

**22/00696/FUL
NON MAJOR**

Mr Imre Tolgyesi

**BREWOD & COVEN
Cllr Sutton, Cllr Bolton &
Cllr Holmes**

Land Adjacent Staffs And Worcs Canal Station Road Four Ashes WV10 7DG

The repair and reinstatement works of the cladding, roofing, guttering and external door elements of the existing factory building

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The application relates to building 4E at Station Road, Four Ashes. The application site forms part of the wider Four Ashes employment site, which is one of the District's freestanding strategic employment sites. The site is bounded to the north by Station Road, and to the south by Enterprise Drive. It shares a partial boundary with the canal to the north-east. The remaining boundaries are formed with plots containing factory and warehouse units.

1.1.2 The site is adjacent to the Canal Conservation Area, with Staffordshire and Worcestershire Canal close to a site boundary to the north-east of the site. The application site is bound along its boundaries with young and semi mature trees and none of which are protected by a Tree Preservation Order.

1.1.3 The wider industrial estate of Four Ashes primarily comprises of a diverse range of B2 and B8 uses, including various small business parks, warehouse uses, food production facilities and vehicle repair units. The site is less than a mile to the A449 to the west, which gives access to the M54 to the south and the M6 to the north-east.

1.1.4 The existing factory building was damaged by a fire on 20th July 2021. The building is constructed of metal cladding panels walls and roof. The two-storey office block which forms part of the building has been constructed with brick walls and tile roof. The recently completed factory extension is a mix of facing bricks, metal cladding and metal profiled roofing.

1.2 Planning History

19/00775/FUL - Factory extension to Unit 4E, external works, landscaping, new and reconfigured car parking, Approved

11/00272/FUL - to erect new 2m high automated sliding steel gates and steel palisade fencing to Enterprise Drive rear access. Approved

04/00137/COU - change of use to B1, B2 and B8 and restoration of outdoor storage areas.

Approved. 04/01020/VAR - variation of conditions 2,3 and 4 of planning permission

04/00137/COU. Approved.

97/1047 - extension to industrial premises. Approved.

96/00741 - extension to factory and car park. Approved

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The application proposes the reinstatement of the cladding, roofing, guttering and external door elements of the existing factory building damaged by the fire on 20th July 2021 and associated works is required for the building to return to its operational state and support the production process as an ongoing business concern.

2.1.2 The proposal will replace the fabric of the factory like for like, with no increase in footprint or volume. The car parking provision and the external hard and soft landscaping will be retained as existing.

2.2 Agents Submission

- Design and Access Statement;
- Management Asbestos Survey Report & Register; and
- Management with targeted refurbishment survey.

An Environmental Impact Assessment was not required as part of this application.

3. POLICY CONTEXT

3.1 The site is located within the Four Ashes strategic employment site development boundary and also lies within the Canal Conservation Area.

3.2 South Staffordshire Adopted Core Strategy

Core Policy 1: The Spatial Strategy

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

Core Policy 3: Sustainable Development and Climate Change

Core Policy 4: Promoting High Quality Design

Core Policy 7: Employment and Economic Development

Core Policy 11: Sustainable Transport

Core Policy 13: Community Safety

Policy OC1: Development in the Open Countryside beyond the West Midlands Green Belt

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ2 - Cannock Chase Special Area of Conservation

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Policy EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ5: Sustainable Resources and Energy Efficiency

Policy EQ7: Water Quality

Policy EQ9: Protecting Residential Amenity

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Policy EV1: Retention of Existing Employment Sites

Policy EV11: Sustainable Travel

Policy EV12: Parking Provision

Policy CS1: Designing Out Crime

Appendix 5: Car parking standards

Supplementary Planning Documents

South Staffordshire Design Guide (2018)

Sustainable Development (2018)

Cannock Chase SAC

3.3 National Planning Policy Framework

National Planning Practice Guidance

National Design Guide

National Model Design Code

3.4 National Planning Policy Guidance

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

4. CONSULTATION RESPONSES

No comments from ward members (expired 25/08/2022)

Brewood and Coven Parish Council (received 05/08/2022) *No comments*

County Highways (received 12/08/2022) *The proposed development is just the replacement of items damaged in a fire and this will not impact on the public highway*

Conservation Officer (received 16/08/2022) *The application is for the repair and re-instatement of cladding and roofing etc. to a modern industrial building following a fire. The building is adjacent to the Staffordshire and Worcestershire Canal Conservation Area. There will be no changes to the footprint or scale of the building and the materials are proposed to match the original existing materials. There are no conservation objections to the proposals*

Tree Officer – (received 31/08/2022) *There are no trees of significant merit which are screening the building from the canal. It appears that much of the vegetation, including trees, was removed from this part of the tow path in early spring 2021. What remains are generally poor quality, self seeded trees which are not suitable for long term retention. The statutory protections conferred by the canal Conservation Area status would be overridden by the planning consent if it were granted.*

County Ecologist – (received 31/08/2022) *The building appears to be unsuitable for bats and birds since it is a large metal building lacking suitable features.*

Nature Space Partnership Newt Officer - No comments received (expired 16/08/2022).

Canal And River Trust (received 22/08/2022) *The site is adjacent to the Canal Conservation Area and the Calf Heath Bridge (east of) Biodiversity Alert Site (BAS). There is vegetation close to the building, within the canal corridor, that screen the building to some extent and are likely to have an ecological value, that contributes towards the BAS. At one point the existing building is approx. 2-3m from the site boundary. It is not clear whether trees in the canal corridor would be affected. Therefore, we request details of how vegetation will be*

protected during works. This should aim to establish Root Protection Zones (RPZs) and provide information on physical measures to be put in place to enforce this protection.

No Councillor comments (expired 26/07/2022).

No Neighbour comments (expired 26/07/2022).

5. APPRAISAL

5.1 This application is referred to Planning Committee as it is a proposal put forward by the Council's own Commercial Services Team.

5.2 Key Issues:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Local Highway Impact
- Residential Amenity
- Biodiversity and Protected Species
- Arboriculture

5.3 Principle of Development

5.3.1 The proposed works are located within the development boundary of the Four Ashes Industrial Estate, which is identified within the adopted Core Strategy as one of four strategic employment sites within South Staffordshire. Core Policy 1 of the Core Strategy confirms that support will be given to the four strategic employment sites, and Policy EV1 further recognises Four Ashes as a strategically important industrial location within the District and states that land at Four Ashes will be used for employment purposes that accord with its strategic planning and economic justifications.

5.3.2 The NPPF requires significant weight to be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development (paragraph 80). Therefore, the proposed refurbishment works within the development boundary of Four Ashes is supported, subject to other relevant development plan policies and NPPF requirements being satisfied.

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

5.4.1 The building is adjacent to the Staffordshire and Worcestershire Canal Conservation Area. Policy EQ3 requires that due regard is given to the conservation and enhancement of South Staffordshire's historic environment. The Council will consider the significance and setting of all proposed works to heritage assets and will seek to use appropriate materials for development proposals.

5.4.2 Policy EQ11 requires that new development respect local character and distinctiveness, including that of the surrounding development and landscape [...] by enhancing the positive attributes whilst mitigating the negative aspects[.] In terms of scale, [design] and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area. New development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally,

the Council's Design Guide Supplementary Planning Document amplifies the principles set out in Policy EQ11 of the Core Strategy.

5.4.3 Policy EQ4 of the Core Strategy advises that "the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long-distance views". Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment.

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

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

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

5.4.6 The proposal would utilise existing floorspace and would not require the enlargement of the building's footprint, or any significant increase in its bulk. The materials to be used in the construction of the works will match those of the existing building, which comprises of a brick plinth wall, and wall and roof cladding. There will be no significant or harmful impact on the character or appearance of the Conservation Area or the surrounding streetscene. Subject therefore to a condition to ensure the use of materials the proposal will comply with the requirements of the Development Plan and NPPF In this regard.

5.5 Local Highway Impact

5.5.1 Paragraph 111 of the NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.

5.5.2 The proposal will not impact upon the site's existing access arrangements or car parking arrangements. Given this assessment, the proposal will have an acceptable impact upon highway safety and as such, complies with the requirements of the Development Plan and NPPF in this regard.

5.6 Residential Amenity

5.6.1 In accordance with Core Strategy Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. Given the scale and siting of the refurbishment works proposed there is no potential for loss of light or overbearing

impact to neighbouring properties from the scheme. Given the above assessment, it is considered that the proposal complies with the requirements of the Development Plan and NPPF in this regard.

5.7 Biodiversity and Protected Species

Protected Species

5.7.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation (Natural Habitats, &c.) Regulations 1994 implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Countryside and Rights of Way (CROW) Act 2000 compels all government departments to have regard for biodiversity when carrying out their functions. Finally, The Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

5.7.2 Core Strategy Policy EQ1 advises that permission will be granted for development that would not cause significant harm to sites and or habitats of nature conservation, including woodlands and hedgerows.

Great Crested Newts

5.7.3 The development falls within the green impact risk zone for Great Crested Newts (GCN). Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the green impact zone, there is moderate habitat suitability meaning GCN may be present.

5.7.4 It is advised that the application proposal will not impact GCN as the proposal is for an alteration to an existing industrial building.

Biodiversity

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

5.7.6 Due to the Local Planning Authorities obligation to "reflect and where appropriate promote relevant internal obligations and statutory requirements" (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with emerging advice within the Environment (Principles and Governance) Act 2018); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Such also accords with the requirements of Paragraph 180 of the NPPF, which states "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity". The requirements of the NPPF, as set out

above, accord with the broad objectives of Core Strategy Core Policy 2 and Policies EQ1 and EQ12.

5.7.7 In this case, given the proposal will have no impact upon the site's existing biodiversity value, there is no need to secure an uplift and rather the scheme will secure no net loss in biodiversity value.

5.8 Impact on Special Areas of Conservation (SAC)

5.8.1 Paragraph 182 of the NPPF advises that "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".

5.8.2 Under the provisions of the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority as the competent authority, must have further consideration, beyond the above planning policy matters, to the impact of this development, in this case, due to its siting within the acknowledged 15km Zone of Influence (Zol) of the Cannock Chase SAC. The LPA have completed screening assessments under the Habitats Regulations for the SAC, which conclude that given the nature, location and scale of the proposal, the development alone, or in combination, is not considered have an adverse effect upon the integrity of the either SAC. On this basis, it is concluded that the LPA have met its requirements as the competent authority, as required by the Regulations and therefore the proposal will comply with the requirements of the Development Plan and the NPPF in this regard.

5.9 Arboriculture

5.9.1 Vegetation marks the boundary shared with the canal corridor. This vegetation screens the building to some extent and is likely to have some ecological value that contributes to the Calf Heath Bridge (east of) Biodiversity Alert Site (BAS). At one point the existing building is approximately 2-3m from the site boundary. However, the Arboriculture Officer advises that there are no trees of significant merit, and that much of the vegetation, including trees, was removed from this part of the tow path in early spring 2021.

5.9.2 Given the different in ground levels between the trees and the building, damage to the root plates is unlikely and therefore does not require a construction exclusion zone enforced by protective fencing.

5.9.3 Given the above assessment, it is considered that the proposal complies with the requirements of the Development Plan and NPPF in this regard.

6. CONCLUSION

6.1 The application will have an acceptable impact upon the character and appearance of the existing building and will not have a detrimental impact on the surrounding street scene. The impact of the proposal upon the reasonable amenity of existing residents, has been determined to be acceptable, whilst there are no highway, arboriculture or ecology issues arising. As such, it is recommended that this application be approved.

7. RECOMMENDATION - APPROVE Subject to Conditions

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the approved drawings (received 14/07/2022):
FAFD-KBS-XX-XX-DR-A-1121 - Block plan;
FAFD-KBS-XX-GF-DR-A-2020 - Existing ground floor plan;
FAFD-KBS-XX-XX-DR-A-3010 - Existing elevations;
FAFD-KBS-XX-GF-DR-A-2022- Existing high level plan;
FAFD-KBS-XX-GF-DR-A-2021 - Proposed ground floor plan;
FAFD-KBS-XX-XX-DR-A-3011 - Proposed elevation; and
FAFD-KBS-XX-XX-DR-A-1120 - Location plan.
3. The materials to be used for the external walls and roof shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the visual amenity of the area and the existing building in particular in accordance with Policies EQ3 and EQ11 of the adopted Core Strategy and the National Planning Policy Framework.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner in accordance with paragraph 38 of the National Planning Policy Framework 2021.

INFORMATIVES

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

All nesting birds are afforded protection under Part 1 section 1 of the Wildlife and Countryside Act 1981 (as amended 2016), making it an offence to: disturb, injure or kill a nesting bird; disturb, take or destroy their nest; or damage, take or destroy their eggs. As such any removal of cladding and roof materials should occur outside of bird nesting season (March-September inclusive). If, site clearance outside of bird nesting season cannot be achieved then the site must be checked to be free of

nesting birds, by a suitably experienced ecologist, immediately prior to commencement of any site clearance works.

A developer should be aware that even if the approved development's impact upon protected species was not raised as an issue by the South Staffordshire Council when determining the application, there remains the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or the South Staffordshire Council Ecology Team) as to how to proceed.



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