the development being served by a single point of vehicular access, ensures that the strong continuous building frontage can be formed to Walsall Road, with the building being sufficiently set back from the highway to ensure that it replicates and reinforces the existing building line.

5.6.6 Views into and through the site have been carefully considered to ensure such are appropriately framed and terminated. For instance, moving along the internal access road, views eastwards will be terminated by the main entrance into the over 55 apartments.

Scale

5.6.7 The building varies in height across the site, with elements of single, 2, 2 ½ and 3 storeys. To the site frontage, the most prominent elevation within the street scene, the building has an element of 3 storeys, approximately 6.5 metres to ridge, adjacent to site access, which drops to 2 ½ storeys, approximately 5.4 metres to ridge, for the remainder of the façade. The latter measurement is fairly typical for a two storey dwelling and the additional half storey is formed through the eaves

height being slightly raised compared to a traditional dwelling, combined with the proposed roof form. The overall mass of this part of the building however, will be viewed as being suitable within the wider street scene, albeit, given the low height of the neighbouring locally listed Swan Public House, it will seem somewhat large in comparison (further discussion on this point below).

- 5.6.8 The 3 storey element of the front elevation is atypical of the immediate area, given no other 3 storey structures are in evidence. However, in height terms, the building will be reflective of some of the nearby large Victorian properties, in evidence along Walsall Road and as a consequence, it will not appear unduly prominent within the resultant street scene. The remaining parts of the building set back from Walsall Road, will be nearly wholly screened from public view on Walsall Road, by the street frontage built form, thereby limiting its visual impact in mass terms.

Appearance

- 5.6.9 The proposed street frontage element of the building, has, as discussed above, a varied mixture of roof heights, which aids to break down the mass of the building and provide visual interest. Further breaking down of this façade occurs through the regular spacing of gable projecting elements that are reflective in width terms, to the rhythm provided by the neighbouring Care Takers Shop. This effectively visually breaks the elevation down into 3 properties, in addition to the 3 storey element of the building. The combination of the gables and roof design, whereby a pitched roof reflective neighbouring property is utilised, aids to successfully integrate the building into the character of the area.
- 5.6.10 The windows proposed throughout the site are reflective in terms of their size and spacing to the surrounding built form, whilst a condition is recommended, to ensure such are set back from the outer wall of the building, to provide depth and shadow to these openings. Although exact material details are yet to be offered, the elevation drawings propose a mixture of facing brickwork, render, coloured windows and doors and modern roof tiles, exact details of which are recommended to be secured via the use of a condition. This material palette in principal however, is acceptable and reflective of surrounding built form, further facilitating the successful integration of the proposed development into its environment.
- 5.6.11 The applicant has submitted details of the proposed hard landscaping scheme for the site, including the fencing scheme, which proposes 1.8m high ball topped black railings, to be installed to front of the site, immediately to the rear of the footpath on Walsall Road. A gate will be installed as this boundary treatment progresses alongside the internal access road, whereafter the height of fence drops to 1.2m but remains as railings. Elsewhere within the site, various parcels of the outdoor space are to be separated through the use of further runs of the 1.8m high railings. This traditional fence type is appropriate to the predominantly Victorian character of the immediate street scene, allows for views into the site, offers security, without being overtly prominent within the street scene and is of a high visual quality, which will remain as such throughout the life of the development. To ensure that the fencing scheme remains as approved, preventing the introduction of unacceptable treatments, a condition is proposed, to remove permitted development rights for new boundary structures.
- 5.6.12 Elsewhere within the site, the hard landscaping plan shows the use of Marshalls Saxon slab paving and Marshalls model feature paving, both of which are of sufficiently high quality to compliment the development and area. Timber trellis

fencing, to be utilised adjacent to ground floor bedroom doors and a timber pergola are also shown on the submitted plans, both of which are considered acceptable in the context of the site and wider area.

Impact on the Historic Environment

- 5.6.13 The Swan Public House; which immediately borders this site, to the south; was erected in the early 19th Century, is a locally listed Grade B building and therefore is to be considered to be a non-designated heritage asset (NDHA).
- 5.6.14 Paragraph 203 of the NPPF advises that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 5.6.15 This proposal will not directly affect the NDHA, given the proposed works are to a neighbouring site. There is scope however for the proposal to affect the setting of the Public House, given the proposed built form will near about the pub’s boundary, upon completion.
- 5.6.16 The visual suitability of the scheme, both in the context of its impact upon the NDHA and the wider street scene, in addition to the above considerations, has also been considered by the Council’s Conservation Officer, who, following receipt of amendments to the design of the scheme, advises that subject to the agreement of materials, the development will have a low level ‘less than substantial harm’ impact upon the NDHA. This impact, will have to therefore, in accordance with the requirements of paragraph 203 of the NPPF, be weighed in the planning balance.
- 5.6.17 On the basis of the above assessment, it is considered that the proposal’s impact on the neighbouring non-designated heritage asset is acceptable, given the new development will respect the scale and materials of surrounding development and therefore contribute positively to the street-scene, ensuring compliance with the Development Plan and NPPF, in this regard.

5.7 Residential Amenity

Existing and Future Residents

- 5.7.1 The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Core Strategy Policy EQ9 requires that all development proposals consider the amenity of nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.7.2 Appendix 6 of the Core Strategy sets out minimum separation distances between facing habitable room windows, towards flank walls and to private gardens. In addition, guidance is also provided regarding the prevention of loss of light to neighbouring property resulting from new development. Specific to this proposal, the guidance details a minimum requirement of 28 metres over private space between habitable rooms for 3 storey buildings, 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.

- 5.7.3 In terms of separation distances between residential units, internal to the site, due consideration has been given to such by the applicant, with the sole area within the site where the proposed built form will face another element of the proposed building, being between the two, 2 storey elements of the care home, which are set approximately 23 metres distant from one another.
- 5.7.4 External to the site, it is apparent that the buildings will be well separated, due to existing highway infrastructure, from other residences on Walsall Road, with, for instance, the dwellings immediately opposite, being 25.1 metres distant from the proposed front elevation. Elsewhere, the separation distance from the rear of the two storey element immediately to the rear of 4 Julian Close is 17.7m. However, the sole first floor window within this elevation, serves an internal corridor, rather than a private habitable room and as such, it would be reasonable, given the minor shortfall in distance required by the above noted guidance, to require the use of obscure glazing within this opening, which is recommended to be secured via the use of a condition. Continuing around the site, the distance between the two storey, over 55 flats and the rear of 10 Julian Close is 21 metres. To the rear of the site, the smallest separation distance between the proposed two storey building and neighbouring property, is 20.8 metres. To the northern boundary, the majority of the scheme far exceeds the minimum separation requirement, but 7 Fern Drive, is sited near adjacent to the shared boundaries between the sites and is of concern. The separation distance in this location, between the rear elevation of this dwelling and the 3 storey care home is 27.6 metres. Evidently, this is a minor shortfall on the standards detailed within the guidance. However, it is noted that the above noted guidance allows for *“Exceptions may be considered... where there are intervening features which provide natural screening”*. In this case, there is an existing tree belt, proposed to be retained within the completed scheme, immediately to the rear of the garden of 7 Fern Drive. As such, subject to the retention of the tree belt, recommended to be secured via the use of a condition, the scheme is compliant with the space around dwellings guidance detailed within Appendix 6 of the Core Strategy.
- 5.7.5 Space about Dwellings Standards are also laid out in Appendix 6, which states, specific to this development that *“To ensure that the basic requirements for space, privacy and outlook are satisfactory, particular care will need to be taken with regard to the design of... flats, particularly those designed for special needs (e.g. the elderly) where there will be a communal garden or paved area”*.
- 5.7.6 In terms of this application all of the apartments are to be provided with communal, rather than individual gardens, wherein patio areas are proposed to be formed. Some of the first floor flats will also have access to balcony areas. Overall, the communal gardens are a of a size sufficient to meet the amenity needs of future residents.
- 5.7.7 Finally, the above noted separation distances and the course of the sun ensures that there will be no significant loss of natural sunlight arising from the erection of the new built form within this site, a fact demonstrated through the Daylight and Sunlight Report submitted by the applicant, with this proposal and therefore, the proposal is acceptable in this regard.

- 5.7.8 Section 15 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment, by preventing both new and existing development from contributing to or being put at risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. These matters are considered individually below:

Contaminated Land & Land Instability

- 5.7.9 Paragraph 183 of the NPPF advises that *“Planning... decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation”*. Paragraph 184 goes on to state *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*
- 5.7.10 The Coal Authority’s information indicates that the application site lies in a ‘Development High Risk Area’, where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has now submitted an appropriate Coal Mining Risk Assessment. The Assessment has been informed by an appropriate range of geological, historical and coal mining information including the results of intrusive ground investigations / drilling and grouting works, undertaken on the adjacent site.
- 5.7.11 The report considers that currently the potential presence of shall recorded and unrecorded workings cannot be discounted and therefore further investigation works are required.
- 5.7.12 Where a desk-based assessment cannot conclude with certainty the extent of the remedial measures required to address the coal mining risks identified at a site, the Coal Authority requires that in order for the site to be made safe and stable, ground stabilisation works should be carried out in the first instance, unless justification can be given why this cannot be undertaken. A foundation solution will only stabilise the building, not the ground beneath / within the site.
- 5.7.13 The ground stabilisation works will need to be designed and undertaken by a suitable qualified and experienced person to ensure that development, as a whole is made safe and stable.
- 5.7.14 Given the above, the conditions requested by the Coal Authority are recommended to be attached to the decision notice, to ensure the stability of the proposed development and amenity of future residents in this regard.

Lighting

- 5.7.15 No Lighting Assessment document has been submitted with this application. Whilst, given the village centre 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

- 5.7.16 The site is located within a village centre location, adjacent to a public house where potentially noisy activities are undertaken.
- 5.7.17 The pub's opening hours are until 11pm Sunday to Thursday and 12am on Friday and Saturdays. Whilst it is acknowledged that no noise survey has been submitted with the application, given the scale and nature of the pub's use, in conjunction with the surrounding environment, where relatively low levels of noise will be generated, it is considered that no specific noise mitigation measures, beyond those offered by modern building regulation requirements, will be necessary.
- 5.7.18 It is noted that neighbours to site have raised potential noise associated with the development as a concern. The proposed end use will offer no increase in noise compared with the former or allocated use of the site and as such this matter does not require further consideration.

Construction Vibration

- 5.7.19 The nearest sensitive properties to the proposed construction work, will be existing dwellings on Fern Drive and Julian Close. It is possible that vibration, due to the operation of various construction plant, may be above the threshold of complaint. However, these instances will be transient and for limited periods of a day and therefore are not considered to be significant.

Construction Phase Impacts

- 5.7.20 Air quality effects resulting from construction dust are known to be a main source of potential release of Particulate Matter (PM10, PM2.5). Sources include:
- Generation of airborne dusts from exposure and movement of soils and construction materials;
 - Generation of fumes on-site by plant and tools during construction;
 - Increase in vehicle emissions potentially as a result of slow moving vehicles should local congestion ensue; and
 - Re-suspension of dust through vehicle tyres moving over dusty surfaces.
- 5.7.21 To assess these matters, in line with the Institute of Air Quality Management Guidance (2014), as there are a large number of human receptors within 350m of the site boundary, a Construction Management Plan is recommended to be secured via condition, in order to control the impact of emissions during the construction phase.

Operational Phase Impacts

- 5.7.22 The potential impacts arising from the development associated with nitrogen dioxide (NO₂), PM10 and PM2.5 upon existing and future receptors, are, given the comparatively low levels of traffic generation produced by the development (discussed further below in the highway section of this report), likely to be imperceptible, too low for all pollutants.
- 5.7.23 Given the above assessments, it is concluded that the development will not, subject to the identified conditions, have an adverse impact upon the amenity of existing or future residents and is therefore compliant with the requirements of the Development Plan and NPPF in this regard.

5.8 Highway Impact, Sustainable Transport and Parking

- 5.8.1 Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.
- 5.8.2 There is an existing pedestrian and vehicular access to the site taken from the A34 Walsall Road, located in the north-western corner of the application site. This access also serves The Care Takers Shop (Landywood District Voluntary Help Centre) located to the north-west of the application site, which also has an additional site access located further to the north-west. There are an additional three gated pedestrian accesses to the application site from the A34 Walsall Road and what appears to be a historic vehicular gated access, located approximately 17m to the south-east of the shared pedestrian/ vehicle access with The Care Takers Shop.
- 5.8.3 Within the vicinity of the application site, the A34 Walsall Road is an A-class road, subject to a 30mph speed limit. A yellow box speed camera is located directly opposite the site access, recording vehicle speeds travelling north-westbound. Walsall Road is lit, with footway provision on both sides of the carriageway. Approximately mid-way along the site frontage, a signalised pedestrian crossing is provided, which provides connectivity between the application site and a parade of local shops and facilities located on the south-western side of the carriageway.
- 5.8.4 The pedestrian crossing facility also provides a safer pedestrian crossing route between the northbound and southbound bus stops located on the A34 Walsall Road. The southbound bus stop is located immediately to the north-west of the application site, in front of The Care Takers Shop, which provides services to Great Wyrley, Walsall and Birmingham. The northbound bus stop is located opposite the southbound bus stop and provides services to Cannock town centre.
- 5.8.5 The application site is proposed to be accessed via a new bell-mouth junction from Walsall Road, located in approximately the same location as the existing site access, albeit slightly further to the south-east. The site access will have a 5.5m carriageway width, 6m kerb radii and 2m wide footways on both sides of the access. A pedestrian crossing facility in the form of dropped kerbs with tactile paving would provide a crossing point of the site access for pedestrians. The extent of the existing site access made redundant by the proposed site access arrangements would be permanently closed with the access crossing reinstated as footway with full height kerbs.
- 5.8.6 The internal layout of the application site is proposed to remain private, whilst the historical vehicular and additional pedestrian accesses from Walsall Road are to be permanently closed and made good.
- 5.8.7 The suitability of the revised point of access to serve this site has been considered by the Highways Authority, who advise that such is safe for use, subject to the application of three conditions requiring that the development be carried out in accordance with the approved visibility splay details, with nothing exceeding 0.6 metres in height to be placed into this area. The further conditions, as recommended, are to ensure that the access is formed and completed prior to first use of the proposed development and a surface water drainage interceptor is installed across the access to prevent surface water entering the highway. All three conditions are considered to be reasonable, proportionate and necessary and as such, are recommended to be attached to the decision notice.

- 5.8.8 As part of the above noted new access construction, the existing access will be closed in part. In order to ensure the acceptable continuation of the highway network, specifically the pedestrian footpath layout, a condition is recommended requiring the closure of the existing access and its reinstatement as footway with full height kerbs in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Once more, this condition is considered to be reasonable and necessary and as such, is recommended for inclusion within the decision notice.
- 5.8.9 The concerns of neighbouring residents regarding the suitability of the access and its siting relative to other junctions are noted and will have been duly considered by the Highway Authority. No objection has been offered by this consultee on this matter. Finally, the request from the neighbouring Landywood Voluntary Centre that access to the rear of their property is retained for ease of access of site members, has been addressed through the design of the submission, which ensures such is provided. Given the above assessment, the scheme is considered to comply with the requirements of the Development Plan and NPPF in this regard.
- 5.8.10 In terms of the layout of the internal road network, such has been determined to be acceptable by the Highways Authority, following receipt of tracking plans for both ambulance and refuse vehicles. Thus, it is determined that appropriate forward visibility to all road areas is available, albeit, this is limited currently, as advised by the Highways Authority, to vehicles with a maximum length of 10.5 metres. A vehicle of greater length has not been demonstrated to be able track within the site and therefore a condition to limit the size of vehicle utilising the site is recommended. This is solely likely to impact upon refuse vehicles, as other vehicles would not be of similar length. Given that the site will likely be served by a private refuse operator, the recommended condition, is considered to be reasonable and enforceable and therefore is recommended for use within the decision notice.
- 5.8.11 Thus, given the above considerations, the proposal is considered not to be the cause of highway danger and therefore is consistent with the requirements of the Development Plan and NPPF in this regard.

Off Street Car Parking

- 5.8.12 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. As advised by the Highways Authority, the closest development type within this guidance, considered relevant to this proposed, are C2 Hospitals for the care home and C3 Sheltered housing, elderly persons homes for the apartments. Based on these development types and up to 45 members of staff working on-site at any one time, there would be a car parking requirement for 71 spaces.
- 5.8.13 A total of 72 car parking spaces are proposed within the development site, which includes two accessible parking spaces and four electric vehicle charging spaces. A designated space for an ambulance and delivery van are also proposed. A mini-bus layby is proposed in proximity to the site access junction, which offers a shared facility with the adjacent Care Takers Shop.
- 5.8.14 The Highways Authority have considered the above parking need, following the applicant undertaking a car parking accumulation exercise, which utilised trip rates extracted from the TRICS database for the number of total residents expected to

reside at the site along with trips generated by the publicly available Bistro. Such was presented in a Technical Note, which showed that the maximum car parking accumulation expected on-site was 46 spaces occupied between 1pm and 2pm on a weekday. Evidently, such a document, based on parking use on similar sites already in use, is considered much more accurate than the figures extracted from the near matches of the Council's Appendix. The Highways Authority agree with the findings of the Technical note and therefore, it is evident that the parking levels identified within this site are acceptable, subject to conditions to ensure that they are appropriately laid out and retained for their specified use, via the use of a suitably worded condition, as advised by the Highways Authority.

- 5.8.15 The parking bays within the site all comply in terms of scale, being a minimum of 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the above noted Appendix and Manual for Streets Guidance.

Electric Vehicle Changing

- 5.8.16 The abovementioned Appendix does not offer standards for EV parking, albeit Core Strategy Policy EV11 does recommend the incorporation, within new development of *"facilities for charging plug-in and other low emission vehicles"*.
- 5.8.17 The Council's emerging Local Plan Policy HC12 (Parking Standards) includes a requirement for C2 institutional accommodation of 20% of available spaces to be fitted with 7kw (or better) charge points and an additional 20% of available spaces to be provided with power supply to allow for the installation of fast charge sockets in the future. Given the progress of the plan, as discussed above, it does not carry sufficient material planning weight to require the applicant to deliver compliant EV charging provision currently. The fact that the applicant is offering to supply 4 spaces with charging points currently (6%), along with the infrastructure to deliver a further 41 spaces in the future (57%), ensures compliance with the current Development Plan, along with the future proofing of the development. It is recommended that these charging facilities be secured through the use of an appropriately worded condition.

Cycle Parking

- 5.8.18 Appendix 5 also requires that for residential development that 1 secure weatherproof cycle bay be provided, per 1 bedroom flat and 2 spaces for each 2 bedroom flat. There is also a requirement of 1 space per 5 members of staff for the care element of the scheme.
- 5.8.19 For the over 55 accommodation there are proposed to be 14 one flats and 18 two bed flats. For the care home the maximum number of employees on-site at any one time will be 45. As such, the cycle parking demand, as required by the Council's guidance, totals 59 spaces. There are 60 cycle parking spaces shown throughout 4 structures across the site. As such, the number of spaces proposed is acceptable. However, the Highway Authority raise concerns regarding the location of some of the shelters, which are remote from the building and therefore lack natural surveillance. A condition is therefore recommended to require the submission and agreement of revised locations for the shelters (to include details of their appearance), along with details of appropriate changing and shower facilities etc. prior to the first use of the site. Such a condition is considered reasonable and necessary and as such, is recommended to be attached to the decision notice.

Sustainable Transport

- 5.8.20 A review of the trip generation anticipated by the proposed development was 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 was anticipated to generate 16 two-way vehicular trips in the AM peak hour and 17 two-way vehicular trips in the PM peak hour. An assessment of trips that may have been generated by the previous use of the site as a day centre, was also provided, which showed that the previous use was likely to have generated 32 two-way vehicular trips in the AM peak hour and 31 two-way vehicular trips in the PM peak hour. Therefore, the proposed development is anticipated to result in a net decrease of 16 two-way vehicular trips in the AM peak hour and a net decrease of 14 two-way vehicular trips in the PM peak hour.
- 5.8.21 To ensure that the trips associated with the development are undertaken, as much as possible, via sustainable transport modes, a Travel Plan has been submitted with the application, which has been deemed acceptable by the Highways Authority. The document points out, given the sustainable location of the site, that there are many sustainable transport modes available to future site users, including employees, which includes the two bus stops, located immediately to the fore of the site. To ensure that the requirements of the Travel Plan are realised, a condition is requested, along with a s106 contribution of £10,000, towards the monitoring of the document, both of which are deemed appropriate and are recommended to be secured within the aforementioned legal document and decision notice.
- 5.8.22 The development, subject to the abovementioned conditions and s106 contribution, will offer suitable vehicular and pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore, compliant in this regard with the requirements of the Development Plan and the NPPF.

5.9 Sustainable Built Form

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

5.10 Water Environment, Flood Risk and Drainage

Flood Risk

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

Surface Water Drainage

- 5.10.3 Paragraph 169 of the NPPF requires that major development incorporate sustainable drainage systems unless there is clear evidence that such would be inappropriate. The FRA submitted with the application identifies that the existing surface water flood route through the site is generally shown as low risk (i.e. each year it has a chance of flooding of between 1 in 100 and 1 in 1000). The surface water drainage risk associated with the site post development will be dependent upon the levels of impermeable material created during the development process and the mitigation measures to be installed. The mitigation measures proposed include the use of porous paving, and associated filtration media and the use of rain gardens within the landscaped gardens of the proposed care home.
- 5.10.4 The acceptability of the surface water drainage proposals, in broad terms, have been considered by the Lead Local Flood Authority, who advise that they are suitable for the development. It is therefore advised that the mitigation measures outlined within the FRA be secured via a condition, along with full surface water drainage details.

Foul Drainage

- 5.10.5 Severn Trent Water is the main asset operator for both surface and foul water drainage in the vicinity of the Site.
- 5.10.6 Under the requirements of the Water Industry Act 1991, developers have the right to connect new development to foul water flows within public sewers. Thus, the onus is with Severn Trent to ensure capacity to accommodate this development. They advise therefore that when available full drainage details for the site be submitted to them for their approval. A condition to secure such is therefore recommended.
- 5.10.7 Given the above assessment, subject to the application of conditions, as recommended, the development is considered to comply with the requirements of the Development Plan and NPPF, in this regard.

5.11 Biodiversity and Protected Species

Protected Species

- 5.11.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European

Protected Species’, which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

- 5.11.2 A Preliminary Ecological Appraisal of the site was carried out in 2021. The document assessed the site’s usage by a range of European and nationally protected species. The sole protected species identified as using the site was bats, with, despite the site being located within the Green Zone for potential Great Crested Newt use, as defined by the Council’s District Newt license, there being no evidence of such.
- 5.11.3 Two buildings within the site were considered to have roosting potential (building 1), the former school building to the site’s front and a small outbuilding (building 3) to its rear. These were subject to targeted emergence and return surveys during the period of August 2021.
- 5.11.4 The emergence and return surveys identified that building 1 is being utilised as a non-breeding day roost by 1 Common Pipistrelle. The survey report noted that this building is proposed to be demolished as part of the proposed redevelopment of the site. There is therefore scope for disturbance, damage and destruction of a bat roost as part of the proposal.
- 5.11.5 The results of these surveys has informed the baseline starting position regarding protected species and habitats within the site. The Council’s Ecology Consultee has considered these reports and considers them to be sound.
- 5.11.6 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Habitat Regs. 1994 (as amended 2017), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 5.11.7 Given the proposal will impact upon protected species and their habitat, a Natural England license will be required, prior to undertaking any demolition works, while it is also necessary to ensure that appropriate replacement roosting provision and compensation is provided. The mitigation and compensation scheme proposed by the applicant, relates to construction phase lighting being controlled by a Construction Environmental Management Plan (CEMP) or similar. The CEMP 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. During the operational phase, uncontrolled artificial lighting could dissuade bats from occupying compensatory roosting features through direct illumination of access points or through severing commuting routes between compensatory roosts 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 during the construction works, 2 bat boxes will be attached to trees to be retained to the site’s periphery and a further habitat bat box built into the fabric of the south eastern elevation of the care home.
- 5.11.8 Whilst the Council’s Ecologist is satisfied that appropriate replacement provision can be provided, nonetheless it is necessary, as competent authority, to ensure that three tests are satisfied, namely:

- a) that there is no satisfactory alternative;
- b) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range; and,
- c) the action authorised preserved public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

5.11.9 It is considered that if redevelopment of the site did not occur then, over time, the building may degrade and result in the potential loss of the bat roost, as the building requires extensive repair to bring them back into viable use. With appropriate compensation as proposed, it is considered that the development would not undermine the favourable conservation status of the Common Pipistrelle bat population. Finally, it is considered that there are overriding social benefits of redeveloping the site for residential care purposes. The LPA are therefore of the view that the tests have been satisfied.

5.11.10 The PEA did note that the site was being 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 Ecology consultee has recommended that 1 group of 3 number swift boxes and 2 house sparrow terraces be formed on or integrated into north or east facing brickwork of the new buildings. Such is an appropriate form of mitigation, with exact details recommended to be secured via the use of a condition.

Biodiversity

5.11.11 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.11.12 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 emerging advice within the Draft Environment (Principles and Governance) Bill 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity"*.

5.11.13 In this case, the Preliminary Ecological Appraisal submitted with the application, includes a Biodiversity Metric, 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, recommended to be secured by condition, as part of the scheme, an uplift of 0.02 Units, an increase of 0.67%. Thus, the scheme complies with the requirements of the NPPF in this regard.

Impact on Special Areas of Conservation

- 5.11.14 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

- 5.11.15 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. 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.
- 5.11.16 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, in this case, due to the relative proximity, on the Cannock Chase SAC (the site is located approximately 6.7 miles from the boundaries of this site). 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 32 over 55 apartments (32 x £290.58 = £9,298.56, plus associated £100 administration fee). The care home element of the development, given the nature of future occupants (which must be restricted to what has been applied for in order to comply with this legislation, via condition, for the life of the development), is not considered to result in a negative recreation impact (either alone or in-combination with other plans) to the SAC. This was based on advice contained within the Cannock Chase FAQ document, which advises *“Class C2 deals with care homes for the elderly (65+) and is generally acknowledged as catering for residents with appreciably less ability than the average to make use of recreation opportunities at a site like the Cannock chase SAC / Country Park. Such developments will generally tend to provide on-site, tailored outdoor space for their residents as an integral part of the development scheme. As a result where Use Class C2 is demonstrated no developer contribution is required”.* No mitigation or further action is therefore required in care facility element of the proposal.
- 5.11.17 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

5.11.18 The application site is also located approximately 2.8km from the Cannock Chase Extension Canal SAC. This SAC has no designated Zol. The Government's advice as set out in the 'Habitats regulations assessments: protecting a European site' is that when checking whether a proposal could impact upon a protected site is *"You only need to carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:*

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

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

5.11.19 The IRZ datasets show a general area of approximately 5km around the identified sites within which the impact of a development upon the protected site should be considered. Evidently this site falls within that assumed area and therefore Screening of the development's impact upon this SAC is required.

5.11.20 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.

5.11.21 The application proposes the redevelopment of a Brownfield site through the erection 122 later living care bedrooms / apartments with on-site care provision. 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. Therefore, no mitigation or further action is required in this regard.

5.11.22 Whilst Natural England are not a statutory consultee on the AA Screening Process, given such is for the Competent Authority to complete, in isolation, they have, in this case provided comment on the suitability of the Council's conclusions, advising that they agree with this assessment.

5.12 Arboriculture Impact and Landscaping

5.12.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 of the Core Strategy

seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that *"The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved"*.

- 5.12.2 The Arboricultural Impact Assessment submitted with this application, identifies that there are 20 individual trees, 7 groups and 3 hedgerows on or adjacent to the site. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area. Furthermore, neither through the site's allocation within the SAD or the emerging Local Plan, are the trees identified to be a constraint to development.
- 5.12.3 As part of the redevelopment works, it is proposed that there will be an overall loss of 2 individual Category B trees (T3 and T7), 1 Category B tree group (G7) and 3 category C tree groups (G1, G2 and G4). Two further Category B tree groups are also identified for partial losses, noted as G3 and G5 on the submitted plans.
- 5.12.4 Under the British Standards, Category B trees are defined as 'Trees of moderate quality with an estimated remaining life expectancy of at least 20 years' and C, as 'Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories'.
- 5.12.5 It is noted that neighbours to the site on Julian Close have commented upon the importance of the tree group located within the site, to the rear of their gardens, at offering screening between these dwellings and proposed development. As discussed above, the separation distances between the built form is compliant with the Council's standards and as such, there is no specific privacy requirement to secure their retention, but such does offer valuable habitat and is of some visual importance to the street scene. This group of trees is shown as G2 and G3 on the submitted plans. G2, which are a collection of Category C Common Cherry trees, run from the rear of 4 to 6 Julian Close. These trees are to be felled, albeit, with the retention of T2 (Category B, Common Ash), which sits to the rear of 4 Julian Close. G3, a collection of Maple, Sycamore, Alder, Silver Birch and others, Category B trees which runs from 7 to 12 Julian Close are largely to be retained, with only minor works necessary.
- 5.12.6 The Council's Arborist has considered the acceptability of the tree loss associated with the development and advises that such, including the loss of G2 is acceptable. The sole tree felling concerns noted are regarding the loss of T3 (Atlas Cedar) from the site and the potential impact on T9 (Common Beech) (to address this concern the applicant has now removed from the proposal, a car parking space, which formerly was to be located within the root protection area of this tree). The loss of T3, whilst unfortunate, cannot be prevented, in order for the scheme to be delivered and therefore, subject to a condition to require the submission and approval, prior to the commencement of any demolition works, of an Arboriculture Method Statement and Tree Protection Plan, to show how other trees within the site will be retained, throughout the course of development, the development's impact upon existing trees can be considered to be acceptable.
- 5.12.7 Following the submission of a number of revisions, the proposed landscaping scheme, which is now commended by the Council's Arborist and includes the planting of 28 replacement trees, is considered to be acceptable. A condition is

therefore recommended to secure the planting of this scheme, along with its maintenance thereafter for a period of 5 years. Such will also, as discussed above, secure the uplift in Biodiversity Units within the site.

- 5.12.8 Subject to the conditions as detailed above the development will have an acceptable arboriculture impact upon the site and as such will comply with the relevant requirements of the Development Plan and NPPF in this regard.

5.13 Health Care

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

- 5.13.2 Policy EQ13 of the Core Strategy advises that contributions will be sought, where necessary, to secure *"the provision and improvement of community facilities such as... health facilities"*.

- 5.13.3 Local research undertaken by the NHS has previously shown that the extra resources required by care home residents are quite stark, with patients in such settings requiring 35 x more visits from a GP than an average patient. Care home residents were also dramatically overrepresented in unscheduled admissions to an acute setting, therefore greatly increasing ambulance conveyance and had a lack of continuity in care planning.

- 5.13.4 To address the impact of the scheme (solely the Care facility) therefore, on local health provision, a sum of £37,375 is requested by the CCG, which is derived from the Department for Health guidance 'Health Building Note 11-01: Facilities for Primary and Community Care Services', which provides best practice guidance on the delivery of new healthcare buildings and adaptation and extension of existing facilities. It is applicable to a range of building types including GP premises, Health centres, Primary care centres and Urgent care centres. The sum, to be directly relatable to this application, will be directed to the relevant Primary Care Network (Cannock Villages) and invested in a manner, which supports the ongoing commitment to deliver further workforce in support of services such as 'Enhanced Health in Care Homes'.

- 5.13.5 The payment of the identified sum has been discussed with the applicant, who confirms their acceptance of this payment, which is recommended to be secured via the proposed s106 agreement.

5.14 Other Issues

- 5.14.1 Under the provisions of Policy EQ13 of the Core Strategy, major new developments are required to make provisions for social/community facilities, which must be commensurate to the scale and nature of the proposals. Such provision can be by way of direct on-site provision and/or by a contribution made for the provision of facilities elsewhere.

- 5.14.2 Staffordshire County Council Education have commented upon this application and advised that there is scope within the existing school framework to accommodate any uplift in number of attendees arising as a consequence of the development.

Subsequent to this initial comment, following further clarification regarding future occupants of the site, it was acknowledged that the scheme would not, given the make-up of the site's future residents, impact upon the availability of school places within the area.

5.14.3 The consultation responses received from the Police Architectural Liaison Officer, Fire Safety Officer, Staffordshire County Council Minerals and Waste Team and Cadent Gas are noted and the details contained therein are proposed to be passed to the applicant through the use of appropriately worded informatives.

5.14.4 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires Local Planning Authorities to agree with the applicant, the text of any pre-commencement conditions, prior to the determination of any application. To that end, the pre-commencement conditions have been agreed in discussion with the applicants' agent.

6. Financial Considerations

6.1 The development would give rise to several economic benefits. For example, the development would lead to the creation of new direct (70 staff members of which 35 would be full-time staff and 35 would be part-time staff) and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions.

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

7. Human Rights

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

8. Conclusion

8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals. With reference to this scheme, economically the proposal will provide direct and indirect employment opportunities, through creating a development opportunity, which includes employment generating uses and whose future residents would support existing and proposed facilities within the area. Socially, suitable conditions can secure the reasonable amenity of existing and future residents within and adjacent to the site.

8.2 Environmentally, the site occupies a prominent position on Walsall Road, adjacent to the locally listed Swan Public House. It has been determined that the scheme,

through its scale and massing, will cause less than substantial harm to the setting of the Public House. The harm derived however is balanced through the public benefits derived from the scheme and therefore, on balance it has been determined that the heritage impact of the scheme is acceptable.

- 8.3 It is considered that adequate, high quality amenity space can be provided on site, to meet the needs of future residents. The number of units and mix proposed, will provide a suitable density of development to integrate into the character of the area, whilst also helping to meet the housing needs of the District. The lack of affordable housing provision within the application site, has been suitability evidenced and off-site payment to address such, is proposed to be secured via the s106 agreement.
- 8.4 With regard to transport and highway matters, adequate information and detail has been included within the supporting information to demonstrate that sustainable travel choices can be integrated within the development. Acceptable details have been provided with regard to the vehicular access point to ensure that the development can be safely and appropriately accessed, without undue harm to either the character or appearance of the area, existing or future residents or highway and pedestrian safety. Furthermore, it has been demonstrated that the development will have an acceptable impact upon the Local Highway Network, whilst the use of sustainable transportation methods will be promoted through the Travel Plan, which will be monitored via a reasonable financial sum secured through the Section 106 agreement.
- 8.5 Subject to suitable conditions, there will be no adverse impact on protected or priority species, whilst a positive biodiversity impact will be created within the site. The recreational impact of the development upon the Cannock Chase SAC can be addressed via the s106 agreement, with payment made to secure appropriate mitigation. With regard to drainage and flood risk, it is considered that adequate mitigation would be provided and that, subject to appropriate conditions, no material harm will be caused. Finally, the concerns and comments raised by the Council's Arboriculture Officer have been assessed and the scheme amended to address such.
- 8.6 Given the above assessment and the positive weight attributable to the delivery of residential institution led development, through the NPPF, it is recommended that this application is in conformity with the Development Plan as a whole and no other material considerations are sufficient to outweigh the acceptability of this development, so as to warrant the refusal of the application. Therefore, the recommendation, subject to the signing of a s106 legal agreement, is one of approval.

9. RECOMMENDATION:

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

1. Contribution towards Health Care Infrastructure of £37,375;
2. Contribution towards Cannock Chase SAC mitigation measures (SAMMMs) of £9,298.56 plus a £100 legal administration fee;
3. Off-site affordable Housing Sum of £674,520; and
4. Framework Travel Plan Monitoring Fee of £10,000.

Approve subject to the following conditions:

(2) If the S106 is not signed/completed by the 15 May 2023 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

CONDITIONS

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

Site Plan – AP21018-L09 Revision H (received 28/09/2022)

Proposed Site Access Layout with Visibility Splays – T21526 001 C (received 14/06/2022)

Proposed Ground Floor Plan - AP21018-L06 C (received 14/06/2022)

Proposed First Floor Plan – AP21018-L07 C (received 14/06/2022)

Proposed Second Floor Plan – AP21018-L08 C (received 14/06/2022)

Hard and Soft Landscaping Plan – 2109MAC-GW-1 Revision E (dated 20/09/2022)

Hard and Soft Landscaping Plan – 2109MAC-GW-1 Revision E (dated 20/09/2022)

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

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

- (i) External brickwork; and
- (ii) Exterior Roof materials.

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

4. Prior to the commencement of development, excluding demolition and groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

5. Prior to the commencement of development, a Construction Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall:

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

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

- 6. Prior to the commencement of development, excluding demolition and groundworks, full details of a scheme of foul and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
- 7. Prior to the commencement of development, protective fencing and other protective measures to safeguard existing trees and/or hedgerows on the site, shall be provided in accordance with the details shown within the approved Arboricultural Method Statement (ref. Wharton 220525 1260 AMS V2) and to British Standard 5837: 2012 and retained for the duration of construction (including any demolition and / or site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the Local Planning Authority.
- 8. Prior to the commencement of development, 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 building, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval on application to the Local Planning Authority.

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

- 9. 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.

10. Prior to the first occupation of the development hereby approved, the bat boxes as specified in Table 5 of the Bat Roost Characterisation and Mitigation Report (Wharton, August 2021) shall be installed and thereafter shall be retained for the life of the development.
11. Prior to the first occupation of the development hereby approved, details of the type and location of biodiversity enhancement measures including 1 group of 3 number swift boxes and 2 number house sparrow terraces on or integrated into north or east facing brickwork of the new buildings, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to the first occupation of the buildings and thereafter be retained for the life of the development.
12. Prior to first occupation of the development hereby approved, the parking, servicing and turning areas as shown on approved plan, reference AP21018-L09 H, shall be provided in a bound material and be sustainably drained, with the individual bays clearly delineated. The Active Electric Vehicle Charging Points and passive infrastructure, shall be installed, prior to 90% occupation of the site, to serve the identified parking spaces and thereafter, the parking, EV Charging, servicing turning areas shall be retained for their designated purposes, for the life of the development.
13. Prior to the first occupation of the development hereby approved, the new vehicular access to serve the development, from the A34 Walsall Road, shall be completed within the limits of the public highway, in accordance with approved plan, reference T21526 001 C. The visibility splays shall be kept free of all obstructions to visibility, with nothing placed or allowed to remain forward of the visibility splays, over a height of 0.6m above the adjacent carriageway level. The access and visibility splays are thereafter to be retained for the life of the development.
14. Prior to the first occupation of the development hereby approved, a surface water drainage interceptor shall be installed across the access, immediately to the rear of the public highway, which shall thereafter to be retained for the life of the development.
15. Prior to the first occupation of the development hereby approved, the existing and historical vehicular accesses made redundant as a consequence of the development hereby permitted, shall be permanently closed, with the access crossings reinstated as footway with full height kerbs in accordance with details, which shall have first have been submitted to and approved in writing by the Local Planning Authority.
16. Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, full details of safe, secure and weatherproof cycle parking facilities for staff and visitors (providing a minimum of 59 spaces), and shower/ locker/ changing facilities for staff, shall first have been submitted to and approved in writing by the Local Planning Authority. The cycle parking and shower/ locker/ changing facilities shall be constructed in accordance with the approved

details, prior to the first occupation of the site and thereafter shall be retained for the life of the development.

17. Prior to the first occupation of the development hereby approved, details of boundary treatments along the site frontage on the A34 Walsall Road shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments so approved shall thereafter be erected prior to the first occupation of the site and thereafter be retained for the life of the development.

All other CONDITIONS to be complied with:

18. The Travel Plan shall be implemented in accordance with the timetable set out in the approved document dated 29/09/2022. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning permission to the Local Planning Authority for approval for a period of five years from first occupation of the development.
19. No vehicle larger than 10.5m in length shall be permitted to access the site, unless a revised swept path analysis demonstrating that the larger vehicle can safely access and egress the site, has first been submitted to and approved in writing by the Local Planning Authority.
20. The approved landscape and planting scheme shown on plans reference 2109MAC-GW-1 Revision E and 2109MAC-GW-1 Revision E, shall be implemented within eight months of the first occupation of the new build elements of the scheme.
21. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of the same or similar size and species.
22. The development hereby approved shall be carried out in strict accordance with the working practices and timetables identified within the Bat Roost Characterisation and Mitigation Report produced by Wharton (reference 210803 1260 RC V1).
23. The boundary treatments, gates and hard landscaping, as shown on approved plans 2109MAC-GW-1 Revision E and 2109MAC-GW-1 Revision E, shall be erected prior to the first occupation of the building and thereafter shall be retained for the life of the development.
24. The first floor corridor window, located within the southern elevation of the Care home part of the building, sited adjacent to room F-10, shall be obscure glazed (to a minimum of level 3) and non-opening to a minimum of 1.7 metres above the floor of the room in which the window is installed and shall thereafter be maintained as such for the life of the development.
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, no fences, walls or other means of enclosure shall be erected within the site, other than those approved by this planning permission, without the prior written permission, on application to the Local Planning Authority.
26. 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.

27. The occupancy of the development hereby approved, shall be as a Class C2: residential institution (with occupants over the age of 55 solely restricted within the 32 age limited Apartments and in the case of the 90 bed Care Home, occupancy shall be in accordance with the Residential Care Home Occupancy Note dated September 2022, as shown on approved plans AP21018-L06 C, AP21018-L07 C and AP21018-L08 C), for the lifetime of the development.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy EQ11 and Core Policy 4 of the Local Plan Strategy and the National Planning Practice Guidance.
3. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policy 2 and Policies EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
4. 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. 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.
6. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems and to minimise the risk of pollution and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework.
7. 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.

8. To ensure the satisfactory appearance of the development, to minimise any impact upon the adjacent non-designated heritage asset, 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.
9. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard and to safeguard future residential amenity, in accordance with the requirements of Core Policy 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.
10. In order mitigate the development's impact upon European Protected Species and their habitat, in accordance with the requirements of Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
11. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
12. In the interests of highway safety, to promote more sustainable modes of transportation, to ensure the delivery of sustainable drainage and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
13. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
14. In the interests of highway safety and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
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 EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
17. In the interests of highway safety, to protect the character and appearance of the site and surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ3, EQ11

and EV9 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.

18. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
19. In the interests of highway safety, in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
20. To ensure that the approved landscaping scheme is implemented in a speedy and diligent way, to protect natural habitat and deliver biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design and the National Planning Policy Framework.
21. To ensure that any initial plant losses to the approved landscaping scheme are overcome, to protect natural habitat and delivery Biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design and the National Planning Policy Framework.
22. In order mitigate the development's impact upon European Protected Species and their habitat, in accordance with the requirements of Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
23. To safeguard the appearance of the development, the setting of adjacent non-designated heritage asset and to protect the amenity of future residents, in accordance with Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
24. To safeguard the privacy of neighbouring residents in accordance with Policy EQ9 of the Core Strategy and the National Planning Policy Framework.
25. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset, in accordance with the requirements of Core Policy 2 and Policies EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.
26. To safeguard the character and appearance of the development, surrounding area and neighbouring non-designated heritage asset and to protect on-site habitats, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design, Village Design Guide and Historic Environment and Character Assessment Supplementary Planning Documents and the National Planning Policy Framework.

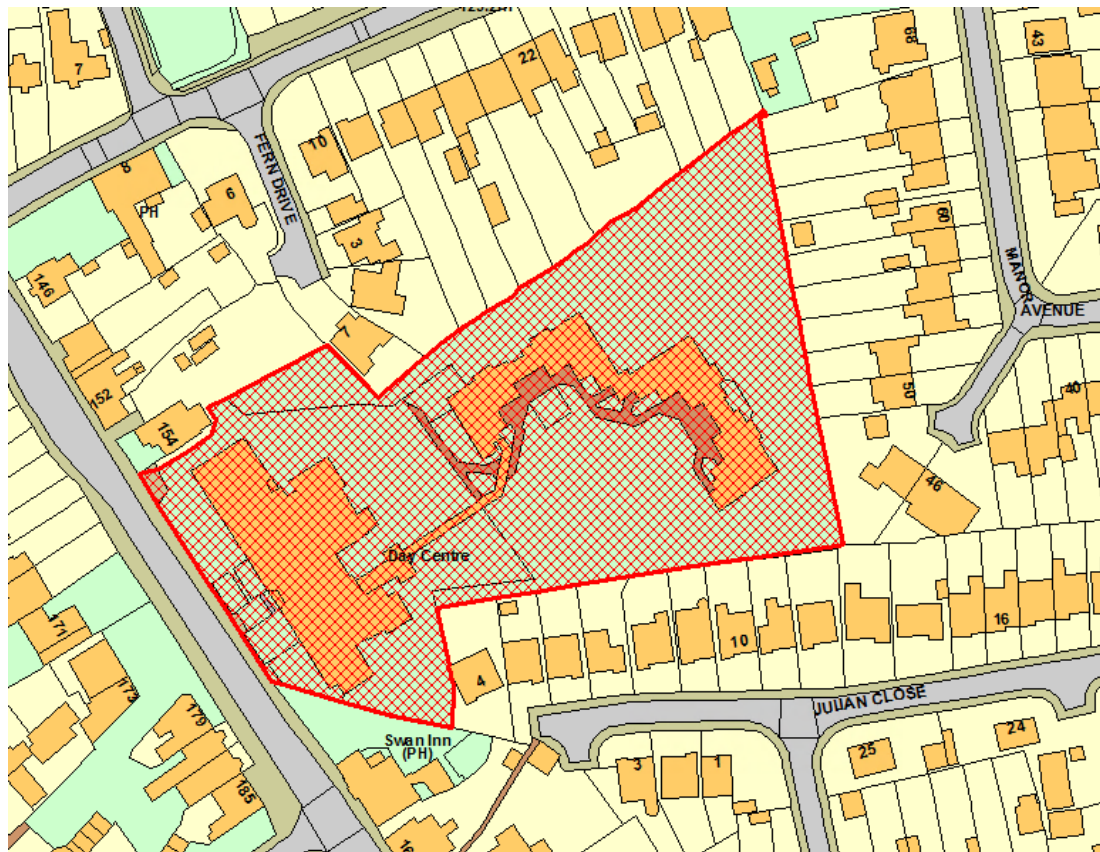
27. To define the permission, given alternate infrastructure contributions would have been secured for residential development and to ensure the delivery of an appropriate level of mitigation to address recreational impact to the Cannock Chase SAC, in accordance with the requirements of Policies EQ2, EQ13 and H2 of the Core Strategy 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 04/07/2022. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicants' attention is drawn to the comments from the Staffordshire Fire and Rescue Service dated 16/06/2022.
5. The applicants' attention is drawn to the comments from the Staffordshire County Council Minerals and Waste Team dated 04/02/2022.
6. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
7. The proposed site access and off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to highway.agreements@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place to meet any potential timescales.

<https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx>.

8. Staffordshire County Council as Highway Authority would not formally adopt the proposed development; however, the development will require approval under Section 7 of the Staffordshire Act 1983. The applicant is requested to contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It will, therefore, be necessary for maintenance/management arrangements for the access road and internal layout to be submitted to the Highway Authority with a view to securing an exemption under Section 219 of the Highways Act 1980. Although the road layout will not be to adoptable standards, the roadways within the site will still need to be constructed to be 'fit for purpose'.



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