
Appeal Decision

Hearing held on 14 February 2023

Site visits made on 13 February 2023 and 23 February 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/K3415/W/22/3294728

Land off Horner Avenue, Fradley, Lichfield, Staffordshire WS13 8TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vistry Homes Limited and Greenlight Development Limited against the decision of Lichfield District Council.
 - The application Ref 20/01178/FULM, dated 21 August 2020, was refused by notice dated 15 September 2021.
 - The development proposed is full planning application for a residential development with associated works and public open space, and access from Horner Avenue and Ward Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. To mitigate the effects of the proposal on the Wood End Lane/A38 junction, the planning application included a scheme for the signalling of this junction ('original mitigation scheme'). During the appeal, the appellant confirmed that the original mitigation scheme was no longer being pursued. Instead, a 'revised mitigation scheme' (as shown on Drawing J32-4198-PS-005) is proposed. As this is intended to address the Council's second reason for refusal and the main parties had an opportunity to comment on this during the appeal process, I have accepted this in determining the appeal.
3. Prior to the Hearing, a revised Construction Method Statement ('CMS') and accompanying Construction Management Plan ('CMP') (February 2023. Version 8) were submitted. As discussed at the Hearing, I accepted these documents on the basis that these were intended to inform discussions about the Council's third reason for refusal.
4. The Council reasons for refusal ('RfR') 1, 2 and 3 (relating to highway safety) refer to policies Frad1, Frad4, Core Policy 3 of the Lichfield District Local Plan Strategy (2015) ('LPS'), Policy F1 of the Lichfield District Local Plan Allocations (2019) and Policy FRANP1 & FRANP13 of the Fradley Neighbourhood Plan (2019) ('FNP'). Policy FRANP13 does not exist and the other policies are unrelated to highway safety matters and therefore are not relevant to my first main issue. I have proceeded with the appeal on this basis.

Background

5. The appeal site mainly comprises a flat, linear field which extends north-westwards from the A38 and measures about 5.12 hectares. The land to the west and southwest is occupied by Fradley Park Industrial Estate, while the residential area of Fradley South occupies the land to the north.

Main Issues

6. The main issues are:
 - a) Whether the proposal would affect highway safety with regard to:
 - i) Providing an acceptable access and layout for the proposed development;
 - ii) Providing an acceptable means of access for construction traffic; and,
 - iii) The effects of the proposal on the Wood End Lane/A38 junction.
 - b) Whether the proposal would provide appropriate, inclusive and useable public open space, and:
 - c) Whether the proposal makes suitable provision for affordable housing, infrastructure and other facilities which are necessary to make the development acceptable in planning terms.

Reasons

Highway Safety

- i) Access and layout for the proposed development*
7. The highway network within the residential area to the north of the appeal site comprises a spine road (Worthington Road) with a number of lower order roads spurring off it. The design of the local road network is intended to encourage reduced speeds with 20mph signs placed at the main approaches to the estate.
8. The principal vehicular and pedestrian access to the development would be from Horner Avenue which is a residential cul-de-sac off Worthington Road. It is common ground between the main parties that the only way the site can be accessed, directly from the adopted highway and without the need for third-party permission, is via Horner Avenue and Ward Close.
9. Third parties identified potential for access to the appeal site via the industrial estate to the south. However, this does not form part of the proposal and does not affect my Decision.
10. The Staffordshire Residential Design Guide - Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000 ('Design SPG') sets out a hierarchy for County roads.
11. The Design SPG, identifies a Minor Access Way as an informal shared use pedestrian/vehicle surface on which pedestrians are given a priority by virtue of distinctive design features. These include a carriageway width of between 3.5m to 6m to accommodate road features to discourage speed. Also, a footway is not required however a single 1.3m to 1.8m footway along one side of the carriageway may be provided under certain circumstances. The width of Horner Avenue carriageway is about 5m and this includes raised tables for traffic calming, with footways along part of the highway. Therefore, it would appear that the part of Horner Avenue, where the access to the development site would be provided off, shares characteristics of a Minor Access Way, designed to give priority to pedestrians.

12. Even so, and whilst the Design SPG suggests that Minor Access Ways are particularly suitable for low to medium density developments of up to 50 dwellings, which have adequate off-street parking for residents and visitors, this is guidance and does not specifically preclude them serving larger developments. The Council has also not raised any specific concern about the capacity of local estate roads to accommodate the additional traffic to be generated by the development in the event that this is approved and constructed. Accordingly, I have treated the Design SPG as guidance and assessed the proposed access arrangement on its merits.
13. The access to the site would use the existing turning head on Horner Avenue, in front of the detached dwelling at 52 Horner Avenue ('No 52'). The existing road layout would be amended to form a priority T-junction with the access road extending south into the appeal site. Capacity modelling of the site access indicates that the proposed arrangement is forecast to operate satisfactorily with significant reserve capacity.
14. The submitted drawing shows a visibility splay based on a 20mph design. Furthermore, a swept path analysis for the new junction has also been provided. This is based on a vehicle with an overall length of about 11.6m (equivalent to the size of a refuse collection vehicle). Whilst I have noted the concerns about the effects of on-street parking on the new access, the parking surveys undertaken in July 2021, indicate that on-street parking is not particularly prevalent in the area. In any event, this is an existing situation. Therefore, I am satisfied that on-street parking is unlikely to unacceptably interfere with the movement of mainly car traffic arising from the development, in the event that this is approved and constructed.
15. Nevertheless, the new junction would be located close to a dropped kerb to a garage and driveway which are used for parking for No 52. Any reversing at present in association with No 52 is on to the turning head. As a consequence of the proposed arrangement, vehicles would be reversing into the proposed junction for the new access, serving 115 dwellings. I have significant concerns that this arrangement is likely to result in conflict and distraction between vehicular traffic using the proposed junction and other highway users on Horner Avenue to the detriment of highway safety.
16. The proposed access arrangements for the new development includes an emergency access at the eastern extent of the site, which would connect with Ward Close. Manual for Streets ('MfS') cites a minimum access width of 3.7m width between the kerbs. The proposed emergency access would exceed this minimum requirement. Also, a swept path analysis shows that a fire tender vehicle would be able to access the appeal site via Ward Close.
17. Based on my observations and the evidence before me, on-street parking takes place along Ward Close, with the potential to impede the route of emergency vehicles. However, given that this access is only likely to be used on limited occasions, I do not consider this arrangement to be unacceptable. Droppable bollards are proposed to restrict vehicular access from Ward Close, except in the case of emergencies. The submitted plans also show an existing footpath link about 1.4m wide from Ward Close, which would be extended into the site.
18. Therefore, the emergency access arrangements for the development would be acceptable and also incorporate a suitable secondary pedestrian access.

19. Turning to the internal road layout for the proposed development, this would principally comprise a central spine road, broadly along an east to west alignment, located off the proposed access from Horner Avenue.
20. MfS says that a 4.8m carriageway can accommodate two-way movements for a car and a lorry. The masterplan shows that the carriageway width of the spine road throughout the site is about 5m. The submitted swept path analysis shows two-way vehicle movements could be conducted along this road and that a refuse vehicle could also manoeuvre along it.
21. The scheme provides sufficient parking in accordance with the Council's standards. However, the proposed layout incorporates a number of plots with tandem car parking arrangements, located off the spine road. The Council asserts that this type of arrangement is likely to encourage on-street parking to the detriment of the free flow of traffic.
22. However, this is not an uncommon arrangement in modern housing schemes. Also, some on-street parking is likely to introduce a degree of traffic calming, allowing drivers sufficient time to make appropriate adjustments for this. In addition, given the straight nature of the spine road, there would be good forward visibility to mean one driver or the other would give way. Based on these factors along with the provision of turning heads at each end of the site, even when accounting for some variance in the sizes of refuse vehicles and other larger vehicles using the site, the proposed internal layout for the new development would be acceptable.

ii) Access for construction traffic

23. Based on the revised CMS and accompanying CMP, the main access/egress to the appeal site for construction traffic, site staff and visitors would be from Horner Avenue.
24. The CMS outlines that the appointed contractors and suppliers would enter into a contract to assist with staggered deliveries and delivery slots, ensuring that each trade or contractor is provided with a specific pre-booked time slot in which they can access the development. This will further be reinforced with a requirement to call ahead to the dedicated banksmen on site who will communicate with delivery drivers to ensure compliance with delivery schedules. The banksmen would be responsible for walking all vehicles to prevent more than one vehicle using the roads. Although the CMS refers to banksmen walking vehicles from Common Lane, at the Hearing, the appellant confirmed that this would be closer to Horner Avenue. The submitted CMS also includes information about parking, turning and signage facilities.
25. In recognising that some of the local roads including Horner Avenue are not designed to accommodate Heavy Goods Vehicles, construction vehicles would be restricted to 10m x 2.5m in accordance with the submitted swept path assessment. Even so, this is dependent on the different contractors and suppliers having access to this size of vehicle.
26. Furthermore, the effectiveness of the proposed CMS hinges on the timely movement of delivery and contractor's vehicles, which cannot always be guaranteed because of factors, such as traffic, road closures and diversions. Whilst there was some discussion about utilising land in the vicinity of the appeal

site as a holding area the storage of delivery traffic that arrives outside the appointed slot, the full details of this are not before me.

27. Moreover, securing an unobstructed route for construction vehicles to the site, including along Horner Avenue would be dependent on implementing a Temporary Traffic Regulation Order ('TTRO'). This would need to be in place for an 18-month period, which is the timescale envisaged to implement the bulk of the development. However, there are limited details regarding the TTRO and no certainty as to whether this could be implemented. Also, there is insufficient information about how construction traffic would be managed around peak traffic periods, including school drop off and collection times.
28. Whilst I was made aware that banksmen were being employed at another site in Fradley and some estimates for the number of construction vehicles likely to use the site have also been suggested based on another development site, I have insufficient information in relation to these developments and their site-specific circumstances to draw any meaningful comparisons.
29. I acknowledge that matters relating to construction access and management can usually be dealt with by a planning condition. However, given the above concerns, the scale of the proposed development, the duration of the construction phase and in particular because the construction traffic would be arriving via a lengthy and circuitous route of lower order residential roads, this raises significant concerns about highway safety in relation to the conflict of construction vehicles with other highway users. Therefore, in my view, the details relating to the matters I have identified need to be resolved and should not be left to a planning condition.
30. For the above reasons, I am unconvinced that the submissions before me are sufficiently robust and detailed to ensure that a safe construction access arrangement can be secured for the development.

iii) The effects of the proposal on the Wood End Lane/A38 access

31. The Wood End Lane/A38 is the nearest junction with the A38 to the appeal site in terms of access from Horner Avenue. This junction includes on and off slips onto the A38 northbound and southbound carriageways.
32. The A38 operates in a northeast alignment providing access to Burton upon Trent, Derby and the M1 at Junction 28 to the north, and Birmingham, Lichfield the A5 and the M6 to the south and therefore carries considerable traffic.
33. During the peak periods, Monday to Friday 7am to 9am and 4pm to 6pm, the Wood End Lane/A38 junction does suffer from capacity issues. Queuing is often observed on the southbound on-slip during the AM peak with slow moving traffic on the A38 mainline due to vehicles moving lanes and joining from the junction.
34. Vehicular traffic associated with the proposed development would add to the capacity issues associated with the Wood End Lane/A38 junction.
35. The appellant's submissions identify that the proposed development is forecast to generate about 28 trips in the AM peak hour and 27 trips in the PM peak hour at the A38/Wood End Lane junction. However, on the critical right turn manoeuvre from Wood End Lane this reduces to about 19 trips in the AM peak hour and around 8 trips in the PM peak hour. Also, no development traffic is forecast to turn right from the A38 on/off slips to Wood End Lane. Furthermore, only one development trip is forecast to travel east to west through the junction on Wood

End Lane which is the manoeuvre that opposes both sensitive right turn manoeuvres.

36. Therefore, to mitigate the impacts of the proposal on the A38/Wood End Lane junction, on a nil-detriment basis, the revised mitigation scheme, maintains the priority control of the junction and provides a wider right turn lane from Wood End Lane. Furthermore, the right turn from the A38 slips to Wood End Lane would be banned. This is intended to force all traffic to turn left and any right turners would be required to U-turn at the Lancaster Road/Wood End Lane/Wellington Crescent roundabout.
37. On the basis of the above and in the absence of any evidence to the contrary, the volumes of development traffic forecast to affect the A38/Wood End Lane junction are considered to be relatively small. Furthermore, there would be some scope to encourage modal shift onto public transport which could reduce traffic from the A38/Wood End Lane junction. Therefore, on a nil-detriment basis, the revised mitigation scheme, would be acceptable to mitigate the effects of the proposal.
38. However, the Council is of the view that there is a need for a wider demand management scheme for the A38/Wood End Lane junction to accommodate future planned growth in the Fradley area. Therefore, a contribution towards such a scheme based on contributions made by this and other nearby developments was suggested and favoured by the main parties.
39. Nevertheless, if the appeal were to succeed, the revised mitigation scheme could be secured by the Grampian planning condition suggested by the Council, which would address some of the matters of detail raised by National Highways at the Hearing.
40. The revised mitigation scheme would adequately address the additional effect of this development on the A38/Wood End Lane junction. Therefore, and for the reasons given below, this would render any further contributions, such as the 'Demand Management Sum' as set out in the submitted Unilateral Undertaking ('UU'), unnecessary.
41. The submitted collision data shows that the existing road network operates safely. This, however, is of limited relevance given that my concerns relate to the effects of the proposed access arrangement and the additional construction traffic.
42. Drawing on the above reasons, the proposed site access because of its proximity to the parking area for No 52, and the proposed arrangements for the construction access would have an unacceptable impact on highway safety.
43. As such, the proposal is contrary to Policy ST1 of the LPS, which only permits traffic generating development where it is, or can be made compatible with, the transport infrastructure in the area and takes account of access and egress to the public highway and highway safety. The proposal also fails to accord with Policy ST2 of the LPS, which requires that the impact on safety and residential amenity from potential on-street parking is mitigated and the aims LPS Core Policy 5 for improving road safety. Accordingly, the proposal also conflicts with Core Policy 1 of the LPS, the overarching aims to which include community wellbeing.
44. Similarly, the proposal is contrary to the National Planning Policy Framework ('the Framework'), which amongst other things says that development can be prevented or refused if there would be an unacceptable impact on highway safety.

Quality of proposed public open space

45. Together, Policy HSC1 of the LPS and The Council's Developer Contributions Supplementary Planning Document set out the minimum standards with respect to access to open spaces for new development and the typologies expected for these. Accordingly, this development generates a requirement for the following types of Public Open Space ('POS'): Open Play Space, Amenity Greenspace, Natural/Semi Natural Green Space and 4 allotment plots.
46. The proposed POS includes five main areas, the first of these (Area 1) would incorporate Open Play Space and Amenity Greenspace. This would include a Locally Equipped Area of Play comprising an enclosed space incorporating play equipment. The area surrounding this would form part of the Amenity Greenspace.
47. Area 1 would be located on the north-western limb of the appeal site, which at present is occupied by land bunds. Despite the incorporation of a footpath link from the proposed development, this area would be segregated from the new housing. Furthermore, only a few properties from Godfrey Drive face this area, thereby limiting any potential surveillance of it. Such an arrangement is likely to promote anti-social behaviour. Also, this area is fenced off from Godfrey Drive and not directly accessible from the wider locality.
48. Amenity greenspaces are often multi-functional and their function depends on their size, location and how they are laid out. These are commonly used for informal recreation for activities such as walking or children's play, often comprising mown grass with occasional landscaped areas or trees. Whether intentionally or not, the existing land bunds provide some visual relief to properties in Godfrey Drive, Horner Avenue and Shaw Drive from the adjacent large employment units and it is unclear how these would be integrated with the overall POS in Area 1. Therefore, overall, the location and arrangement of Area 1 would not provide a safe, inclusive and integrated POS.
49. Two areas (Areas 2 and 3) are proposed as Natural/Semi Natural Green Space. The primary purpose of natural and semi natural greenspaces is their importance in terms of their biodiversity value. The recreational opportunities provided by these spaces are also important. Areas 2 and 3 would comprise attenuation basins with a 1:3 gradient. These are principally required to support the proposed drainage for the development and would be planted to encourage treatment and biodiversity. Although it may be possible to include a pathway around the attenuation basins, the overall form and topography of these would limit their usability for recreation use.
50. A fourth area of Amenity Greenspace (Area 4) is proposed along the south-eastern boundary of the site. As such, this area too would not be particularly integral to the proposed housing. Nonetheless, this would have stronger links to the housing than Area 1 and this also functions as a buffer for some of the proposed dwellings from the A38 and therefore serves a dual purpose. Therefore, on balance I consider this to be acceptable.
51. In addition, the proposed scheme seeks to retain the strip of green infrastructure running along the north-eastern boundary of the appeal site (Area 5). The retention of such green infrastructure is supported by the development plan. This area is of some biodiversity and visual amenity value and therefore can be incorporated as part of the Natural/Semi Natural Green Space. However, because

of the land bunds associated with it, this area provides limited recreational opportunities.

52. The appellant advises that there is no need for allotments, However, there is limited evidence to substantiate this and although the Council's fourth reason for refusal does not refer to Policy Frad1 of the LPS, this is in the evidence before me and states that allotments should be included as part of green infrastructure and located so all parts of the community can access them.
53. Most notably, the FNP identifies the lack of recreational facilities as a challenge which faces the community. Against this background and for the above reasons, the proposed POS (Area 1) would not be acceptable.
54. The quantum of Natural/Semi Natural Green Space (Areas 2, 3 and 5) falls short of the Council's requirements. Nevertheless, based on the Statement of Common Ground (Planning) the Council does not object to the overall quantum of POS. Whilst Areas 2,3 and 5 would be acceptable in terms of visual amenity and biodiversity value, the recreational opportunities provided by these would be limited. This deficiency in recreational opportunities is compounded by the poor quality of Area 1 and the lack of allotment plots.
55. For the reasons given below, the financial contributions in the UU, towards enhancing and improving existing play facilities and Amenity Greenspaces within Fradley village, do not provide acceptable mitigation for the lack of quality associated with the on-site POS, as I have no certainty, they would serve the development.
56. Overall, the quality of the proposed POS is significantly compromised which would not fulfil the recreational, health and wellbeing needs of the future occupiers of the development or be particularly accessible to surrounding residential developments. Consequently, I find conflict with Policy BE1 of the LPS, which amongst other things requires that all new development will have a positive impact on the public realm and ensure high quality, inclusive design. I also find conflict with LPS Policy Frad1.

Provision for affordable housing, infrastructure and other facilities

Affordable Housing

57. Policy H2 of the LPS uses a dynamic model to calculate the viable level of affordable housing which on the information before me currently stands at 38%. Based on the submitted UU the proposed development provides 44 affordable units within the site, equating to 38%. On the information before me, the mix and layout of the proposed affordable housing has been agreed with the Council. Therefore, I find this acceptable.

Primary and Secondary education provision

58. On the evidence before me including the submissions made by Staffordshire County Council, the scheme for 115 dwellings would generate demand for primary and secondary school places. To address this demand, the UU includes an obligation for financial contribution towards primary school provision in Fradley and secondary school provision in Lichfield.

Cannock Chase Special Area of Conservation (SAC)

59. The appeal site is within 15km of the Cannock Chase SAC. This is a European designated site which is protected by the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations'). The Cannock Chase SAC is protected because of its unique heathland habitat.
60. In order for development to be acceptable, the Habitat Regulations require it to be demonstrated that it will have no likely significant effect on the Cannock Chase SAC, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, or the proposal should be refused.
61. On the evidence available, new dwellings within the 15km zone of influence will increase the recreational visits to the Cannock Chase SAC and that these visits would, in combination, have a harmful impact on the integrity of the Cannock Chase SAC. Consequently, housing developments within 0-15 km of the Cannock Chase SAC are required to make a financial contribution to the Cannock Chase SAC Partnership which is to be spent on a programme of mitigation measures (e.g., fencing, habitat restoration, visitor education).
62. The Council secures such contributions through legal agreements and Community Infrastructure Levy ('CIL') receipts. Because there is a CIL exemption for affordable housing, the Cannock Chase SAC contribution arising from the proposed affordable housing cannot be secured through CIL receipts. Accordingly, the UU includes financial contribution for the 44 affordable dwellings, which would be put towards the programme of mitigation measures. Accordingly, the SAC contribution along with CIL receipts for the market housing would mitigate against any adverse effects arising from the proposal on the integrity of the SAC.

Travel Plan

63. The UU includes a requirement for the developer to submit and get approved a Travel Plan and put in-place a Travel Plan Co-ordinator. Furthermore, the UU includes a fee to be paid for the Council to monitor the Travel Plan. These are necessary to manage travel demand arising from the proposal and to promote sustainable modes of travel.

Improved Bus Service Infrastructure

64. The UU includes a financial contribution towards the costs involved with the provision and installation of improved bus service infrastructure, including shelters but not limited to a shelter with seating passenger information for two bus stops within the vicinity of the development. At the Hearing, some evidence for the location of the bus stops was provided and I am satisfied that this contribution is necessary to promote sustainable modes of travel.

Traffic Regulation Order(s) Contribution.

65. The UU includes the requirement for a financial contribution towards the costs involved with the application for and making of the Traffic Regulation Order(s) which may be required to control parking at the access to the site. However, in the absence of a scheme for such parking controls, at this stage I cannot be certain that these are directly related to the development, and reasonable in scale and kind.

Amenity greenspace and play facilities contributions

66. In light of the Council's objection to the proposed POS, the UU includes obligations for financial contribution towards enhancing and improving existing play facilities and amenity greenspaces within Fradley village.
67. Paragraph 5.22 of the FNP confirms that there is a need to improve the two existing play areas in Fradley and, also a need to provide new facilities in line with Policy HSC1 of the LPS. Nevertheless, the appeal site is outside of the 10 minute / 480m accessibility threshold set by Policy HSC1 of the LPS to the existing play facilities in Fradley village. As such, the improvement of the existing play facilities in Fradley would not benefit the residents of the proposed development. Similarly, on the information available to me, the existing amenity greenspaces within Fradley village are also beyond the above accessibility threshold.
68. Therefore, the enhancement and improvement of off-site play facilities and amenity greenspace, would not be reasonable atonement for the failure to provide appropriate POS within the development site. As such, these obligations would not make the proposed development acceptable in planning terms.

Demand Management Sum

69. The UU includes a financial contribution (Demand Management Sum) based on the cost of the revised mitigation scheme to mitigate the development's impact on Wood End Lane / A38 access priority junction. However no 'Demand Management Scheme' has been detailed for this junction. In any event, as already stated the revised mitigation scheme could be secured by a planning condition. As such, the Demand Management Sum is not necessary to make the development acceptable in planning terms.
70. For the above reasons and having regard to the evidence before me, it has been demonstrated that the obligations in the submitted UU in respect of affordable housing, education provision, improved bus service infrastructure, Cannock Chase SAC Contribution and the Travel Plan are all necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. They accord with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended). I have taken these obligations into account in determining the appeal. Therefore, in respect of these obligations, the proposal makes appropriate provision for affordable housing, infrastructure, and other facilities which are necessary to make the development acceptable in planning terms.
71. As such, the proposal accords with LPS policies H2, Core Policy 4 which sets out overarching requirements related to infrastructure delivery and IP1, which seeks to ensure that new development provides the necessary infrastructure facilities required to create and support sustainable communities.

Other Considerations

72. Notwithstanding the Council's 5-year housing land supply position, I note that there is no, in principle, objection to the use of the appeal site for housing from the Council. Furthermore, the delivery of 115 dwellings, including affordable housing would positively contribute towards the Council's 5-year housing land supply and this would boost the delivery of homes in a location which has good access to public transport, services and facilities.

73. The proposal would create employment during the build phase. Thereafter, new residents would enhance or maintain the vitality of the area.
74. The management of existing landscaping and the provision of new planting would enhance the quality of the site and area. This would also bring some biodiversity benefits. Based on the obligations in the UU, there would also be support for some local infrastructure.
75. Overall, the social, economic and environmental benefits arising from the proposal are important and I attach significant weight to these.

Other Matters

76. In addition to the above matters, third parties have raised a number of concerns. In particular, relating to the numbers of dwellings being erected and the effects of these, including the lack of infrastructure to support such a development. A further concern is that the development would result in the loss of existing open space.
77. Environmental and ecological concerns have also been raised. These include the loss of protected trees and the associated effects of this on visual amenity. Further, that the occupiers of the proposed development could be impacted upon by the noise associated with the Fradley Park Industrial Estate. Also, that there would be a loss of habitats and harm to protected species on the site. These matters were addressed as part of the Council's report on the planning application. Overall, based on the appellant's submissions, consultee responses and suggested conditions, the Council found that the proposal raises no unacceptable issues in respect of these matters. I have also considered these in light of the evidence before me and have no strong reasons to conclude otherwise.

Planning balance and Conclusion

78. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise (the planning balance).
79. Overall, in undertaking the planning balance, even if all the above factors in favour of the proposal are taken together, including my findings on the third main issue, they are not outweighed by the highway safety impacts I have identified and the lack of quality associated with the proposed POS, and conflict with the development plan including Core Policy 2 of the LPS, which supports the presumption in favour of sustainable development, where development accords with the development plan. As such, this does not justify a decision otherwise than in accordance with the development
80. Accordingly, for the reasons stated, I conclude the appeal should be dismissed.

M Aqbal

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Satnam Choongh	Counsel for the appellant
Robert Elam	Vistry Homes
Ben Fairgrieve	Mode Transport Planning
David Frisby	Mode Transport Planning
Ben Graham	Vistry Homes
Philip Rawle	PDR Planning

FOR THE LOCAL PLANNING AUTHORITY

Kerry Challoner	Lichfield District Council
Mark Evans	Staffordshire County Council
Amrit Mudhar	Staffordshire County Council

THIRD PARTIES

Sima Odedra	National Highways
Benn Simm	National Highways
Local residents	

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

1. Copy of the signed Unilateral Undertaking dated 27 February 2023.
2. Copy of signed Statement of Common Ground (Highways).
3. Copy of the Staffordshire Residential Design Guide - Supplementary Planning Guidance on Design Quality in Residential Areas Staffordshire County and District Councils 2000.
4. Copy of Manual for Streets.
5. Statement on behalf of Staffordshire County Council regarding Primary Education Contribution.