

**20/01078/FUL  
MAJOR**

**Barberry Industrial Ltd**

**FEATHERSTONE &  
SHARESHILL**

**Cllr Frank Beardsmore  
Cllr Bob Cope**

**Hilton Cross Business Park, Cannock Road, Featherstone**

**Proposed B2/B8 employment development for a 5,760 sq.m unit (1) and a 4,436 sq.m unit (2) on Plot 1 (South) and a 10,498 sq.m unit (3) on Plot 2 (North) with ancillary offices, structures, car parking and landscaping**

**1. BACKGROUND**

1.1 I am advised that the application site at Hilton Cross is currently owned by South Staffordshire Council and that there is an agreement to purchase the site by the Applicant, subject to securing planning permission.

**2. SITE DESCRIPTION AND PLANNING HISTORY**

**2.1 Site Description**

2.1.1 The application site consists of two undeveloped areas of land to the south and north (referred to as Plots 1 and 2 in the Applicant's submission documents) of the existing Hilton Cross employment site, which is located to the west side of the A460 Cannock Road, and to the south of Junction 1 of the M54 Motorway, south of Featherstone. The site is designated as a Strategic Employment Site within the Council's Core Strategy.

2.1.2 With an overall combined area (north and south sites) of a little over 5 hectares (12.5 acres), including the section of estate road which links the two plots within the submitted application, the Hilton Cross site is currently accessed via a single access road directly from the adjacent traffic island on Cannock Road. A secondary, currently unused, access point is located on Moseley Road at the southern end of the site. Moseley Road is a single track lane with various pull-in/passing points along its length. Given the volume of traffic I witnessed during my site visit along the lane it does appear to me that Moseley Road is something of a local short-cut/rat-run.

2.1.3 The Hilton Cross site sits a good 4m below the level of the A460 (Cannock Road) at the southern end of the site, at the junction with Moseley Road and falls from the southeast to northwest corner of the site (Plot 2). There is an existing electricity sub station in this area (which it is proposed to retain).

2.1.4 The north end of the Hilton Cross site (adjacent Plot 2) is bounded to the north by a designated Ancient Woodland (Whitgreave's Wood), beyond which lies the M54 motorway. The south end of the site (Plot 1) has a boundary with both Cannock Road and Moseley Road.

2.1.5 Both Plots 1 and 2 are currently open and feature semi-mature grassland, albeit at the time of my site visit following a prolonged period of rainfall both plots appeared somewhat sparse. Existing trees and other low level plant coverage is restricted to the boundaries of the plots.

2.1.6 There is an unmade Public Right of Way (PROW), known as Whitehouses Lane, which runs alongside the western boundary of the site, and to the north of Plot 2, which can be accessed directly from Moseley Road. Whitehouses Lane takes on a somewhat “sunken” appearance, sitting below land on either side, including the tapered rear gardens to the pair of semi-detached dwellings addressed onto Moseley Lane (No. 2 and Whitehouse Cottage, respectively). Whilst it isn’t clear whether No.2 is currently occupied, Whitehouse Cottage (No. 1) clearly is and like it’s adjoining neighbouring property features rear (north) facing ground and first floor windows.

2.1.7 To the west, over open fields, lies the Grade II\* Listed Moseley Old Hall at some 400m distant (from Plot 2). Moseley Old Hall is owned by the National Trust, and open to the public (albeit at the time of this report being prepared, like most visitor attractions in England, the premises are closed due to Government imposed restrictions during the 2020/21 Covid-19 Pandemic).

2.1.8 The Plots, both north and south, are located within Flood Zone 1 (low probability of fluvial flooding). The overall Hilton Cross Strategic Employment Site is bounded to the west and south by the Green Belt. Despite the immediate proximity of the M54 Motorway to the north, this too falls within the Green Belt.

2.1.9 To the east, on the opposite side of the A460 Cannock Road, sits the Hilton Main Employment Site, which occupies an elevated position above the highway on what was formally the BP Truck Stop site and which was granted consent for the current B2/B8 development in 2008.

## **2.2 Relevant Planning History**

2.2.1 The original permission for the existing development at Hilton Cross appears to date back to 1995 and includes subsequent applications to renew that original permission. The planning history is summarised as follows:

1994: Class B1 business park and ancillary uses – Approved (100/94)

1995: Class B1 & B2 business park and ancillary uses – Approved (0829/95)

2001: Variation of condition to 0829/95 – Approved (01/00971/VAR)

2002: Renewal of 0829/95 and 01/00971 to extend period of time – Approved (02/00259/REN)

2003: Unit for B1, B2 and B8 use – Approved (03/01058/FUL)

2003: Construction of 2 units for B1, B2 and B8 use – Approved (03/01059/FUL)

2003: Erection of one unit for B1, B2 and B8 use – Approved (03/01323/FUL)

2004: Erection of factory and offices – Approved (04/00163/REM)

2006: Erection of 2 units for B1, B2 and B8 use – Approved (06/00548/FUL)

## **3. APPLICATION DETAILS**

3.1 The application as submitted is for the construction of General Industrial/Warehousing and Distribution (i.e. B2/B8 use) employment development across the existing vacant plots (Plots 1 and 2 as referred to above), and briefly consists of:

Within Plot 1 (South Plot) –

- Unit 1 – 5,760sq.m B2/B8 unit.
- Unit 2 – 4,436sq.m B2/B8 unit.

Within Plot 2 (North Plot) –

- Unit 3 – 10,498sq.m B2/B8 unit.

3.2 Each of the units would feature integrated ancillary offices, car parking, servicing, landscaping and associated development such as cycle parking facilities, etc. The application seeks for unfettered 24 hour operation of the buildings, which would be consistent with the previous permissions granted for the established development on the Hilton Cross site.

3.3 The application has been accompanied by a full suite of plans and documents, including:

- Planning Statement.
- Design and Access Statement.
- Arboricultural (Tree) Survey and Report.
- Transport Assessment.
- Car Park Review.
- Travel Plan Framework.
- Sustainability Statement.
- Noise Impact Assessment.
- Ground Investigation Report.
- Energy Statement, including draft BREEAM Assessment.
- Historic Environment Assessment.
- Landscape Strategy.
- Landscape & Visual Impact Appraisal.
- Preliminary Ecological Appraisal.
- External Lighting Strategy.
- Flood Risk Assessment (FRA)
- Drainage Strategy.
- Economic Statement & Employment and Skills Plan.

3.4 Additional supplementary information has been submitted during the course of the application's consideration to address matters raised through the consultation process.

3.5 This is a major development proposal which seeks consent for a total of 20,694sq.m of new flexible B2/B8 development across the remaining 2no. currently vacant/undeveloped plots within the established Hilton Cross Strategic Employment Site boundary.

3.6 Access to Unit 1 would be via an existing, to be improved, vehicular access position from Moseley Road, in close proximity to the junction with the A460 Cannock Road. The improvements would include the introduction of a footway alongside the public highway on the north side of Moseley Road, from the improved site access to link up to the existing footway alongside Cannock Road.

3.7 Units 2 and 3 will be accessed via the existing established Hilton Cross estate road which already serves a number of established employment premises, and which is accessed via an arm off the traffic island on the Cannock Road.

3.8 Each Unit is of a functional, yet contemporary, design. Each Unit will sit within its own self-contained plot and will feature hard and soft landscaping around the periphery of each plot, including tree species which, over time, will help to assimilate the development into its wider surroundings and provide some screening.

3.9 This will be particularly the case alongside the boundary of the A460 Cannock Road from its junction with Moseley Road, in respect of the proposed Unit 1, as this is something of a “pinch-point” in my opinion. A minimum 3.5m wide new strip of landscaping, feature the introduction of screen tree planting, is to be introduced along the east side of Units 1 and 2 and will turn the corner into the Moseley Road frontage also, and over time such planting will provide an effective screen.

3.10 All 3 proposed units will feature sections of 2.4m high green paladin fencing to secure the related curtilages, in line with recommendations from the Crime Prevention Design Advisor, whilst Unit 1 will also feature a section of 4m high acoustic fencing.

### **Pre-Application Advice**

3.11 The proposed development, subject of pre-application discussions with Council Officers and external consultees via the Council’s (Virtual) “Development Team Meeting” (DTM) which took place on 07/10/20.

3.12 The DTM concluded by confirming clear in principle support for the proposed industrial/employment development within this allocated Strategic Employment Site, with only matters of detailed design and layout requiring further details and refinement, along with the necessary supporting surveys and assessments.

3.13 Officer feedback included commentary regarding Scale, Design and Layout; Highway Safety and Car Parking; Biodiversity and Trees; Residential Amenity; Sustainable Construction; and Historic Environment. Such matters are addressed once more within this report.

## **4. POLICY CONTEXT**

4.1 Located within the Hilton Cross Strategic Employment Site.

4.2 The National Planning Policy Framework (NPPF) taken as a whole, in particular Sections 6, 9, 11, 12, 14, 15 and 16.

4.3 Adopted Core Strategy

Core Policy 1: The Spatial Strategy for South Staffordshire

GB2: Land Safeguarded for Longer Term Need

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

EQ1: Protecting, Enhancing and Expanding Natural Assets

EQ3: Conservation, Preservation and Protection of Heritage Assets

EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

EQ5: Sustainable Resources and Energy Efficiency

EQ6: Renewable Energy

EQ7: Water Quality

EQ8: Waste

EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 7 Employment and Economic Development

EV1: Retention of Existing Employment Sites  
Core Policy 11: Sustainable Transport  
EV11: Sustainable Travel  
EV12: Parking Provision  
Core Policy 13: Community Safety  
CS1: Designing Out Crime

#### 4.4 Supplementary Planning Documents (SPDs)

South Staffordshire Design Guide SPD 2018  
Sustainable Development SPD 2018

### 5. CONSULTATION RESPONSES

No **Councillor** comments received.

**Featherstone Parish Council** – No comments received.

**Wolverhampton City Council** – No comments received.

**Strategic Planning Manager** – *No objections, following receipt of amended plans. The scheme proposes growth on vacant development plots within the development boundary of the Hilton Cross strategic employment site, which Core Policy 7 of the adopted Core Strategy anticipates should accommodate further employment growth within the District. The remaining plots on the surrounding strategic employment site appear to be occupied by a variety of commercial, light industrial and distribution uses.*

*To the west/north-west of the strategic employment site lies a woodland belt, including a stretch of ancient woodland at the north-western corner of the site. Beyond this landscape buffer lies a series of agricultural fields and a cluster of listed buildings in the vicinity of Moseley Old Hall. To the north of the strategic employment site lies the M54 motorway, whilst the site's eastern boundary is defined by a well-established tree and buffer, which largely shields the existing units from the adjacent A460.*

*The submitted landscape and visual appraisal demonstrates that existing woodland planting and topography will act to ensure that any views to the proposed application site from the surrounding area will be limited to minor views of the upper roof elements of Units 1 and 3. Any limited views to the roofscape of the new units could be satisfactorily mitigated by using lighter tones in the proposed development's roof materials, which would ensure that any glimpses to the site's roofscape from the area to the west would not be prominent in these views. As such, any residual effects could be satisfactorily mitigated through a condition requiring the details of external elevations to be submitted prior to commencement.*

*There are some slight concerns with the prominence of proposed Unit 1 in views along the A460. Paragraph 2.34 of the submitted landscape and visual appraisal highlights the importance of securing tree planting along the eastern edge of the site adjacent to the A460, in particular establishment and ongoing maintenance.*

*(OFFICER COMMENT: Enhancements to the previously submitted landscape scheme have since been submitted which go part way towards addressing this issue, and in response the Strategic Planning Manager has confirmed that previous concerns have now been satisfactorily addressed).*

*The proposal for 3 additional units on available plots on Hilton Cross is supported in principle as this will see the creation of new jobs for the local economy on one of the Council's Strategic Employment Sites. This is very much welcomed as it will help bring economic growth and inward investment to the District.*

*Notwithstanding this in principle support, there will still be a need for further information to demonstrate how the scheme has reasonably maximised available BREEAM credits, to show compliance with Policy EQ5.*

**County Highways** – *No objections, subject to conditions and S106 Agreement relating to Travel Plan monitoring and coordination.*

**Highways England** – *No objections.*

**County Planning (Minerals and Waste)** – *No objections.*

**Severn Trent Water** – *Following receipt of further information and some clarification, no objections to the proposals; foul sewage is to discharge to the public foul sewer, and surface water is to discharge into a private storm network with outfall to a pond – we have no comment to make on surface water proposals.*

**Environment Agency** – *No objections but have requested inclusion of an informative regarding ground conditions.*

**Natural England** – *Responded by stating that they have no comments to make and rely upon their Standing Advice.*

**County Ecologist** – *If minded to approve then suitable conditions are recommended. However, the following specific issues are raised:*

*Currently the two plots together comprise approximately 5 ha, of which around 3 ha is semi-improved grassland and the remainder is a mixture of scrub, woodland, pond and tall herb habitats. The Preliminary Ecological Appraisal (PEA) concludes that these habitats are of 'site value', however these habitats still have an ecological function and provide a degree of ecological connectivity through the site to woodlands and other habitats. Although the current proposals have retained woodland, scrub and other habitats around the perimeter where possible, the balance would shift to predominantly built development and hardstanding. This clearly represents a net loss to biodiversity, contrary to NPPF 170 and 175, which is unlikely to be further mitigated onsite. A solution to this would be for the applicant to indicate how off-site compensation will be achieved, preferably through habitat improvements elsewhere in the vicinity.*

*(OFFICER COMMENT – The Applicant has agreed to a financial contribution for off-site Biodiversity enhancements, as detailed later in this report).*

*Unit 3 will be approximately 13 metres tall. I can find no reference to whether this will have a shading impact on the ancient woodland or the landscape planting / retained scrub / woodland /grassland habitat with notable species including bee orchids. Shade modelling should be undertaken to determine whether this effect is significant, and the conclusion may indicate that further mitigation measures are required.*

*(OFFICER COMMENT – A suitable shading plan has since been submitted which indicates no significant adverse impact).*

*Retained habitats and landscaping should be managed via a detailed Landscape and Habitat Management Plan, which should be submitted for approval. I am in agreement with the conclusions of the species section of the report. Given the scale of the works, a Construction Environmental Management Plan (Ecology) should be submitted that contains measures for breeding birds, reptiles, amphibians and mammals. Details of types and location for insect, bird and bat boxes should be supplied. Bird and bat boxes should be of woodcrete or similar robust construction.*

**Staffordshire Wildlife Trust** – No comments received.

**Badger Conservation Group** – No comments received.

**Western Power Distribution** – No comments received.

**County Archaeologist** – *Despite having raised some initial concerns and a request for a condition, following further clarification from the Agent, has since confirmed no objections.*

**County Council Flood Risk Management Team** – *No objections following receipt of additional information regarding drainage and water quality, subject to conditions.*

**Historic England** – No comments received.

**Conservation Officer** – *Whilst it is unlikely that there will be a significant impact, upon the setting of Moseley Old Hall, due to the fact that it is Grade II\* Listed, Historic England will need to be consulted. Based upon the information submitted I have assessed the proposed application and any impact upon the setting of Moseley Old Hall, which is a Grade II\* listed building. The proposed buildings will form part of a group of other large industrial/commercial structures. Based upon the location of the proposals, it is not felt that in this case the scheme will harm the setting of the listed buildings. The building will be screened from the car park of Moseley Old Hall by a band of trees, which over time will become a greater screen from the designated heritage asset. Based upon the location, and screening, along with the other existing structures, it is considered that the proposals will have minimal impact. Therefore, there are no further conservation objections to the proposals.*

*(OFFICER COMMENT: Historic England has been consulted but has failed to respond).*

**Environmental Health Manager** – *No objections subject to conditions relating to the construction phase of the development only.*

**Cadent Gas Limited (formerly National Grid)** – *No objections.*

**Open Spaces Society** – No comments received.

**Ramblers Association** – *No objections.*

**National Trust** – *The National Trust's ownership close to the application site includes Moseley Old Hall, Whitgreaves Wood, much of the landscape buffer west of Hilton Cross and a field to the east of Moseley Old Hall. We have concerns about the potential impact of unit 3 in relation to Moseley Old Hall, Whitgreaves Wood and the field east of the hall. Detailed observations are summarised as:*

- *The upper part of the west elevation of unit 3 should be a much darker colour. The colour currently proposed would make the building unnecessarily and unjustifiably conspicuous looking from the west.*
- *Further assessment is required of the effects of the development on the irreplaceable ancient woodland habitat of Whitgreaves Wood including through shading of ground flora and the potential for additional trampling of ground flora and the potential for cumulative effects with the M54-M6 link.*
- *Further consideration should be given to the achievement of biodiversity net gain.*

**County Countryside and Rights of Way Officer** – *No objection but has requested inclusion of an informative relating to the adjacent public footpath (Whitehouses Lane).*

**Arboricultural Officer** – *Following receipt of clarification from the Agent, has confirmed no objection subject to conditions.*

**Staffordshire Fire and Rescue** – *No objections.*

**Crime Prevention Design Advisor** – *No objections. Formal response includes detailed recommendations with regard to Secured by Design, which have been shared with the Agent. No further informative is therefore considered necessary.*

**Third Party Representations** - No third-party comments have been received following press advertisement; posting of a multiple site notices; and direct notification of neighbouring residential properties and commercial premises.

## **6. APPRAISAL**

6.1 The application has been referred to Planning Committee because the site is currently in Council ownership, albeit with an agreement to sell to the Applicant.

6.2 The key issues with regard this application are:

- Principle of Development.
- Scale, Layout and Design of Development.
- Visual Impact of the Development.
- Highway Safety, Access and Car Parking.
- Flood Risk and Drainage.
- Biodiversity and Trees.
- Residential Amenity.
- Sustainable Construction.
- Historic Environment.
- Other matters.
- Legal Obligations and Contributions.

### **6.3 Principle of development**

6.3.1 As identified above, the application site falls within the Hilton Cross Strategic Employment Site as referred to in both the adopted Core Strategy and Site Allocations Document. Hilton Cross is one of four such existing freestanding employment sites within the District, as recognised under Core Policy 1 (The Spatial Strategy) of the Core Strategy (CS).

6.3.2 Core Policy 7 (Employment and Economic Development) provides overarching support for development within such a designated site, with Policy EV1 (Retention of Existing Employment Sites) of the Core Strategy, amongst other things, specifically referencing the Hilton Cross site as being allocated and suitable for employment purposes, which would include B1, B2 and B8 uses.

6.3.3 Furthermore, the Council's adopted Site Allocations Document (SAD) reiterates the Hilton Cross site's status as a Strategic Employment Site and, at Paragraph 9.8 comments that: *"There are still a number of available plots on the site for B1, B2 and B8 class employment uses"*. The "available plots" referred to above are the very plots which are the subject of the current planning application, and that being the case the development as proposed appears to be on all fours with the CS and SAD as they relate to the Hilton Cross site.

6.3.4 Paragraph 80 of the NPPF makes it clear that: *"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."* Whilst Paragraph 81 indicates that planning policies should: *"set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth"*.

6.3.5 Against this Policy backdrop, there is clear and demonstrable in principle support for the development as is proposed, with any devil that might exist lying in the detail and any associated technical matters.

6.3.6 The principle of the development is found to be acceptable in line with Section 6 of the NPPF; and Core Policy 7 and Policy EV1 of the adopted Core Strategy.

#### **6.4 Scale, Layout and Design of Development**

6.4.1 This current application proposes a significant level and form of development, and as previously indicated will deliver a total of 20,694sq.m of new flexible B2/B8 development, within an allocated strategic employment site with excellent accessibility to the national Motorway Network.

6.4.2 Whilst it is the case that the acceptability of the principle of the development is clear to see, there is no getting away from the fact that these will be large and significant new buildings. However, it is the case that the existing built development on Hilton Cross already consists of some sizeable buildings, in terms of height, mass and footprint, and in that regard this development is a case of more of the same, but arguably better in terms of design and appearance. These will be modern buildings and are, in my opinion, an improvement on the traditional 'shed' style structures usually found in industrial estates, including those in the surrounding area.

6.4.3 The existing buildings across the Hilton Cross site range between approximately 9m in height to 13m. The existing buildings, as one would expect, are functional modern industrial/employment buildings, and this proposal is for further buildings of a similar scale, albeit with a more contemporary twist, especially in terms of the roof designs. The stated roof heights for this new development range from 12.5m (Unit 1) to 15.75m (Unit 3).

6.4.4 The following table sets out the key dimensions associated with the proposed development, for ease of reference:

	Length of Building	Width of Building	Gross Internal Area (GIA)	Eaves Height	Apex (max) Height
<b>UNIT 1</b>	101m	53.5m		11.6m	12.5m
B2/B8			5,295sq.m		
Office			465sq.m		
<b>Total</b>			<b>5,760sq.m</b>		
<b>UNIT 2</b>	88m	48m		11.6m	14.4m
B2/B8			4,088sq.m		
Office			348sq.m		
<b>Total</b>			<b>4,436sq.m</b>		
<b>UNIT 3</b>	137m	72.25m		14.1m	15.75m
B2/B8			9,662sq.m		
Office			836sq.m		
<b>Total</b>			<b>10,498sq.m</b>		

### Scale

6.4.5 As the table above demonstrates, these are by no means insignificant buildings - quite the contrary. Each building has a significant bulk and mass which I venture to suggest might appear alien elsewhere within the District, however within this established Employment Site, such types and forms of buildings are to be expected. Nevertheless, I must consider whether the scale of these buildings is at odds with existing development on the Hilton Cross site and when viewed within the immediate and wider surroundings.

6.4.6 Policy EQ11, Part C f) indicates, amongst other things, that in terms of scale and massing: *“development should contribute positively to the streetscene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area.”*

6.4.7 As I have previously indicated, the application site falls from the south east (at the junction of Moseley Road with Cannock Road) down to the lowest point of the site at the north west corner of the site. This lowest point coincides with the proposed location of the largest of the new buildings (Unit 3).

6.4.8 Whilst there are other considerations with regard to Unit 3, which I will discuss elsewhere in this report, in this location despite its size and bulk, Unit 3 would be largely obscured from view from public vantage points, with the notable exception of the PROW which runs along the north and west boundaries of that plot and the land beyond (to the west). However, it is the case that this PROW already passes directly adjacent to existing buildings along the western boundary of the Hilton Cross site. It is also possible that fleeting glimpses of the building may be possible for the passing traffic along the M54. Sat as it will be, Unit 3 would not in my opinion have any adverse impact upon any street scene, such that it might exist, within the established employment site.

6.4.9 Unit 2 would be largely viewed from within the Hilton Cross site, in the same way as Unit 3. However, it would also be visible, albeit briefly, from passing traffic along the A460 Cannock Road, which is elevated above the site. That passing view would be primarily of the end elevation of the unit, which itself would be mostly obscured from direct view on approach from the south along Cannock Road, by the most prominent of the proposed buildings, Unit 1. Views when approaching from the north would be screened by existing, and proposed additional, tree planting along the site boundary.

6.4.10 Unit 1, at the southern extreme of the site, will sit some 4m below the street level of Cannock Road, and despite the proposed landscaping at the south-eastern boundary of the site, which will take some time to become established and fulfil its intended purpose, this will be a prominent and bulky addition to the street scene, such that it is, in this location. I therefore find it impossible to draw the conclusion that the introduction of this building in this location will “*contribute positively*”, as is sought by Policy EQ11. Nevertheless, I balance this opinion against the fact that this is an allocated Strategic Employment Site and it is only to be expected that this scale and type of building of industrial building would be accommodated on such a site.

6.4.11 Nowhere in the supporting Core Policies 1 and 7 or Policy EV1 are there any caveats or conditions which require any part of the Hilton Cross site, or any of the other allocated Strategic Employment Sites for that matter, to be in anyway constrained or restricted in terms of footprint, form or scale of development, such as maximum build heights for instance. Rather, it therefore falls to the relevant adopted design based policies and guidance to consider the acceptability of the development, which would include matters of scale.

#### **Layout**

6.4.12 Notwithstanding the above comments on scale, the overall layout of the proposed development is to my mind logical and allows the Applicant to make the most effective use of the land available, which would correspond with the aspirations of Section 11 of the NPPF.

6.4.13 Whilst I have briefly outlined the development previously, it is necessary to outline in more detail the nature and extent of the layout, and associated facilities, for each Unit and in doing so, I have taken the following details from the submitted and reproduced them verbatim, in the interest of clarity and completeness. Taking each Unit in turn, the following applies in terms of their layout:

6.4.14 Unit 1 comprises a 5,760 sq.m employment building, which is accessed from the existing, albeit modified, access from the Moseley Road to the south and would include the following:

- 5,295 sq.m B2/B8 use on ground floor
- 465 sq.m. first floor offices
- Parking consisting of a total of 82no. car parking spaces and 10no. cycle spaces
- 2no. Level entry doors (for delivery/despatch vehicles)
- 26no. Dock Levellers (for delivery/despatch vehicles)
- 25m Service area
- An Acoustic Fence to reduce noise impacts from the Service Area on the properties on Moseley Road.
- Boundary planting / landscaping along the southern, western and eastern boundaries.

6.4.15 Unit 2 comprises a 4,436 sq.m employment building, which is accessed from the existing Hilton Cross Business Park internal road network and would include the following:

- 4,088 sq.m. B2/B8 on ground floor
- 348 sq.m. first floor offices
- Parking consisting of a total of 64no. car parking spaces and 10no. cycle spaces
- 4no. Level entry doors (for delivery/despatch vehicles)
- 6no. Dock Levellers (for delivery/despatch vehicles)

- Boundary planting / landscaping along the western and eastern boundaries.

6.4.16 Unit 3 comprises a 10,498 sq.m employment building which is accessed from the existing Hilton Cross Business Park internal road network and would include the following:

- 9,662 sq.m B2/B8 on ground floor
- 836 sq.m first floor offices
- Parking consisting of a total of 150no. car parking spaces and 20.no cycle spaces
- 2no. Level entry doors (for delivery/despatch vehicles)
- 10no. Dock Levellers (for delivery/despatch vehicles)
- Boundary planting / landscaping along the northern (within 15m buffer from ancient woodland), southern, western and eastern boundaries.

6.4.17 There is little more to be said about Units 2 and 3 in terms of their layouts. They are typical of this type of development, with both Offices and servicing to the fore, with staff and visitor parking tucked away at the side of the respective buildings, but at least in part overlooked by the associated offices. Each unit features large areas of hardstanding, which are essential to allow for the requisite servicing areas and delivery/despatch facilities.

6.4.18 Unit 1 adopts a similar approach, but the result is that access and servicing areas are located to the south facing elevation and thereby will be visible from Moseley Road. This arrangement is no different to Units 2 and 3, the only difference being that in those cases they are not visible from the adjoining public highway or wider public realm. That said, again, this does appear to be the most logical layout for Unit 1, but it does result in the servicing area being visible on approach to the traffic island when travelling in a south to north direction from Westcroft towards the M54 junction.

6.4.19 All that said, I have driven along that stretch of highway on several occasions in order to appreciate the potential impact of Unit 1 and I have contented myself that given the road alignment on approach to the traffic island at the junction of Cannock Road and Moseley Road, any views of the service yard would not be as obvious as they might first seem and are likely to be almost undetected against the backdrop of the building itself and the foreground landscape and tree planting proposed, which will provide an effective screen to the service yard, albeit with the passage of time.

### **Design**

6.4.20 Section 12 of the NPPF sets out the Government's aspirations in terms of achieving well-designed places, with Paragraph 124 stating that: *"Good design is a key aspect of sustainable development ...."*.

6.4.21 As already indicated, these are all at heart functional industrial buildings, nevertheless in design terms some thought has been given to their overall appearance, and it is clear to me that the spirit and intention of Section of the NPPF in terms of matters of design quality have been taken seriously, insofar as any functional industrial development might allow.

6.4.22 The Agent states that area of most architectural interest, the offices, have been located on the most prominent facades to provide a sense of destination for visitors to each of the units. Whilst I don't disagree entirely, I'm not sure that comment really applies to Unit 1, which due to the constraints caused by the only available access point (from Moseley Road) sees a glimpse of the offices at the south west corner of the Unit, but with the majority of the Office "elevation" facing in a westerly direction, out over the PROW and the rear gardens of the nearby residential properties, towards the open fields beyond.

6.4.23 The office elevations would not look out of place within a high-quality business park environment, using as they do areas of glazing to emphasise prominent entrance areas, and providing focal points, clearly visible from the approach to the buildings.

6.4.24 The external elevations feature different cladding profiles to subtly distinguish between the different internal functions within the building. A combination of differently coloured coated profiled metal cladding panels on the roof and the main elevations will help to break up the massing of the buildings, particularly when viewed from outside of the business park.

6.4.25 The roofs incorporate a variety of barrel vault spans and varying gable elevations to create interest and to further ensure the buildings are an improvement on the status quo within Hilton Cross, and to my mind, help to soften the appearance of these buildings.

6.4.26 Units 1 and 2 are indicated as having an external colour scheme of two shades of mid and light grey with silver building corners. The roof would be finished in goosewing grey and includes 10% coverage by proprietary rooflights and Solar PV panels. The offices will feature tinted glazing.

6.4.27 Whilst the external finishes for Unit 3 are essentially the same, following representations from the National Trust in terms of outlook from the upper floor of Moseley Old Hall, the Applicants have submitted some amendments to the external finishes for Unit 3, which now introduce an additional mid grey band at the upper section of the west facing elevation, which it is considered will break-up the mass of this end elevation and reduce its overall visual impact. As with Units 1 and 2 the roof would be finished in goosewing grey and includes 10% coverage by proprietary rooflights and Solar PV panels. The same use of tinted glazing to serve the offices is also proposed.

6.4.28 There is no disguising the fact that these are 3no. large buildings, with the largest of these actually located in the least conspicuous location and not readily visible from the public realm, with the exception of the PROW which passes along the north west corner of the Hilton Cross site, and thereby Unit 3.

6.4.29 Nevertheless, I am satisfied that in terms of the overall design and layout of the proposed development, I find that despite these being functional industrial buildings at heart, their appearances and finishes have been carefully thought out by the Architect resulting in buildings which are much more than the sum of their parts.

6.4.30 Notwithstanding my comments regarding Unit 1 in terms of the street scene, I do also acknowledge that once established the proposed additional landscape and tree planting will provide an effective screen which will help to assimilate the Unit into its surroundings and dilute the impact of this building in this location.

6.4.31 I find therefore that the development, taken as a whole, does accord with Core Policy 4 and Policy EQ11 of the adopted Core Strategy.

## **6.5 Visual impact of the development**

6.5.1 Notwithstanding my previous comments regarding the scale, design and layout of the development, I do find it necessary to consider the potential wider visual impact of the development.

6.5.2 I have already commented upon the impact of Unit 1 when approaching from the south along Cannock Road, and there is no doubt in my mind that the location and scale of that building will have a local visual impact. That seems rather inevitable given that the site of Unit 1 is currently vacant and open.

6.5.3 In terms of any wider visual impact, Policy EQ4 of the Core Strategy states, amongst other things, that: *“Throughout the District, 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. The siting, scale, and design of new development will need to take full account of the nature and distinctive qualities of the local landscape. The use of techniques, such as landscape character analysis, to establish the local importance and the key features that should be protected and enhanced, will be supported.”*

6.5.4 In this regard, the application has been accompanied by a detailed and suitably illustrated Landscape and Visual Appraisal (LVA) which considers the potential impact of the development on the wider landscape when viewed from a range of public and private vantage points.

6.5.5 Whilst the Hilton Cross site is established, it is the case that the development as proposed relates to previously unoccupied plots, which will introduce new development which will, to varying degrees, be visible from various locations. Whilst I have endeavoured to view the site from further afield, I have not been able to assess the site and the wider impact to the same degree as the submitted LVA. Nevertheless, based upon the few viewpoints I have been able to access, I am of the opinion that the cumulative effect of the development when combined with the existing employment development on and surrounding the Hilton Cross site would be virtually imperceptible.

6.5.6 The submitted LVA supports my views on this matter, and concludes that: *“... the site is ‘sandwiched’ between long-standing land uses including similar industrial buildings and employment activities, mineral extraction, arterial road connections and motorway at a position enclosed by landform, industrial built form, woodland and tree groups forming the curtilage of the business park which effectively surrounds the site. .... the proposed development represents an appropriately scaled feature, which is designed to be in keeping with the local landscape character and landscape setting.”*

6.5.7 I do consider that the design, and external finishes, of the proposed buildings do play a positive role in ensuring that the development sits comfortably within the Hilton Cross site and also reads well from a distance. The roof designs, as previously described, play a key part in this in my opinion, as do the colours chosen for the elevations, which are described above. The Applicant has avoided the temptation to use of too dark or too light a finish and has also responded positively to suggestions regarding the west facing elevation of Unit 3.

6.5.8 I am satisfied that, in terms of the visual impact of the development and the impact upon the character and appearance of the surrounding landscape, which includes the Green Belt to the south and west in particular, the requirements of Policies EQ4 and EQ11 of the Core Strategy are satisfied.

## **6.6 Highway Safety, Access and Car Parking**

### **Highway Safety and Access**

6.6.1 Hilton Cross is already home to a significant number of jobs, accommodated within the existing range of small, medium and larger industrial/employment units found on the overall

Hilton Cross site. The nature of these units and their respective business occupiers means that there are significant existing levels of staff vehicular movements, as well as delivery and despatch vehicles of varying sizes.

6.6.2 Hilton Cross is accessed via a traffic island which also serves the Hilton Main site on the opposite side of the A460 Cannock Road. Hilton Main is in an elevated location above the public highway and was previously occupied by the former BP Truck Stop. Given the history and the current uses in this location, and the proximity to Junction 1 of the M54 Motorway, traffic movements along this stretch of the public highway have for some years been significant.

6.6.3 Paragraph 109 of the NPPF advises that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

6.6.4 The application has been accompanied by a Transport Assessment which has been in turn been scrutinised by County Highways, who comment that: *“The trip rates used within the TA are based on the B2 uses, which traditionally generate higher levels of traffic in the peak hours so form a robust analysis of the traffic generation. The TA shows that the junctions controlled by Staffordshire County Council around the site will continue to operate within their capacity.”*

6.6.5 It is therefore the case that the application satisfies the requirements of the NPPF in terms of highway safety and access.

#### **Car Parking**

6.6.6 The Council's adopted car parking standards set out the required ratio of parking spaces to be provided on a use class basis. Typically, a building used for warehouse/distribution business purposes (B8 use class) is likely to employ less people than a general industrial business (B2 use class), as a larger proportion of the building is used purely for storage only. This key difference between the levels of employment and associated needs for employee parking is in turn reflected in the Council's adopted car parking standards, which seek for:

- B2 Industrial Use – 1 parking space per 25sq.m up to 250sq.m, then 1 space per 50sq.m.
- B8 Warehouse Use – 1 space per 80sq.m.

6.6.7 Applying these standards to the proposed floorspace (including the ancillary offices for each unit) would result in a total car parking requirement of 255 spaces (if all units were used for B8 use) and 423 spaces (if all units were used for B2 use).

6.6.8 The application before me is for a flexible B2/B8 development, and as things stand no end user/occupier has been identified by the Applicant. However, it is clear that if all 3 of the proposed new Units were occupied for B8 (warehouse/distribution) purposes then the proposed level of parking would satisfy the car parking standards. The same would not, however, be true if the 3 Units were occupied for entirely B2 industrial uses.

6.6.9 The Agent acknowledges this apparent potential shortfall and has submitted a Car Parking Review as prepared by their Transport Consultant, which makes the case for the reduced level in parking numbers (based upon a B2 use of the 3no. Units) by reviewing the existing level of parking for current B2 businesses on the Hilton Cross site, which are stated

as being at ratio of 1 space per 70sq.m, which if applied to the proposed development would amount to a total of 296 parking spaces.

6.6.10 The Highway Consultants also observe that despite the existing ratio of 1 parking space per 70sq.m, there is no evidence of any overspill parking on the estate road. Having visited the site twice during daylight hours, I have not witnessed any on-street parking or any evidence to suggest that the existing parking areas to serve the existing industrial units are in anyway oversubscribed. That said, I acknowledge that such site visits did take place during the 2020/21 Covid-19 Pandemic. Even so, there was no obvious signs that the existing units were operating with reduced staff capacity.

6.6.11 The car parking proposed to serve the development is broken down within the table below.

	<b>UNIT 1</b>	<b>UNIT 2</b>	<b>UNIT 3</b>	<b>TOTAL</b>
Total No. Car Parking Spaces	82	64	150	<b>296</b>
Disabled Spaces	4	4	7	<b>15</b>
Electric Vehicle/Charging Spaces	8	6	15	<b>29</b>
Shared Travel Spaces	4	4	7	<b>15</b>
Cycle Parking	10	10	20	<b>40</b>

6.6.12 It is the case that the proposed parking for the units as submitted would not meet the level as required for a purely B2 use, a fact acknowledged by County Highways. However, they go on to comment that the parking guidance/standards is based upon seeking to prevent any future safety issues with vehicles parking on the highway and confirm that they are in agreement with the Highway Consultant in terms of the justification for the shortfall (in relation to purely B2 occupation of the Units).

6.6.13 Of course, there are other factors to consider which would support the reduced parking provision, including the proposed Travel Plan; Car Sharing; Access to the site via alternative means including Cycling and Public Transport (the No. 70 bus service operates along Cannock Road, providing an hourly service between Cannock and Wolverhampton); and the use of a Car Park Management Plan.

6.6.14 In light of the above and given the support for the development, and in particular the proposed level of car parking provision emanating from County Highways, I conclude that, on the matter of Highway safety; Access; and Car Parking, the proposed development would be acceptable and accords with Section 9 (Promoting Sustainable Transport) of the NPPF and Policies EV11 and EV12 of the adopted Core Strategy.

## **6.7 Flood Risk and Drainage**

6.7.1 The application has been supported by a Flood Risk Assessment (FRA) and a detailed foul and surface water drainage strategy. The FRA determines that the Proposed Development is classified as “Less Vulnerable” and confirms that the site is located in Flood

Zone 1, an area with a low probability of flooding. The FRA indicates that the risk of flooding from fluvial, pluvial, groundwater is low.

6.7.2 It is considered that the Proposed Development, with the inclusion of the SuDS drainage systems described within the submission documents, will not increase the risk of surface water flooding in the wider catchment.

6.7.3 Whilst both the relevant consultees (the County Council's Flood Risk Management Team and Severn Trent Water) raised some initial concerns, following the receipt of additional information and further clarification, both consultees have since confirmed that they have no objections and are supportive of the proposals.

6.7.4 I am therefore content that the Applicants have satisfactorily addressed matters relating to surface water and foul drainage, and that the development is in accordance with Core Policy 3 and Policy EQ7 of the adopted Core Strategy.

## **6.8 Biodiversity and Trees**

6.8.1 The application has been supported by the submission of an Arboricultural (Tree) Survey and Report; Landscape Strategy; Preliminary Ecological Appraisal; and External Lighting Strategy.

6.8.2 The site (both Plots 1 and 2) is currently open and feature around 3 hectares of semi-improved grassland with the remainder a mixture of scrub, woodland, pond and tall herb habitats. The Preliminary Ecological Appraisal (PEA) concludes that these habitats are of 'site value', however I am mindful that, as the County Ecologist comments: *"these habitats still have an ecological function and provide a degree of ecological connectivity through the site to woodlands and other habitats."*

6.8.3 Paragraph 170 of the NPPF indicates that, amongst other things, planning decisions should contribute to and enhance the natural and local environment by: "minimising impacts on and providing net gains for biodiversity .... "(my emphasis). Whilst Paragraph 175 (NPPF) states that when determining planning applications, local planning authorities should refuse development proposals: *"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated; or, as a last resort, compensated for ...."*

6.8.4 Policy EQ1 of the adopted Core Strategy is focused more towards designated Biodiversity sites (both national and local), but does also call for development proposals, wherever possible, to build-in biodiversity via the introduction of suitable features and sensitive design.

6.8.5 As has been confirmed previously, this is a designated Strategic Employment Site and thereby one of the Council's preferred locations for this scale and nature of development. Notwithstanding the national policy position as set out at Paragraph 175 of the NPPF (as quoted above) it does therefore seem somewhat unrealistic to seek for significant on-site biodiversity enhancements or betterment which may compromise or hinder the delivery of the development envisaged by both the Council and the Applicant on this site, and as such whilst some features can be provided, as recognised by the County Ecologist the more realistic solution is for off-site compensation through habitat improvements elsewhere in the vicinity.

6.8.6 In this regard, a Biodiversity compensation figure of £60,000 has been agreed with the Applicant, and subject to their agreement it is anticipated that this contribution, to be secured via a Legal Obligation, could be used to enhance Biodiversity off site, but in the vicinity. Of particular interest, the National Trust (which is a registered charity) has aspirations for programmed work to enhance biodiversity on their adjoining land, which sits between the application site and Moseley Old Hall, which features an existing pond and associated land. The immediate proximity of this land to the Hilton Cross site, to my mind, makes this a suitable location for such compensatory provision, and Officers are seeking an initial “in principle” agreement from the National Trust to the possible receipt of such funds in the event that the application is approved, which will be ring-fenced for enhancements on the adjoining land only and could not be utilised for works elsewhere.

6.8.7 In terms of existing trees, with the exception of the Ancient Woodland at Whitgreaves Woods (which lies beyond the northern extreme of the application site), existing tree coverage on the site (both Plots 1 and 2 combined) is essentially restricted to boundary trees. At the request of the County Ecologist, a shading plan has been provided which identifies that shading to the woods from Unit 3 would be minimal and appears to be acceptable.

6.8.8 There are no objections to the proposed development from the Arboricultural Officer, who has also indicated support for the amended soft landscaping proposals which, amongst other things, include additional tree planting to supplement the existing boundary trees.

6.8.9 In light of the above and having managed to secure contributions towards off-site Biodiversity enhancements in the vicinity of the site, as well as some on-site/boundary enhancements, I am of the opinion that the requirements of the NPPF in this regard have been satisfied and that the application accords with Core Policy 2 and Policy EQ1 of the adopted Core Strategy.

## **6.9 Residential Amenity**

6.9.1 Policy EQ9 of the adopted Core Policy stresses the requirement for all development proposals to take account of the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

6.9.2 The only nearby residential properties are the pair of semi-detached houses on Moseley Road (No. 2 and Whitehouse Cottage), which front onto Moseley Road itself, and share their respective rear amenity/garden boundaries with the PROW which runs along the western boundary of the Hilton Cross site. These houses take the appearance of full height two storey dwellings and feature steep gable roofs. I estimate that these properties are approximately 5m in height to eaves level and 8m to ridge height, or thereabouts.

6.9.3 The proximity of these 2no. residential dwellings to this allocated Strategic Employment Site strikes me as not being an entirely compatible relationship. Nevertheless, this is not a new site allocation or some wild or unfounded speculative development proposal. Given the long-established site allocation a development of this nature in this location on this until now vacant section of the Hilton Cross site was always likely to take place at some point, subject to the prevailing market conditions.

6.9.4 Both of these properties feature ground and first floor windows to habitable rooms, which face in a north direction. I also noted a side facing window to No. 2, which faces eastwards up Moseley Road. I have been unable to establish whether this is a habitable or

non-habitable room window. The nearest proposed new building is Unit 1 and in terms of residential amenity this is the only proposed Unit which requires consideration.

6.9.5 Unit 1 sits at an approximate angle of 30 degrees (to the building corner) and a minimum distance of some 31 metres from the nearest of the two houses (No. 2 Moseley Road).

6.9.6 The nature of their respective rear gardens, and the outbuildings and paraphernalia that I witnessed at my site visit (and which is visible also via aerial photography), in particular with regard to Whitehouse Cottage (No.1), is such that the existing outlook from the rear (north) facing windows appears to me to already be significantly compromised by the existing status quo. As such, I find no adverse impact with regard the existing ground floor windows in terms of outlook, daylight and privacy.

6.9.7 Each property features a single rear facing first floor bedroom window. These windows are not as incumbered by the existing aforementioned paraphernalia, rather they are afforded views out over the rear boundary towards the Hilton Cross site, albeit partly obscured by existing trees along the east side of the PROW.

6.9.8 As stated above, the current outlook from the first floor windows is partially restricted by existing trees alongside and during the winter months (my site visit was undertaken in February 2021) those trees are somewhat sparse. However, in full leaf during Spring, Summer and early Autumn months I have no doubt that they provide an effective screen. Beyond these trees, the application site is currently free from any structure or other form of meaningful landscaping.

6.9.9 The proposed development, and in particular Unit 1, is to be positioned such that the outlook from the aforementioned rear facing bedroom windows would be over the PROW towards a small section of staff car parking, which would front the offices servicing Unit 1. Additional landscape (tree) planting is proposed in this part of the site which would further screen views, and also go some way towards protecting the privacy of the occupiers of these two residential properties.

6.9.10 The west elevation of Unit 1 features the first floor offices, and whilst these will feature tinted glazing and will be partly screened by the existing, and proposed additional, tree planting there will still, to mind, be at least a perception of being overlooked. However, I am satisfied that given the angle of the relationship between the 2no. houses and the distances involved that this is an acceptable relationship, and were such a relationship, and difference in build heights between the existing and proposed, to occur in a more heavily built-up area then it is unlikely that I would be giving such a relationship a second thought. However, given this semi-rural location and the current vacant nature of the, albeit allocated, land within the Hilton Cross site, the introduction of this proposed building has given me greater reason to pause for thought.

6.9.11 The Council's adopted Space About Dwellings Standards, as they appear at Appendix 6 of the adopted Core Strategy, are silent upon physical relationships and acceptable distances between residential and commercial/industrial development. However, I have relied upon the table at Paragraph 1.8, under "Privacy and Outlook" to assist me in considering the relationship between the existing houses and the proposed new B2/B8 Unit (Unit 1).

6.9.12 As I have indicated earlier, the houses in question are of a traditional two storey appearance and height. The proposed Unit 1, standing at an eaves height of 11.6m, and is

therefore akin to a three storey building in terms of height. Applying the aforementioned table and the minimum distance requirements the Council would seek for between habitable rooms in facing two and three storey development, a distance of 28m should be sought. As already described, the minimum distance between the existing houses and Unit 1 is 31m, and, even then, this is at such an angle that a direct face-to-face relationship would not occur. I am, therefore, content that the physical relationship is acceptable.

6.9.13 Of course, there is more than just the physical relationship between the proposed Unit 1 and the nearby residential properties to consider. As indicated earlier in this report, the application seeks for unfettered 24/7 operation of all 3 Units. The actually operating hours would be a matter, therefore, for any future occupiers, but it must be assumed for the purpose of this report that all Units, including Unit 1, would operate in some capacity for 24 hours a day.

6.9.14 It is appreciated that Policy EQ9 of the adopted Core Strategy advises that all development proposals should take account of the amenity of any nearby residents. Whilst this policy provides advice and guidance regarding the introduction of new housing development in the vicinity of noise generating uses, it is largely silent on the opposite scenario, as in this case, albeit that it calls for noise suppression measures to be secured where necessary. In this regard, the findings of the submitted Noise Impact Assessment state that:

*“The results of the noise impact assessment indicate that operations associated with the development have the potential to result in a significant adverse impact at existing noise sensitive receptors during the night-time period. A 4m high barrier adjacent to the delivery area associated with Unit 1 will be required to reduce noise levels to acceptable levels. In addition, appropriate noise limits have been determined to be achieved by fixed plant items associated with the proposed development, and an assessment of the proposed car parking areas indicates that recommended internal noise levels are likely to be achieved without mitigation in place. The assessment of the potential noise impact from development generated traffic indicates that at the worst affected receptors, there is likely to be, a negligible impact from this noise.”*

6.9.15 I am mindful that there will be vehicular movements into and out of the staff and visitor car park, which is located within the south west corner of the site and thereby in relatively close proximity to the existing dwellings. The existing and additional tree planting will assist in screening this car park, but not fully in my opinion.

6.9.16 The service yard to Unit 1 is located towards the east half of the building, and at this location is as far removed from the residential properties as is possible. A 4m high acoustic screen is proposed to protect those properties from any noise which may arise through servicing, which may well include at less sociable hours.

6.9.17 Furthermore, there will be external lighting, which has been the subject of an External Lighting Strategy which covers all 3 Units, but in terms of Unit 1 in particular emphasises the use of energy efficient LED lanterns, which focus light to where it is required and minimise light spillage beyond the site boundary, and any upward lighting.

6.9.18 The effectiveness of the Lighting Strategy is demonstrated by the accompanying Lighting Plans, which suggest that any light spillage would not exceed 1 or 2 LUX, which is extremely low to the point of being negligible. In this regard, it is noteworthy that not only is there no objection from the Environmental Health Manager, but there is also no objection

from the County Ecologist who is content that such lighting levels would have no adverse impact from an ecological perspective, which can often be a more demanding issue.

6.9.19 Whilst I have expressed some disquiet regarding this relationship between these 2no. houses and Unit 1, I temper that by the fact that there have been no objections received from the occupiers and that there have been no objections raised by the Environmental Health Manager. Of course, I acknowledge that a lack of objection (from neighbours) should not immediately be interpreted as an indication of support.

6.9.20 Having wrestled with this particular aspect of the development, I am of the view that insofar as is possible, the Applicant has sought to respect the relationship with these properties on Moseley Road and provided a suitable level of mitigation in line with the requirements of Policy EQ9 of the adopted Core Strategy, against the backdrop of the site's overall allocation as a Strategic Employment Site, where this scale of development is arguably only to be expected.

## **6.10 Sustainable Construction**

6.10.1 Policy EQ5 of the adopted Core Strategy sets out the Council's aims and aspirations in terms of Sustainable Development and Energy Efficiency and states that for non-residential development of this scale that it should be built to BREEAM "Excellent" standard.

6.10.2 Building Research Establishment's Environmental Assessment Method (BREEAM) is a nationally (and internationally) recognised method of assessing the sustainability of buildings. BREEAM assessments evaluate the procurement, design, construction and operation of a development against a range of targets based on performance benchmarks. Buildings are rated on a scale of 'Pass', 'Good', 'Very Good', 'Excellent' and 'Outstanding'.

6.10.3 The threshold to achieve the "excellent" BREEAM standard is 70%, and this requirement was raised at the pre-application stage with the Applicants, who in response indicated that they did not consider that they could achieve this level and would fall just short, and that the best that could be achieved was "Very Good".

6.10.4 The application has been supported by a Sustainability Statement which includes commentary regarding the claimed inability to achieve BREEAM "Excellent" standard, which reads:

*"The are several sections within the BREEAM scheme which make a rating of Excellent unfeasible for (these) building(s), these include the following:*

*The credits available within the transport section are limited. Due to the speculative nature of the development, as many of the sustainable transport measures as possible have been targeted. Unfortunately, the location of the development means that many of these credits are not achievable due to the proximity to amenities and low frequency of public transport.*

*The Land Use and Ecology section is also problematic due to the way it is assessed and the location of the site. As the site will be developed on greenfield land, there will be a loss of ecology. Though this will be minimised wherever possible, the nature of the site location makes a total loss of ecology unavoidable. This puts several of the Land Use and Ecology credits at risk, and as they are each a pre-requisite to the next, this makes much of the section unachievable.*

*As the above sections are heavily weighted within the assessment, this makes several credits unachievable and puts a score of Excellent just out of reach.”*

6.10.5 Whilst the apparent inability to achieve the desired “Excellent” BREEAM rating for the development is disappointing, the Applicant’s position and reasons are understood. The BREEAM pre-assessment has been requested and provided, which provides evidence as to where and why the development fails to secure points which might help the development achieve the standard aspired to by Policy EQ5.

6.10.6 I have no reason to question or doubt the content of the BREEAM pre-assessment. By way of additional commentary, the Agent has commented that:

*“... we would pursue the highest possible standards, which would fall within BREEAM ‘Very Good’. Whilst we do want to achieve the highest BREEAM standards possible, there is a disconnect between BREEAM requirements, the capabilities of the applicant at the planning stage, and the objectives of Policy EQ5 ..... (which) relates predominantly to energy efficiency and the reduction of carbon emissions. It should also be noted that at the time of adoption (2012) BREEAM requirements were significantly less onerous than at present, which includes a number of credits that are not related to energy efficiency, or the objectives of Policy EQ5. The applicant has ensured that all of the credits relating to energy efficiency and carbon emissions have been adhered to, and will be carried forward as part of the approved development. However, BREEAM 2018 requirements significantly exceed the requirements expected by BREEAM in 2012, and subsequently the requirements and intentions of Policy EQ5 at the time of adoption (The development would comfortably meet ‘Excellent’ based on 2012 credits). In addition, many of the requirements regarding acoustics, security, views out, and operational energy etc are either not possible at all, or can only be achieved by the tenant / occupier and not the applicant at this stage.*

*BREEAM standards are particularly inflexible and whilst we aim to achieve the highest possible ‘Very Good’ standard possible, seeking to secure a final BREEAM certification of 68% post completion is onerous and would cause substantial difficulties for a scheme which is otherwise highly sustainable, efficient and low carbon in line with the requirements of Policy EQ5.*

*Based on the above, we hope that (any proposed planning) condition could be re-worded to achieve a final BREEAM certification of ‘Very Good’, noting that the development meets the energy efficiency and carbon reduction objectives of Policy EQ5, which is a consideration within the Planning Balance.”*

6.10.7 As referred to within the above comments, it is very much the case the Applicant will be the developer rather than occupier of the proposed Units, and as such some of the potential BREEAM plus points would be matters for the future occupiers/tenants, and to a certain extent are beyond the control of the Applicant at this planning application stage.

6.10.8 It is regrettable that the development does not appear capable of attaining the “Excellent” BREEAM standard sought by Policy EQ5. However, to be fair to the Applicant and their Agent, this was a matter that was flagged-up by them at the pre-application stage and they have provided evidence and a full explanation as to why they cannot achieve the standard sought for, but rather fall just short of the prize.

6.10.9 Nevertheless, applying the specific wording of Policy EQ5, it is the case that the development fails to meet the full expectations of this policy, and this shortcoming must carry some weight in the overall planning balance.

## 6.11 Historic Environment

6.11.1 As identified previously, the application site is located, at its nearest point, approximately 400m to the east of the Grade II\* Listed Moseley Old Hall, which is owned and maintained by the National Trust.

6.11.2 Moseley Old Hall has an east/west orientation, the rear elevation of this historic Elizabethan Farmhouse facing in an eastwards. The Hall is located within a lightly wooded location, but the first floor windows do allow for views over open fields in the direction of the Hilton Cross site. I have been unable to visit the Hall to view this outlook for myself due to the current Covid-19 restrictions, but I have been provided with photographic evidence from the owners which demonstrates that the roofs of existing industrial buildings at Hilton Cross are visible, particularly during the winter months when the tree foliage is sparse.

6.11.3 The application has been accompanied by an Historic Environment Assessment which, amongst other things, assesses the impact of the proposed development upon Moseley Old Hall.

6.11.4 Paragraph 189 of the NPPF requires an applicant to identify and describe the significance of any heritage assets that might be affected by their proposed development. Whilst Paragraph 196 (NPPF) advises that where less than substantial harm would occur, this harm should be weighed against the public benefits of the proposed development. Policy EQ3 of the adopted Core Strategy states that, amongst other things: *"The Council will ensure that development which affects a heritage asset or its setting will be informed by a proportional assessment of the significance of the asset, including its setting, which is likely to be affected by the proposals."*

6.11.5 The submitted Assessment observes that:

*"... there would be no physical or settings impact to any designated heritage assets. The groundworks associated with the proposed development have the potential to physically impact any archaeological remains that may be located within the Site."*

6.11.6 On this latter point, the County Archaeologist whilst having originally raised some initial concerns regarding the potential for on site deposits, he has since confirmed that he is content with the nature and level of the written submissions and accepts the findings. No conditions or further need for archaeological survey or monitoring has been requested.

6.11.7 With regard to Moseley Old Hall, in the absence of any comments from Historic England I have looked to the comments which have been submitted by the owners, the National Trust to assist me in considering an impact upon the setting of the Hall along with the Conservation Officer. Amongst the submitted comments from the National Trust are photographs which appear to be taken from the east facing elevation, over the adjoining land (also owned by the National Trust), towards the Hilton Cross site.

6.11.8 I note that from an upper floor window (I am advised that the photograph was taken from an attic window in Moseley Old Hall) that a restricted view of existing development at Hilton Cross is visible, in particular the existing off-white Mann Hummel building and its associated silver stack. I do note that these photographs appear to have been taken recently and that the intervening trees are somewhat sparse. When in full leaf I rather suspect that

this view will be further limited, if indeed such a view of the buildings would exist at all. This opinion is supported by the Conservation Officer.

6.11.9 I acknowledge that Unit 3 as proposed would be sited closer to Moseley Old Hall, but following alterations to the proposed west elevation I am of the opinion that any impact on the outlook from Moseley Old Hall would be limited and that there would be less than substantial impact upon the setting of the Hall.

6.11.10 The photographs provided by the National Trust do include clearer views of the Hilton Cross development. These, however, appear to have been taken from the car park on the opposite side of the lane to the Hall and on land beyond which is also in the ownership of the National Trust. Having referred myself to the Historic England website and the online listing details, it appears to me that the aforementioned car park and the land beyond do not fall within the Listing Description for Moseley Old Hall and on the basis I have restricted my considerations in terms of impact accordingly.

6.11.11 Paragraph 196 of the NPPF advises that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal ....”*. I am of the view that very limited harm, if any, would occur in this case, which would at worst fall at the lower end of the “less than substantial” classification, and I balance any such harm against the positive public (job creation and economic) benefits that the development would deliver as described under section 6.12 of this report.

6.11.12 In light of the above and given the Conservation Officer’s confirmation that he has no objections, I am satisfied that the Historic Environment Assessment that has been submitted is proportionate in terms of assessing any harm, and I concur with its findings that there would be no adverse impact upon the setting of Moseley Old Hall. I therefore conclude that the development satisfies the requirements of Section 16 of the NPPF and Policy EQ3 of the adopted Core Strategy.

## **6.12 Job Creation and Economic Benefits**

6.12.1 At the request of Officers at the pre-application stage, the application has been accompanied by an Economic Statement and Employment and Skills Plan (ESESP), which amongst other things provides an indication of the likely number of jobs to be created as a result of the development.

6.12.2 As previously mentioned, Paragraph 80 of the NPPF makes it clear that: *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

6.12.3 The ESESP acknowledges the draft South Staffordshire Council Education, Employment and Skills Plan (SSCEESP) 2019-2022 and the Council’s commitment through the Council Plan and District Deal with Staffordshire County Council to back the Government’s commitment to support and promote the area as ‘A Skilled and Prosperous District’.

6.12.4 The SSCEESP outlines the importance of ensuring local residents have access to work and better paid jobs, leading to an improved quality of life for local people. The Plan Priorities are:

a. Supporting Business Growth - Backing business to drive growth, increase productivity and enhance skills of the workforce for existing and new businesses.

b. Employment for All – Provide employment support to unemployed residents, which will create opportunities and give individuals the skills and abilities to achieve their ambitions  
c. Inspiring Tomorrows Workforce – Working in partnership with education establishments to provide young people with creative and inspiring opportunities.

6.12.5 The submitted ESESP states that, based upon the proposed B2/B8 uses, the development can be reasonably expected to generate 215-567 jobs, and thereby would make a significant contribution to the local economy.

6.12.6 Further jobs will be created during the construction process, and the Employment & Skills Plan indicates that it will be ensured that jobs are advertised within the local community including Featherstone, Westcroft, Bushbury and Shareshill, thereby offering employment opportunities to the local workforce.

6.12.7 Furthermore, as well as the jobs created, including through the construction phase, there will be other economic spin-offs, such as distribution jobs, and passing trade for local shops and services.

6.12.8 The Agent has also commented that: *“ .... it would be in the interest of the future tenants/occupiers to employ locals, both due to the practicalities of operations, and to comply with the Travel Plan. As such, we consider that the proposed development directly adheres to Strategic Objective 12 (of the adopted Core Strategy) which strives, amongst other things, : “To support thriving and sustainable communities by ensuring that local people enjoy access to jobs and key services .....”.*

6.12.9 The Localism Act 2011 introduced changes to primary planning legislation such that local financial considerations are capable of being material considerations when arriving at a planning decision. The weight to be attributed to such matters lies with the decision taker.

6.12.10 In this case, I consider that the local financial considerations would include increased Business Rates payments; local employment opportunities during construction; and new job creation once development is completed.

6.12.11 It is clear to me that the approval of the proposed development will result in a significant positive economic benefit with regards to job creation and the local economy in line with Section 6 of the NPPF and Core Policy 7 of the adopted Core Strategy.

## **6.13 Other matters**

### **Security**

6.13.1 Policy CS1 of the adopted Core Strategy sets out guidance and expectations in terms of designing out crime, and the fear of crime. The Proposed Development responds to issues relating to security, such as criminal and anti-social behaviour, by incorporating design features including, but not restricted to:

- security gates to service areas.
- internal and external CCTV.
- secure, visible cycle parking.
- natural surveillance of parking and pedestrian areas.
- full perimeter fencing with lockable gates and external lighting.

6.13.2 The Crime Prevention Design Advisor (West Mercia Police) has raised no objections, but in responding detailed commentary and recommendations with regard to Secured by Design, which have been shared with the Applicant's Agent.

#### **Lighting**

6.13.3 A full lighting scheme has been submitted to accompany the planning application and outlines how exterior lighting has been designed to take into account matters regarding biodiversity, security and residential amenity.

6.13.4 The lighting LUX levels are to be kept to a minimum when adjacent any natural habitats and avoid direct light spill into sensitive locations, such as the ancient woodland to the north of Unit 3.

6.13.5 The proposed lighting will be a combination of building mounted and column mounted LED lighting units. The lighting design utilises good quality, attractive 'dark sky' fittings, directed downwards and with no spillage above the horizontal to avoid light pollution.

#### **6.14 Legal Obligations and Contributions**

6.14.1 Through the consultation process, it has been identified that Legal Obligations and Contributions are justified and necessary which are summarised as follows:

- £7,000 towards the administration and monitoring travel plan costs by Staffordshire County Council (as the relevant Highway Authority).
- £60,000 towards off-site Biodiversity compensation in respect of neighbouring National Trust land.

The Applicants are in agreement to such levels of contribution.

6.14.2 Committee Members will be familiar with the process of securing such financial contributions via a S106 (of the Town and Country Planning Act) Agreement. In this case, however, the process is complicated by the Council's ownership of the application site.

6.14.3 Section 106 of the Town and Country Planning Act 1990 authorises persons with an interest in land to enter into planning obligations with the local planning authority and gives local planning authorities powers to enforce such planning obligations. In this case, the Applicant is not currently in a position to enter into a planning obligation with the Council because as it does not yet have an interest in the relevant land (it is still owned by the Council), and as both the landowner and also the local planning authority, the Council cannot covenant with itself to comply with the planning obligations, nor can they be enforced against themselves.

6.14.4 However, I am advised by the Council's Solicitor that an alternative means of securing the necessary legal obligations lies under Section 111 of the Local Government Act 1972, which is entitled "Subsidiary powers of local authorities". This is something of a generalised catch-all provision to enable local authorities to *"do anything.... which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions"* (Section 111(1)), which would thereby include Planning functions.

6.14.5 The use of the power under section 111 is by its very nature is already applied to a very wide range of local authority functions, and its use must be subsidiary to the discharge

of some particular function. In this case, the power under Section 111 can be used by the Council to enter into an agreement with the Applicant to secure the entering into of a planning agreement (under S106 of the Town and Country Planning Act 1990 (as amended)). Accordingly, the relevant principal function to which the use of section 111 is subsidiary in this case is section 106 of the Town and Country Planning Act 1990 (as amended).

6.14.6 Therefore in this case the use of an agreement under section 111 of the Local Government Act 1972 will enable the following:

- a. It will enable the council to issue the planning permission, on the signing of the Section 111; and
- b. It will require the Council (as local planning authority) and Applicant to enter into the agreed form of Section 106 Agreement simultaneously when Applicant acquires the legal interest in the land.

6.14.7 Whilst this is something of an unusual approach, it is necessary under the circumstances and will ensure that the requisite Planning Obligations can be secured, albeit via a more circuitous route than is normal with planning applications that come before Planning Committee.

## **7. CONCLUSIONS**

7.1 As with any planning application, there are a variety of material considerations in this case. This is not a perfect application by any means, and it would be incorrect to say that it ticks every applicable policy box. That said, it is an application with some tangible benefits, and it falls to me to weigh-up these factors and arrive at an informed and fully considered recommendation.

7.2 The starting point in favour of the application must be the fact that this is a designated Strategic Employment Site, with Core Policies 1 and 7 and Policy EV1 providing unequivocal support for the proposed development. This is a site where the very scale and nature of development proposed is supported, in principle, and is only to be expected. As stated above, Paragraph 80 of the NPPF makes it clear that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

7.3 The proposed development is expected to deliver anything between 215-567 jobs, not counting construction job opportunities and thereby would make a significant contribution to the local economy, and I attribute significant weight to the principle and nature of the development proposed, and the public benefits that would be delivered.

7.4 In considering matters of detail and technical issues, as indicated within the main body of this report I have found that matters relating to scale, layout, design and visual impact were acceptable with any concerns capable of being satisfactorily addressed via the introduction of the proposed supplemental tree planting which, over time, will assist in screening or reducing the impact of the development, particularly when viewed from the A460 Cannock Road.

7.5 There are no concerns in terms of drainage and flood risk, and in terms of biodiversity, with the proposed financial contribution for off-site Biodiversity compensation, which is supported by the County Ecologist, the proposal will satisfy the requirements of the NPPF as it relates to such matters.

7.6 Whilst no comments have been forthcoming from Historic England with regard to the potential impact of the development on the Grade II\* Listed Moseley Old Hall, I have considered the findings of the submitted the Historic Environment Assessment against the requirements of Paragraphs 189-196 of the NPPF and concluded that any harm to the setting of the Listed Hall would be at the lower end of “less than substantial” and that such minimal harm that might be perceived is outweighed by the public benefits, which are clearly economic and job creation based.

7.7 The shortfall in car parking when considered against the adopted Parking Standards is acknowledged, but for the reasons set out above County Highways has acknowledged and accepted the Applicant’s rationale for a lower level of parking, based upon the known and anticipated demand within the wider Hilton Cross site. The proposed Travel Plan also supports the reduced level and will be supported by a Car Park Management Plan as well as encouraging alternative means of travel other than the private car, along with car sharing initiatives.

7.8 In terms of impact upon residential amenity and the only 2no. residential properties in the vicinity of the site, and in particular the proposed Unit 1, I have considered the relationship and impact fully, and have concluded that whilst the introduction of a new building in this location will certainly bring about physical differences in terms of outlook that it would, on balance, be acceptable.

7.9 I do, however, have to draw the conclusion that the development falls short of satisfying Policy EQ5 in terms of its overall sustainable credentials, but it appears to me that the Applicants stated reasons for this and their aspirations to attain as high a “Very Good” BREEAM standard as can be achieved should be acknowledged. Nevertheless, that remains insufficient for me to confirm Policy EQ5 compliance and this must weigh against the application.

7.10 Notwithstanding the above, I do consider that the significant weight that is attributed to Economic Growth is sufficient a counter to this Policy EQ5 shortcoming in the overall planning balance, and overall I find that the application accords with Policies EQ1, EQ3, EQ4, EQ7, EQ9, EQ11, EQ12, EV1, EV11, EV12 and CS1 of the adopted Core Strategy, and I therefore consider that the application can be supported for the reasons set out above.

## **8. RECOMMENDATION –**

**That subject to the completion of an agreement under Section 111 of the Local Government Act 1972, binding both the Council and the Applicant into the unconditional completion of a Section 106 Agreement under Town and Country Planning Act 1990 and, transfer of the land to (the Applicant) the Team Manager be authorised to grant planning permission, subject to the following 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 complete accordance with the approved plans and details contained in the application:

Proposed Site Plan	6588 – 50 Rev A
Site Layout Plan (South)	6588 – 51 Rev C
Site Layout Plan (North)	6588 – 52 Rev A

External Finishes & Fencing (South)	6588 – 53 Rev E
External Finishes & Fencing (North)	6588 – 54 Rev F
Unit 1 Building Plan	6588 – 55 Rev A
Unit 2 Building Plan	6588 – 56 Rev A
Unit 3 Building Plan	6588 – 57 Rev A
Unit 1 Office Floor Plans	6588 – 58 Rev A
Unit 2 Office Floor Plans	6588 – 59 Rev A
Unit 3 Office Floor Plans	6588 – 60 Rev A
Unit 1 Roof Plan	6588 – 61 Rev A
Unit 2 Roof Plan	6588 – 62 Rev A
Unit 3 Roof Plan	6588 – 63 Rev A
Unit 1 Elevations	6588 – 64 Rev A
Unit 2 Elevations	6588 – 65 Rev A
Unit 3 Elevations	6588 – 66 Rev B
Unit 3 Context Elevations	6588 – 67
Unit 1 & 2 Context Elevations	6588 – 68 Rev A
Soft Landscape Details (North)	Zla 1036 L-200 Rev D
Soft Landscape Details (South)	Zla 1036 L-201 Rev D
Drainage Strategy Unit 1	19-7785-SK0002 P6
Drainage Strategy Unit 2	19-7785-SK0003 P6
Drainage Strategy Unit 3	19-7785-SK0004 P6

3. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:  
19-7785-SK0002-P6, Drainage Unit 1,  
19-7785-SK0003-P6, Drainage Unit 2,  
19-7785-SK0004-P6, Drainage Unit 3,  
19-7785-FRA Issue 3, Flood Risk Assessment,  
19-7785-SW-NTWK-01-01, Unit 1 & 2 (Southern Site),  
19-7785-SW-NTWK-02-01, Unit 3 (Northern Site),  
Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan by Complete Design Partnership Ltd as shown in the Flood Risk Assessment (19-7785-FRA, Issue 3).
4. Before any above ground development commences details of the finished floor levels of the buildings shall be submitted to the Local Planning Authority for approval. Such details shall include adjoining proposed land levels and thereafter the development shall be carried out in accordance with the approved levels.
5. The development shall be carried out in full accordance with the details of facing materials to be used on the walls and roofs of the Units hereby approved as indicated on the approved elevation drawings.
6. No part of the development by this consent shall be occupied until a Travel Plan has been submitted to the Local Planning Authority for approval, which will be based upon the Framework Travel Plan submitted with the planning application. The Travel Plan shall set proposals (including a timetable) to promote travel by sustainable modes, which are acceptable to the Local Planning Authority. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning

Authority for approval for a period of 5 years from the first occupation of the development permitted by this consent.

7. Prior to the commencement of any construction a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, the location of the contractor's compounds, cabins, machinery, material storage areas and contractors parking and the provision of a vehicle wheel wash, facilities for damping down to prevent excessive dusts, and details of road sweeping which shall be carried out at regular intervals, both on the site and the adjoining access highway to prevent excessive dust and mud on the road. The CMP shall also include details of on-site procedures and protocols, based upon best practise, to minimise the nearby residential dwellings exposure to excessive noise levels and disturbance during construction. Thereafter, all site operations shall then be undertaken strictly in accordance with the approved CMP for the duration of the construction programme.
8. The proposed car parking, access, servicing and circulation areas as shown on the approved plans drawings numbers; 6588-51-Rev C, 6588-52-Rev A, shall be sustainably drained, hard surfaced in a bound material, lit and marked out prior to the first occupation of the building hereby permitted. Thereafter these parking/servicing areas shall be retained in accordance with the approved plans for the lifetime of the development.
9. Prior to first occupation of unit 1 on the site the off-site highway improvements to Moseley Road and Cannock Road shall be fully implemented in accordance with the drawings 22334-01 Rev B and 22334 – 03 as they appear in the Transport Assessment prepared by DTA – Doc Ref: SJT/TM/ 22334-02 Transport Assessment\_REV1
10. The proposed secure covered cycle storage as shown on the approved plans drawings numbers; 6588-51-Rev C, 6588-52-Rev A, shall be provided prior to the first occupation of the building hereby permitted. Thereafter these cycle storage areas shall be retained in accordance with the approved plans for the lifetime of the development.
11. All works, including any demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.
12. During construction, any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.
13. Deliveries to the site associated with the construction of the development shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.
14. The destruction of materials by burning during the construction period is not permitted on site during development.

15. The landscape scheme shown on the approved plans shall be implemented concurrently with the development as it occurs on the southern and northern plots and completed within 12 months of the completion of the development on the respective plots, thereby making provision for a phased development of the application site. The Local Planning Authority shall be notified when the scheme has been completed for each plot (north and/or south). Thereafter, the planting, hard landscaping (and any other introduced features shown on the approved plan(s)) shall be retained and maintained for a minimum period of 10 years by the property owner from the notified completion date of the scheme. Any plant failures that occur during the first 5 years of the notified completion date of the scheme shall be replaced with the same species within the next available planting season (after failure).
16. No existing trees, shrubs or hedges on the site or its boundaries shall be pruned in any way or cut down for a period of 10 years following completion of the development without the prior consent of the Local Planning Authority. If any the existing planting is removed or dies within 5 years of completion of the development it shall be replaced with the same species (or alternative agreed with the Council) within 12 months of its removal and as close to the original position as possible (or elsewhere in a position agreed with the Council). The existing and any replacement planting shall be maintained for a period of 10 years respectively from completion of the development or time of planting to the satisfaction of the Local Planning Authority.
17. Before development commences all construction work, drainage runs and other excavations within the protective fencing/root protection areas of the trees shown to be retained on the approved plan shall be agreed by the Local Planning Authority. All work shall be carried out in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations).
18. There shall be no storage of construction materials or equipment or oil tanks within the protective fencing/root protection areas of the trees or hedges shown to be retained on the approved plans.
19. No development shall take place until the existing trees, shrubs and hedges on the site have been protected by fencing constructed in accordance with BS 5837:2012 (trees in relation to design, demolition and construction - recommendations) in positions previously agreed with the Local Planning Authority. The fencing shall be retained throughout the development of the site in the approved positions.
20. The proposed external lighting shall be provided in strict accordance with the approved External Lighting Strategy as prepared by DWP – Doc Ref: 1012/DN/01 Rev A.
21. The proposed noise mitigation measures for each Unit detailed in the Noise Impact Assessment shall be implemented in full before each respective Unit is first brought into use. This thereby allows for a phased development and enables each Unit to be occupied upon their respective completion.
22. No additional doors, vents or openings shall be created within the commercial premises without the prior written consent of the local planning authority.

23. No external plant or machinery shall be installed at the premises without the prior written consent of the local planning authority.
24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Thereafter, an investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in which shall be subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
25. Prior to commencement of any site works, including site preparation, submission of a Construction Environmental Management Plan (CEMP) detailing measures to protect species and retained habitats shall be submitted to and approved in writing by the Local Planning Authority.
26. Prior to commencement a Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority, this shall also include details of location and types of 10no. bird boxes, 6no. bat boxes and 4no. bug hotels to be installed on site and maintained thereafter throughout the lifetime of the development.
27. No materials stored outside the premises shall be stacked or deposited to a height exceeding 2.4 metres.

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. In order to define the permission and for the avoidance of any doubt.
3. To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with Policy EQ7 of the adopted Core Strategy.
4. In order to define the permission and to avoid doubt.
5. In order to define the permission and to avoid doubt.
6. To ensure the use of sustainable transport methods in accordance with policy EV11 of the adopted Core Strategy.
7. In the interest of highway safety and to ensure that suitable facilities are provided to enable the development to proceed without detriment to nearby premises in accordance with Policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to ensure that adequate parking facilities are available to serve the development and to conform to the requirements of policy EV12 of the adopted Core Strategy.

9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. To ensure that the development is carried out in a satisfactory manner.
11. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
12. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
13. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
14. In order to protect the amenity of nearby residents during the construction of the development in accordance with Policy EQ9 of the adopted Core Strategy.
15. To safeguard the amenity and appearance of the area in accordance with Policy EQ12 of the adopted Core Policy.
16. To safeguard the amenity and appearance of the area in accordance with Policy EQ12 of the adopted Core Policy.
17. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
18. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
19. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
20. In order to safeguard the visual amenity of the area and nearby residential properties in accordance with Policies EQ9 and EQ11 of the adopted Core Strategy.
21. In order to safeguard the amenity of nearby residential properties in accordance with Policy EQ9 of the adopted Core Strategy.
22. In order to safeguard the amenity of nearby residential properties in accordance with Policy EQ9 of the adopted Core Strategy.
23. In order to safeguard the amenity of nearby residential properties in accordance with Policy EQ9 of the adopted Core Strategy.
24. To ensure that the development is carried out in a satisfactory manner.
25. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.
26. In the interest of biodiversity in accordance with Policy EQ1 of the adopted Core Strategy.



27. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

#### Positive and Proactive Statement

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.

Hilton Cross Business Park, Cannock Road, Featherstone