

**22/00544/FUL**  
**MAJOR**

**Mercia Real Estate**

**GREAT WYRLEY**  
Councillor R Perry  
Councillor K Williams

**Units 50-62, Landywood Enterprise Park, Holly Lane, Great Wyrley, Staffordshire, WS6 6BD**

**Demolition of existing building and erection of new building for flexible B2/B8 use, with associated parking and loading areas.**

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

- 1.1.1 The application site, which extends to 1.6ha, is located off Holly Lane, which is found towards the southern edge of the village of Great Wyrley. The rectangular shaped site forms part of the existing Landywood Enterprise Park and contains a variety of single and two storey flat and pitched roof buildings which join together to form one building mass. The site was originally developed within the 1980s, but has subsequently been subject to various extensions, resulting in the building now having a total footprint of 7,310 sq m. The buildings now contain a total of 10 units, which are occupied by a collection of existing industrial and commercial uses, although a number of units are currently unoccupied. In addition to the buildings, in the north eastern corner of the site there is a telephone mast, which although within the site area, is not to be impacted upon by the proposed development.
- 1.1.2 The existing buildings within the site have eaves levels of circa 5m to 5.5m, with there being a mixture of flat and pitched roofs, with ridge levels of circa 8m. The land levels within the site rise by approximately 2m from north to south.
- 1.1.3 The Spindles, a modern residential estate, is located adjacent to the site's northern boundary, with industrial development currently located to the southern and eastern boundaries. It should be noted however that the Local Planning Authority is currently considering an outline planning application for dwellings, with all matters reserved except access, to redevelop Loades Business Park, found adjacent to the site's eastern boundary, through the erection of up to 30 dwellings (reference 23/00093/OUT). Further to the south east of the site, approximately 200m distant, is Landywood Primary School. The western part of the application site is bounded by an operational railway line used by West Midland Trains, which links to Landywood Railway Station which is located to the north. Adjacent to the railway line, further west, are more residential properties.
- 1.1.4 Mature landscaping runs along the length of the western boundary providing a screen from the railway line and residential further afield. Landscaping is also present on the northern and eastern boundaries, with the southern boundary determined by palisade fencing to separate the application site and the adjoining existing industrial estate.

## **1.2 SITE HISTORY**

00/01026/FUL – Siting of a mobile catering van – Approve – 18<sup>th</sup> October 2000.

96/00384 – Change of Use to Hot and Cold Eat In and Takeaway – Approve – 23<sup>rd</sup> July 1996.

84/00022 – Boilerhouse Stack and Silo Filter – Approve – 6<sup>th</sup> March 1984.

84/00150 – Residential Development – Approve – 19<sup>th</sup> June 1984.

79/00553 – Extension to existing factory to form store for raw materials and finished components – Approve – 24<sup>th</sup> July 1979.

77/01026 – Telephone room and revised boiler room – Approve – 1<sup>st</sup> November 1977.

### **1.3 PRE-APPLICATION ADVICE**

1.3.1 No pre-application discussions have taken place.

## **2. APPLICATION DETAILS**

2.1.1 The application proposes the demolition of all of the existing buildings within the site and the subsequent erection of one new building for flexible B2/B8 use, which will combine manufacturing/assembly with associated ancillary functions and the elements of storage (including ancillary office space at first floor), with associated parking and loading areas. The building is proposed to be potentially operational for 24 hours a day (dependent upon end user requirements, which are unknown currently given the speculative nature of the development) and have a floor space of up to 6130 sq m, with a ridge height of 12.5m and a haunch height of 10m.

2.1.2 Vehicular access into the proposed development site is to remain from the existing estate road to the south, which is accessed from Holly Lane. The unit is proposed to be served by a 35 to 40m deep service yard, providing vehicular circulation and manoeuvring routes, along with access to 2 level sectional overhead doors and 6 no. dock levellers. A total of 128 staff and visitor parking spaces are proposed to the east of the building, of which 4 are proposed to be allocated for use by the less abled and a further 4 spaces to be fitted with electric vehicle charging points. Within the dedicated parking area provision is also shown for 12 secure cycle spaces.

### **Background**

2.1.3 The application was Screened under Schedule 2 Part 10 (a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, given it constitutes an industrial development project, where the area of the development exceeds 0.5 hectare. It was considered that given the development is not in a sensitive area and does not exceed the relevant threshold, as set out in the Annex to the NPPG (4-057-20140306) that the effects on the environment are unlikely to be significant, when assessed against the criteria identified within Schedule 3. Therefore, an Environmental Impact Assessment, was not required in this instance.

## **2.2 Agent's Submission**

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

- Air Quality Assessment
- Bat Survey
- Coal Technical Note
- Design & Access Statement
- DUSK EMERGENCE AND DAWN RE-ENTRY BAT SURVEYS
- Framework Travel Plan
- Geo-Environmental and Geo-Technical Report
- Noise Impact Assessment

- Planning Statement
- Preliminary Ecological Appraisal
- Transport Statement

### **3. POLICY**

#### **3.1 National Planning Policy**

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

#### **3.2 Core Strategy Development Plan Document**

- National Policy 1 - The Presumption in Favour of Sustainable Development
- Core Policy 1 - The Spatial Strategy for South Staffordshire
- Core Policy 2 - Protecting and Enhancing the Natural and Historic Environment
- Core Policy 3 - Sustainable Development and Climate Change
- Core Policy 4 - Promoting High Quality Design
- Core Policy 5 - Infrastructure Delivery
- Core Policy 7 - Employment and Economic Development
- Core Policy 11 - Sustainable Transport
- Core Policy 15 - Children and Young People
- EQ1 - Protecting, Enhancing and Expanding Natural Assets
- EQ2 - Cannock Chase Special Area of Conservation
- EQ3 - Conservation, Preservation and Protection of Heritage Assets
- EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape
- EQ5 - Sustainable Resources and Energy Efficiency
- EQ6 – Renewable Energy
- EQ7 - Water Quality
- EQ8 - Waste
- EQ9 - Protecting Residential Amenity
- EQ11 - Wider Design Considerations
- EQ12 - Landscaping
- EQ13 - Development Contributions
- EV1 - Retention of Existing Employment Sites
- EV11 - Sustainable Travel
- EV12 - Parking Provision
- CS1 – Designing Out Crime
- Appendix 5: Car Parking Standards
- Appendix 6: Space About Dwellings Standards

#### **3.3 Site Allocations Document**

- Chapter 9 – Employment Land

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

- DS3 – The Spatial Strategy to 2038
- HC9 - Design requirements
- HC10 - Protecting residential amenity
- HC12 – Parking Standards

- HC13 - Health and Wellbeing
- EC1 - Sustainable economic growth
- EC2 - Retention of employment sites
- EC3 - Inclusive Growth
- EC7 - Protecting community services and facilities
- EC10 - Developer Contributions
- EC11 - Sustainable Transport
- NB1 - Protecting, enhancing and expanding natural assets
- NB2 - Biodiversity
- NB3 - Cannock Chase SAC
- NB4 - Landscape Character
- NB5 - Renewable and low carbon energy generation
- NB6 - Energy and water efficiency, energy and heat hierarchies and renewable energy in new development
- NB7 - Managing flood risk, sustainable drainage systems & water quality
- NB9 - Conservation, preservation and protection of historic assets

### 3.5 **Supplementary Planning Documents**

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

### 3.6 **Other**

- The Town and Country Planning (Pre-commencement Conditions) Regulations 2018
- Environment (Principles and Governance) Act 2018
- Natural Environment and Rural Communities Act (2006)
- The Conservation (Natural Habitats, &c.) Regulations (1994)
- The Conservation of Habitats and Species Regulations (2017)
- Defra Net Gain Consultation Proposals (2018)
- The Wildlife and Countryside Act (as amended) 1981
- The Countryside and Rights of Way (CROW) Act 2000
- The Protection of Badgers Act 1992
- Staffordshire and Stoke on Trent Joint Waste Local Plan
- Providing for Journeys on Foot (2000)
- Water Framework Directive
- Natural England's approach to advising competent authorities on the assessment of road traffic emission under the Habitats Regulations (2018)
- Cannock Chase SAC – Planning Evidence Base Review (2017)
- European Site Conservation Objectives for Cannock Chase SAC (2014)
- Planning for Landscape Change – Staffordshire County Council (2000)
- 'A Hard Rain' – Staffordshire County Council's Corporate Climate Change Strategy (2005)
- Staffordshire County-wide Renewable/Low Carbon Energy Study (2010)
- Climate Change Act (2008)
- Air Quality Management Guidance (2014)
- Cannock Chase Area of Outstanding Natural Beauty (AONB) Partnership Planning - - - Protocol between Constituent Local Planning Authorities and the Cannock Chase - AONB Joint Committee (2019)

#### 4. CONSULTATION RESPONSES

**Councillor Ray Perry** - No Response Received.

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

**Great Wyrley Parish Council** (received 07/07/2022) – Object. The proposal will have a detrimental effect on the amenity of nearby residents. The pollution, noise levels likely to emanate from this proposal will be untenable for all residents. The level of vehicle movements will not only affect the residents of Holly Lane, it will also affect all roads in the village leading to the site.

**Natural England** (received 05/07/2022) – No objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Historic Environment Officer Archaeology** (received 30/07/2022) – No objection.

**Staffordshire County Council Highways** (received 04/07/2022) – No objection, subject to a condition requiring, prior to the commencement of development, the submission and approval of a Demolition and Construction Environment Management Plan. In addition, require prior to first use of the new unit, the cycle parking, access, car parking, servicing and turning areas, as shown on the submitted plans, to be appropriately laid out and erected and thereafter retained for the life of the development.

A contribution to be secured via a s106 agreement, of £7,000, is required to monitor the Travel Plan.

**Coal Authority** (received 04/04/2023) – No objection. The submitted Project Technical Note provides sufficient justification for the proposed layout. On the basis that the investigations will only be able to be carried out post-demolition of the buildings on-site, recommends conditions to secure the submission of appropriate remediation documentation and that the land has been made safe for development, prior to the commencement of development.

*Previous Comments (received 05/07/2022) – Object. The application site falls within a Development High Risk Area. Therefore, within the application site and surrounding area, there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application.*

*Whilst a Desk Study Report (April 2022, prepared by Applied Geology Ltd) accompanies the application, the applicant should be required to demonstrate the operational reasons as to why the proposed building is required to be where it is located, or whether the layout could be amended to avoid coal mining hazards. This information should be submitted alongside the Desk Study Report and should be considered prior to the determination of the planning application. In the event that any subsequent revised layout is submitted showing the buildings avoiding the mine entries, but within influencing distance of them, the details of a remediation strategy confirming how the buildings would be safeguarded in the long term, should be submitted.*

**NatureSpace Partnership Newt Officer (Staffordshire)** (received 01/07/2022) – No objection. The development falls within the green impact risk zone for great crested newts, where there is moderate habitat and a low likelihood of great crested newt presence.

**Senior Ecologist** (received 31/01/2023) – No objection. The submitted air quality assessment and traffic reports demonstrate that the proposal would not result in significant air pollution or traffic generation such that an adverse effect on site integrity of nearby Special Areas of Conservation (SACs),

Ramsar sites, Sites of Special Scientific Interest (SSSI) or Local Nature Reserves (LNRs), could be reasonably anticipated.

**Staffordshire County Council Ecologist** (received 26/08/2022) – No objection. The submitted Bat emergence survey is acceptable. Recommends conditions to secure the installation of swift boxes within the development and a sensitive external lighting scheme.

*Previous Comments (received 14/06/2022) – Object. The Preliminary Roost Assessment has indicated that there is a reasonable likelihood that bat roosts may be present in several buildings and one tree that would be negatively affected by the proposals. Therefore, requires the submission of a Bat Emergence Survey.*

**Severn Trent Water** (received 21/06/2022) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of suitable foul and surface water drainage plans

Notes that there may be a public sewer within or adjacent to the site and provides advice on building over or adjacent to such a feature.

**Environment Agency** (received 15/08/2022) – No objection. Notes that the site is located on the Pennine Middle Coal Measures Formation, which is designated a 'Secondary (A) Aquifer'. Glaciofluvial and Till Superficial deposits are also indicated, designated as 'Secondary Aquifers (Undifferentiated)'. The site is not located within a groundwater Source Protection Zone. There are no surface watercourses within 250m of the site and the nearest groundwater abstraction is approximately 1.3km East and is for process water purposes.

Considering the sensitivity of groundwater receptors at this location and environmental site setting, consider that controlled waters are of relatively low vulnerability. However, in view of previous and current land uses, agree to recommendations made within the applicant's Geo-Environmental Report that ground investigations should be undertaken to determine current site conditions with respect to any contamination that may be present. As such, recommend conditions are included on any planning permission, requiring the submission and approval prior to the commencement of development of a contaminated land remediation strategy and a requirement to pause development should any further contaminated not previously identified be located during the construction phase.

**Staffordshire County Council Flood Risk Management Team** (received 01/09/2022) – No objection, subject to a condition requiring the submission and approval, prior to the commencement of development of a suitable surface water drainage scheme.

*Previous Comments (received 05/07/2022) – Object. A suitable Flood Risk Assessment (FRA) / Drainage Strategy is yet to be provided.*

**Staffordshire Fire and Rescue Service** (received 16th June 2022) – No objection. Provide guidance on suitable design measures to limit fire risk.

**Police Architectural Liaison Officer** (received 01/07/2022) – No objection. Provides advice on measures to aid in designing to limit the potential for crime.

**Environmental Health Protection** (received 04/10/2022) – No objection.

*Previous Comment (received 04/10/2022) – Object. The development will have a significant adverse noise impact upon the amenity of local residents. Notes that whilst the noise assessment identifies that fencing could mitigate noise from the site, there are 3 storey houses in the area that this will not address. In addition, noise from HGVs coming to and leaving the site cannot be mitigated against. It is acknowledged that this area is already busy and noisy due to on site activity and therefore, development should be adding to this and increasing disruption to local residents.*

**Conservation Officer** (received 05/07/2022) – No objection.

**Network Rail** (received 14/06/2022) – No objection. Notes however that the proposal includes works within 10m of the railway boundary and therefore the applicant must submit a Risk Assessment and Method Statement (RAMS) for all works to be undertaken under the Construction (Design and Management) Regulations. A condition is requested to secure the submission and approval of this document, prior to the commencement of development. In addition, further conditions are recommended to require the submission, approval and implementation, prior to first use of the building of suitable trespass proof boundary fencing and drainage scheme along with details of construction methods, any scaffolding, excavation to be undertaken within 10m of network rail's boundary. Further information provided regarding stand off distances, landscaping scheme requirements, access needs, noise and car parking provision.

**Staffordshire County Council Planning** – No Response Received.

**Local Plans** – No Response Received.

**Housing Strategy** – No Response Received.

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

**Arboricultural Officer** – No Response Received.

**National Grid** – No Response Received.

**Badger Conservation Group** – No Response Received.

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

**Staffordshire Wildlife Trust** – No Response Received.

### **Contributors**

A site notice was posted on 21/06/2022. A total of 32 letters of objection have been received, which can be summarised as follows:

#### **Residential Amenity**

- HGV movements to the site, 24 hours a day, would cause noise nuisance and air pollution, adversely impacting upon the reasonable amenity of surrounding residents.
- The proposed use would generate significant levels of noise.
- The development would create light pollution.
- The demolition works would generate significant mess via dust and dirt, which will cover our properties, gardens, carpets and our house interior's.

- There are existing speed bumps along Holly Lane. Increased HGV movements over these features will generate additional noise pollution in the area.

#### Visual Impact

- Will the scale of the proposed building appropriately fit into the character of the surrounding built form?

#### Economic

- The loss of the existing industrial unit will result in the need to relocate the existing businesses that are located there, which will have large associated costs and impact upon their ability to remain financially viable.

#### Highway Safety

- The development would introduce significant levels of traffic, including HGV movements on a local highway network (particularly Holly Lane and Gorse Lane) that is already congested and incapable (due to their narrow width) of safely accommodating this uplift.
- Increased congestion will impact upon the punctuality of public transport.
- The vehicular access into and out of the site from Walsall Road onto Holly Lane, the mini roundabout and the narrow railway bridge are in no way suitable for HGVs.
- The uplift in HGV movement in the area could cause safety issues for the approximately 600 children attending Landywood Primary School.
- HGVs may also route past Cheslyn Hay Academy exacerbating congestion issues in this area.
- The roads within the area are already full of pot holes, which are likely to become worse from the HGV associated with this development.
- The uplift in vehicular movements will likely lead to damage to storm drains in the road that already flood in heavy rain.
- The air pollution generated by HGVs will impact upon children's health when they are playing within the school's playground.
- The HGVs will churn up highway verges surrounding the site.
- HGVs will not be able to safely use the surrounding highway network, due to existing on-street parking use.

#### Ecology

- The bat survey submitted with the application shows the presence of bat roosts in both the existing building and trees within the building zone. To continue with any proposal would carry serious consequences to these protected species.
- The green belt which runs adjacent to the proposed building and train line is an area of high importance for local wildlife and acts as a corridor to connect to the Wyrley and Essington Canal.
- The proposal falls within the Cannock Chase Special Area of Conservation (SAC) 15km zone of influence. There will be impacts associated with this proposal that can be linked to protective legislation the SAC carries.

#### Other Matters

- The development will devalue surrounding property.
- The increase in vehicular movements could, through vibration, damage surrounding property.



## 5. APPRAISAL

### 5.1 Key Issues

- Policy & Principle of Development
- Layout, Design & Appearance
- Access, Parking & Highway Safety
- Residential Amenity
- Sustainable Built Form
- Water Environment, Flood Risk & Drainage
- Ecology & Biodiversity
- Arboriculture
- Other matters
- Financial Considerations
- Human Rights

### 5.2 Policy & Principle of Development

- 5.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made, in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for South Staffordshire District comprises the Core Strategy (2012-2028) and the Site Allocations Document (2012-2028). The Council's emerging Local Plan (2018-2038) is working towards consultation at the Regulation 19 stage. As such, whilst it has been the subject of public consultation, it is yet to be examined. Thus, the policies contained therein, carry some, albeit minimal material planning weight.
- 5.2.2 Core Policy 1 identifies Great Wryley as a Main Service Village, a location where it is noted employment development shall be focused. The Policy continues to advise that *"Development proposals will be expected to make efficient use of land and prioritise the use of Previously Developed Land (brownfield land) in sustainable locations, provided it is not of high environmental value, whilst safeguarding the character of existing residential areas"*.
- 5.2.3 The explanatory text for Core Policy 1 states that *"The Council, working in partnership with businesses and local communities, will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and further economic development of the District"*. In addition, it is advised that *"The redevelopment and modernisation of existing sites for employment use will be supported"*.
- 5.2.4 Core Policy 7: Employment and Economic Development states *"In addition to the four freestanding strategic employment sites identified above, the focus for economic growth, development and investment will be on the Main Service Villages identified in the settlement hierarchy in Core Policy 1"*.
- 5.2.5 Inset Plan 44 of the Core Strategy 'Cheslyn Hay and Great Wryley' confirms that Core Strategy Policy EV1: Retention of Existing Employment Sites refers to the application site. Policy EV1 states *"Sites and premises used and/or allocated for industrial or commercial purposes (B1 – B8) purposes will be safeguarded for that use"*. The Policy continues to advise that *"where redevelopment of employment land is acceptable, particular attention will be given towards ensuring the future viability of individual businesses (e.g. tenants of an estate or premises) that might be displaced"*.

- 5.2.6 The NPPF seeks to proactively drive and support sustainable economic development to deliver homes, business and industrial units and infrastructure. The NPPF outlines that a key component of delivering sustainable development is through Local Planning Authorities planning proactively to meet the development needs of businesses.
- 5.2.7 Paragraph 81 of the NPPF focuses on building a strong and competitive economy stating that the Government is committed to securing sustainable economic growth in order to create jobs and prosperity. The economic role is expanded upon through this Paragraph, stating that local authorities should take *“into account both local business needs and wider opportunities for development”*, whilst Paragraph 83 states that *“planning policies and decisions should recognise the specific locational requirements of different sectors... making provision for... storage and distribution operations at a variety of scales and in suitably accessible locations”*
- 5.2.8 Given the above local and national planning policy assessment, it is apparent that the broad principle of redeveloping an existing allocated employment site, is supported subject to a number of material planning considerations. These considerations are whether the site is of high environmental value, ensuring the proposed scheme safeguards the character of neighbouring residential areas, be that through design, highway safety impacts or amenity and finally, ensuring the future viability of businesses to be displaced due to the redevelopment scheme. The first two identified matters will be considered within the relevant sections of the below report, but the matter of viability impact to existing business, is to be considered as a principle of site’s redevelopment.
- 5.2.9 The applicant advises that there are lease agreements in place with the existing tenants, which describe the lease arrangements. Therefore, they will undertake commercial discussions directly with its tenants. The remaining existing tenants are aware of the proposed planning submission and the applicant will continue to work with tenants as required under the relevant lease agreements. The proposed development is designed for a single occupier to operate and therefore not suitable for smaller uses.
- 5.2.10 Whilst the above fails to define what measures are in place to safeguard the visibility of the existing occupants, it does evidence the realities of the site, namely that the lease agreements allow for such to be withdrawn, whilst the number of empty units within the building also demonstrates that there is little market interest in the site currently, primarily due to age and nature of the units available.
- 5.2.11 Given the above assessment, it is evident that the principle of redeveloping this site is acceptable, subject to adherence with wider consideration as detailed and therefore, the development in this regard is compliant with the requirements of the Development Plan and NPPF.
- 5.3 Layout, Design and Appearance
- 5.3.1 Policy EQ4 of the Core Strategy advises that *“the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views”*. Core Policy 4 similarly seeks to promote high quality design, which respects and enhances local character and the distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.
- 5.3.2 The NPPF (Section 12) advises that *“good design is a key aspect of sustainable development, creates*

*better places in which to live and work and helps make development acceptable to communities".* The document continues to state that *"development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design".*

- 5.3.3 Paragraph 130 of the NPPF also attaches great importance to the design of the built environment, which should contribute positively to making places better for people. As well as understanding and evaluating an area's defining characteristics, it states that developments should:
- function well and add to the overall quality of the area;
  - establish a strong sense of place;
  - respond to local character and history, and reflect local surroundings and materials;
  - create safe and accessible environments; and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 5.3.4 This site, being located to the northern edge Landywood Enterprise Park, will be somewhat screened from Holly Lane, by the other units that comprise the wider industrial estate. However, views of the eastern elevation of the proposed building are currently available, from Gorsey Lane, across the service yard of the neighbouring, Loades Business Park. In addition, notwithstanding the off-site landscaping belt that runs adjacent to the northern boundary of the site, on The Spindles, views, especially during the winter months, when the vegetation dies back, will also be available.
- 5.3.5 The proposed building in terms of floor plate, will offer a reduction when compared to the existing building of some 1,180 sq m. As a consequence, in floor plate terms, the structure becomes much more comparable with the neighbouring industrial units.
- 5.3.6 In terms of height, as noted above, the current buildings within the site have eaves heights of between 5m and 5.5m with a mixture of flat roofs and pitched roofs, with ridge levels of up to 8m. The proposed building has an eaves height of 10m and a height to ridge of 12.5m and therefore would increase the height of built form within the site by 3m to eaves and 4.5m to pitch. The applicant advises that the proposed scale of the building is defined by operational requirements and flexibility to accommodate the use classes applied for, having regard for the context of the setting of the development, its constraints and the Policy requirements. In terms of the built form surrounding the site, modern 2 storey dwellings, such as those on The Spindles, have a height to ridge of around 8m, which rises to approximately 9.5 m for the 2 ½ storey dwelling and up to 11m for the 3 storey structures. The industrial units elsewhere within the estate, immediately to the south are comparable in height to the site's existing building, with those on the Loades site being somewhat taller at appropriately 9 to 10m. As a consequence of this assessment, it is evident that the building proposed within this site will be somewhat taller than the surrounding built form. However, given the building will be set away from The Spindles, through the use of the existing and proposed landscaping belt, the increase in height, in built form terms would not appear unduly prominent within the resultant street scene, subject to ensuring suitable land levels are utilised for the building, so such is not raised up relative to these properties, a matter that is recommended to be addressed via the use of a condition. After careful consideration the visual impact is not considered to be out of context with the surroundings to a degree where refusal of the application could be justified given the local context.
- 5.3.7 The building has been sited near to the north western edge of the site, ensuring off street parking provision is located primarily to the east of the building. As a consequence, views of parked vehicles will be available from Gorsey Lane. To ensure such will not unduly detract from the appearance of the site, a robust landscaping scheme will be required to this boundary and the applicant has ensured there remains sufficient space within this area for such to be formed.

- 5.3.8 In terms of elevation detail, the rollers shutter doors, office elements, with large areas of glazing and profile cladding system add vertical emphasis, to break up the horizontal visual mass of each façade. The eastern elevation, which will be the most visible to the public street scene currently contains the office element of the scheme and the use of regularly spaced and extensive glazed areas adds interest to this elevation, whilst also offering overlooking and interaction with public areas. Whilst the overall design is not particularly innovative or of the highest quality, it does offer a marked visual improvement to the collection of buildings currently found within the site and is typical of modern, simple logistic structures.
- 5.3.9 Full specifications of the external materials proposed to be used in the construction of the unit are yet to be provided. The elevation plans, show the composite roof cladding system and a mixture of horizontal and vertical profile cladding panels (no colours defined beyond advice that such will be a neutral palette) for the walls. These materials are considered to be appropriate, in principle, to the nature of the development being proposed and will ensure the development's successful integration into the character of the surrounding Industrial Estate and wider area. A condition is however recommended to agree the exact colours and details to be used, prior to the commencement of development, to ensure a full and appropriate assessment of the final visual appearance of the unit can be made.
- 5.3.10 The block plan indicates a small variety of associated infrastructure to be erected within the site. This includes the gatehouse, proposed to be located adjacent to the site's southern boundary and a cycle store, the appearance of which are yet to be confirmed and as such, are recommended to be the subject of conditions, which secure the submission and approval of such.
- 5.3.11 Although the end users of the proposed building are yet to be confirmed, it is possible, due to health and safety requirements, that an external sprinkler water tank will be required. The location for this structure has not been indicated on the submitted plans and therefore no details of its appearance or any screening have been provided. To address this point, a condition to require the submission and approval of plant and screening measures is recommended to be included on the decision notice.
- 5.3.12 In terms of further ancillary structures likely to be required to facilitate this development, it is apparent that fencing details have been specified on the proposed block, with 2.4m high paladin fencing stated. In principle, this fence type is visually acceptable, as it far less of an overt security feature when compared to palisade fencing. However, no details of the colour of the fence are offered, whilst the location is simply shown to the edge of the site and therefore does not appear wholly exact. Furthermore, as indicated by the consultation response received from Network Rail they will need to assess this fencing when full manufacturer specification are available, to ensure it is trespass proof and therefore suitably protects their assets. A condition to require the submission of further fencing details, prior to first occupation of the unit is therefore recommended.
- 5.3.13 Finally, in order to protect the visual amenity of the site and surrounding area, a condition is recommended in order to prevent outside working and the storage of materials.
- 5.3.14 The design and appearance of the buildings and structures proposed throughout this site are, for the reasons given above, appropriate and therefore visually, the development complies with the requirements of the Development Plan and NPPF in this regard.

#### 5.4 Access, Parking & Highway Safety

- 5.4.1 Paragraph 110 of the NPPF requires that consideration should be given to the opportunities for

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

- 5.4.2 Paragraph 105 of the NPPF seeks to ensure that developments which would generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 5.4.3 The proposed development is shown to be accessed through the site's existing point of access, from Holly Lane, a classified road, subject to a 30 mph speed limit.
- 5.4.4 The impact of the development on the local highway network and suitability of the continued use of the existing vehicular access, has been considered by the Highways Authority, who advise that given the nature of the development and that there have been no recorded vehicular accidents at this location, it was not necessary to assess any nearby junction, either the site access or offsite, to determine capacity matters. In addition, the retained vehicular access, is served by visibility splays that are appropriate and safe, to accommodate the proposed use of the site.

#### Off Street Car Parking

- 5.4.5 Appendix 5 of the Core Strategy provides guidance on the Council's off street car parking requirements for new development. For B2 development there is a minimum requirement of 1 space per 25 sq.m. up to 250 sq.m., then 1 space per 50 sq.m. (all gross floor space). For B8 development the minimum requirement is for 1 space per 80 sq m gross floor space.
- 5.4.6 The maximum requirement possible for this development therefore, given the above framework, would be if the entire building were used for B2 use. Assuming this were the case then, given the proposed floor area of 6,130 sq m, the need would be for 143 car parking spaces. The scheme proposes a parking provision of 128 spaces and therefore under delivers against the guidance. It should be noted however that Appendix 5 states that *"Where.. development proposals do not make provision to the relevant parking standard then negotiations can be entered into to see if these could be achieved or even a suitable compromise reached where public safety will not be prejudiced"*. Furthermore, it is noted that *"in central areas with good public transport links uses may require less parking provision than similar uses in rural areas without good public transport provision"*.
- 5.4.7 The application site, as discussed within the sustainable transport section of this report, is served by both nearby bus and train services, whilst there is also good pedestrian and cycle connectivity to the surrounding community. Given these points and the fact there is no objection from the Highways Authority on this matter, it is considered that the level of parking provision is sufficient to meet the future needs and demands of the development.
- 5.4.8 The parking bays within the site all comply in terms of scale, being a minimum of 2.4m wide, with a depth of 4.8 metres, with the specifications identified within the above noted Appendix and Manual for Streets Guidance.
- 5.4.9 Appendix 5 also provides advice regarding, where the provision of lorry parking spaces, stating that bay parking sizes should range from between 13.5m x 3.6m to 17.5m x 4.7m depending on the type of vehicles anticipated. In addition, it is advised that all new employment uses will be required to provide adequate maneuvering space, in accordance with standards. The lorry parking bays are

compliant with the above noted standard, whilst the servicing area has been tracked using an Articulated HGV (16.5m in length), demonstrating that such can be safely accommodated within the site.

- 5.4.10 Given the above assessment, it is evident the proposed parking provision, in terms of layout and design is acceptable. The condition recommended by the Highways Authority therefore, to require the provision of this area, along with the service yard, prior to the first use of the building, is considered reasonable and is recommended for use on the decision notice.

#### Electric Vehicle Charging

- 5.4.11 The abovementioned Appendix does not offer standards for EV parking, albeit Core Strategy Policy EV11 does recommend the incorporation, within new development of *“facilities for charging plug-in and other low emission vehicles”*.
- 5.4.12 The Council’s emerging Local Plan Policy HC13 (Parking Standards) includes a requirement, through Appendix I that within new industrial development, 20% of available spaces be fitted with a fast charge socket, plus a further 20% of available spaces to be provided with power supply to provide additional fast charge sockets. The scheme, through providing 4 EV charging spaces (3%) is wholly compliant with current standards. There is a large shortfall against the emerging standards, but this Policy currently has insufficient material planning weight, until the Plan is progressed, to require adherence. A condition is recommended however to ensure the delivery of the EV parking spaces, as proposed by the applicant, to ensure the timely delivery of this scheme benefit.

#### Cycle Parking

- 5.4.13 Core Strategy Policy EV11 requires that *“All proposals for development must include provision for sustainable forms of transport to access the site, and within the development”*. The Policy continues to recommend the inclusion, where appropriate, of suitable cycle parking facilities. Policy EV12 requires *“the provision of sufficient, safe, weatherproof, convenient and secure cycle parking within developments to assist in promoting cycle use”*.
- 5.4.14 Appendix 5 of the Core Strategy provides details of the number of cycle bays to be provided within a development. For a B2 land use this is detailed as 1 space per 500 sq.m. gross floor area and for B8 use, 1 space per 1,000 sq. m. gross floor area. Utilising the highest demand scenario needed, should the site be used solely for B2 use, the required cycle parking provision would be for 12 spaces. For B8 use of the site, this would drop to 6. The applicant has shown 12 spaces within their scheme, ensuring compliance with these standards. The site plan provided with the application shows these spaces to be provided near adjacent to the main office entrance into the building, which will aid in surveillance. However, exact details of the design of the shelter is yet to be provided and a condition is therefore recommended, to require the submission and agreement of their appearance, along with details of appropriate changing and shower facilities to be provided within the building, prior to the first use of the site. Such a condition is considered reasonable and necessary and as such, is recommended to be attached to the decision notice.

#### Sustainable Transport

- 5.4.15 A review of the trip generation anticipated by the proposed development was presented in the Transport Statement, which was based on trip rates extracted from the TRICS database. The trip rates used were considered acceptable and showed that the proposed development based on a B2 land use is forecast to generate 25 and 10 two-way trips for the respective peak hour periods (08:00 to

09:00 and 17:00 to 18:00). The proposed scheme based on a B8 land is forecast to generate 34 and 25 two-way trips for the respective peak hour periods. When the existing use of the site is considered, the net increase in vehicular movements amounts to 5 and 12 two-way trips in the respective peak hour periods, which equates to an additional vehicle every 12 and 5 minutes.

- 5.4.16 The nearest bus stops in relation to the site are located approximately 160m to the east of the site, on Gorse Lane, (a 2 minute walk). They comprise of a flag and pole and shelter stop and are served in both directions by one service (X51 Platinum), which provides access to Walsall Town Centre, Birmingham City Centre and Cannock Town Centre with a weekday service frequency of 20 minutes. The 71 service provides an additional level of service to Cannock and Wolverhampton with a frequency of service of 60 minutes. The Landywood Railway Station is located 1.3km north of the site and can be accessed via the network of roadside footways.
- 5.4.17 To ensure that the trips associated with the development are undertaken, as much as possible, via sustainable transport modes, a Travel Plan has been submitted with the application, which has been deemed acceptable by the Highways Authority. The document points out, given the sustainable location of the site, that there are many sustainable transport modes available to future site users, including employees, which includes the two bus stops, located immediately to the east of the site. To ensure that the requirements of the Travel Plan are realised, a condition is requested, along with a s106 contribution of £7,000, towards the monitoring of the document, both of which are deemed appropriate and are recommended to be secured within the aforementioned legal document and decision notice.
- 5.4.18 In terms of the other highway matter concerns raised by residents, specific to damage to road surface, safety of students attending local schools, conflict with future site users and parked vehicles on the surrounding highway network and impact on the punctuality of existing bus services, given the professional advice offered to the Council by the Highways Authority, whereby none of these matters have been raised as a concern sufficient enough in the planning balance to warrant the refusal of the application. However, given that the occupant of the unit is currently unknown and therefore, the potential routing of HGV movements associated with the scheme is unknown, a condition is recommended to secure these details, prior to the first use of the building. Such a condition will seek to limit any potential harm to the surrounding road network and residents through directing HGV traffic to the most suitable routes.
- 5.4.19 The development, subject to the abovementioned conditions and s106 contribution, will offer suitable vehicular and pedestrian access, sufficient car parking to meet the likely future demands of the site, whilst also offering appropriate alternative access to sustainable forms of transport and is therefore, compliant with the requirements of the Development Plan and the NPPF in this regard.

## 5.5 Residential Amenity

- 5.5.1 In accordance with Local Plan 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. The NPPF core planning principles include the requirement that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 174 advises that planning decisions should prevent “*new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability*”.

Noise

- 5.5.2 A Noise Impact Assessment document accompanies this application. The document primarily focusses on the impact of the development upon surrounding residents and concludes that existing noise levels at these dwellings are attributable to road traffic and the adjacent railway but with significant daytime noise from existing industrial and commercial activities on the enterprise park. Predicted noise levels for breakout from the proposed building are below existing levels of ambient noise and background noise that currently occur at the nearest dwellings on Loom Close and The Spindle.
- 5.5.3 Predicted noise levels for HGV activity within the service yard are below ambient and background sound levels on weekdays at the nearest dwellings to the west of the railway on Pendle Close and Weston Drive. Assessment in accordance with BS 4142 indicates that emission levels at the nearest residential facades for plant operation and building breakout would fall into the category of 'low impact' at all times, when compared against the lowest background sound levels for daytime and night time.
- 5.5.4 Assessment of vehicle movement indicates that, for the majority of time, this noise would achieve a condition of 'low impact' at the nearest dwellings. However, during periods of lower background levels at the weekend and during the night, this noise may fall into the category of adverse impact and control measures in the form of solid, and therefore acoustic fencing along the western boundary of the service yard would be required to mitigate noise impact from HGV movement during these periods. However, even with the mitigation measures in place, Rating Levels would just fall into the category of 'adverse impact' between approximately 01:00hrs and 04:00hrs. The potential for preventing HGV movements within the site between these times has been discussed with the applicant. They advise that they are unwilling accept a condition on this matter, as the market for industrial and storage and distribution use currently requires 24 hour operation. In addition, it is noted that there is no restriction on the existing operation of the site. This matter will be discussed further with the Council's Environmental Health Team, in order for additional detailed commentary to be provided to Members, through an Update Report, which will be issued prior to the committee meeting.
- 5.5.5 Assessment for external loading/unloading activity using fork lift trucks indicates that this has the greatest potential noise impact upon nearby dwellings. Screening measures along the western edge of the service yard would enable this activity to achieve a condition of 'low impact' during the day on weekdays and Saturday. Should fork lift operation occur at night or on Sunday, a condition of 'low impact' can only be achieved where the activity is carried out within the warehouse building.
- 5.5.6 The calculated sound levels for site activities at the nearest dwellings are within BS 8233 requirements for dwellings with windows open at all times of the day and night. The activities also readily achieve requirements for gardens.
- 5.5.7 Given the above assessment, the findings of the report indicate that, with appropriate control measures in place, the operation of the proposed new development would not have a significant noise impact upon the nearest dwellings located adjacent to the site.
- 5.5.8 Notwithstanding these findings, it is also noted that the site is currently used for modification of commercial vehicles and there is noticeable noise from HGV activity, manufacturing operations and plant. There are currently no restrictions, specific to hours of operation or activities, in terms of planning conditions in the existing site. Some of the noise generated by the proposed future use of the site will be comparable to the existing use and, consequently, the proposed new facility does not represent the introduction of a new noise source to this location. However, for the dwellings on Loom Close and The Spindles, which are most affected by the existing site use, there will be a



significant reduction in noise impact with the proposed new development, due to the change in activity and the positioning of the new building, which effectively forms a sound barrier to the sites activities.

- 5.5.9 The above assessment has been considered by the Council's Environmental Health Team, who offer no objection to the scheme. Given this response, it is considered that the development will have an acceptable noise impact upon the reasonable amenity of neighbouring residents, subject to securing the mitigation measures as identified, namely, the erection of the 3m high acoustic fence to the service yard, prevention in outside use of forklift trucks during darkness and the future site occupier's adoption of a noise management scheme. A condition to ensure therefore that the development is undertaken in accordance with this document is recommended.
- 5.5.10 As identified above, the LPA has recently received an application to develop the neighbouring Loades Business Park through the erection of 30 dwellings. Within the adopted SAD document, under Policy EV1 and the emerging Local Plan, under Policy SA7, this site is allocated for employment use. As such, it would be unreasonable to require this applicant to now have regard to the impact of this development upon the potential future amenity of residents within this proposed housing site. Rather, it will be for the applicant of the Loades development site to update their noise assessment, should Members approve this proposal, to consider the new noise environment with this proposal operational.
- 5.5.11 It is noted that currently no details of external plant have been submitted as part of this application, given that the exact end users are yet to be determined. As such, a condition to require the submission and approval of such features, given that they have the potential to generate a low level of noise, in addition to impacting upon the architectural integrity of the principle building, is considered to be reasonable and necessary and is therefore recommended.

#### Artificial Lighting

- 5.5.12 The applicant is yet to provide details of external lighting. Given the surrounding characteristics of the area, namely that the site sits surrounded by industrial and residential development, the levels of illumination and light spill will be such, so as to not impact upon the character of the area or upon passing motorists. However, to ensure the installation of an appropriate scheme, which will not impact upon the amenity of residents, or surrounding habitats (discussed further in the ecology section of this report), a condition is recommended.

#### Construction

- 5.5.13 In order to identify how issues such as noise, vibration, working hours and deliveries will be mitigated for during the construction process, a Construction Vehicle Management Plan is recommended to be secured via condition.

#### Air Quality

- 5.5.14 An Air Quality Assessment is included within the application. The document advises that through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust, during the demolition and construction phase of development can be effectively controlled and mitigated (with all dust impacts considered to be temporary and short-term in nature), a matter recommended to be addressed, through the use of a Construction and Environment Management Plan condition. For the operational phase, a traffic screening assessment indicates that the impacts on air quality from traffic generation is considered to be not significant. The energy strategy for the

Proposed Development is proposed to be all electric, utilising zero emission technologies. As no combustion sources are proposed during normal operation, no local air quality impacts are anticipated and finally a baseline Site Suitability Assessment has been undertaken to assess the suitability of the Application Site for the proposed industrial use, which has determined no air quality issues will arise. As such, the overall impact of the proposed on existing air quality is considered to be not significant and therefore no mitigation measures are required.

#### Contaminated Land

- 5.5.15 Paragraph 184 of the National Planning Policy Framework states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or land owner”*.
- 5.5.16 A GeoEnvironmental and Geotechnical Desk Study Assessment accompanies the application. The report discusses the historic coal mining use of the site, along with considering its recent use for industrial purposes. The document concludes that there is considered to be a low to medium risk with regard to human health and Controlled Waters. Whilst contamination, ground gas, mine gas and hydrocarbon vapours may be present, given that most of the site is currently and will remain covered with a building and hardstanding, some of these risks are reduced. Further assessment by intrusive investigation is warranted to confirm the risks.
- 5.5.17 On the basis of the above assessment, the Environment Agency have recommended that a condition be used, to require the submission and approval, prior to the commencement of built form development within the site, of an intrusive contaminated land report. This is considered to be a reasonable and necessary condition and is therefore recommended for use within the decision notice.
- 5.5.18 In terms of the historic use of the site for Coal Mining, Paragraph 183 of the NPPF advises that *“Planning... decisions should ensure that; a site is suitable for its proposed use taking account of ground conditions any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment) arising from that remediation”*.
- 5.5.19 The Coal Authority’s information indicates that the application site lies in a ‘Development High Risk Area’, where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. The applicant has now submitted an appropriate Coal Mining Risk Assessment. The Assessment has been informed by an appropriate range of geological, historical and coal mining information.
- 5.5.20 The report considers that currently the potential presence of recorded and unrecorded workings cannot be discounted and therefore further investigation works are required.
- 5.5.21 Where a desk-based assessment cannot conclude with certainty the extent of the remedial measures required to address the coal mining risks identified at a site, the Coal Authority requires that in order for the site to be made safe and stable, ground stabilisation works should be carried out in the first instance, unless justification can be given why this cannot be undertaken. A foundation solution will only stabilise the building, not the ground beneath / within the site.
- 5.5.22 The ground stabilisation works will need to be designed and undertaken by a suitable qualified and experienced person to ensure that development, as a whole is made safe and stable.

- 5.5.23 Given the above, the conditions requested by the Coal Authority are recommended to be attached to the decision notice, to ensure the stability of the proposed development and amenity of future site users in this regard.

#### Loss of Light/Outlook

- 5.5.24 Appendix 6 of the Core Strategy sets out minimum separation distances between facing habitable room windows, towards flank walls and to private gardens. In addition, guidance is also provided regarding the prevention of loss of light to neighbouring property resulting from new development. The guidance continues to detail a minimum requirement of 21 metres between the habitable rooms of single storey dwellings over garden land and 15 metres between habitable rooms over public land, including streets, whilst the distance between black side walls and existing dwellings should be 13m.
- 5.5.25 The above noted separation requirements evidently relate to distances between residential properties, where, in this case, the proposed building is in to be either industrial use or used for storage and distribution. There are no specific separation distances for non-residential and residential uses. The distance, following the erection of the new building from its blank northern wall to the nearest neighbour to the north, on The Spindles, would be approximately 20 metres. The distances evidenced are therefore above those recommended for adjoining dwellings and as a consequence, it can be determined, through wider compliance with Policies within the Core Strategy, that no significant loss of light issues will arise. This distance is also considered sufficient to ensure no detrimental loss of outlook to residents from the front facing habitable rooms within these neighbour properties.
- 5.5.26 Overall, given the above assessment, it is considered that the proposals will not, for the reasons provided, have a detrimental impact on local residential amenity or future site users and as such, will accord with the Development Plan and the NPPF in this regard.

#### 5.6 Sustainable Built Form

- 5.6.1 Paragraph 153 of the NPPF requires that new development should comply with local energy targets. NPPG advises that planning can help to increase the resilience to climate change through the location, mix and design of development. Core Strategy Policy EQ5 sets out the council's requirements in respect of carbon reduction targets and requires that major commercial and residential schemes should achieve respectively, BREEAM Excellent and Code for Sustainable Homes (CfSH) Level 6 from 2016.
- 5.6.2 The development, as detailed, would deliver an industrial unit with a floor area in excess of 1,000 sq m and therefore, as required by the above noted Policy, the scheme must achieve a BREEAM Excellent standard, in addition to reducing carbon emissions through incorporating low or zero carbon (LZC) energy generation systems, which deliver carbon reductions of 20%. A condition is recommended to secure this requirement and subject to the application and adherence with such, the development will comply with the requirements of the Development Plan and NPPF in this regard.

#### 5.7 Water Environment, Flood Risk and Drainage

##### Flood Risk

- 5.7.1 The Site is shown to be at low risk (Flood Zone 1) and very low risk from fluvial and surface water flooding respectively. The Flood Risk Assessment submitted with this application therefore

concludes that the existing Site is at either very low or low risk of flooding from the sources assessed (fluvial, tidal; reservoirs, canals and other artificial sources; surface water, groundwater, and sewers).

- 5.7.2 The proposed development is for a Less Vulnerable use and as such, given the low flood risk classification, is deemed appropriate for this location, in accordance with the requirements of the NPPF.

#### Surface Water Drainage

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

#### Foul Drainage

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

#### 5.8 Ecology & Biodiversity

##### Protected Species

- 5.8.1 The Wildlife and Countryside Act 1981 (as amended) covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). The Conservation of Habitats and Species Regulations 2017 (as amended) implement two pieces of European law and provide for the designation and protection of 'Special Protection Areas' (SPAs) and 'Special Areas of Conservation' (SACs), together with the designation of 'European Protected Species', which include bats and great crested newts. The Natural Environment and Rural Communities Act 2006 (as amended) places a duty on local planning authorities to conserve and enhance biodiversity when carrying out their functions. Finally, The

Protection of Badgers Act 1992 consolidated existing legislation on the protection of badgers. This legislation is intended to prevent the persecution of badgers. The act protects both individual badgers and their setts.

- 5.8.2 A Preliminary Ecological Appraisal of the site was carried out in March 2022. The document assessed the potential of the site to support a range of European and nationally protected species, and searched for evidence of use by protected species. The protected species identified as having the potential to use the site were bats, badgers and hedgehogs (solely in a commuting capacity), and birds. The site is located within the Green Zone for potential Great Crested Newt use, as defined by the Council's District Newt license, and the risk of use of the site by GCN was considered to be negligible.
- 5.8.3 Three buildings within the site were considered to have roosting potential (B1a, B1b and B1c) due to the presence of features such as missing mortar, gaps within wooden soffits, lifted roof tiles, and gaps in the brickwork. In addition, a single tree (T1) was considered to have high potential to support roosting bats, due to the presence of one large dead limb with a rot hole. These buildings and the tree, were subject to targeted emergence and return surveys, undertaken during the period of May to June 2022.
- 5.8.4 The emergence and return surveys identified that whilst two bat species (common pipistrelle and noctule) crossed the site during the survey period, none entered or exited the buildings or tree. Further bat activity was limited to the tree line associated with the eastern boundary of the site or along the trees and shrubs located off site along the northern boundary.
- 5.8.5 The results of these surveys have informed the baseline starting position regarding protected species and habitats within the site. Both the County Council's and Council's own Ecologist have considered these reports and consider them to be sound.
- 5.8.6 The LPA is therefore in a position to demonstrate compliance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), which places a duty on the planning authority when considering an application for planning permission, to have regard to its effects on European protected species.
- 5.8.7 Given the proposal will not directly impact upon a roost, a Natural England license will not be required, prior to undertaking any demolition works. However, given there is evidence of use of the site by protected species, mitigation measures are proposed by the applicant through the above-mentioned reports. During the operational phase, uncontrolled artificial lighting could sever commuting routes and off-site foraging areas. In order to avoid and mitigate for this impact, a sensitive lighting strategy will be designed (recommended to be secured via a condition), whilst it is recommended that the landscaping scheme proposed for the development include plants, which attract insects to allow for enhancement of foraging habitat for bats.
- 5.8.8 Whilst no mention of habitat harm avoidance measures are discussed for during the construction phase of development, it is reasonable and necessary for lighting to be controlled by a Construction Environmental Management Plan (CEMP) or similar. The CEMP, which is recommended to be secured via a condition, will include restrictions on working hours and security lighting, which will have to be minimised in extent, and directed downward and away from boundary features.
- 5.8.9 The Preliminary Ecological Appraisal (PEA) also noted that the site was being utilised by a number of bird species. To address any harm to the various species arising as a consequence of the development, the Council's Ecologist has recommended that 3 swift boxes be introduced into the site.

Such is an appropriate form of mitigation, with exact details recommended to be secured via the use of a condition. Lastly, given the site's usage by birds a recommendation of the PEA is that any vegetation and building works occurs outside of the bird nesting season (March – September) or be checked for nesting birds beforehand by an ecologist. It is recommended that this matter be addressed through a condition requiring the development to be undertaken in accordance with the requirements of this document.

- 5.8.10 Subject to the application, discharge and adherence to the conditions as noted above, the development can be considered as having an acceptable impact upon protected species and their habitat and therefore is compliant with the requirements of the above noted legislation, Development Plan and NPPF in this regard.

#### Biodiversity

- 5.8.11 To comply with the guidance contained within Paragraphs 9, 108 and 118 of the NPPF and the Council's enhanced biodiversity duty as defined under section 40 of the NERC Act 2006 (as amended), new development must demonstrate that it will not result in the loss of any biodiversity value of the site.
- 5.8.12 Due to the Local Planning Authorities obligation to *"reflect and where appropriate promote relevant internal obligations and statutory requirements"* (Paragraph 2 of NPPF) and the requirement, under paragraph 174 of the NPPF, for planning decisions to minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (along with the Environment Act); the applicant must display a net gain to biodiversity value, through development, as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, Paragraph 180 of the NPPF, requires that *"opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity"*.
- 5.8.13 The PEA submitted with this application does not include a Biodiversity Metric and therefore no formal evidence to demonstrate that the development will secure an uplift in the site's biodiversity value is provided. However, neither Ecology Officer has raised this as a concern in this case, given the majority of the site to be developed comprises hardstanding, with only small areas of amenity grassland and scrub, limited solely to the edges of the site. Thus, it is reasonable in this case, to determine that the introduction of an enhanced landscaping scheme within the site, coupled with the retention of the boundary planting will ensure an uplift in the site's value and therefore, adherence with the requirements of the abovementioned policies within legislation, the Development Plan and NPPF.

#### Impact on Special Areas of Conservation

- 5.8.14 Paragraph 182 of the NPPF advises that *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"*.
- 5.8.15 The application site is also located approximately 3.07km, west from the Cannock Chase Extension Canal SAC. The Cannock Chase SAC (CCSAC) is located approximately 8km to the north.
- 5.8.16 The Government's advice as set out in the 'Habitats regulations assessments: protecting a European site' is that when checking whether a proposal could impact upon a protected site is *"You only need to*

*carry out an HRA if the proposal might affect a European site. The effect of your proposal may depend on its location. It could be:*

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

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

- 5.8.17 The Zoi for both of the abovementioned SACs, as shown on the Magic Maps dataset, cover both of these sites. In terms of the CCSAC, the Zoi extends to 15km, due to recreational impact. Given this development does not involve the creation of any residential units, the LPA as the Competent Authority on this matter, can determine no harm will arise prior to the screening process. In terms of other harm arising, the site lies beyond the notational 5km IRZ noted above and as evidenced by the Air Quality Assessment, will not generate significant air pollutants, nor, as evidenced by the Transport Assessment result in more than 1,000 additional vehicular movements past this SAC (Natural England's (2018) guidance states that the three HRA Screening thresholds for requiring an Appropriate Assessment are 1,000 Annual Average Daily Traffic movements, 1% increase in critical load/level or 200 HGV movements in 24 hours), which would result in the need for further consideration of NOx deposition matters. The site does however fall well within the Zoi of the Cannock Extension Canal SAC and therefore Screening of the development's impact upon this habitat is required.
- 5.8.18 The Cannock Extension Canal SAC is protected, as it is an example of anthropogenic, lowland habitat supporting floating water-plantain (*Luronium natans*) at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergent flora. The site and the protected flora within it are susceptible to changes in pH levels, which will have an adverse impact upon the site's reason for designation.
- 5.8.19 The application proposes the redevelopment of a Brownfield site, through the erection a B2/B8 industrial warehouse. Drainage from the scheme will utilise existing facilities, which are routed away from the SAC. The development therefore is not considered to result in a negative impact (either alone or in-combination with other plans) to this SAC in nutrient neutrality terms. In addition, as discussed above, the proposed scheme, based on a B8 land use, is forecast to generate a net increase of 5 and 12 two-way trips in the respective peak hour periods and therefore is well below the levels identified for an Appropriate Assessment to be required. Therefore, no mitigation or further action is required in this regard, a conclusion shared by the Council's Ecologist.

## 5.9 Arboriculture

- 5.9.1 Paragraph 175 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that *"The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved"*.
- 5.9.2 The Tree Survey submitted with this application, identifies that there are a total of 30 trees within the site, located adjacent to the site's eastern and northern boundaries. In addition, an off-site woodland belt runs adjacent to the railway line, along the site's western boundary. None of the trees are protected by either a formal protection order or by virtue of their siting within a Conservation area.
- 5.9.3 The Survey identifies that there are no Category A trees present, 5 Category B trees, 13 Category C trees and 12 Category U trees. The Category U tree are scheduled to be felled, or removed due to their poor condition, being dead or structurally dangerous and unsuitable for retention.
- 5.9.4 Under the British Standards, Category B trees are defined as 'Trees of moderate quality with an estimated remaining life expectancy of at least 20 years' and C, as 'Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories'.
- 5.9.5 All of the Category B and C trees are shown to be retained as part of the redevelopment process. Given existing hardstanding areas adjacent to the trees will continue to be utilised for future parking provision, no new impact upon the root protection areas will be required to facilitate the development. A condition is however recommended to ensure the submission and approval, prior to the commencement of development of suitable fencing to protect these trees and to prevent the storage of building materials within any root plate.
- 5.9.6 The soft landscaping proposals submitted with the application, identify general areas and species that could be introduced within the peripheral site locations, in order to enhance and boost the existing landscaped areas. No specific details of the number of trees or shrubs to planted and the standard type or management post planting are currently offered and as such, a condition is recommended to order to ensure the submission of this necessary information.
- 5.9.7 Subject to the conditions as detailed above, the development will have an acceptable arboriculture impact upon the site and as such, will comply with the relevant requirements of the Development Plan and NPPF, in this regard.
- 5.10 Other Issues
- 5.10.1 Of the matters raised by residents yet to be addressed within the report it is apparent that matters relating to loss in value of property are not a material planning consideration and as such cannot be weighed in the planning balance when determining the acceptability of this development.
- 5.10.2 The consultation responses received from the Police Architectural Liaison Officer and Fire Safety Officer are noted and the details contained therein are recommended to be passed to the applicant, through the use of appropriately worded informatives. In terms of the matters raised by Network Rail, relating to the safe on-going operation of the rail network, the conditions as recommended are all considered to be reasonable and necessary and are therefore recommended to be included within the decision notice.



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

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The development would give rise to several economic benefits. For example, the development would ultimately lead to the creation of new direct (exact details of such not available currently given the speculative nature of the development) and indirect jobs, through supply chain benefits and new expenditure introduced to the local economy. In addition, the development will deliver direct construction jobs, including supply chain related benefits and relevant deductions, whilst once occupied, the site would generate appropriate Business Rates.

## **7. HUMAN RIGHTS**

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

## **8. CONCLUSIONS**

- 8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

The proposed development is considered acceptable in principle, whilst there would be no material harm to neighbouring amenity some positive benefit to the street scene. The development also raises no material concerns in relation to parking or highway safety, whilst offering significant investment into the ongoing employment use of the site. The proposal is therefore considered compliant with both national and local planning policy and associated guidance.

## **9. RECOMMENDATION**

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

1. Framework Travel Plan Monitoring Fee of £7,000.

(2) If the S106 is not signed/completed by the 23<sup>rd</sup> June 2024 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

**Approve 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 accordance with the approved drawings:

21-116-PL-01 Location Plan  
21-116-PL-02 Existing Site Plan  
21-116-PL-04C Proposed Site Plan  
21-116-PL-05A Proposed Floor Plans and Sections  
21-116-PL-06A Proposed Elevations  
21-116-PL-07B Proposed Site Sections  
22-38-03 Soft Landscaping Proposals

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

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

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

4. Prior to the commencement of the development, excluding demolition and groundworks, details of the type and exact location of biodiversity enhancement measures, including 1 group of 3 number swift boxes on or integrated into north or east facing elevation of the new building shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to first use of the building and retained as such thereafter for the life of the development.
5. Prior to the commencement of development, excluding demolition and groundworks, full details, shall be submitted to and approved in writing by the Local Planning authority of;
  - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

6. Prior to the commencement of development, excluding demolition and groundworks, full details of a scheme of foul and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall thereafter be provided before the first use of the development.
7. Prior to the commencement of development, including demolition, details of protective fencing and other protective measures (to British Standard 5837), to safeguard existing trees and/or hedgerows on the site, as shown to be retained within the Tree Survey, produced by bea landscape design ltd, reference 2238 / TGW / TR001, dated 28<sup>th</sup> March 2022, shall be submitted to and approved in writing by the Local Planning Authority. The fencing and measures so approved shall be erected prior to the commencement of development, including demolition, and thereafter retained for the duration of construction (including any site clearance works). No fires, excavation, change in levels, storage of materials, vehicles or plant, cement or cement mixing, discharge of liquids, site facilities or passage of vehicles, plant or pedestrians, shall occur within the protected areas. The approved scheme shall be kept in place until all parts of the development have been completed, and all equipment; machinery and surplus materials have been removed. Any trees that are damaged or lost during a two year period, starting from the date of commencement, due to a failure of required tree protection measures shall be replaced in the following planting season. The species, size, nursery stock type and location of such replacements, shall be first submitted to and approved in writing by the Local Planning Authority.
8. Prior to the commencement of development, excluding demolition and groundworks, full details of a remediation strategy to deal with the risks associated with contamination of the site, shall be submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:
  - i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - ii. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

9. Prior to the commencement of development, excluding demolition, a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy will include the following components:

- i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- ii. The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the will written consent of the local planning authority. The scheme shall be implemented as approved.

10. Prior to the commencement of development, including demolition, a method statement and risk assessment, specific to impact upon the neighbouring rail network, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail) for review and agreement prior to works commencing on site. The development shall thereafter be undertaken in accordance with the approved document.
11. Prior to the commencement of development, including demolition, a demolition methodology statement (including mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail). The demolition methodology statement strategy shall be implemented in full throughout the demolition period.
12. Prior to the commencement of the development, excluding demolition, full details of proposed ground levels, earthworks and excavations to be carried out shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail). The development shall thereafter be undertaken in accordance with the approved details.

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

13. Prior to their first use, full details of all external materials to be used to construct buildings within the site shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and thereafter be retained as such for the life of the development.
14. Prior to the first use of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be planted within the first planting season (October – March inclusive) following the first use of the building.
15. Prior to first use of the development hereby approved, the parking, servicing and turning areas as shown on approved plan, reference 21-116-PL-04 Revision C, shall be provided in a bound porous material and be sustainably drained, with the individual bays clearly delineated. The Active Electric Vehicle Charging Points and passive infrastructure, shall be installed, prior to the first use of the site, to serve the identified parking spaces and thereafter, the parking, EV Charging, servicing turning areas shall be retained for their designated purposes, for the life of the development.
16. Prior to the first use of the development hereby approved, full details of the safe, secure and weatherproof cycle parking facilities for staff and visitors (providing a minimum of 12 spaces), in the

location as shown on approved plan, reference 21-116-PL-04 Revision C, and shower/ locker/ changing facilities for staff, shall first be submitted to and approved in writing by the Local Planning Authority. The cycle parking and shower/ locker/ changing facilities shall be constructed in accordance with the approved details, prior to the first use of the site and thereafter shall be retained for the life of the development.

17. Prior to the first use of the development hereby approved, full details of the erection and operation of any proposed external lighting, including full details of the means of illumination and design of the lighting systems, shall be submitted to and approved in writing by the Local Planning Authority. The means of external lighting shall thereafter be implemented and installed, prior to the first use of the building, in accordance with the approved details and shall not thereafter be amended or altered without the prior written approval on application to the Local Planning Authority.
18. Prior to the first use of the development hereby approved, details of boundary treatments, to include vehicle safety protection measures along the boundary with the railway and the solid barrier acoustic fencing to the western boundary of the service yard, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments and vehicle safety protection measures shall be erected prior to the first use of the building and thereafter be retained for the life of the development.
19. Prior to the first use of the development hereby approved a Vehicular Routing Management Plan to determine details of the management and routing of all HGV movements to and from the approved unit, shall be submitted to and agreed in writing by the Local Planning Authority. The business operating from the approved unit shall thereafter operate in accordance with the approved details for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

**All other Conditions:**

20. Prior to the first use of any external plant or water storage tanks, details, including the location thereof of these machines and structures and any associated enclosures, shall be submitted to and approved in writing by the Local Planning Authority along with full details of any noise mitigation measures to be implemented in conjunction with such. Any approved mitigation or enclosure shall be installed prior to the first use of the plant or water tank and shall thereafter be maintained for the life of the development.
21. Prior to the construction of the gatehouse, details of its scale, appearance and materials, shall be submitted to and approved in writing by the Local Planning Authority. The gatehouse so approved shall thereafter be erected in accordance with the approved details.
22. Before erecting any scaffold within 10 metres of a boundary of the railway line, a method statement, including details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be retained in place throughout the construction phase of the development.
23. Before undertaking any vibro-impact works or piling on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved measures.
24. Within 6 weeks of the completion of the shell and core works of each unit, a certificate of compliance from an accredited assessor confirming that the unit has achieved the required BREEAM (2018) rating

of Excellent, shall be submitted to and approved in writing by the Local Planning Authority. In addition, at this time the applicant shall also demonstrate how carbon emissions have been reduced by 20%, through incorporating low or zero carbon (LZC) energy generation systems within the development.

25. The development hereby approved shall be carried out in strict accordance with the methods of working, which are detailed in the Preliminary Ecological Appraisal produced by Middlemarch report number RT-MME-156933-01 dated March 2022.
26. Any tree, hedge or shrub planted as part of the approved landscape and planting scheme (or replacement tree/hedge) on the site, which dies or is lost through any cause during a period of 5 years from the date of first planting, shall be replaced in the next planting season with others of the same or similar size and species.
27. No materials, plant or machinery of any kind, shall be stacked or deposited in the open within the curtilage of the site.
28. All industrial, workshop or manufacturing processes shall be carried out within the approved buildings and no such works shall be carried out in the open.
29. The development hereby approved shall be carried out in complete accordance with recommendations, measures and timescales identified within the approved Travel Plan, produced by Mode Transport Planning, reference 326417 dated April 2022.
30. If during the course of development hitherto unknown sources of contamination are identified, then the development shall stop and a revised contamination report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, to ensure that all contaminated land issues on the site have been adequately addressed prior to the first use of any part of the development.
31. The development hereby approved shall be shall be operated in complete accordance with recommendations and measures as identified within the Noise Impact Assessment, produced by Hoare Lea, Revision 2, dated 7<sup>th</sup> March 2022.
32. The buildings hereby approved shall be used only for purposes within Class B2 and B8 of the Schedule to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any provision equivalent to that Class in any statutory instrument revoking and re\_enacting that Order with or without modification) and for no other purposes.

### **Reasons**

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy EQ11 and Core Policy 4 of the Local Plan Strategy and the National Planning Practice Guidance.

3. In the interests of highway safety, to ensure the free flow of traffic on the local highway network, to reduce the risk of surface water flooding, to safeguard protected species and their habitat, to safeguard the railway and its boundary from demolition machinery and dust and debris and to protect the amenity of existing and future residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
4. In order to deliver biodiversity enhancements as part of the development, in accordance with the requirements of Core Policy 2 and Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
5. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future site users amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
6. To ensure the provision of satisfactory means of drainage to serve the development, to reduce the risk of creating or exacerbating flooding problems, to minimise the risk of pollution, to protect the safe operation of the railway network and to ensure that sustainability and environmental objectives are met, in accordance with provisions of Core Policies 3 and 4 of the Core Strategy and the National Planning Policy Framework
7. To ensure the high quality form and appearance of the development, protect the amenity of neighbouring residents and to protect the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
8. To ensure the protection of Controlled Water Receptors, to ensure remedial works where required are completed to a satisfactory standard to safeguard future residential amenity, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
9. To ensure that the development does not contribute to and is not put at unacceptable risk from or is adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
10. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
11. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.
12. To safeguard the character and appearance of the development and surrounding area, protect the reasonable amenity of neighbouring residents and in the interests of the safe operation of the railway network, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core

Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.

13. To safeguard the character and appearance of the development and surrounding area in accordance with the requirements of Core Policy 2 and Policy EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
14. To ensure the high quality form and appearance of the development and to protect and enhance the natural habitat, in accordance with the requirements of Core Policies 2 and 3 and Policies EQ1, EQ9, EQ11 and EQ12 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design Code and the National Planning Policy Framework.
15. In the interests of highway safety, to promote more sustainable modes of transportation, to ensure the delivery of sustainable drainage and to protect the amenity of existing residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
16. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
17. To ensure the satisfactory appearance of the development, to safeguard protected species and their habitat and to safeguard the amenity of existing residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Documents and the National Planning Policy Framework.
18. To safeguard the character and appearance of the development and surrounding area, to protect the amenity of existing residents and in the interests of the safe operation of the railway network, in accordance with the requirements of Core Policy 2 and Policy EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
19. In the interests of highway safety and to protect the amenity of existing residents, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
20. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
21. To safeguard the character and appearance of the development and surrounding area in accordance with the requirements of Core Policy 2 and Policy EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
22. In the interests of the safe operation of the railway network, in accordance with guidance contained within the National Planning Policy Framework.



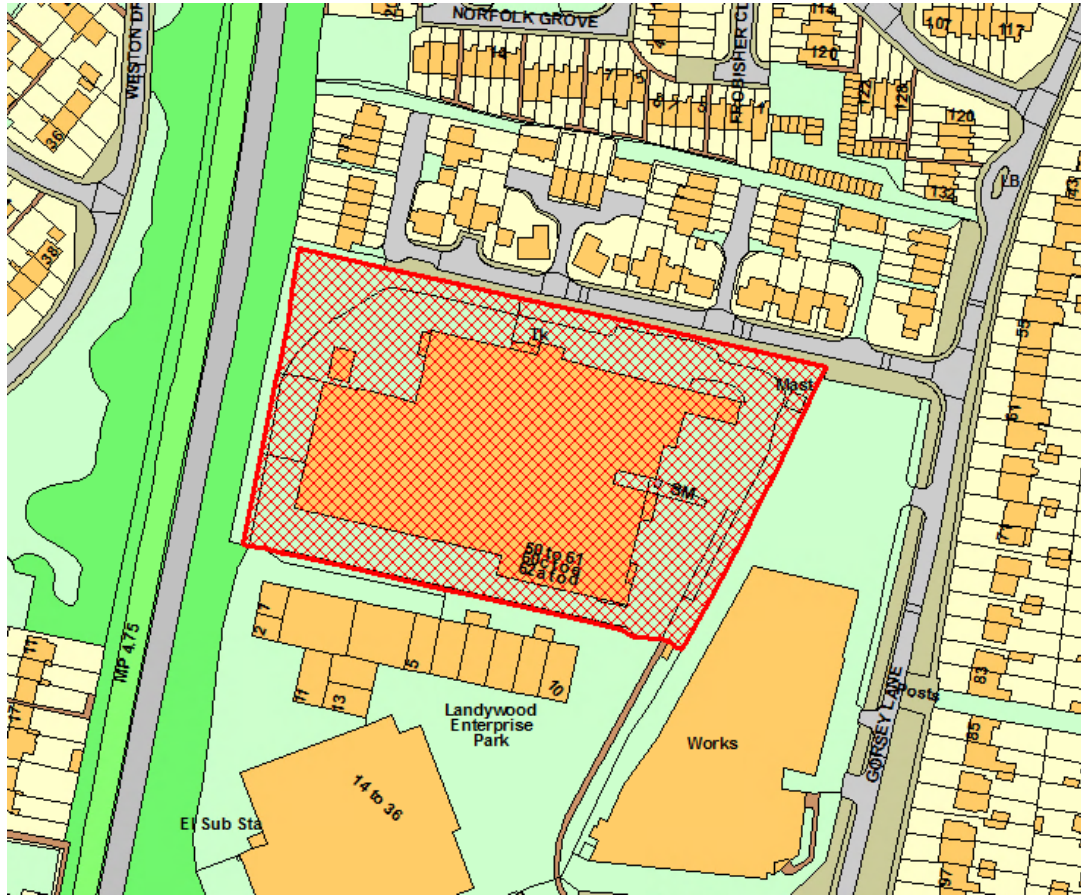
23. To prevent any piling works and associated vibration from destabilising or impacting upon the railway network and to ensure the protection of Controlled Waters, in accordance with the requirements of the National Planning Policy Framework.
24. To ensure that the development is constructed in a sustainable manner in accordance with the requirements of Core Policy 2 and Policy EQ5 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
25. In order mitigate the development's impact upon European Protected Species and their habitat, in accordance with the requirements of Policies EQ1 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
26. To ensure that any initial plant losses to the approved landscaping scheme are overcome, to protect natural habitat and deliver Biodiversity net gain within the scheme, in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ3 and EQ11 of the Core Strategy, the Design Guide and Sustainable Design Supplementary Planning Documents, the National Model Design and the National Planning Policy Framework.
27. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
28. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.
29. To promote the use of sustainable modes of transportation in accordance with the requirements of Core Policy 2 and Policies EQ1, EQ9, EQ11 and EV11 of the Core Strategy, the Sustainable Design Supplementary Planning Document and the National Planning Policy Framework.
30. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Sustainable Design Supplementary Planning Document, the National Planning Policy Framework and Water Framework Directive.
31. To protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policy EQ9 of the Core Strategy and the National Planning Policy Framework.
32. To safeguard the character and appearance of the development and surrounding area and protect the reasonable amenity of neighbouring residents, in accordance with the requirements of Core Policy 2 and Policies EQ9 and EQ11 of the Core Strategy, the Design Guide, Sustainable Design and Village Design Guide Supplementary Planning Documents and the National Planning Policy Framework.

### **Informatives**

1. The applicant's attention is drawn to The Town and County Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a

householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.

2. Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2021.
3. The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer dated 01/07/2022. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.
4. The applicants' attention is drawn to the comments from the Staffordshire Fire and Rescue Service dated 16/06/2022.
5. The applicants' attention is drawn to the comments from the Environment Agency dated 15/08/2022.
6. The applicants' attention is drawn to the comments from the Network Rail dated 14/06/2022.
7. The applicants' attention is drawn to the comments from the Coal Authority dated 04/04/2023.
8. The applicant is advised that bat emergence surveys are only valid for one year, so if demolition is not complete by early spring 2024, then the submitted surveys must be redone.
9. Any vegetation or buildings suitable for nesting birds must either be removed outside of the nesting bird season (generally this is considered to be March-August inclusive) or be checked by an ecologist no more than 24 hours prior to their removal for evidence of nesting birds. Where active bird nests are found the advice of a professional ecologist must be sought.
10. Should protected species be found (or be suspected to be present) at any time during site clearance or construction, works must cease immediately and Natural England and/or a suitably qualified professional ecologist must be contacted for advice.
11. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
12. The lighting scheme to be submitted to discharge the requirements of condition 17 should be designed in accordance with guidance contained within the document, Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK.
13. The fencing scheme to be submitted to discharge the requirements of condition 18 must include a suitable trespass proof fence adjacent to the boundary with the railway.



Units 50-62 Landywood Enterprise Park, Holly Lane, Great Wyrley, Staffordshire WS6 6BD